

Action Network Human Rights- Philippines
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European Parliament, 25.07.2012

MEPs congratulate new EU human rights envoy, Stavros Lambrinidis

Barbara Lochbihler, chair of the EP human rights subcommittee, welcomed the appointment of Stavros Lambrinidis as EU Special Representative for Human Rights by the Council on Wednesday, pointing to the vital role he would be playing in this new post, created in line with Parliament's repeated demands.

"I welcome the appointment of Stavros Lambrinidis as the first EU Special Representative for Human Rights and wish him good luck for his mandate.

The longstanding MEP, and also Vice-President of the EP, is very familiar with EU structures and has experience in foreign policy and human rights.

The appointment is also a success for us MEPs. The European Parliament has been calling for this mandate for years and today's appointment raises our hopes for a strong and united voice for a European human rights policy.

It won't be easy to fulfil all expectations entirely. But the goal is set: The Special Representative must be a reliable voice for the people who suffer human rights violations. He should keep an eye on the bilateral and multilateral relations of the EU and monitor the implementation of human rights with international partners: in foreign and economic policy as well as in develop-

ment cooperation. Last but not least, there must be coherence between the EU's internal and external policies as regards human rights.

I am looking forward to close and constructive cooperation between Mr Lambrinidis and the human rights committee. From now on we will work together to give human rights more prominence", said Ms Lochbihler on Wednesday.

Parliament called on the Council in June to appoint a high-level EU envoy with an established international reputation and a proven track record to fulfil a role MEPs have long considered essential.

The new Special Representative must have a strong, independent, flexible and sufficiently broad mandate, Parliament said. It should reflect EU human rights policy and cover areas including strengthening democracy, international justice, humanitarian law, abolition of the death penalty, freedom of expression, gender issues and children and armed conflict.

MEPs also called for adequate funding and staff to be allocated to the new EUSR, who should, they say, attend a hearing at Parliament and report regularly to it on the human rights situation in the world.

MindaNews, 18.08.2012

CHR urges probe on VM Duterte for "death squad" killings; "nothing new" Duterte says

By Carolyn O. Arguillas

The Commission on Human Rights (CHR), which released on Wednesday its resolution on the 2009 investigations into the alleged "Davao Death Squad" has recommended to the Office of the Ombudsman to investigate the "possible administrative and criminal liability" of then Mayor Rodrigo Duterte (now vice mayor) "for his inaction in the face of evidence of numerous killings in Davao City and his toleration of the commission of those offenses."

The resolution, dated June 28 but released only on August 15, triggered reactions, particularly from Duterte supporters, that it was politically motivated as it came three years after the CHR investigations and in the midst of the city's celebration of its annual Kadayawan Festival.

The CHR concluded that from 2005 to 2009, "there was a systematic practice of extrajudicial killings, which can be attributed or attributable to a vigilante group or groups dubbed in the media as the Davao Death Squad."

It said the killings were selective, with the victim "usually involved or suspected to have been involved in some type of illegal activity" and the manner of killing distinct in that the assailants "were usually motorcycle-riding gunmen."

Duterte, who had repeatedly said there are "no state-sponsored killings in the city," said there is nothing new about the CHR recommendations. Interaksyon.com quoted him as telling reporters the issue on death squad killings is "Pabalik-balik. Ambot. Eleksyon na man gud. Sige lang (It's the same thing. I don't know. It's election time)."

Last month, CHR chair Etta Rosales condemned Duterte's act of making a suspect in police custody eat a fake land title used in duping informal settlers. .

Rosales was quoted in an Agence France Presse report as saying, "I don't care who you are, you don't abuse your authority. Forcing a person to eat fake land titles is in fact a form of torture."

Malacanang ordered the Department of Interior and Local Government to investigate Duterte.

Brad Adams, Asia director of the New York-based Human Rights Watch, in a statement dated August 17, said the CHR resolution is an "important opportunity for the Aquino administration to show that it is serious about holding officials accountable for the worst abuses."

Adams said the Aquino administration "should promptly implement these recommendations."

The CHR resolution listed six recommendations, the first urging the Ombudsman to investigate Duterte.

More recommendations

The other recommendations:

- That a serious, impartial and effective investigation into the facts and circumstances surrounding the deaths attributed or attributable to the so-called Davao Death Squad be conducted by the NBI (National Bureau of Investigation) or any independent task force and that the Office of the Ombudsman or Department of Justice duly prosecute the persons responsible;
- That such investigation include the possible omissions, negligence, and obstructions of justice on the part of the local chief executive, local government officials, and local police force;
- That Congress review the grant to the city mayor of general and operational control and supervision over the city police force, as well as his role to act as deputized Napolcom (National Police Commission) representative;
- That appropriate measures be taken by the local police to prevent any further killings fitting the pattern herein described, particularly with respect the use of motorcycles and loose firearms; and
- That the Philippine government, through the Department of Foreign Affairs, update the incumbent UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Christof Heyns, of any development in the investigations herein recommended.

