

Action Network Human Rights- Philippines

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Manila Standard Today, 26.07.2012

Eighty percent for the President

By Harry Roque

That State of the Nation Address was SO long. Whoever wrote it must be told that messages should be understood. You write a speech for more than thirty minutes and you're bound to send your audience to sleep. In fact, beyond difficulties in staying awake, one felt literally drained by the time the President concluded his remark. And yes, I'm sure the President himself was exhausted after reading that opus.

Content-wise, President Aquino truly deserves a high mark of at least 80%. Even his staunchest critics must acknowledge that this is a President who has regained the trust of investors in this country. Gross domestic product has grown by a better-than-expected 6.4 percent for the first quarter. The peso is one of the strongest currencies in the region and the stock market is among the best performing in the world. The conditional cash transfer program, albeit controversial, has almost certainly made the difference between dying of poverty and subsistence for at least 4 million of its beneficiaries. Our schoolchildren will soon have a textbook each, and the daunted classroom and school chair shortage will be history by next year. What a difference good governance can do! While corruption still persists, one cannot deny that the problem is being addressed when highest official of the land leads by example.

So why, despite these, am I giving the President a grade of only 80 percent? Why not a 90 or even 100?

To begin with, I have naturally high expectations of President Aquino. My conviction has always been that anyone can do better than former President Gloria Macapagal Arroyo. The truth is that we hit absolute rock bottom under Arroyo that the only way to go is up. That's the law of physics.

I think a grade of 80 percent applies because there are areas of governance that the President completely ignored in his address and in his performance. Foremost of these is in the field of human rights and our failed criminal justice system.

What Mr. Aquino and his advisers probably do not know is that a working justice system and the protection and promotion of human rights are also accepted indicators of good governance and economic development. Contrary to the claims of many tiger economies, there is no antipathy between economic development and the promotion of human rights. In fact, the discharge of state responsibilities anent these rights is viewed as

investment in human capital. This explains why many of the very developed economies of Northern America, Europe and Latin America are also bastions of democratic principles and human rights.

Furthermore, Aquino owed it the nation to address these issues in his SONA. Only last June, the Philippines was the subject of the Universal Peer Review in the United Nations Human Rights Council. There, one country after another berated the Philippines for its failure to punish the perpetrators of extralegal killings, enforced disappearances and torture. You would think that because of the tenacity of these criticisms, the President would choose the SONA to give assurance that his administration acknowledges the problem and that he will address it. But no, not a word was said about human rights. This has prompted at least two senior diplomats to remark that apparently, the PNoy administration is oblivious to their concerns expressed in the UPR.

What's even sadder is that as a victim of human rights violations himself, the President has every reason to give priority to the promotion and protection of fundamental rights. He still rages in anger recalling how his mother and his sisters were subjected to degrading and humiliating treatment whenever they visited Ninoy in his detention. And of course, as a very young man, he himself became a victim of extralegal killing when his father was martyred in 1983.

What to do?

Well, since I've had first hand experience with the President when we successfully lobbied that the Philippines become a member of the International Criminal Court, I have not given up on him. My experience is that because of the many issues he has to deal with, one has to be patient and yet clear on why emphasis should be accorded this field. Already, Max De Mesa of the Philippine Alliance of Human Rights Advocates and Katarungan, an umbrella organization of HR advocates focused on putting an end to extralegal killings and enforced disappearances, have agreed to plot a master plan on how Aquino's experience as a victim could be the trigger to his presidency's potential legacy as a champion of both economic development and human rights. This much we should do since I have repeatedly said that we may be the next victims of impunity.

KARAPATAN.org, 26.07.2012

Aquino's warped sense of justice: GMA freed; torturer promoted, impunity ignored

"And so this is justice under Aquino -- torturers are given plum positions in the military, and the rich, powerful and notorious human rights violators like Palparan and Arroyo are mockingly free as preying vultures. No wonder, Noy noy deliberately omitted anything on human rights and peace in his SONA, a tacit and dangerous signal for state security forces to continue to prowl, with terror and violence against the people."

Thus said Karapatan spokesperson Cristina Palabay, after news came out on the court resolution granting bail for former Pres. Gloria Macapagal Arroyo and the designation of Morong 43 torturer Col. Aurelio Baladad as acting commanding officer of the 9th Infantry Division of the Phil. Army, shortly after Aquino's State of the Nation Address (SONA). In his SONA, Aquino heralded the state of "justice" under his administration.

Karapatan supported the Morong 43 health workers who filed criminal and civil charges against Arroyo and Baladad, and the mothers of Sherlyn Cadapan and Karen Empeno who also filed criminal cases against Palparan resulting to the issuance of an arrest warrant. The group also filed an opposition to the ap-

pointments of Gen. Jorge Segovia and Baladad at the Commission on Appointments based on the pending complaints against them.

"It is reprehensible that a former President and military generals, whose notoriety on human rights violations has been condemned by the Filipino and the international community, are now both walking free from accountability. The crooked path of impunity lies under Aquino," Palabay added.

The group also scored the series of moves to cover up the liabilities of the Armed Forces of the Philippines and the Philippine National Police in the extrajudicial killing of Italian missionary Fr. Fausto Tentorio and Dutch development worker Willem Geertman. Prior to Aquino's SONA, the PNP investigators have stated robbery as the main motive behind the killing of Geertman, while paramilitary elements were excluded by the Dept. of Justice from the list of suspects in the killing of Tentorio.

"These are among the cases of extrajudicial killings that all remain unsolved under Aquino. Again, it begs the question: what kind of justice is Aquino harping on in his SONA? Clearly,



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it is the kind of justice that bears upon the poor and those working for meaningful changes in society, while promoting 'justice'

for the moneyed and powerful," Palabay concluded.

United Nations OHCHR, 09.07.2012

UN experts urge Philippines to protect rights defenders from a growing wave of attacks and killings

GENEVA - Two United Nations Special Rapporteurs on human rights defenders and extrajudicial executions called on the Government of the Philippines to adopt urgent measures to protect the life of rights defenders and to ensure they are able to carry out their important work. They also urged the authorities to carry out prompt, impartial and independent investigations into the growing number of threats and killings of rights defenders to hold perpetrators to account and to fight impunity.

Reports of killings and death threats against human rights defenders have increased significantly over the past few months, notably in Mindanao and in Eastern Visayas.

"A number of cases have been reported to our mandates involving death threats and, in the worst of cases, killings of human rights defenders since the killing of Fr. Fausto Tenorio in Mindanao last year," said the independent experts, stressing that the rights defenders' families are also subject to such violations. The Special Rapporteurs indicated these cases had been raised with the Government and that they are available to provide any technical assistance necessary to ensure a safe working environment for human rights defenders in the Philippines.

"Many of the cases involve individuals and organizations working to defend the right to a healthy environment," said Margaret Sekaggya, Special Rapporteur on human rights defenders. "Disputes over land rights and campaigns against mining and dam projects infringing on the rights of local communities tend to be sensitive, and those defending such rights are often met with violence."

While acknowledging the considerable economic interests present in this context, "the Government of the Philippines has the duty to protect and ensure other actors respect the rights of these human rights defenders," she underscored.

Christof Heyns, Special Rapporteur on extrajudicial, summary or arbitrary executions, stressed that "many of the death threats and killings taking place appear to be perpetrated by non-State actors. Paramilitary groups, death squads and corporate security guards feature prominently in this group."

"The Philippines is required to protect its population against such groups, and its Government has a positive obligation to take effective measures to protect the right to life. Failure to do so is a violation of the International Covenant on Civil and Political Rights," he noted. "We call upon the Government to urgently enact appropriate measures to this end."

In particular, the UN Special Rapporteurs expressed great dismay about the case of Francisco Canayong, who was stabbed to death in Salcedo, Eastern Visayas on 1 May 2012. The authorities had been alerted of death threats against him and other human rights defenders a few weeks before the killing.

Ms. Sekaggya and Mr. Heyns also urged the authorities to urgently implement the recommendations* of the Special Rapporteur on extrajudicial, summary or arbitrary executions from the 2007 report on the mandate's visit to the Philippines. They called upon the authorities to respond positively to the request of the Special Rapporteur on human rights defenders to visit the country in order to assist the Government in improving the volatile situation of human rights defenders in the Philippines.

(*) Check the recommendations: [here](#)

UN Human Rights, country page - Philippines: [here](#)

For more information log on to:

Human rights defenders: [here](#)

Summary executions: [here](#)

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[...]



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Rappler.com, 25.07.2012

Court grants Arroyo bail in election case

By Paterno Esmaguél II

The Pasay Regional Trial Court (RTC) Branch 112 has allowed former President Gloria Macapagal-Arroyo to post bail for her electoral sabotage case, court spokesperson Felda Domingo confirmed Wednesday, July 25.

"The court believes that the prosecution failed to establish with the required quantum of proof, that conspiracy exists on the part of accused Arroyo," said the court's bail order, which was released to the media. "Accordingly, accused Gloria Macapagal Arroyo is allowed to post bail for her provisional liberty in the amount of one million pesos."

However the court said she could not leave the country.

Arroyo was charged with "electoral sabotage", a crime punishable with life in jail, for allegedly conspiring with a feared political warlord to rig the 2007 senatorial elections.

Based on the Rules of Court, this means the prosecution - in this case the Commission on Elections - does not have strong evidence of guilt against Mrs Arroyo in her electoral sabotage case.

The case against Mrs Arroyo has been criticized as weak, with defense lawyers pointing out the star witness, Norie Unas, does not have personal knowledge of Mrs Arroyo's alleged crime.

In his testimony, Unas said Mrs Arroyo instructed his former superior, former Maguindanao Gov Andal Ampatuan Sr, to rig the 2007 elections. He allegedly heard the former President instruct Ampatuan. [...] During his cross-examination, Unas admitted he did not actually witness the alleged poll fraud in 2007. "I have not seen how they did it but I know they are doing it," he said.

Plunder case

Mrs Arroyo, however, faces a plunder case before the Sandiganbayan, a non-bailable offense. It's the same case that put former President Joseph Estrada in jail.

On Tuesday, July 24, the anti-graft court issued a hold departure order against her. But it has yet to issue a warrant of arrest against Mrs Arroyo. Her lawyers earlier asked the court not to issue one pending their appeal of the plunder case.

In an interview on ANC, the ABS-CBN News Channel, Comelec chair Sixto Brillantes downplayed the bail ruling's effect on the

former President's case. "We still have to go through the trial on the merits of the case. This is just the bail hearing," Brillantes said.

He said this can be a "good lesson" that Comelec still needs to firm up or present additional evidence on the case.

GMA to participate in House sessions soon

Former President and now Pampanga Rep. Gloria Macapagal-Arroyo may soon participate in legislative sessions at the House of Representatives now that she is out on bail, her spokesperson (B.-H.) said. [...]

House Majority Leader and Mandaluyong City Rep. Neptali Gonzales II earlier said the 65-year-old Arroyo remains a member of the chamber unless she is convicted with finality by the courts on the various charges filed against her.

"She (Arroyo) said that it is her sworn duty as an elected lawmaker to make up for her absence while in detention," Bautista-Horn said.

[...] A day after she was freed on a P1-million bail Wednesday by the Pasay Regional Trial Court where she was charged with electoral sabotage, Arroyo proceeded to an alternative healing center in Tagaytay but spent only a day there before going to her congressional district in Pampanga. "She really insisted on returning to see her constituents and she asked her children to allow her to go because this was her life and she would not get well if she was away," Bautista-Horn said.

She said Arroyo is ignoring the criticisms and political attacks coming her way and focuses on her work as legislator. [...]

Arroyo is scheduled to return to the VMMC for her physical therapy four times a week.

Arroyo is also facing plunder charges before the Sandiganbayan in connection to the alleged misuse of funds of the Philippine Charity Sweepstakes Office.

Local officials in Pampanga, on the other hand, expressed support for Arroyo in her seeking a second term.

Pampanga Mayors League (PML) secretary-general and Floridablanca Mayor Eduardo Guerrero said Arroyo's constituents are "clamoring for her continued service as representative of the second district comprising the towns of Floridablanca, Porac, Lubao, Sta. Rita, Guagua and Sasman."

The Philippine Star, 30.07.2012

Mrs Arroyo still faces graft charges before the Sandiganbayan over the botched NBN-ZTE deal. She has posted bail for this case.

Philippine Daily Inquirer, 24.07.2012

Foot in mouth

With a spokesperson like Edwin Lacierda, does President Aquino need enemies to cast his administration in a bad light?

Consider Lacierda's latest foot-in-mouth moment, when he dismissed a contention by the international advocacy group Human Rights Watch that the Aquino administration had been remiss in addressing the growing catalogue of rights violations under its watch. The courts, not Malacañang, are to blame, Lacierda said. "[Now] that cases have been filed in court, obviously the ball is now with the judicial branch of government. And, knowing the separation of powers, I cannot understand why Human Rights Watch would be blaming the Aquino administration or the executive branch for the seemingly slow pace of judicial action. That is something that is within the purview of the judiciary."

The New York-based watchdog has rightly called Lacierda's response "uninformed at best, dishonest at worst." One may also call it arrogant and brazen without being off the mark. Lacierda, after all, should be the first to know that in the matter of Jovito Palparan, for instance, the most high-profile rights abuse case at present, the executive branch has not managed to locate the former general and bring him to court to answer for

Aquino urged to stop killings of mining foes

President Benigno Aquino should move to stop the killings of anti-mining activists as the Philippines pushes to revitalize the mining sector, a global rights body has said.

The New York-based Human Rights Watch (HRW) said it had documented three cases since October last year of three anti-mining and environmental activists allegedly killed by paramilitary forces who may have links to the military.

The victims had opposed mining activities that could displace tribal communities as well as destroy their communities, it said in a statement Tuesday. [...]

Aquino issued a new mining policy early this month aimed at boosting revenues from mining and increasing environmental safeguards.

But Pearson said the policy was silent on the issue of alleged rights abuses by paramilitary forces deployed by the military to protect mining companies from attacks mostly by communist guerrillas.

Aquino spokesman Ricky Carandang said the government did not tolerate attacks against environmentalists or other advocacy groups.

[...] "We are doing what we can, and we do recognize the need for these cases to be resolved much more quickly than they are being resolved," he told AFP. He said linking the deaths to the military was "a sweeping allegation" that could further incite tensions.

Inquirer.net, 18.07.2012

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the kidnapping, illegal detention and subsequent disappearance of two University of the Philippines activists.

Palparan's defiance of the law—aided, in all probability, by powerful friends and backers in the military—is a continuing embarrassment for the Aquino administration, which has repeatedly vowed to bring him before the bar of justice. Obviously, no court can resolve his case until he is first arraigned and brought before it—a task that law-enforcement authorities have miserably (some say intentionally) failed to do so far. Yet here is Lacierda claiming with a straight face that “the ball is now with the judicial branch of government.”

Or take the case of the witnesses in the summary execution of at least 57 people in Maguindanao in 2009, whose protection and safety are, without question, “within the purview” of the Department of Justice and the National Bureau of Investigation. A former militiaman turned state witness against the Ampatuan clan, Esmail Amil Enog, went missing from the government's witness protection program and turned up murdered. Another witness, Alijol Ampatuan—a distant relative of the warlord family accused of the massacre—is also missing and now feared dead. Both are victims, if not of the Ampatuans' continuing reign of terror against their perceived enemies, then of the government's negligence and ineptness in prosecuting a criminal case, let alone holding it together enough to bring forth a conviction.

This is not the first time Lacierda has put the administration and

the President he serves in a bind with his careless words. Recall how he justified giving former Palawan Gov. Joel Reyes and other suspects in the murder of environmentalist and radio broadcaster Gerry Ortega the leeway of a few days to surrender, despite the issuance of an immediately executory warrant of arrest: “It's maybe out of deference for his being a former governor and hopefully that as a government official he will be responsible enough to face the courts and surrender voluntarily.” Needless to say, Reyes remains at large, another big-shot failure of the administration. (Was Lacierda ever called out for speaking out of turn, in effect subverting the court by invalidating the Ortega warrant with his own interpretation of its effectivity? We don't know. This is apparently how he has grown more reckless by the day in formulating the President's position.)

It's long past due for Mr. Aquino to review how effectively he and his agenda are served by his communications team, which has failed to put across his administration's core message and narrative with coherence, consistency or inspiration. He can start by looking dispassionately at the performance of his spokesperson, who may be the most loyal, dedicated and trustworthy surrogate there is, but whose words have often left the public confounded and dumbfounded.

Governing is tough enough as it is. The President should consider how worse it becomes, both for him and the nation, when what he's trying to say and do is needlessly lost in official translation.

Inquirer.net, 13.07.2012

Not one human rights violator arrested or jailed - CHR chief

Commission on Human Rights chairperson Loretta Anne Rosales talks about the government's efforts to curb human rights violations in the country but admits that not a single violator has been either arrested or sent to jail under the present administration. [Video](#) by INQUIRER.net's Matikas Santos

MANILA, Philippines—Two years into the Aquino administration, not a single human rights violator has been arrested and sent to jail, Commission on Human Rights chairperson Loretta Anne Rosales admitted to INQUIRER.net.

“Wala pa [None yet],” Rosales said when asked if an arrest or conviction was made by this government, adding, “That still has to be done”.

Her admission confirmed reports by the New York-based human rights watchdog, Human Rights Watch (HRW), and the State Department, which said that the Aquino government “has not successfully prosecuted a single case of extrajudicial killing or enforced disappearance, including those committed during his presidency”.

In the report “No Justice Adds to the Pain,” HRW noted that there were 10 cases of extrajudicial killings and enforced disappearances since Aquino took office. No one, however, has been arrested for these cases, it added.

The State Department said the leading human rights problems in the Philippines were “continued arbitrary, unlawful and extrajudicial killings by national, provincial and local government agents and by anti-government insurgents; an under-resourced and understaffed justice system that resulted in limited investigations, few prosecutions and lengthy trials of human rights abuse cases; and widespread official corruption and abuse of power.”

Perhaps what can be considered a black mark in Aquino's human rights record is his administration's failure to bring to justice retired General Jovito Palparan, which Rosales attributed to efforts by some sectors to “coddle” the former military officer and the “weak criminal and justice system”.

Bypassed legislation

Another is the failure of Congress to pass a measure that would

compensate the 9,539 human rights victims of martial law that include Rosales herself.

When President Benigno Aquino III faced the nation in July 2011, he made a push for the passage of the measure.

CHR clarifies: There have been arrests but no convictions yet

The Commission on Human Rights (CHR) clarified that arrest have been made against several human rights violators under the present administration of President Benigno Aquino III even as she said there has been no record yet of any conviction.

“Chairperson Loretta Ann P. Rosales would like to make some clarifications and correct your news report entitled ‘Not one human rights violator arrested or jailed - CHR chief’ that you posted on INQUIRER.net on 13 July 2012 at 10:32 a.m.,” said a letter from the chairperson's office.

“What she (Rosales) said was that there has been no human rights violator convicted or jailed yet under the Aquino administration,” it said.

“She is aware that there have been arrests of human rights violator made, as in the case of some of the police officers accused of torture in the Tondo torture case involving Police Senior Inspector Joselito Binayug.” Senior Police Officer 1 Rodolfo Ong Jr. and Police Officer 1 Rex Binayug, the CHR said, were placed under arrest after they surrendered in April 2012.

“Thus, the correct statement is that there have been arrests but no convictions yet of human rights violators during the Aquino administration,” the letter added. [...]

Inquirer.net, 17.07.2012

“We aim to give due compensation to the victims of Martial Law...” Aquino told the jam-packed gallery at the House of Representatives.

On March 26, 2012, the House of Representatives transmitted to the Senate the proposed measure compensating the human

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rights victims during the dictatorship of late strongman Ferdinand Marcos.

"It was part of the last SONA of Pnoy [Aquino's nickname] and I made sure that it passed the House," said Deputy Speaker Lorenzo "Erin" Tañada, co-author of the measure in the House.

The bill, however, has remained pending in Congress.

No less than Rosales described the non-passage of the measure in Congress as an "injustice" to the martial law victims.

"Of course, there is injustice because it has been taking so long but they could not still pass it," said Rosales.

"You can see here the level of appreciation of Congress on important things like these," she lamented.

And even when she was the Akbayan Partylist group's representative in the House, Rosales had pushed for the passage of the same bill – a fight she has continued up to now that she heads the CHR.

A 'black mark'

Another nagging issue is the failure of the Aquino government to arrest Palparan.

It was in December 2011 that a warrant of arrest was issued against Palparan, who was charged with the alleged kidnapping and disappearance of University of the Philippines students Sherlyn Cadapan and Karen Empeño in 2006.

But Palparan evaded arrest and has since been in hiding.

Unlike the past administration, Rosales said there were efforts by the Aquino administration to send Palparan to jail.

"It's not as if the Palace, at the level of the executive, is not conscious of how it's important to try and look for these people," she said.

"But when we have a weak governing system, a weak criminal justice system that you're operating on where the problems are structural and systemic, it's going to take a little longer than expected or desired. That's what it's all about."

But Rosales also was quick to defend the incumbent government, saying that unlike before when "they never bothered to look for him [Palparan], they never bothered to address these questions . . . now efforts are ongoing to look for him".

"In the past administration, he [Palparan] was coddled, he was promoted. I tried to stop his promotion in the past administration but I failed. He was promoted," Rosales said.

"In the current administration, he's being looked for. But because of the past administration's connection, it's a little more difficult than usual," she added.

The CHR chief suspected that Palparan was being "coddled" by people, whom he had taken care of when he was still in the military.

"They could be military or they could be politician or they could be business people, whom Palparan has taken care of well."

This is just one "stumbling block" on why the authorities could not arrest Palparan, Rosales added.

'Weak criminal system'

The second stumbling block, she said, was the "weak criminal system that needs to be strengthened, that needs to be enforced."

But Rosales said that "the other side of it is the empowerment of the citizenry so that they can be...more vigilant. And then the bureaucracy, the bureaucracy has to be overhauled. You have to give it more energy, re-energized so that it becomes non-aligned, non-partisan and serves the people..."

Since Aquino's assumption in office, Rosales said, the CHR has resolved a number of cases that were now either ready for filing or have been filed in court.

"Some are submitted straight to the court, some are submitted to the DOJ [Department of Justice] for further investigation of the prosecutors," she said.

From July 2010 to June 2012, Rosales said the CHR has resolved 37 or 39 percent out of 96 complaints filed against the military, 108 or 41 percent out of 261 complaints against the police, and 33 or 36 percent out of 91 complaints against the armed groups.

But she clarified that the complaints have yet to be validated on the ground.

Unlike the military and the police, Rosales noted that the number of complaints against armed groups was low simply because they usually operated as underground units.

The most number of cases filed against the military was in Region XI (Davao) with 24 complaints, followed by Region VIII (Eastern Visayas) with 11, region V (Bicol) and Region XII (Soccskasargen) with 9, and the National Capital Region (NCR) with 8, among others.