"The continuing pattern of killings and the failure to conduct a meaningful investigation of such incidents can be construed as tolerance on the part of the authorities of the crimes heretofore

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described, thereby contributing to the climate of impunity," the CHR said.

In late March this year, the Office of the Ombudsman found 21 police personnel here guilty of "simple neglect of duty" for failing to stop or solve the killings and ordered them to pay a fine equivalent to a month's salary. The Ombudsman said its investigation established that 720 persons were summarily executed in Davao City between 2005 and 2008.

Human Rights Watch in its April 2009 report, "You Can Die Anytime," documented killings by the Davao Death Squad and similar armed groups in other Philippine cities. The report exposed the workings of the death squad which it found to be controlled largely by police officers or former police officers with the complicity of local government officials who would provide lists of targets. The report said the killers, often paid for each successful execution, were usually former communist guerrillas who had surrendered to the government or criminals who joined the death squad to avoid being targeted themselves.

In its August 17 statement, HRW said recent research it conducted indicates that "death squad killings continue to occur in Davao City, although on a much smaller scale."

It said the local media "have stopped referring to the Davao Death Squad in reporting but the nature of these killings suggests that death squad activities continue."

HRW's Adams noted that by holding Davao City officials "accountable for their failure to prevent and investigate the killings, the Aquino administration can stop the spread of these atrocities to other parts of the country."

"This would be a concrete way to help families of victims obtain justice and show that its rhetoric on ending impunity is meaningful to ordinary Filipinos," he said.

"Is there a Davao Death Squad?"

The CHR conducted its first "consultation/public inquiry" on extralegal killings on March 30 and 31, 2009.

Then CHR chair Leila de Lima (now Justice Secretary) opened the inquiry with the question: "is there a Davao Death Squad?" and if it was a "function of criminal audacity, government lethargy or both."

The CHR conducted the public inquiry following reports that at

least 800 persons had been summarily executed in the city since 1998, by a band referred to as "Davao Death Squad" and their later copycats.

She said local officials take pride in the city's "peace and order" situation and claim that investment and tourism have flourished and criminals from other regions and countries dare not set shop here but she asked, "what kind of peace, what kind of order?"

In his opening statement, Duterte, then mayor, said he would submit to De Lima "my resignation as city mayor" if there is an iota of evidence that he, the military or police are behind the killings.

"Before you leave for Manila, you will have my resignation as mayor of Davao City," he said.

De Lima replied, "thank you for that commitment," before interrogating Duterte.

Duterte said he made a promise when he assumed as mayor in 1988 "to make the city the most dangerous place for criminals." He acknowledged there are killings in the city, "yes, but summary? I don't know."

He repeated his previous statements that there are no state-sponsored killings in the city but that he would take full responsibility for the failure to stop the killings. "I take full responsibility for it."

De Lima noted that Duterte had been issuing bold statements, including expletives.

"We are simply, simply appalled by the boldness of your statements. Unbelievable especially because you are a lawyer," she said.

"I am I. Ganon talaga bunganga ko. (That's the way I speak). I am a lawyer. I am also a prosecutor. I am I," Duterte, a prosecutor before he joined politics in 1986, replied.

On the second day of the CHR inquiry, Duterte wrote then Local Governments Secretary Ronaldo Puno in his capacity as Napolcom chair, his "irrevocable resignation" as the Deputized Representative of Napolcom effective immediately to give the CHR a "free and unhampered conduct" of its investigation into the unresolved killings in the city, "devoid of any possible pressure and/or influence whatsoever."

INQUIRER.net, 24.08.2012

Sereno appointment gets mixed reactions

By Tetch Torres

The Integrated Bar of the Philippines welcomed the appointment of "upright" and untainted Maria Lourdes Sereno as chief justice even as a militant group warned the public not to let their guards down to "thwart any effort by the Executive to control the judiciary."

The IBP believes that the 18 years that Sereno will serve as Chief Justice will be a "good 18 years."

"She's upright, an expert in international and economic law, no corruption charges or any vestige or hint of corruption on her. Considering what an outstanding jurist she is, the 18 years will be a good 18 years," the IBP, through spokesperson Trixie Angeles said over the phone.

"The appointment of Chief Justice Sereno marks the end of a historic selection process and the start of a new period for the Supreme Court and the entire justice system," lawyer Marlon Manuel, convener of the Alternative Law Group, which is part of the Supreme Court Appointments Watch, said.

"We are hopeful that CJ Sereno will use her almost two decades of service as Chief Justice to install and institutionalize much needed reforms to enhance the integrity of our justice system

and its ability to deliver justice for our people," Manuel said.

Meanwhile, the leftwing group Bayan called on the public to exercise vigilance to protect the gains of the farmers in Hacienda Luisita, a vast sugar estate owned by the family of Aquino in Tarlac.