The NCR, on the other hand, got the most number of complaints filed against the police with 34, followed by Eastern Visayas (31), Central Visayas (26), Zamboanga Peninsula (25), Western Visayas (22), Central Luzon (21), Northern Mindanao (17), Caraga (16), Davao and Ilocos (15), among others.

Davao recorded the highest number of cases filed against armed groups with 14, followed by Western Visayas (8), Eastern Visayas and Caraga (7), 5 in Bicol, among others.

Rosales pointed out that the police and military figures were recorded only under this present administration.

"It wasn't like this in the past. I don't know of any estimate that the past administration has made. What is the estimated performance, level of performance of CHR? Nothing. Because they weren't doing it," Rosales said.

Aside from filing cases against perpetrators, Rosales said the CHR was also closely coordinating military and police to protect the rights of every Filipino.

"This will have two thrusts. The first thrust is the validation process, the verification process [of complaints filed before the CHR]...Then the other thrust would be the human rights education – education on human rights and international humanitarian law," she said.

Rosales said there was a need to educate the people about their rights, saying that many are not still aware of their basic rights against illegal arrest and detention, for instance.

The custody of a person arrested by the military, she said, should be immediately given to the police, and should not be detained in a military camp or base.

"There should be a warrant of arrest and then the Miranda doctrine. You should have a lawyer. You shouldn't be tortured. It is against the law for the military to detain anyone. Those arrested should be placed at the police custodial center and then brought to the BJMP [Bureau of Jail Management and Penology] or provincial jail," she said in Filipino.

While the fight against human rights violations may be a bit slow, Rosales assured that the Aquino government was taking action if not to totally end, reduce the number of violations in the country.

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Inquirer.net, 10.07.2012

Ombudsman is Aquino's key weapon vs graft

By Maila Ager

The following article is part of a series of four parts, trying to assess the performance of the Aquino administration during the past year. The other three parts can be found [here](#).

MANILA, Philippines –With the appointment of former Supreme Court Justice Conchita Carpio-Morales as Ombudsman in 2011, President Benigno Aquino III said the country would have an “honest-to-goodness anti-corruption office.”

“Not one that condones the corruption and abuses in government,” Aquino said of Morales during his state of the nation address (SONA) in July of that year when he announced her appointment.

“I expect that this year, we will have filed our first major case against the corrupt and their accomplices. And these will be real cases, with strong evidence and clear testimonies, which will lead to the punishment of the guilty,” said Aquino, whose presidential campaign in 2010 was anchored on his fight against corruption.

And Morales did. In December 2011 or after just five months in office, the new Ombudsman filed a graft case against former President and now Pampanga Representative Gloria Macapagal-Arroyo at the Sandiganbayan anti-graft court over the botched \$329-million National Broadband Network (NBN) agreement with China. This was her first high profile case.

Six months after, on June 7, the Ombudsman filed another graft case at the Sandiganbayan – this time, against Arroyo's husband, Jose Miguel Arroyo, former Philippine National Police (PNP) Director General Jesus Verzosa, other PNP officers and personnel, and private individuals over the alleged anomalous purchase of second-hand helicopters.

Several more cases against erring government officials were filed by Morales in the same period. Below are some cases based on the official website of the Office of the Ombudsman:

- May 9, 2012 – Filed criminal and administrative complaints against Quezon City Councilors Roderick M. Paulate and Francisco A. Calalay, Jr., for maintaining “ghost employees” in the payroll of the Quezon City Council.
- February 17, 2012 – Filed graft charges before the Sandiganbayan against ranking officials of the Department of Public Works and Highways (DPWH) Region VII for the P35 million worth of street lighting projects in Lapu-Lapu City in 2007.
- February 9, 2012 – Ordered the filing of graft charges against former governor Miguel Escobar of Sarangani province and several others stemming from the grant of “financial assistance” worth P450,000 in 2002.
- December 2, 2011 – Ordered the filing of graft charges against former Lapu-Lapu City Mayor and now Representative Arturo O. Radaza and other local officials of Lapu-Lapu City, Cebu for the irregular purchase of personal computers in 2005.

Records of the Sandiganbayan showed that during Morales' first 10 months in office, a total of 263 cases were filed before the anti-graft court although 291 were disposed of from August 2011 to May 2012.

The reason for the higher number in the disposition of cases compared to the actual filing was because this included unresolved cases that had been archived and which were revived and finally disposed of by the incumbent Ombudsman, the anti-graft court said.

Almost all of the cases at the Sandiganbayan, the Ombudsman's Media Information Bureau director Edgrado Diansuy said, were filed by the Ombudsman.

Aside from filing graft charges, Morales also secured convictions, notable of which was against Aquino's presidential advis-

er on environmental protection Nereus Acosta, who was meted a 90-day preventive suspension in February 9, 2012 for misusing funds during his term as congressman in 2000 and 2001.

Also on:

- March 29, 2012 – Penalized 21 high-ranking officers of the Philippine National Police (PNP) for unabated killings in Davao City.
- March 23, 2012 – Dismissed from the service 13 officials of the Department of Finance (DOF) for defrauding the government of more than P82M arising from a series of “tax credit scams” from 1994 to 1998.
- February 20, 2012 – Prosecuted the graft case filed against two former officials of the Batangas State University before the Sandiganbayan.
- February 20, 2012 – Secured the conviction of former Rodriguez, Rizal Mayor Pedro Cuerpo and two others of graft charges for the unlawful demolition of shanties of about 93 families in 2003.
- December 14, 2011 – Secured the conviction of two ranking local officials of the municipality of Batuan, Bohol who unlawfully disbursed public funds in the amount of more than P250,000 from 1993 to 1997.
- November 11, 2011 – Secured the suspension of two officials of the Bureau of Fire Protection (BFP) for nine months for defrauding a fire victim, a certain Emma C. L. Lin, of her just monetary claims against an insurance company in 2008.

But there were other cases that Morales did not pursue, even when these involved “big fishes”, due mainly to lack of evidence:

- June 6, 2012 – The bribery case against former President Arroyo and six other respondents who were accused of providing transportation through the grant of 12 multi-cab vehicles and the use of a helicopter, and distributing envelopes containing money to unidentified election officers in some areas in Mindanao during the 2004 elections.
- March 15, 2012 – The administrative and criminal charges against former Education Secretary (DepEd) Jesli Lapus, five other DepEd officials, and the President of Jeverps Manufacturing Corporation, Alex Billan, who were accused of allegedly rigging the biddings that DepEd conducted in 2007 for fortified instant noodles “with fresh eggs” and in 2009 for fortified noodles “with fresh eggs and malunggay” that allegedly resulted in losses for the government amounting to millions of pesos.
- March 09, 2012 – The administrative and criminal charges against Caloocan City Mayor Enrico Echieverri and three other Caloocan City officials for alleged non-remittance of employees' premium contributions to the Government Service Insurance System (GSIS).

But Bayan Muna Representative Teodoro Casiño, a complainant in the NBN-ZTE case, isn't impressed.

Casiño lamented that from plunder case that was filed against the Arroyos, it was downgraded to graft because of the alleged failure by the Office of the Ombudsman to build up a strong case.

The graft case, he said, was now at the pre-trial stage at the Sandiganbayan.

“The original case was plunder and we're expecting the Ombudsman to build up the case. But they did not go beyond what was submitted to them,” he said.

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"The work of the Ombudsman is not just to act on it, they're not passive. They should really build up the case. They downgraded it to graft," he said.

Casiño also criticized Morales for allegedly being slow in acting on the complaints filed at her office and for continuing the "policy of keeping the complainants in the dark" as to the status of the cases.

"She's not transparent. We don't know what the status of the case is. We're not advised. Our help isn't being sought to build up the case," he said.

Compared to the plunder case of ousted President Joseph Estrada, the complaint filed by the incumbent Ombudsman was still far from being resolved.

"We find it slow. Remember Erap [Estrada's nickname] before . . . I think within a span of a few months there was a trial and conviction and then an arrest. But Arroyo's arrest wasn't because of that [graft case], but because of another case, electoral sabotage," Casino said.

Arroyo is under hospital arrest for electoral sabotage filed against her at the Department of Justice.

Philippine Daily Inquirer, 20.07.12

20 forest workers killed in 2 years - DENR

By Kristine L. Alave

The last two years have been deadly for government forestry workers and environmental advocates.

According to the Department of Environment and Natural Resources (DENR), 20 of its employees, contractual workers and civil society partners have been killed since 2010. The latest figures added to the death toll were recorded on Friday in Surigao del Sur province, the ground zero for illegal logging in the Philippines.

Environment Secretary Ramon Paje identified the latest casualties as Rolando Intas, 57, and Wilner Pelos Colorita, 52, who were both gunned down by an unknown assailant.

Paje said Intas and Colorita were forest protection officers who worked for a forest cooperative in Lianga, Surigao del Sur.

DENR Director Nonito Tamayo of the Caraga region said the two men worked closely with his office.

A few days before the two were killed, they intercepted and confiscated 1,000 board feet of hardwood lumber that were illegally harvested from their forest land.

"They were killed in the market by a lone unknown assailant. One of them died on the spot, while the other died on arrival at

The Philippine Star, 13.07.2012

House probe sought on Dutchman's killing

By Ding Cervantes

Anakpawis Rep. Rafael Mariano has asked the human rights committee of the House of Representatives to conduct an inquiry into the killing of Dutch missionary Willem Geertman here.

Mariano filed House Resolution 2551 citing reports that Geertman had purportedly received death threats as a "peasant advocate" before he was slain last week.

Mariano said the victim's brother, Antonius Ma. Alfonsius Geertman, is also urging the Philippine government to consider Geertman as "a victim of extrajudicial killing due to his involvement in campaigns against landlessness, mining, logging and a large freeport project in Aurora province."

Antonius, together with a sister, flew in from the Netherlands to

"Under Erap [Estrada's nickname], the Ombudsman acted quickly, he was jailed . . . but this isn't what's happening in this case," Casiño added.

But Morales' first year in office may best be remembered when she testified in the recently concluded impeachment trial of former Chief Justice Renato Corona.

Her testimony on Corona's 82 dollar accounts and at least \$12 million in "fresh deposits" were said to be the biggest pieces of evidence presented in the impeachment trial that led to the conviction of the former Chief Justice.

But while she testified against Corona, Morales assured the senator-judges during the trial that she would not allow herself to be used by anyone to get back at the perceived opponents of the Aquino administration.

"Mr. Senator, I would not jeopardize my 40 years of government service, spotless, I am immodest to say that by allowing myself to be a tool of anyone in order to get back at certain persons against whom that anyone is sore at. I will assure you that," Morales said.

the hospital," Tamayo said.

Before 2010, there were instances of violence against DENR workers, but they were not as severe nor as brazen.

In 2009, one DENR employee was killed while at work, DENR records show. In 2008, six died while on official duty, including a forest ranger gunned down at a checkpoint.

No safeguards

Alyansa Tigil Mina and Kalikasan People's Network said 17 environmental activists had been killed under the Aquino administration. Since 2001, there had been 58 killings, the groups added.

"If the figures from DENR Secretary Paje are accurate . . . that is extremely alarming," Carlos Conde of Human Rights Watch told the Philippine Daily Inquirer.

"These killings are all the more alarming in the context of the Aquino (administration's) determined push for more investments in mining. Without the necessary safeguards in place to protect DENR employees and environment advocates, we are afraid that the killings will continue," he said.

attend the burial of Geertman in Baler, Aurora last Sunday.

Geertman, executive director of Alay Bayan Inc., was shot dead by two unidentified men a few meters from his office in Barangay Telebastagan here on July 3.

Police said Geertman was apparently robbed since he had withdrawn some P1.2 million from a bank just before he was slain.

"Antonius believes that the killing of his brother is much more than just ordinary robbery for money," Mariano said.

Mariano said Antonius revealed that his brother had received death threats since four years ago "owing to his work as lay missionary involved in campaigns to save the forests as a resource for farmers, Dumagats, and Cordillerans."

Mariano also cited the report of the human rights group



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Karapatan and Bagong Alyansang Makabayan (Bayan) in Central Luzon that Geertman had been a supposed victim of the

military's "vilification and harassment" since the 1990s.

InterAksyon.com, 18.07.2012

Friends of Tentorio say military blocking probe into missionary's murder

By Jefry M. Tupas

Nine months after Italian missionary Fausto Tentorio was gunned down just outside his convent in Arakan town, North Cotabato, his friends say justice remains elusive because the military is allegedly blocking the investigation into the murder.

At a forum at the Ateneo de Davao University to discuss the case on Tuesday, Tentorio's fellow missionary, Fr. Peter Geremia, who chairs the Justice for Fr. Fausto "Pops" Tentorio Movement, said the military has refused to allow investigators to enter its camps in North Cotabato even as a new witness claimed a leader of the paramilitary Bagani Tribal Force as responsible for the murder.

"The military have no intention to allow the investigation. The NBI (National Bureau of Investigations) investigators have not been allowed to enter military camps," Geremia said.

Italian Ambassador to the Philippines Luca Fornari, in a letter addressed to the forum, said his country's embassy has not stopped pressing the Philippine government to act swiftly to solve Tentorio's murder, which activists and friends of the missionary say was most likely triggered by his outspoken opposition to large-scale mining and his defense of human rights.

Fornari assured the forum organizers that "the pursuit for justice for father Pops' murder -- despite the time passing without major headways in the investigation -- remains strong and determined, at all levels."

"The Italian Embassy, in fact, for its part, keeps pressuring the Philippine political authorities at any useful occasion and at the highest level. I personally raised the issue to President Aquino, lastly during a meeting in Malacañang the 26th of April; that very same day I also had an encounter on the issue with Secretary (Leila) de Lima," Fornari's letter read.

The ambassador said he also sent a letter to the Department of Foreign Affairs "asking again for quick, concrete results."

"I am confident that this continuous pressure by all of us will eventually bring some results. We will keep standing firmly, we will keep seeking justice," Fornari said.

At the same time, he railed against "the impunity of the perpetrators," which he said "is simply intolerable," and stressed that "only the light of truth can honor the sacrifice of a man who dedicated his entire life to the poorest and most marginalized of us."

Geremia said there were "influential people blocking the investigation, diverting the investigation."

He pointed out that the NBI has yet to file any charges against the alleged masterminds identified by witnesses.

On December 29, NBI agents arrested Jimmy Ato, the alleged gunman in the Tentorio murder, after a witness identified him.

In March, two other witnesses surfaced, and said Bagani leader Jan Corbala, also known as Commander Iring, had planned the killing.

Although the NBI had promised to investigate the Bagani militia and their military handlers, Geremia said, "as of now, we were not given any results or updates. It appears that they stopped their investigation."

Geremia also noted that, notwithstanding the April 26 meeting with De Lima, which he attended with Forcari, at which they requested the Department of Justice to "unify the conflicting testimonies and expand the investigation to the Bagani Group and their military handlers," the department has so far not

AMP Press Release, 24.07.2012

Investigation in killing of Fr. Fausto must include new evidences

On October 17, 2011 Italian activist priest Fausto Tentorio was shot and killed by a gunman inside his parish compound in the town of Arakan, North Cotabato, in Mindanao. A local paramilitary group Bagani ("tribal warriors"), reportedly under military control of the 57th Infantry Battalion, is allegedly responsible for the killing of Father Fausto.

However, despite various sworn testimonies by different witnesses about the involvement of Bagani leader Jan Corbala alias "Kumander Iring" and other suspects as plotters of the killing, they have not been included in the government's investigation.

Nine months after the killing there is growing criticism that these suspects have been deliberately left out of the case because of their military ties.

Further, none of the four suspects the National Bureau of Investigation (NBI) has recommended to file charges against have been arrested. There are also numerous grave threats against the witnesses, their families and those who try to pursue the case.

"These are all attempts to hamper an impartial, fair and independent investigation", criticizes Maïke Grabowski, coordinator of the German-based Action Network Human Rights-Philippines (AMP).

"We see with deep concern, that paramilitary groups like the Bagani Group seem to be protected by influential people and therefore above the law", says Jochen Motte, chairman of the German lobby group.

According to the eight member organizations of the AMP the concerned agencies, like the Department of Justice, the responsible government prosecutors and the NBI have to show more sincerity and determination towards the conviction of the perpetrators of gross human rights violations and the masterminds in the back, regardless of their political protection or affiliation. This will be the only chance to break through the climate of impunity and help the citizens of the Philippines to regain trust in the rule of law.

The AMP is therefore calling on the Philippine government to:

- Order all government agencies to expand and complete the investigation, taking into account the alleged involvement of the Bagani group and the 57th Infantry Battalion officers with command responsibility during the time of the killing.
- Disarm the Bagani or Alamara armed groups and all other paramilitary groups in the country
- Provide adequate security for witnesses and their families
- Investigate all threats against witnesses, their families and supporters of the "Fr. Fausto "Pops" Movement"
- Direct the NBI to investigate those who pressured one witness to give a false statement.

Contact Person

Maïke Grabowski, Action Network Human Rights-Philippines
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replied.

He also noted what he called a "lack of coordination between the DOJ, Department of Interior and Local Government, and the Department of National Defense. We were told that only the President can order these agencies, particularly the DND, to share their intelligence reports with the DOJ and to allow the investigation of their officers in charge of the Bagani force."

However, "we noticed that as of July, the same Bagani group including the accused in the Fr. Fausto cases, are used as guides in their military operations."

"All of the above are indicators that the investigation is not allowed to include a number of untouchables. I also believe that the killing of Fr. Fausto could not have happened without the go-signal of some very high-level officials," Geremia said.

"And the above indicators point to a systematic blocking of the pursuit of the truth, which again can be explained only by in-

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structions from high officials," he added.

But the Eastern Mindanao Command denied Geremia's claims.

"How did they arrive to that conclusion? Who is conducting the investigation?" Eastmincom spokesman Commodore Romeo Nebres asked.

"The military, as much as anybody else, would like to find out the truth behind the killing of Fr. Pops and bring the perpetra-

tors to justice," he said.

Pastor Jurie Jaime, spokesperson of Karapatan and one of the convenors of the JPM, maintained the murder of Tentorio was state-sponsored.

"The killing was well-planned and deliberate. Father Pops is a victim of the reigning stare of impunity in the country," he said.

Punto.com, 26.06.2012

IBP-Bataan alarmed over missing lawyer

By Ernie B. Esconde

BALANGA CITY - The 200-strong Integrated Bar of the Philippines-Bataan Chapter on Monday expressed alarm over what happened to a lawyer who was reported to have been missing since Wednesday last week.

"Abugado natin ang nawawala, parang walang taong ligtas sa Pilipinas kaya kinakabahan kami sa nangyayari," said former IBP-Bataan president Dante Ilaya.

The human rights activist and lawyer said they have drafted a resolution appealing to everyone who may have information on the whereabouts of Atty. Joe Frank Zuniga to provide them such information so they will know what happened and can inform police agencies.

"Nakikiusap kami sa kung sino man ang may nalalaman sa pagkawala ni Atty. Zuniga, mangyari lamang na ipaalam sa sino mang abugado o sa opisina ng IBP sa Balanga," Ilaya said.

He said that the family of the missing lawyer and the Capitol Methodist Church have plans of putting up reward money for anyone who could provide information on the whereabouts of Zuniga.

"Nagpakitang willingness ang mga kasapi ng IBP-Bataan na tumulong sa paglikom ng pabuya upang malaman ang kalagayan ng aming kapatid na abugado," Ilaya said.

As to how much reward money would be, he said that they are still waiting for the decision of the family and the church.

Zuniga, 54, of Lady of Lourdes Subdivision in Balanga City, is a pastor of the Capitol Methodist Church in Balanga.

Charito Zuniga has told pastors of their church and the IBP that her husband left their residence at 8:30 in the morning of June 20 to meet with client Tim Desmond, general manager of Ocean Adventure in Subic Bay Metropolitan Authority.

They said that Desmond confirmed that the lawyer did see him on that day and left at 11:45 a.m. of the same day.

But it turned out that SBMA has no record of the entry and exit of the Honda Civic car driven by Zuniga on that day, Wednesday. Sources said that even the CCTVs of SBMA were not functioning on that day.

TFDP, July 2012

Urgent Appeal: killing of Moises C. Fuentes

A human rights defender, a member of Human Rights Defenders Pilipinas-Bukidnon chapter and a local leader of a farmers organization known as Kuya Christian Farmers Association was gunned down by an unknown assailant at his residence in Barangay Kuya, Maramag, Bukidnon on June 16, 2012 at about 1:00 o'clock in the afternoon. The victim sustained five (5) gunshot wounds (4 at his chest and one in his throat) which caused his instant death. The victim was Moises C. Fuentes, 63 years old, married with seven (7) children.

According to the victim's wife Florenza, a certain man went to their house looking for her husband and even called his name. The victim answered back that he was in the storage shanty at the back portion of their house. Florenza saw the man go there and had a conversation with her husband. Immediately after, without provocation, he shot the victim. The distance of the assailant was about a meter away from the victim. [...]

Florenza said that the assailant was wearing maong pants with a light green jacket and a hat, brown complexion, medium built and in his middle 30's.

A few months prior to the killing of Fuentes, allegedly a text message was read in a local radio station in Maramag, Bukidnon enumerating some names of persons to be killed. The list contained the names of leaders of the farmers group who petitioned the Ocaya ranch to be subjected to land reform. In that list was the name of Moises Fuentes.

Fuentes has been the leader of their group since 1999. They

struggled for the land they tilled at the Ocaya ranch, but they did not file any petition during their first land occupation. The area they occupied and tilled was a former forest area then later converted into ranch and was occupied by the Ocayas.

In 2007-2009, there were several People's Organizations that applied for Community Based Approach Forest Management (CBFM) in the area and resulted in pressure to the Department of Environment and Natural Resources (DENR) to surface the map, PLS 506-D. The farmers discovered that almost ninety (90) hectares of the area was already available as Alienable and Disposal (A & D). Thus, the People's Organizations including the organization led by Fuentes filed petition at the office of the Department of Agrarian Reform (DAR).

On February 22, 2010, the Office of the Department of Agrarian Reform (DAR), distributed a total of fifty (50) hectares to the farmer-beneficiaries, representing the five (5) people's organization including the organization handled by Fuentes.

The organization of Fuentes has thirty (30) members and they were awarded a total of 9.8 hectares. But because of harassments they encountered from the security guards of the Ocaya ranch, the petitioners left the area.

On December 18, 2011 the farmer-beneficiaries were again installed by the Provincial Agrarian Reform Officer (PARO) of the Department of Agrarian Reform and then they settled in the area.

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Phil.Star, 23.07.2012

Rebels kidnap, kill Mangyan tribal leader

By Alexis Romero

MANILA, Philippines - A Mangyan tribal leader who actively supported development projects in his community was kidnapped and killed by suspected communist rebels last week in Oriental Mindoro.

1st Lt. Melchor Durante, spokesman of the Army's 4th battalion, said the victim identified as Ariston Mameng, was shot to death by 10 armed men last July 20 in Bulalacao town.

Citing the statements of Mameng's family members, Durante said the armed men barged into the victim's house at about 8 p.m. The armed men reportedly introduced themselves as members of the New People's Army (NPA).