Bayan Secretary General Renato Reyes said that while Sereno took the correct position in exposing the so called maneuvers to allow former President Gloria Macapagal-Arroyo to seek medical treatment abroad, "her dissent in the Luisita case favored the landowners with bigger compensation."

"It remains to be seen if the new Chief Justice will exercise real independence from President Aquino. Public vigilance is also needed to thwart any effort by the Executive to control the judiciary," Reyes said. "Like Corona, Sereno's voting record will be closely monitored as an indicator of independence from the Palace."

Ousted Chief Justice Renato Corona in a text message to reporters, meanwhile, said that Sereno's "appointment speaks for itself."



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Philstar.com, 30.08.2012

Gov't hit for failure on desaparecidos' cases

By Dennis Carcamo

Human rights and people's groups on Thursday marched to Plaza Miranda in Manila to mark the International Day of the Disappeared.

The groups, including Bayan and Karapatan, scored the Aquino administration for its failure to go after the perpetrators of enforced disappearances.

"Today we march to demand justice for Jonas Burgos, Sherlyn Cadapan, Karen Empeno, Luisa Dominado and the many victims of enforced disappearances who remain missing to this day. Enforced disappearance is such a heinous crime which tortures the families of the victims who continue to search for their loved ones," Bayan secretary general Renato Reyes Jr. said.

He said the government has also failed to bring fugitive retired general Jovito Palparan to justice.

Palparan is now facing criminal charges for the disappearance of University of the Philippines students Cadapan and Empeno in

2006.

"The Aquino government's failure to arrest Palparan is a continuing reminder of the injustice the victims continue to experience. Palparan is believed to be still influential in the partylist group BANTAY, [of] which he is the head and where his wife is the first nominee. This group is seeking a post under the partylist system in the upcoming 2013 elections," Reyes said.

As of May 2012, Karapatan noted that there were already nine victims of enforced disappearances under the administration of President Benigno Aquino III.

The group blames the government's counter-insurgency program Oplan Bayanihan for the continuing rights abuses, which include extrajudicial killings and torture.

Bayan said the Philippine human rights record was subjected to scrutiny by the United Nations during the recent Universal Periodic Review held in Geneva, Switzerland last May.

PCIJ and others (Pooled Editorial), 14.08.2012

Push, Pass the FOI Act Now!

In 1986 at EDSA, the first people power revolt ended 21 years of a government so dark and so opaque, and ushered in one of light and transparency. The strongman Ferdinand E. Marcos was vanquished and democracy icon Corazon C. Aquino came to power.

A year later, the 1987 Constitution enshrined state policies of full transparency and accountability in the conduct of all public officials and employees, and of full public disclosure of information vested with public interest. The Constitution upheld the people's right to know and be informed about all policies, projects, and programs of government that involve use of taxpayers' money.

It is now 2012, or over 26 years after EDSA. Filipinos today are the most exuberant in their exercise of the freedoms of speech, of the press, and of peaceable assembly for redress of just grievances. But one other inalienable freedom that the Constitution also guarantees – Freedom of Information – remains just a bill perpetually stuck in the legislative wringer over the last 14 years, hobbled by the discombobulating "concerns" of the Executive, and mocked by restrictive administrative fiats of the judiciary, the House of Representatives, and even the Office of the Ombudsman.

The Freedom of Information Act long promised by the Constitution to this day remains just a promise. And from the 12th to the present 15th Congress, despite the dozens of bills filed and refiled, it seems like we always return to square one, marching but only in place, on the FOI Act.

The second Aquino administration of Benigno Simeon C. Aquino III was installed in June 2010 on major summons for the citizens and public officials to trek the "daang matuwid", rid the nation of corruption, and alleviate poverty. From birth, it is an administration that seems naturally betrothed to pushing and passing the FOI Act. Two years and two months on office hence, the administration and its Liberal Party-led coalition in the House of Representatives have yet to do the job.

From various accounts of senior officials and pro-administration legislators, their less than vigorous interest to pass the FOI Act supposedly derives from a few reasons: 1. That some Executive agencies have become more transparent anyway, they are already uploading online some budget and public finance documents; 2. That the FOI Act seems largely an issue of the middle class and the media; 3. That the FOI Act might not get the num-

bers needed in the House, and with the May 2013 elections coming soon, might divide more than unite the political parties.

Online uploads of public documents are just half the transparency equation that the FOI Act must guarantee. The other, more important half of the equation that an FOI Act guarantees is the public disclosure of documents on request or on demand of citizens asserting their right to access information in government custody.

Citizens need and must know how public officials exercise their powers and authorities, how they spend public funds, what contracts and agreements they sign and seal on our behalf, what policy issues bother them that must also bother us so we may participate in making decisions.

Citizens need and must know what programs exist for the delivery of the most basic services, as well as how they can access with success and within reasonable time frames the most relevant public documents they need to secure and safeguard their most basic needs. Indeed, in the panoply of rights, the right to information is both the most supreme and the most fundamental as it is the bedrock of all our rights to education, property, livelihood, even life.

The right to information is our protection against government abuse, at the same time that it is our power to make government accountable.

But our right to information, as great and self-executing as it is under the 1987 Constitution, requires a complementing legislation to ensure its clear-cut, full and predictable operation. Twenty-six years and five presidents since, the FOI Act remains just a promise.

Over that long wait, the proposed measure has undergone numerous adjustments to carefully balance the people's right to information on the one hand, and the interests for reasonable confidentiality and sound administrative practice, on the other.

This balancing process has already been exhausted. In truth what is now left preventing the passage of the FOI law are the personal and speculative fears of our leaders of the people's exercise of their right to know.

Today, we speak with one voice and join the rest of the people in demanding political will on the part of President Aquino, Senate President Juan Ponce Enrile, and House Speaker Feliciano Belmonte Jr. to lead their respective institutions in immediately enacting the FOI law.

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With time fast running out on the 15th Congress, the long wait for the FOI Act should be over yesterday.

The time for decision is now.

Bulatlat.com, 17.08.2012

Ratification of ILO Convention 189 on domestic work, victory for OFWs

By INA ALLECO R. SILVERIO

Organizations of overseas Filipino workers (OFWs) and advocacy groups espousing migrant rights welcomed the Philippine government's recent ratification of International Labor Organization Convention 189 (C189) on domestic work, saying that it was a victory to be credited to OFWs worldwide.

After months of being lobbied by Filipino migrant groups based in various countries, the Philippine government finally ratified C189. The Senate vote was overwhelmingly for the Convention last August 6. [...]

The Convention defines domestic work as work performed in or for a household or households. The ILO said that while the new instruments cover all domestic workers, they provide for special measures to protect those workers who, because of their young age or nationality or live-in status, may be exposed to additional risks relative to their peers, among others.

Based on the new ILO standards, domestic workers around the world who care for families and households should enjoy the same basic labor rights as those available to other workers. Domestic workers have the right to reasonable hours of work; weekly rest of at least 24 consecutive hours; a limit on in-kind payment, clear information on terms and conditions of employment; as well as respect for fundamental principles and rights at work including freedom of association and the right to collective bargaining.

In a study the ILO conducted covering 117 countries, the number of domestic workers was placed at around 53 million. It clarified, however, that because domestic labor is often hidden and unregistered, the total number of domestic workers could reach 100 million. [...]

While Philippine migrant groups such as Migrante International and APMM do not view the C189 as an assurance of protection for foreign domestic workers' rights, they said that its provisions are important in advocacy work that aims to alleviate their difficult working conditions. [...]

Migrante International and the Hong Kong-based Asia Pacific Migrant Mission (APMM) said the adoption of the C189 is a milestone - a product of long years of hard-fought struggle to secure the rights of domestic workers.

According to Migrante International, in 2010, the number of Filipino domestic workers deployed were 154,535 which accounted for 45 percent of deploys for that year, according to government statistics. Remittances of Filipino domestic workers comprised a significant portion of the overall remittances that support the Philippine economy.

Migrante International chairperson Garry Martinez said the ratification of C189 is just a start and that the struggle to attain equal rights and protection for domestic workers, including migrant domestic workers is still a long way to go.

"The bigger challenge now is how to push other governments, especially migrant-receiving countries, to ratify the Convention and institute national legal frameworks to enforce its provisions," Martinez said.

So far, no major migrant-receiving country has ratified C189.

Martinez also noted that the passage of a local legislation recognizing domestic work as work remains an uphill battle. He noted that the first Kasambahay Bill was proposed 10 years ago, but has yet to be passed into law. In the meantime, in the last decade the number of domestic workers in the country has risen from 1.93 million to 2.5 million. [...]

Senior women's rights researcher at Human Rights Watch Nisha Varia in a statement said that the ratification of the C189 raises hopes that millions of women and girls will have the chance for better working conditions and better lives."

Push for unanimous C189 ratification

The APMM for its part said that the C189 can now be used as a benchmark for protecting the rights of all domestic workers, especially those working abroad. [...]

The APMM official said the Senate concurrence is a sign of the increasing effectivity of migrant organizations and advocates in influencing state policies, which he said has been built up painstakingly over the years in both sending and receiving countries.

[...] Bultron, however, expressed apprehension about the future of C189's implementation, given that "receiving countries have traditionally been slow in ratifying migrant conventions, if they will sign at all." He cited the case of the UN Migrant Workers' Convention, which took effect only 13 years after it was signed in 1990. So far, no major receiving country has signed the said convention.

The migrant rights advocate explained that under ILO rules, conventions can only enter into force twelve months after the formal ratifications of two member-governments have been registered with the ILO Director-General.

"In this case, the Philippine government still needs to 'deposit' the ratification documents to the ILO before its adoption of the Convention can be considered as a registered one," he insisted.