Durante said the armed men handcuffed and dragged the victim away from his house in Sitio Yunot in barangay Nasukob.

"The family witnessed this but they were frozen in fear. They are afraid that they might get hurt," he said in Filipino.

About 10 minutes after Mameng was abducted, his family heard four gun shots believed to be from high-powered firearms.

At about 5 a.m. the following day, Mameng's wife Nelia and a companion went to a nearby river and found the victim's corpse.

The victim sustained four bullet wounds on different parts of his body.

"The killing staged by the NPA rebels constitutes a violation of human rights," Durante said, adding that Mameng's death is a huge loss to the Mangyan community.

Mameng was head of the Mangyan Community Affairs and was described by the military as a dedicated and diligent community leader.

He helped facilitate a school building project that was supported by private groups including OB Montessori and ABS-CBN Foundation. The classroom is now benefiting about 370 Mangyan students in Sitio Yunot and nearby villages.

Mameng also pushed for numerous livelihood projects, electrification programs and the construction of a four kilometer access road that linked their village to other areas.

Durante said the 4th battalion is now working with Mameng's family and the local government to run after those behind the killing.

Ucanews.com, 06.07.2012

Tribal group condemns arrest of church worker: "police action part of a deliberate policy of harassment against activists"

An indigenous people's group today condemned the arrest of a Church worker who was taken into custody on Wednesday while having a meeting with a congressman in the northern city of Tuguegarao.

Police arrested Agnes Mesina, a lay worker from the Rural Missionaries of the Philippines, on suspicion of manslaughter during a meeting with Congressman Antonio Tinio, a teachers' representative.

She was released yesterday after posting bail.

"This is clear political harassment," said Piya Macliing Malayao, spokesperson of the National Federation of Indigenous Peoples in the Philippines.

The arrest "smells of harassment, something which many other activists have experienced," she said.

Malayao said Mesina is a long-time advocate of indigenous peoples' rights and is actively involved in campaigns against large-scale mining, logging and other environmental causes.

"This is the state's attempt to cut short [Mesina]'s contributions

to the people's movement, whom she has served for many years," Malayao said, calling for any charges against her to be dropped.

In a phone conversation with ucanews.com, Kakay Tolentino, secretary-general of the Katribu Party, said authorities has not released any information on Mesina's case, and in particular who the victim of the alleged manslaughter was.

The Katribu Party is a party-list group representing the country's indigenous peoples.

Congressman Tinio said Mesina's arrest was carried out by elements of a police intelligence unit.

"[Mesina's] arrest bears all the hallmarks of the harassment tactics employed by the national security establishment, which seeks to hinder and repress the activities of activists identified with the left by charging them with common crimes such as murder, arson, kidnapping, armed robbery and the like," Tinio said in a statement yesterday.

Philippine Daily Inquirer, 01.07.2012

Aurora town poll exec shot dead

CITY OF SAN FERNANDO—The Commission on Elections (Comelec) officer in Maria Aurora town in Aurora was shot and killed by two men in his house in the province on Saturday night, police said Sunday.

Chief Inspector Michael Amio, Maria Aurora police chief, said investigators had yet to identify the perpetrators and establish possible motives in the murder of Romualdo Palispis, the town's election officer.

Lawyer Emmanuel Ignacio, Comelec assistant director in Central Luzon, said Palispis' murder may not be election-related as there were no pending poll disputes in the town.

The official's friends believe he was murdered for leading a campaign opposing to reduce Maria Aurora's land area to create a new town out of it.

A police report said Palispis, 54, was gunned down at 8 p.m. on

Saturday as he was playing guitar in his house in Barangay (village) Tres. The assassins shot him in the head before fleeing on a motorcycle. [...]

Palispis, Van Zijl said, chaired the Justice and Peace Action Group of Aurora (JPAG) in Maria Aurora and headed the Task Force Huwag Hatiin ang Bayan ng Maria Aurora (Do Not Divide Maria Aurora). [...]

Van Zijl said the task force has been opposing two bills in Congress that seek to create from out of Maria Aurora's lands a town named after Dr. Juan Angara, the late mayor of the capital town of Baler and former lieutenant governor of the sub-province of Aurora. Angara is the father of Sen. Edgardo Angara and Gov. Bellaflor Angara-Castillo.

"The killing should be condemned," said Aurora Rep. Juan Edgardo Angara, author of one of the bills. Aurora, he said, has

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no history of election-related violence.

Van Zijl said the education campaign against the proposed laws

began last month, leading to forums in villages that came up with resolutions opposing the bills. [...]

Asian Human Rights Commission - Urgent Appeals Programme, 25.07.2012

PHILIPPINES: No protection to indigenous villagers facing threats three months on

Dear Friends,

The Asian Human Rights Commission (AHRC) is deeply concerned by the inaction of the police to protect indigenous villagers facing threats. They complained against members of the Intelligence Network in their village; however, three months on, no protection has been provided and no investigation has been conducted. The threats against the villagers began when they made claims as beneficiaries of their ancestral land.

CASE DETAILS:

Those threatened first were couple Loreto, Jr. and Mylen.

On April 29, 2012 they reported to the Malalag Municipal Police Station (MMPS) complaining against Angelito "Lito" Libay, a member of Barangay (Village) Intelligence Network (BIN); and his companion, Nemesio Legaspi. The couple said Libay and Legapi were carrying firearms when they went into their house. They accused the couple of being members of a rebel group, the New People's Army (NPA).

Libay told the couple he would make sure they would be excluded as beneficiaries from Pantawid Pamilyang Pilipino Program (4Ps) of the Department of Social Welfare and Development (DSWD). The 4Ps is the government's cash transfer program for the poor families. [...]

According to Angelito Libay "the 36 members of NAMADDS are NPA. He also said "you will be removed from 4Ps because you are members of NAMADDS who are NPAs. I have decided for that. At 8am tomorrow (April 29) village chairperson Melvin Cabije has asked you to attend a meeting where the police will join to make sure you will be removed from the program because your joined NAMADDS who are NPAs."

When Arnel Cambo, a relative of Loreto, arrives at their house later, he also joined the conversation by asking Libay what NAMADDS (Nagkahiusang Mag-uuma sa Davao del Sur or United Farmers in Davao del Sur) is about. He was also threatened. [...] Because of this, me and Arnel were worried because

Bulatlat.com, 04.07.2012

Military harasses grieving families of slain NPA rebels

By INA ALLCOR R. SILVERIO

MANILA – In the midst of their extreme grief, families of slain members of the New People's Army and residents of Brgy. Camflora in San Andres, Quezon in Southern Tagalog are demanding that the Armed Forces of the Philippines (AFP) respect their rights to give their slain loved ones a proper wake and burial. [...]

Earlier last week, the Save the Bondoc Peninsula held a week-long fact-finding and mercy mission in the province to expose military atrocities. The clash between the AFP and the NPA took place as the human rights groups were going around the communities documenting the experiences of the residents in relation to the intense military operations in the region.

Now, families of the killed NPA guerrillas, as well as sympathizers and friends, feel greatly harassed by the presence of the soldiers who are also said to be questioning those who attended the wake.

In an interview with Bulatlat.com, Glendhyl Malabanan, secretary-general of Karapatan-Southern Tagalong said the military's presence in the wake is a serious violation not only of Filipino traditions concerning respect for the dead, but also against International Humanitarian Law (IHL).

the way how we understood about what Nemesio had told us is that our life is only worth (P5,000) because he had been accusing us of being an NPA." Arnel also explained in Cebuano the threat to him in this interview.

The threats on the couple, Mylen and Loreto, and Arnel Cambo and Reynaldo Libay, cannot be taken lightly. Few days before the threats were made on them, Daniedo Cambo, also a relative of the Cambo, was shot. On April 26, 2012, Daniedo was leaving from his uncle, Eduardo Danton's house, walking in the middle of the banana plantation when he was shot by the security guards. Daniedo suffered gunshot wounds to his shoulder and abdomen. He, however, managed to run away and his neighbor took him to the hospital.

On April 27, 2012, while he was in hospital the police officers from the Malalag Municipal Police Station (MMPS) arrived and conducted an investigation on him. Here, the police accused him of being a member of New People's Army (NPA) and conjectured that the gunshot he suffered could have been a result of a gunfight. He told the police: "If I am NPA, I do not have Phil-health (a government health care service)".

Like his fellow indigenous villagers, Daniedo had to endure the fear as a result of the police tagging of him and other indigenous villagers as members of a rebel group. The tagging on him and the threats on the villagers began when they joined and were involved with the work of NAMADDS. The group had been deeply involved in helping indigenous villager in claiming for their ancestral land in Malalag, Davao del Sur.

The situation with regard to the Banana plantation in Barangay Bolton, Malalag, Davao del Sur, Mindanao, has been very contentious since 1950. The local villagers interviewed both from inside and near the banana plantation indicated that they have been more than 100 people killed inside the plantation as a result of the land conflict.

Malabanan said there are IHL provisions stating that soldiers should not be in areas where there is a concentration of civilians. She said the AFP recklessly and willfully violates IHL with the mere presence of soldiers in civilian communities in Quezon and the rest of Southern Tagalog. [...]

"It is clear that the AFP is using these tactics to discourage people from supporting the NPA, but the truth is, because of the countless abuses soldiers continue to wreak against civilians, the military institution itself is pushing people to join the NPA and fight injustice."

Malabanan said reports indicate that the bodies of the killed NPA members was stripped naked and taken around in a gross parody of a parade around one of the villages in San Narciso. The bodies were, Malabanan said, already decomposing when the families were finally able to see them.

"The supposed clash took place early morning of June 30, but the bodies of slain NPA guerrillas were brought to a funeral parlor only on July 1, at almost midnight. The entire time, the bodies were left under the sun and rain. After that, they were stripped and supposedly paraded around the village. This was to frighten the residents and drive home the point that they

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should not support the NPA.”

Article 3(4) of Part IV of the CARHRIHL provides that “desecration of the remains of those who have died in the course of the armed conflict or while under detention” shall remain prohibited at any time and in any place whatsoever with respect to persons hors de combat. Article 4(9) provides: “Every possible measure shall be taken, without delay, ... to prevent mutilation [of the dead].”

In the meantime, the multisectoral alliance Bagong Alyansang Makabayan-Southern Tagalog (BAYAN-ST) is planning to organize a tribute to one of the slain NPA guerrillas Armando “Arman” Albarillo. Albarillo was the former secretary-general of Bayan-ST. He was the son of Expdito and Manuela Albarillo, both members of Bayan Muna who were killed on April 8, 2002 in San Teodoro, Mindoro Oriental by soldiers under the command of Ret. Gen. Jovito Palparan of the Philippine Army.

Palparan is now a fugitive in hiding from the law for the abduction of students of University of the Philippines (UP) Sheryl Cadapan and Karen Empeno.

In the aftermath of his parents’ brutal murders, Albarillo rallied to keep what remained of his family together, including seven younger siblings. [...] In 2008, it was discovered that he was in the so-called Order of Battle of the military and the police. He

was approached by agents of the Intelligence Service of the Armed Forces of the Philippines and offered safety and money if he would join the military establishment. He firmly refused.

[...] Because he persisted in his human rights activism and involvement in campaigns to expose the atrocities of the military in the Southern Tagalog region, the AFP filed charges against him for allegedly joining an ambush operation against soldiers in March 2006 in Puerto Galera, Oriental Mindoro. Along with 71 other innocent civilians, on October 2008 Albarillo was charged with multiple frustrated murder and multiple murder in Mindoro Oriental courts.

It was then, Albarillo’s colleagues in Bayan-ST said, that Albarillo decided to join the NPA. They said he made the decision so that he could continue fighting for justice: something that he was being denied because of the security precautions he was forced to take in the wake of the military’s continued threats against his life.

XL Fuentes, incumbent secretary-general of Bayan-ST, said Albarillo wanted nothing than to continue his work in Karapatan and join the mass campaigns demanding higher wages, genuine agrarian reform, and social services for poor.

[...] A tribute will be held for Arbarillo at the University of the Philippines on July 4, 2012 at 7:00 p.m.

InterAksyon.com, 25.07.2012

General implicated in 'Morong 43' torture assumes division command

A senior Army officer who was implicated in the alleged torture of health workers arrested two years ago in Morong town, Rizal, on suspicion of being communist rebels, is now acting commander of the 9th Infantry Division in the Bicol region.

Brigadier General Aurelio Baladad took over from Major General Josue Gaverza Jr., who retired on Wednesday.

He was among those accused by eight of the health workers of allegedly torturing them in detention.

The human rights group Karapatan slammed Baladad's ap-

pointment.

"This is the kind of justice under Noynoy (President Benigno Aquino III). Col. Baladad, one of the Morong 43 torturers, gets promoted; (retired) Gen. (Jovito) Palparan (wanted for the disappearance of two University of the Philippines students) remains free from arrest ... indeed it is deja vu ... reminiscent of the human rights situation under Gloria Macapagal-Arroyo," Karapatan spokesperson Cristina Palabay said.

Mindanews, 22.07.2012

Army official dares rights victims to file raps at CHR

By Malu Cadelina-Manar

KIDAPAWAN CITY - An official of the Armed Forces of the Philippines Eastern Mindanao Command (EastMinCom) has called on the alleged victims of human rights violations in the recent fighting in Magpet, North Cotabato to file their complaints directly to the Commission on Human Rights (CHR) and not with other groups.

Col. Leopoldo Galon, EastMinCon Civil Relations Group chief, said the CHR in Region 12 is the right agency to hear complaints against human rights violations.

Alleged infractions of the military include the torching of civilians’ houses, using children as guides during military operations, and mortar shelling.

“These allegations are serious. So that it will not end as just a mere propaganda, I suggest the victims file a case at the CHR. If its filed with Karapatan, then it becomes a propaganda,” Galon said.

Karapatan is a militant human rights group.

Without casting aspersions on the victims, Galon hinted that their statements during media interviews could be “half truths.”

“Without the victims knowing it, they could be used in the propaganda of the other groups,” he stressed.

Magpet town, located at the hinterlands of Mount Apo, is considered as one of the “biggest bases” of the New Peoples’ Army (NPA) in Southwestern Mindanao.

In fact, Galon said the town has become the venue of the recent release of NPA hostages and “it is also where new breed of rebels are trained.”

“As proof, some of those that died during recent armed encounters in nearby Bukidnon province were from Magpet. The group that allegedly extorts money from contractors doing road construction in North Cotabato towns is also hiding in Magpet,” said Galon.

The killers of Patrick Winiger, a Swiss-Filipino national whom the Army claimed as their partner in peace-building in Mindanao, were also from Magpet. The communist rebels admitted killing Winiger because of his alleged involvement in the killing in October 2011 of Italian missionary Fausto Tentorio. [...]

He claimed the capture of one of the rebels’ biggest camp in North Cotabato after the fierce fighting on Monday hurt the NPAs “so much” that they tried to divert peoples’ attention to other issues, such as the allegations on human rights violations.

Action Network Human Rights- Philippines

AFP, 17.07.2012

AFP's Third Man Gets Third Star; 15 Other Generals and Senior Officers Promoted

Camp Aguinaldo, Quezon City – The Armed Forces of the Philippines (AFP) announced the promotion of 16 generals and senior officers, including current The Deputy Chief of Staff (TDCS) of the AFP, MGen Gregorio E Macapagal who was promoted and donned with his third star yesterday, July 16. The promotions are duly approved by the President and AFP Commander in Chief Benigno Aquino III. [...]

AFP Human Rights Office Chief Col Domingo Tutaan was also promoted to Brigadier General effective last July 6. BGen Tutaan has been a staunch advocate of enhancing the culture of Human Rights, International Humanitarian Law, and Rule of Law within the AFP. He was also the former Commander of the 1003rd Infantry Brigade. [...]

InterAksyon.com, 04.07.2012

Massacre victim's widow seeks asylum, slams absence of govt protection

MANILA, Philippines - The widow of a journalist slain in the November 23, 2009 Ampatuan massacre has sought political asylum, saying she did so because the Philippine government has failed to protect "people like me, who are seeking remedies and redress in our system of justice."

Speaking recently before the Foreign Correspondents' Club in Hong Kong, Myrna Reblando claimed a P3-million bounty had been put up for her, making her "a person who is being hunted for what I have spoken and without protection even from my own Philippine government. I did not feel protected, even with my own security escorts."

Reblando, widow of Manila Bulletin reporter Alejandro "Bong" Reblando, is the former vice chair and spokesperson of Justice Now!, the organization set up by the families of the 32 media workers who were among the 58 persons killed in the massacre.

Her June 25 talk before the Hong Kong-based journalists was her second after receiving a posthumous human rights award on behalf of the murdered media workers two years ago.

A copy of her talk was emailed by the Asian Human Rights Commission, which helped organize the talk and disclosed Reblando's asylum bid.

"At that time," she said, "I was not prepared. I was not able to explain clearly about what happened to my husband and others." Reblando said she had been in hiding for over a year before deciding to flee the country.

During this time, she said, "My life was empty."

"I felt that my person is useless," she said. "I felt that those who had threatened me had achieved what they wanted: to silence me, to push me back."

"When I took the responsibility of being the vice chairperson and spokesperson for Justice Now! Movement, a group of families of the massacre victims, I know that it (was) a tough job. To speak on behalf of those who are frightened and those who

could not -- because of oppression, fear and absence of protection -- is a position that is alarming and dangerous."

During this time, Reblando had disclosed that she and other relatives of the massacre victims had been receiving bribe offers and death threats, while a number of them had reported being under surveillance. But she said the cost of speaking out had entailed a "very, very heavy" cost on her and her family.

"I lost my livelihood, I cannot go home and the people whom I know could not provide me shelter when I needed the most," she said, adding that even her relatives and friends feared getting involved.

Reblando said others who had chosen to speak out on behalf of the massacre victims had been killed while "others are struggling to stay alive."

She cited the murder of Jessie Upham, one of the witnesses in the trial of the massacre suspects, who was killed before he could testify in court.

Recently, authorities confirmed that two other witnesses, including a member of the Ampatuan clan, key members of whom are accused of planning and leading the massacre, had been murdered.

However, Reblando said, "I have also realize(d) that not to speak the truth threatens our aspirations to obtain justice."

She stressed that, for justice to be achieved for the victims, people, including journalists reporting on the progress of the trial, "must never forget; we should not and must not forget."

She also thanked the Hong Kong government "for giving me protection, food and providing me shelter."

Reblando said she was "said that our government cannot protect (its) own citizens, especially those people living in rural and depressed areas. But I still hope that someday we will have a government that is able to lead and serve its own people better, to make us proud and for us to have peace in our country."

Associated Press, 25.07.2012

Philippine massacre witnesses placed under government protection due to recent killings

MANILA, Philippines - Several witnesses to a 2009 election-related massacre of 57 people have been placed under government protection following a spate of killings of other witnesses to the country's worst political bloodletting in recent years, officials said Wednesday.

State prosecutor Peter Medalle said six witnesses have been added to the Department of Justice's witness protection program to ensure their safety. Additional protection has been given to at least four other witnesses already in the program, he said.

The governor of southern Maguindanao province, Esmel Mangudadatu, who is also the husband of one of the 57 victims, said at least six witnesses or their relatives have been gunned down since the massacre trial began in September 2010, sowing fear among other witnesses.

One witness, Esmel Amil Enog, is believed to have been killed

in March, his body cut into pieces, but authorities learned about his death only recently, according to prosecutor Nena Santos.

Enog, a government militiaman, testified in court last year that he drove dozens of gunmen to the hilly site of the massacre in Maguindanao from the residence of one of the suspects, Santos said, adding he refused to be placed under government protection to avoid being separated from his family.

Mangudadatu said the witnesses placed under government protection include a town vice mayor. He has not testified so far because defense lawyers have been trying to block his testimony, he said. [...]

More than 20 witnesses have testified so far against 103 suspects who have pleaded not guilty to murder charges. They include Andal Ampatuan Sr., the clan patriarch who allegedly gave orders to his son to carry out the massacre. Nearly 100 suspects

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are still at large.

New York-based Human Rights Watch has called on the Philip-

pine government to redouble its efforts to protect the witnesses.

Solartv.ph, 04.07.2012

Prosecutor doubts man's claim that he is 'dead' massacre witness

By Camille Elemia

A man claiming to be Alijol Ampatuan Jr., a witness in the Maguindanao Massacre trial, gave a radio interview recently in Cotabato to disprove that he had been killed, as confirmed last week by Senior Supt. Marcelo Pintac, Maguindanao provincial police director.

The man added that it was his father, Alijol Ampatuan Sr., who had been shot dead in Shariff Aguak and that the killing had nothing to do with the massacre case.

But on Wednesday, lawyer Nena Santos, a private prosecutor in the case, said she doubts the man's claim.

"Magpakita siya kung totoong siya si Alijol kasi mga witnesses naming ay nagpapatunay na siya yung binaril sa Shariff Aguak (He should show himself up if he's really Alijol Jr., because we have witnesses who could prove that it was Alijol Jr. who had been shot in Shariff Aguak)," Santos said.

Santos pointed out that police reports in Maguindanao indicate that the corpse found was that of a man of about 36 years old - and therefore could not be Alijol Ampatuan Sr.'s body.

The prosecution lawyer added that she suspects it as a ploy to cover up police lapses in providing security to witnesses.

In reaction, the Philippine National Police, through spokesman Senior Supt. Generoso Cerbo, denied concealing the lapses of its personnel in securing witnesses and their families, by presenting the man claiming to be Alijol Ampatuan Jr.

Cerbo added that the PNP found it difficult to protect witnesses and their families because they refused to coordinate with authorities. The prosecution lawyers have stood by their suspicion that the deaths of the witnesses and some of their relatives are

related to the massacre case.

But lawyer Sigfrid Fortun, counsel for the Ampatuan father and son, dismissed these allegations as based on hearsay and have never been proven.

Slow prosecution

[...] So far, of the 196 people accused, only Andal Ampatuan Sr. and Andal Ampatuan Jr. have been arraigned, while other members of their family and their private army, along with local police officials believed to have at least some knowledge of the crime, remain at large.

Part of reason why the case has dragged on is that the prosecution has been having a tough time keeping witnesses alive.

On June 14, 2010, one of the strongest witnesses against the Ampatuans, former militia man Suwaib Upham, who admitted in court that he had been one of the triggermen, was himself gunned down in Parang, Maguindanao.

Last March, Esmail Amil Enog went missing. And two months later, in May, his body - or rather the chopped up parts of it - was found in Ampatuan town, where the massacre took place on November 23, 2009. Enog testified that he was the driver of the private army did the execution of 58 people.

On Thursday, yet another prospective witness, Alijol Ampatuan Jr., a distant relative of the principal accused, was confirmed to have been shot, according to private prosecutor Santos.

According to Pintac, the witness was shot in Shariff Aguak, the provincial capital, last February. Prosecutors wanted Alijol to be a state witness, after Enog testified in July that he had ordered Enog to bring 36 militiamen to the massacre site.