Bultron called on the Philippine government to swiftly harmonize its relevant laws and policies with those of the Convention. "This is especially urgent with regard to its unconscionable exaction of fees from OFWs, which creates ideal conditions for debt bondage and increases the suffering of foreign domestic workers and other migrants," he said.

The APMM head also urged foreign domestic workers (FDWs) everywhere to get organized to be more effective in pushing not only for further country-ratifications of C189, but also for concrete gains in their economic welfare and political rights. "Based on the experience of the Asia Pacific migrant movement, it is only through the organized efforts of foreign domestic workers, in unity with other migrants and sectors, that their rights can be protected in the long term," Bultron said.

Urgent Action Karapatan, 08.08.2012

Village Chief, child killed by suspected death squads

In the afternoon of August 7, Merlyn Bermas was on her way home from the market at the Labo town center. She and other residents of Malaya village were on board two "haulers," a motorcycle with a sidecar with no roof, which is the mode of

transportation for villagers in far-flung communities.

Riding the "hauler" or the sidecar was the four-year-old boy Gerald Oreza, who sat beside farmer Cenon Maulion, while



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Gerald's mother was on the motorcycle behind the driver, with Merlyn sitting at the rear end. On board the second hauler were four other Malaya residents.

When they reached Anameam village, at around 3:30 pm, a motorcycle with two men on board went past the second hauler, and positioned itself between the two haulers, just behind Merlyn. A passenger of the second hauler saw one of the motorcycle riders pulled out a gun. "They're going to shoot you!" she shouted to warn Merlyn and the other passengers of the first hauler.

The gunman fired twice, hitting Merlyn in the back, and four-year-old Gerald in the head. The gunman fired for a third time, grazing Cenon in the back. As the gunmen fled, a second motorcycle, with two men on board, followed, speeding past the two haulers. Merlyn's companions brought her and Gerald to the Camarines Norte Provincial Hospital in Talobatib village, Labo, where she was declared dead. Gerald was transferred to the Bicol Medical Center in Naga City where he later transpired. Cenon was grazed by a bullet on his back.

The Philippine Star, 13.08.2012

Basilan poll officer slain

By Roel Pareño

The election officer of Isabela City, the capital of Basilan, was shot dead by motorcycle-riding men in Lamitan City, also in the island province, last Saturday afternoon, police said.

The victim, Daryll Arevalo Kinazo, 45, was on his way home aboard a motorcycle after supervising the voter's registration for persons with disabilities when he was fired at in Barangay Bal-

Bulatlat.com, 25.08.2012

Farmers from Quezon province leave homes as soldiers terrorize villages

By RONALYN V. OLEA

MANILA - In a far-flung village in San Francisco, Quezon province, nine soldiers in uniform barged into the house of Linda (not her real name) at around five o'clock in the morning. The men, brandishing their high-powered rifles, asked the 51-year-old farmer where her husband was. When she said her husband was not home, the soldiers did not believe her and they threw invectives at her.

Her husband, Arthur, went out early to buy rice, coffee and other basic commodities. When he arrived home, five of the soldiers led him to the coconut trees a few meters away from their house. "The soldiers told me to surrender my 45 caliber gun to them. I told them I have no firearms," Arthur told Bulatlat.com in an interview. "They said I was lying and then they beat me up."

Linda said the remaining soldiers searched their house for firearms. They found none but the soldiers stayed for three hours.

The scene seemed like from the martial law years but it happened just recently.

"Since then, I have never been at ease," Linda confessed. Arthur was let go only after the soldiers took photographs of him. The incident last June 5 forced Linda and Arthur to leave their home and their crops.

Tagging along their daughter and six grandchildren ranging from three months to three years old, they went to Pasig City and for one month, they lived in a barracks built for construction workers. Two of their sons are working there. They returned to their home and left again for fear of their safety.

Linda's family has joined five other peasant families who forcibly evacuated from their homes due to a man-made disaster called militarization. They are now under the custody of the

The witnesses said they did not see the faces of the perpetrators: the two drivers of the motorcycles wore helmets, while the passengers, one of whom was the hitman, wore ski masks. They also wore long-sleeved shirts and gloves. The hitman's motorcycle had no plate number, instead only a "For Registration" sign. The second motorcycle's plate number was covered by a black jacket that was tied at the waist of the passenger.

As Malaya village chair, Merlyn helped in exposing the Feb. 25, 2012 massacre in her community, where farmer Benjamin Mancera was killed, along with his two sons, Michael, 10 and Richard, 7 years old, and Mancera's 14-year-old daughter was wounded when 49th Infantry Battalion soldiers strafed their hut. Merlyn also assisted the surviving members of the Mancera family who had to find a sanctuary due to threats to their lives.

Merlyn's daughter recounted that a year ago, her mother had received death threats from suspected military agents on her cellphone, alleging that she was a New People's Army member, and threatening that they will kill her.

uno, Lamitan City.

Superintendent Allan Nazarro, Isabela City police chief, said they were probing several angles in the killing, including Kinazo's former stint as election officer of Sumisip and Al-Barka towns where he handled cases of poll rivalry.