Visayan Daily Star, 25.07.2012

3 linked to Arles' killing seek protective custody

Three alleged members of the Revolutionary Proletarian Army-Alex Boncayao Brigade, linked to the murder of Kabankalan Regional Trial Court Judge Henry Arles have been arrested by National Bureau of Investigation agents for illegal possession of firearms, NBI Bacolod head Ferdinand Lavin confirmed yesterday.

The three identified as Jessie Daguia, Alejandro Capunong and Eddie Fortunado, have asked to be placed under their protective custody and have been brought by the NBI to Manila for safekeeping, Lavin said.

Relatives of the three on Monday, and yesterday, sought the help of the Commission on Human Rights to determine their whereabouts.

"We did not abduct these people, we arrested them for illegal possession of firearms...we did not torture them, if that is the nature of the complaint lodged before the CHR," Lavin said.

"All three sought protective custody," and their cooperation and turning state witnesses is under consideration, he said.

"Much as I do not want dwell into the merits of the Arles case because this is under serious investigation, it only goes to show that these people fear for their lives...for their safety," he said.

The appearances of the arrested men matched three of the five facial sketches of the suspects in the Arles slay as described by witnesses, that were released by the NBI and police earlier, he added.

FIREARMS POSSESSION

Lavin said charges for illegal possession of firearms have been filed against the three before the Negros Occidental Prosecutor's Office for illegal possession of firearms. NBI agents caught the three in flagrante delicto, or red-handed, with two .45 caliber pistols and a .38 caliber revolver, in arrests made on June 23 and 27 in Bacolod City, Lavin said.

Lavin said Justice Secretary Laila de Lima has been monitoring their investigation into the killing of Arles and is very appreciative and supportive of what the NBI has done. [...]

ARLES MURDER

The NBI probe into the participation of the three in the Arles murder "confirms my statement that, given another month, we will be able to wrap up this investigation," Lavin added. [...] Asked if the killing of Arles was linked to the assassination of Ilog Councillor Antonio "Karem" Gequillana Jr. in Bacolod on July 27 last year, Lavin said "Sorry I cannot comment on that at the moment".

SAFEKEEPING IN MANILA

The three were brought to Manila where they are being kept in three separate areas on instructions of NBI authorities to also ensure the safety of the NBI Bacolod's employees and properties, and also the public who go to the office, Lavin said. [...]

Lavin said he would not be surprised if trumped-up charges are filed against the NBI to get them off focus and off track in their investigation. We will not be cowed, the bottom line, is a judge was killed and we have to get to the bottom of it, he said.

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FAMILY CONCERN

Lavin said that while the three were arrested by the NBI on June 23 and 27 yet, not a single member of their family came forward to ask about their whereabouts within a week after their disappearance. And then a niece surfaced on Monday. Why only now? he asked.

"Normally if a relative is missing in the first week you would already be hell bent looking for your relative," he said.

Lavin said the relatives of the three were informed of their whereabouts. [...]

The three have been subjected to medical tests and are represented by a lawyer whose name he withheld for security purposes, Lavin said. He also said the three, even if they are members of the RPA-ABB, are not free to move around with firearms, especially out of the protected area covered by the peace agreement.

NOT IDEOLOGY

"Their actions were not in furtherance of their political ideology or belief. If ever the three were involved in the killing of the judge, it was a paid hit, a criminal activity outside their affiliation with the RPA-ABB," Lavin added. [...]

Yesterday Dioniso Pat and two women who said they were the mothers of Capunong and Fortunado also went to the CHR in Bacolod to seek its help in locating the three men in the custody of the NBI.

Pat of Barangay Talacdan Cauayan, said he and the three men arrested by the NBI were RPA-ABB members.

NO CONTACTS

He said the three men have been missing for a month now and have not communicated with their families as their cellular phones had been taken away from them.

Pat said he did not believe the three whose names are on the list of RPA-ABB members entering into a peace agreement with the government had anything to do with the murder of Arles.

Jennelyn Capunong said her son, Alejandro, who is a fish vendor has been gone since June and she does not know why he was brought to Manila by the NBI. I want them to produce my son so I can see if he is all right, she said.

She said the last time the wife of her son from Barangay Tabo, Ilog, saw him was on June 22. He left her P30 and said he was going to Bacolod but he did not return, she said.

Alejandro's wife is pregnant and they have a three-year-old daughter and are in dire need of help, she said.

Tessa Fortunado said her son, Eddie, of Barangay Tampalon, Kabankalan, and a tricycle driver, has been gone since June 23 and they want to know if he is safe, that is why they have gone to the CHR.

We want to know how he is and where he is, she said.

Gmanetwork.com, 05.07.2012

Mystery persists on three Islamic scholars who vanished in NAIA

Somewhere in the international airport of Manila, three Islamic scholars from Basilan vanished without a trace.

A human rights lawyer is appealing to the government to help trace their abduction last January in what is supposed to be one of the most heavily guarded public places in the country.

In a letter to Transportation and Communications Secretary Mar Roxas, Attorney Harry Roque said the three scholars—Najir Gumuntul Ahung, Rasdie Bisita Kasaran, Yusup Cadlus Mohammad—were abducted on January 3 within the Ninoy Aquino International Airport, before they could board their flight to Sudan.

"We have been at a loss trying to find out what really happened to the three men - now missing for nearly half a year," said CenterLaw chair Harry Roque in his letter Roxas.

"Flight documents confirm that all three got to the NAIA Terminal 3, but never got on board their scheduled flight to Khartoum, Sudan," the Families of Victims of Involuntary Disappearance said in an earlier report.

FIND also said it confirmed on Feb. 14 from Air Philippines' baggage section at the NAIA-3 that the three scholars' checked-in bags were never claimed. FIND said the three were last seen when they boarded the Air Philippines flight from Zamboanga City bound for Manila.

Inquirer.net, 16.07.2012

Why rookie cops turn bad

By Jamie Marie Elona

MANILA, Philippines—Misbehaviour of newbie police officers of the Philippine National Police cannot be attributed to low salary pay, but to bad upbringing, a PNP spokesman said Monday.

In the face of grave misconduct cases committed by Police Officer 1 and Police Officer 2-ranking cops, Chief Superintendent Generoso Cerbo Jr. said the PNP will be "stricter" in the process of the neuro psychological test and in the selection of recruits to

Roque noted that as NAIA Terminal III did not have any security cameras at the baggage claim area of the airport, there is no telling if the men were snatched as they were about to claim their bags.

"Given the circumstances of this case, it can be reasonably inferred that only groups or entities with official or legal access to the airport - by all indications members of our law enforcement agencies - could have pulled it off. And they could not have carried it out without coordination in some way with airport authorities," wrote Roque.

In February, relatives of the missing scholars sought a writ of amparo from the Supreme Court in an eight-page joint petition naming respondents AFP chief of staff Lt. Gen. Jessie Delloso; and Brig. Gen. Cesar Ronnie Ordoyo, chief of the Intelligence Services of the AFP (ISAFP).

The military maintained it was not involved in the incident.

"Our sense is that if we are to track who may have had a hand in their disappearance, we need to establish which security agency - of the police and/or the military - were conducting an operation in the premises of the airport in question and for what purposes on the day of the three men's disappearance," Roque said.

the police force, as part of the possible reforms that may be implemented in the employment process to reduce the number of errant rookie officers.

"Perhaps we have to be more diligent in background checking... where they came from, scrutinize their records and conduct thorough check of their character before they entered the force," he said.



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From January to May 2012, Superintendent Jose Rayco, acting chief of the Internal Affairs Service Intelligence and Investigation Division, said a total of 404 new complaints against police officers have been filed before them. He said 77.8 percent involved grave misconduct, followed by neglect of duty with 7 percent, and irregularity in the performance of duty with 4.3 percent. Figures for cases involving newbie officers were not available.

Asked of what grave misconduct cases would cover, Attorney Raymundo Dingsay of IAS' chief prosecution division, said these are robbery, extortion, murder, kidnapping—cases with criminal liability that violates the Revised Penal Code.

Cerbo said these criminal behaviours cannot be caused by mon-

ey problems as college-graduate policemen receive “decent” salary.

He said higher ranking officers receive roughly P20,000 per month (including benefits and other perks), while Police Officer 1-ranking cops receive P16,000 to P18,000 a month.

“The pay is good compared to other public servants. So it’s not about money. Perhaps the problem lies in moral values, and character,” Cerbo said.

To this, PNP chief, Director General Nicanor Bartolome, has advised officials from the upper echelon of leadership to mediate and monitor the development of its personnel and exercise leadership by example.

Manila Times, 22.07.2012

Farmer stumbles across mass grave in PH

A PHILIPPINE farmer unearthed a mass grave with the skeletal remains of up to 30 people believed to be victims of an internal purge by communist rebels in the 1980s, the army said on Sunday.

Rommel Malinao was ploughing his field in a remote village in Quezon province, south of Manila, when he made the discovery on Saturday, Major Harold Cabunoc, army spokesman, said.

The army deployed a team to cordon off the site and, with the help of police forensics experts, exhumed the skeletons.

“As of last count, there were about 30 human skeletons,” Cabunoc told Agence France-Presse.

“We believe these were victims of the New People's Army (NPA) 'kangaroo courts', which sentenced to death many members they had suspected as government intelligence agents.”

The NPA is the armed wing of the Communist Party of the Philippines, which has been waging a Maoist rebellion since 1969 – one of the longest-running communist insurgencies in Asia.

At its peak in the 1980s, NPA numbers were believed to have reached 26,000, but that is now down to only 4,000 fighters due to losses on the battlefield.

The government alleges that in the mid-1980s, the NPA set up the so-called 'kangaroo courts', which condemned to death hundreds who were believed to have become agents for the state.

Their bodies were believed to have been dumped in secret mass graves.

Various mass graves have been unearthed by the military since 2009, but Saturday's find was believed to contain the biggest number of skeletons so far, Cabunoc said.

Cabunoc added that villagers, interviewed by the army near the site, said that many of their relatives whom they had suspected of joining the NPA went missing in the 1980s and had not been heard of since.

Some of the skeletons showed the hallmarks of torture, although further verification was needed, he said.

President Benigno Aquino 3rd re-opened peace talks with the communists in February last year but the negotiations have been delayed by the rebels' demand to release detained comrades.

It was not immediately clear how the discovery of the latest mass grave could affect the talks.

PCIJ, 05.07.2012

MILF to hold Bangsamoro assembly this weekend

The Philippine Center for Investigative Journalism has published an extensive article on the peace negotiations and the hidden costs of war. The article is divided into two parts and also includes a video: [“A Tortuous Path to Peace” by Ed Lingao](#)

Human Rights Watch, 19.07.2012

HRW publishes report “No Justice Just Adds to the Pain”

HRW has published a 96-page report, which details strong evidence of military involvement in seven killings and three enforced disappearances of leftist activists since President Benigno Aquino III took office on June 30, 2010. The report was already discussed in the Philippine Media this month (see articles above). To read or download the report from the HRW website, please [click here](#).

UCA News.com, 16.07.2012

Aquino needs fewer words, more action

We recommend reading this commentary by Renato Mabunga, chairman of Human Rights Defenders, a lobbyist at the UN Human Rights Council and a regional educator on human rights. In his article he gives a good analysis on political willingness. To access the text, please [click here](#).

VERAfiles.org, 11.06.2012

VERA Files Series Part 2: Few limits to president's power of judicial appointment

Last but not least, here is the second part of the Vera Files three-part series which monitors the selection of the next Chief Justice of the Supreme Court. Please find the complete article here: [Part 1](#) [Part 3](#)

The Judicial and Bar Council represents the first and crucial step in the judicial appointment process. Ultimately, however, the

person responsible for appointments of all the country's judges and justices is the President.