Save Bondoc Peninsula Movement, a network of organizations and individuals demanding the pullout of military forces in South Quezon. The Armed Forces of the Philippines (AFP) has put up 50 camps and detachments, the largest military concentration since martial law years, according to human rights groups.

Orly Marcellana, spokesman of the Save Bondoc Peninsula Movement, said the military considers South Quezon as among the priority areas in the Aquino administration's counterinsurgency program Oplan Bayanihan.

"Instead of going after the New People's Army [NPA] however, the soldiers are harassing civilians, mostly farmers," Marcellana said in a press conference in Quezon City, August 24.

This sentiment is shared by 53-year-old farmer Elsa (not her real name) from San Jose village, Macalelon, Quezon.

On August 2, Elsa's son, Tony, 27, went out of the house to buy some goods from a nearby store. Tony was chanced upon by more than ten soldiers. The men were without nameplates in their fatigue uniforms and armed with high-powered rifles. They called out Tony and the young man obeyed.

"They asked me where the NPAs are. I told them I don't know," Tony told Bulatlat.com. Tony was then blindfolded, his hands were tied behind his back.

"They aimed a bolo at my neck. They took off my shirt and hit me with the butt of a rifle," Tony related. For hours, the soldiers dragged Tony until they reached the next village.

His father, Edwin (not his real name), said they were relieved that a neighbor saw Tony and took the young man home. Tony was diagnosed with mental retardation.

"I could not believe that the soldiers did it to him. They would



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even cook inside our house and I would sometimes give them food," Elsa said. "I thought my husband and my son were safe while they work on our farm; I was mistaken."

Two days after the incident, the couple went to the local police to report the incident. They also talked to Macalelon Mayor Liwayway Tan to complain about the incident. Elsa said a certain Capt. Fulgencio and another soldier went to the police station on the same day and denied that their men did it.

Edwin said they are very certain about the identity of the perpetrators. He said that elements of the 85th Infantry Battalion have been roaming in their communities since March this year. "Our community was peaceful before they came," he said.

Elsa said there were many instances where drunken soldiers beat up young men in their village.

The couple and their son Tony left for Manila on August 4. They left behind their two children at their house in the town center. Nobody tends to their two-and-a-half hectare of land planted with coffee, cotton, banana and coconut trees. Edwin said they have lost the opportunity to earn P10,000 (\$238) from their copra.

Life as evacuees is difficult, Elsa said. She had a fever yesterday.

Press Statement Karapatan, 16.08.2012

Karapatan Congress delegates harassed

Around 2PM this afternoon, human rights workers who attended the Karapatan 4th National Congress aboard a bus from Tagaytay City to Manila were arbitrarily stopped and held by the Philippine National Police (PNP)-Cavite along Tagaytay Road in Silang, in front of the PNP Academy.

Cristina Palabay, Karapatan's newly-elected Secretary General, said, "This is sheer harassment. The four-man team were not able to show us any written order nor give a reason, valid or not, why they stopped us. They insisted they only received orders to stop us but had to ask their headquarters for the reason why. They were even armed with M16 rifles."

While the police team was calling the headquarters through a handheld radio, Karapatan members said they heard a man's voice at the other end saying 'member ng Karapatan ang sakay

They have been moving from one place to another, carrying only their clothes, sleeping mats and a few other personal belongings.

Linda feels the same. One of her grandchildren contracted a cough. The other just recovered from loose bowel movement.

The evacuees dream of returning home.

"We hope the soldiers would leave soon so we can go back to our place," Elsa said.

The Save Bondoc Peninsula Movement already filed a complaint before the Commission on Human Rights (CHR) in May. No action has been done yet, Marcellana said.

Marcellana said they had a dialogue with Manila Auxiliary Bishop Broderick Pabillo of the Catholic Church's National Secretariat for Social Action, Justice and Peace (Nassa). He said Bishop Pabillo agreed to facilitate a dialogue between the farmers and the military.

The group will also call for an investigation on the human rights violations in South Quezon.

"The soldiers must respect the rights of civilians at all times. They should stop violating human rights and international humanitarian law," Marcellana said.

d'yan!' Bigyan ng feedback si ano,... CPDO at siya ang nagbigay ng instruction sa atin." (Italicized text taken from video transcript.)

Palabay added that, "at one point in the negotiation, we heard another order again through the radio that said '...boarded are Karapatan members... investigate them and take pictures or video references.'" (Italicized text taken from video transcript.)

The four policemen were with family names Sanchez, Alcaraz, Nolasco and Manalo.

Karapatan is set to file charges against the Cavite PNP for the incident. The 28 Karapatan members were held for 30 minutes. Ten minutes earlier, Karapatan members observed a mobile car of the Quezon City Police Department at Rowena's, a bakeshop in the area.

MindaNews, 16.08.2012

HR groups call for Tulawie's release after SC ruling on Sulu's state of emergency, paramilitary

By Carolyn O. Arguillas

Human rights advocates are calling for the immediate release of human rights activist Temogen "Cocoy" Tulawie and the disbandment of Sulu's Civilian Emergency Force (CEF) following his receipt this week of a copy of the Supreme Court decision declaring as unconstitutional Governor Abdusakur Tan's March 2009 declaration of a state of emergency in Sulu and the establishment of the CEF.

Tulawie is presently detained at the Maa jail here since mid-January, awaiting trial for his alleged involvement in the May 2009 bombing in Patikul, Sulu that injured 12 persons, including Governor Tan, an allegation he denied. A month before the bombing, Tulawie and other colleagues questioned in a petition before the Supreme Court Tan's declaration of a state of emergency and his calling on the police, military and the CEF which he described as "private army" and which he blamed for the series of warrantless arrests of civilians suspected to be Abu Sayyaf members.

The Supreme Court granted the April 16, 2009 petition for certiorari and prohibition filed by Tulawie, Jamar M. Kulayan, Hadji Mohammad Yusop Ismi, Ahajan Awadi, and SPO1 Sattal H. Jadjuli, residents of Patikul, Sulu, which claimed that Tan's declaration of a state of emergency was issued "with grave

abuse of discretion amounting to lack or excess of jurisdiction, as it threatened fundamental freedoms guaranteed under Article III of the 1987 Constitution."

In a decision dated July 3, released on July 18 but which Tulawie's lawyers received over the weekend, the Supreme Court said Tan "exceeded his authority" when he issued Proclamation No. 1 declaring a state of emergency in Sulu and calling out the military and police and the CEF, a group of armed male civilians coming from different municipalities.

The 25-page decision penned by Associate Justice Ma. Lourdes Sereno said the "calling out" powers contemplated under the Constitution is "exclusive to the President" and declared the Proclamation and its implementing guidelines "null and void for having been issued in grave abuse of discretion, amounting to lack or excess of jurisdiction"

Tan issued Proclamation No. 1 on March 31, 2009, citing the January 15 kidnapping of three members of the International Committee of the Red Cross - a Swiss national, an Italian and a Filipino - as a ground for the declaration of a state of emergency.

It described the kidnapping as a "terrorist act" and invoked



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Section 465 of the Local Government Code of 1991 (R.A. 7160), which bestows on the Provincial Governor the power to carry out emergency measures during man-made and natural disasters and calamities, and to call upon the appropriate national law enforcement agencies to suppress disorder and lawless violence.

In the same proclamation, Tan called on the Philippine National Police, with the assistance of the Armed Forces of the Philippines and the CEF to set up checkpoints and chokepoints, conduct general search and seizures including arrests, and other actions necessary to ensure public safety.

The Supreme Court cited deliberations of the 1986 Constitutional Commission on the issue of dismantling private armies and paramilitary groups and noted that the Constitution "does not authorize the organization of private armed groups similar to the CEF convened by the respondent Governor."

The Court ordered Tan and the other respondents to "desist from further proceedings in implementing Proclamation No. 1, Series of 2009, and its Implementing Guidelines."

Tan's reaction

Tan told MindaNews in a text message Tuesday that the decision was "moot and academic... It (CEF) was never formally organized and implemented. Rule of law and respect for human rights have always been the name of the game."

The Supreme Court decision, however, noted that the organization of the CEF was embodied in a "Memorandum of Understanding" entered into by the Provincial Government of Sulu, represented by Tan, the Armed Forces of the Philippines represented by Brig. Gen. Juancho Saban and the Philippine National Police represented by Supt. Bienvenido Latag, the Police Deputy Director for Operations of the Autonomous Region of Muslim Mindanao (ARMM).

Business World, 20.08.2012

Victims still crying for justice

By Romer S. Sarmiento

GENERAL SANTOS -- A thousand days after, the Ampatuan massacre remains a nightmare to family members and relatives of slain media workers, with concerns ranging from slow progress of the case to providing educational assistance to the victims' children.

"There are still nights when I break down because I remember what happened to my brother. If I cry, I turn away and don't show them to my family," said Ric Cachuela, immediate past president of the Justice Now Movement, which groups the victims' relatives.

Mr. Cachuela, brother of Hannibal Cachuela of local daily Punto News, was among the estimated 50 people who flocked to the Forest Lake Memorial Park in this city on Sunday to mark the 1,000th day after the carnage.

While he has yet to testify in court, Mr. Cachuela told the crowd he hopes "that one of the Ampatuans could be handed a verdict by September" at the rate things are going. Leaders of the Ampatuan clan, political kingpins in Maguindanao during the Arroyo administration, were tagged as masterminds of the gruesome murder.

The families of at least 40 of the 58 massacred individuals have already been presented to the court by the prosecution panel.

Oliver Cablitas, husband of Maritess Cablitas of New Focus, also noted unresolved issues that continue to haunt them.

"We have not moved on because justice remains elusive," he said.