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For every vacancy, the JBC must submit to the President a shortlist of at least three names, after it has investigated and evaluated applicants. The Constitution limits the President to the list officially transmitted to him or her.

But sending back the list if there is no name in it he or she wishes to appoint is one of the many prerogatives of the Chief Executive. The framers of the 1987 Constitution acknowledged this possibility even back then, with some expressing apprehension over the potential abuse of this power.

The President may also decide to break or uphold judicial traditions, one of these being the rule of seniority – appointing the most senior member of the Supreme Court to be Chief Justice.

There is likewise no prohibition on the President appointing a nonmember of the Supreme Court as Chief Justice, although this would again be departing from tradition. Never in the history of the JBC has an outsider been named chief magistrate. Some sectors have called on President Benigno Aquino III to pick someone outside the High Court as the next Chief Justice.

Another presidential prerogative is appointing friends and allies to the judiciary as long as they pass JBC scrutiny and requirements.

There is nothing illegal in the exercise of such prerogatives. But judicial history shows that such powers come under fire when used blatantly by presidents to protect their own interests, as in the case of Gloria Macapagal-Arroyo. Indeed, Arroyo made the most controversial judicial appointments, which were perceived to have been part of the wall she built to protect herself amid the many legal questions that plagued her presidency.

The point of submitting a shortlist is “to limit the President’s discretion in exercising his or her appointing power,” said the nongovernmental Transparency and Accountability Network which is part of the Supreme Court Appointments Watch (SCAW).

Yet Palace and JBC insiders say this limit can be circumvented. “You are president; there are some people you want to put in the judiciary. If you want him or her, you can ask the Secretary of Justice to nominate (the person),” said a former Palace official.

The president’s congressional allies in the JBC and the regular members he or she appoints—or reappoints—can also get Malacanang’s preferences into the list of nominees. In fact, the President can have as many candidates of his or her choice apply or be nominated to the JBC.

SC CHIEF JUSTICES AND PRESIDENTS WHO APPOINTED THEM		
CHIEF JUSTICE	DATE APPOINTED	APPOINTING POWER
Pedro Yap	April 1988	Corazon Aquino
Marcelo Fernan	June 1988	Corazon Aquino
Andres Narvasa	November 1991	Corazon Aquino
Hilario Davide, Jr.	November 1998	Joseph Estrada
Artemio Panganiban	December 2005	Gloria Macapagal-Arroyo
Reynato Puno	December 2006	Gloria Macapagal-Arroyo
Renato C. Corona	May 2010	Gloria Macapagal-Arroyo

Parallel search

Former Palace officials interviewed for this study say it has been the practice of presidents to form their own search committees to further screen the names on the shortlist submitted by the JBC. The search committee was usually composed of the executive secretary, plus at least two other key officials from the executive branch such as the presidential adviser on political affairs, chief legal counsel or the solicitor general.

Nominees either talked directly to the members of the Malacanang committee and the JBC, or got a padrino (political leaders or Church officials) to boost their chances of getting appointed.

During the time of former presidents Fidel Ramos and Joseph Estrada, the Presidential Management Staff would draw up a matrix for the Palace search committee that included the nomi-

nees’ qualifications, achievements, positions, other relevant information. The matrix included a separate column identifying the nominee’s backers or endorsers.

The committee would rank the nominee and then submit their recommendees to the President, who would make the final choice.

When the nominee is appointed, said a former Palace insider, the people who endorsed him or her are the first to be notified. “O, napagbigyan na yung tao mo (We’ve given in to your nominee’s request).” Malacanang keeps tracks of favors given out to allies, the source said.

Aquino also has a search committee for the judiciary, which includes Executive Secretary Paquito Ochoa, separate from the committee that screens candidates for positions in the executive branch.

Ramos appointments

The “midnight appointment” of fallen Chief Justice Renato Corona is not the only such appointment in recent history. On March 11, 1998, then President Ramos named eight associate justices of the Court of Appeals, and on March 30, he appointed two judges.

The election ban on appointments starts 60 days before an election and until the end of the President’s term on June 30. Elections were held on May 10 in 1998.

That same year, the Supreme Court revoked Ramos’ appointment of the two judges—Mateo Valenzuela of Bago City and Placido Vallarta of Cabanatuan City—saying they were nominated by the JBC during the ban on presidential appointments.

It affirmed, though, the appointment of the eight CA justices because they were found to have been appointed by Ramos “the day immediately before the commencement of the ban on appointments.”

In 2010, however, in deciding whether or not to allow the JBC to nominate appointees for Chief Justice during the Constitutional ban on midnight appointments, the Supreme Court reversed the 1998 ruling. In a widely criticized decision seen to accommodate Arroyo’s impending appointment of Corona, the High Tribunal decided that the Constitutional prohibition only applies to appointments in the executive department, not in the judiciary.

Lucio Tan and Hilario Davide

Businessmen were among those who sought favors in the form of judicial appointments. Estrada himself revealed that tycoon Lucio Tan lobbied for the appointment of then Associate Justice Hilario G. Davide Jr. to be named successor to Chief Justice Andres Narvasa, who retired Nov. 30, 1998.

He said Tan invited him to a dinner at Century Park Hotel where they were joined by Davide, whom Estrada eventually appointed Chief Justice.

Estrada said, however, that even without Tan’s lobbying, he would have appointed Davide, who topped the list recommended by the screening committee and by Narvasa. Davide was also at the time the most senior member of the High Court.

Davide would later preside over Estrada’s impeachment trial and swear into office Gloria Arroyo even without a vacancy in Malacanang. It was also the Davide court that came up with the novel idea of “constructive resignation” to justify Arroyo’s installation as president.

Arroyo appointments

During her presidency, Arroyo had entrusted her cousin Erlinda de Leon and her husband Carlos, a former regional state prosecutor, with the power to screen appointments to the judiciary. De Leon was given the title “special assistant to the President,” and was known to call up JBC members to make Arroyo’s preferences known. Many applicants sought out the power couple, a number through “brokers” that included local politicians like a

Action Network Human Rights- Philippines

Manila councilor.

Sources interviewed for this research lament that problems in judicial appointments reached their worst during the Arroyo presidency. Arroyo began her term amid questions of legitimacy following her assumption of the presidency from Estrada who was ousted in the Edsa People Power of January 2001. She faced several attempts to unseat her, including four impeachment complaints filed in the wake of damning revelations of fraud in the May 2004 elections, caught in wiretapped conversations with then Elections Commissioner Virgilio Garcillano, and other controversial decisions.

Arroyo relied heavily on the courts to defend her against the many issues and problems that plagued her presidency, and packed the Supreme Court with her former officials, friends and allies.

The last in a string of problematic judicial appointments by Arroyo is that of Corona, her former chief of staff, to the post of Chief Justice on May 17, 2010, just a week after the presidential elections and barely a month before she stepped down from office. The Constitution prohibits appointments during the 90-day election period. Law and civil society groups filed a case over Corona's midnight appointment before the Supreme Court, which was by then dominated by Arroyo appointees. The Court upheld Corona's appointment.

In appointing Corona, Arroyo bypassed associate justice Antonio Carpio who was then the most senior associate justice. Carpio and Conchita Carpio-Morales, the second most senior associate justice then and now the ombudsman, withdrew from the race when Arroyo insisted on appointing the Chief Justice during the election ban.

(As the most senior member, Carpio is now acting Chief Justice and ex officio chairman of the JBC. One of the contenders for the post of Chief Justice, he has inhibited himself from the JBC nominations. So has Justice Secretary Leila de Lima, an ex officio member and likewise a contender.)

Arroyo was one of only two presidents in the country's history who set aside the tradition of seniority in selecting the Chief Justice. The other was former President Ferdinand Marcos.

In Marcos' final year in office in 1985, he twice bypassed the independent-minded Claudio Teehankee, then the tribunal's most senior member, first in favor of Felix Makasiar and later Ramon Aquino. Teehankee would lead the High Court only after Marcos' downfall in 1986.

Twenty years later, Arroyo bypassed Reynato Puno, who was named to the Supreme Court in 1993, in favor of Artemio Panganiban, who was appointed in 1995.

Panganiban had played a controversial role in installing Arroyo as president in January 2001. Known at the time to be the bridge between Davide and the Arroyo camp, Panganiban later wrote in his book *Reforming the Judiciary* that he urged Davide to swear in Arroyo as president even when Joseph Estrada was still legally the president. Fearing a coup d'état, swearing in Arroyo as president was, he said, "the only way to avert violence, chaos and bloodshed and to save our democratic system from collapse."

Besides being Davide's personal choice to be Chief Justice, Panganiban had been endorsed by the Catholic Church, particularly Cebu Archbishop Ricardo Vidal who was close to Arroyo—Puno was a freemason and past grand master of the Grand Lodge of the Philippines—and the mining sector.

Panganiban had written the decision that favored opening up the mining industry to foreign investment (*La Bugal v. Ramos*), said to have earned him points with Arroyo, who authored the 1995 Mining Act (Republic Act No. 7942) when she was senator. The law permits mining ventures fully operated by foreign firms, with or without Filipino capitalization.

Aquino appointments

In the shortlist sent by the JBC to the Office of the President, candidates are ranked according to the number of votes they garner. The ranking, however, is not a guarantee of the President's final blessings.

Based on the July 2010 tally sheet of votes on the nominees for the position of associate justice that Corona vacated when he was appointed Chief Justice, the top choice of the JBC was Court of Appeals Associate Justice Japar Dimaampao who got six votes. Former University of the Philippines College of Law dean Raul Pangalanan and CA Associate Justice Noel Tijam got five votes each. The last on the list with four votes each were CA Associate Justice Abdulwahid Hakim, Elections Commissioner Rene Sarmiento, and UP professor Maria Lourdes Sereno. Aquino chose to appoint Sereno.

Last year, Aquino appointed CA Justices Bienvenido Reyes and Estela Perlas-Bernabe to fill the vacancies left by retiring justices Eduardo Nachura and Conchita Carpio-Morales. In the JBC's June 2011 voting, it was CA Associate Justice Jose Reyes who ranked first, with seven votes. Bienvenido Reyes got six votes and Estela Perlas-Bernabe five.

"The assumption is they all went through this very tight screening process, so they are all

qualified," said a former justice secretary. "Now, all things being equal, baka pag merong nag-push na politician (if a politician pushes), it might also help."

Some lawyers and former Malacanang insiders say this was likely the case with Bienvenido Reyes who served as vice president and finance manager of Best Security Agency Inc., a company whose owners included President Benigno Aquino III and his uncle, Antolin Oreta, husband of former Sen. Tessie Aquino-Oreta. In 2009, Reyes was reprimanded by the Supreme Court which found him guilty of simple misconduct for hastily signing the decision in the case involving the Manila Electric Co. and the Government Service Insurance System.

Court Administrator Jose Midas Marquez and then SC spokesman disclosed last year that Aquino attempted to return the shortlist to the JBC, supposedly because a number of nominees for Nachura's and Carpio-Morales' slots had links to Arroyo. But the JBC blocked the attempt, he said.

There were two incidents in the past when a president returned the JBC shortlist for a Supreme Court vacancy.

Arroyo returned the list when Puno was Chief Justice and ex officio chairman of the JBC because she reportedly disliked the nominees. Puno returned the same list to her.

In one instance years earlier, Arroyo also tried to send back the list to the council, then chaired by Davide. The President was said to be looking for the name of Constitutional Commission delegate Adolfo Azcuna for nomination to the High Tribunal. Azcuna had been endorsed by, among others, former President Corazon Aquino. Davide rejected the Palace's request. Azcuna was subsequently nominated by the JBC and appointed Supreme Court associate justice.

(To be concluded)