Mr. Cablitas stressed justice can be hastened if only the administration adopts the same zeal to oust then Supreme Court Jus-

The Court said the Memorandum, which was labeled 'secret' on its all pages, also outlined the responsibilities of each of the party signatories

Tan had, through his lawyers, questioned the petitioners' move in raising the issue before the Supreme Court, citing the hierarchy of the courts. But the Supreme Court said the rule is "not without exception" and that the petition raised "constitutional questions of transcendental importance to the public."

In a statement, the Free Cocoy Tulawie Movement, a coalition of 22 organizations, said the Supreme Court ruling is "clearly a vindication for our fellow human rights defender, Cocoy Tulawie, who is now detained at the Maa Davao City Jail for charges of allegedly masterminding an assassination plot against Governor Sakur Tan." The group said Tulawie should be released immediately.

"Indeed, (these) trumped up charges are false, malicious and meant to silence Cocoy Tulawie and cripple his work as a human rights defender. Human rights workers like him are supposed to be protected instead of being 'punished' and 'criminalized' for daring to challenge the unbridled use of power by the Governor of Sulu," it said.

Tulawie is a member of the Consortium of Bangsamoro Civil Society and Bawbug where he documented cases of human rights violations in the province of Sulu. He is also a member of the Council of Elders of the Concerned Citizens of Sulu.

The Supreme Court had earlier granted Tulawie's petition to transfer the hearings from Sulu to Davao City but Tan petitioned the Supreme Court to move the hearings to Manila instead.

Tulawie's petition for bail will be heard by the Regional Trial Court here on September 19 to 21.

tice Renato C. Corona and indict former president Gloria Macapagal-Arroyo, now a Pampanga congressman. Mr. Corona was unseated by the Senate for the constitutional offense of betraying public trust, while Mrs. Arroyo is facing poll sabotage and graft cases.

"I believe that with the powers of the government, there are many ways so justice would be delivered to us," he said.

At least 196 people have been accused in the worst pre-election related violence in the country and the single largest attack against media workers anywhere else. Of the number, 95 have been detained at Camp Bagong Diwa in Bicutan, Taguig City.

The inmates include former Maguindanao governor Andal S. Ampatuan, Sr.; Zaldy U. Ampatuan, former governor of the Autonomous Region in Muslim Mindanao; Andal U. Ampatuan, Jr., former mayor of Datu Unsay town; Sajid Islam Ampatuan, former Maguindanao vice-governor; Akmad "Tato" Ampatuan, Sr., former Mamasapano mayor; Anwar Ampatuan, Sr., former Shariff Aguak mayor; and Anwar "Ipi" Ampatuan, Jr.

Emily Lopez, president of Justice Now Movement, updated the family members on the status of the case pending before the sala of Quezon City Regional Trial Court Branch 221 Judge Jocelyn Solis-Reyes.

Of the seven Ampatuans in detention, only Andal Sr. and Andal Jr. have been arraigned. Citing information from a member of the prosecution panel, Ms. Lopez said that all Ampatuans have filed petitions for bail except Zaldy and Anwar, Jr.

Zaldy's petition at the Supreme Court (SC) to drop him as a suspect has been denied. He has appealed the decision. Akmad



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has also filed a petition before the SC after the Court of Appeals affirmed the filing of criminal cases against him.

The prosecution has presented 110 witnesses, including at least 40 private complainants. Of the 95 detained suspects, 76 have been arraigned.

Ms. Lopez said that Ms. Reyes has set hearings four times a week; Monday for motions, Tuesday for public complainants, and Wednesday/Thursdays for prosecution of evidence against bail and for trial on merits.

"But the continuing flood of motions continue and the judge has yet to resolve at least 60 motions, including defense motions to block 10 to 15 prosecution witnesses from testifying," said Ms. Lopez, quoting from the prosecution panel.

As the family members and relatives of the Ampatuan massacre

victims continue to cry for justice, they also worry about the assistance they are receiving for the education of the children. Glenna Legarta, wife of Bienvenido Legarta of Periodico Ini, said she received a notice that the educational assistance from Bantay Bata 163 of ABS-CBN Broadcasting Corp. will only be good until the current school year.

She is left with three children -- Unice in high school and Cameron and Kenneth, both in elementary.

"Life has been really hard. I don't know where to get the money to send them to school," she said.

Glenna said President Benigno S. C. Aquino III has extended financial help but this has yet to trickle down to all surviving family members. Other private groups have pledged to help but has yet to materialize, she added.

Philippine Star, 12.08.2012

SC monitors slain Negros judge's case

By Danny Dangcalan

The Supreme Court (SC) is closely monitoring the progress of the case of slain Kabankalan regional trial court (RTC) Judge Henry Arles, court administrator Jose Midas Marquez said yesterday.

Marquez said they are waiting for the resolution of the Department of Justice (DOJ).

The judge's sons, Philip and lawyer Albert, have filed murder charges against Ilog Mayor John Paul Alvarez and nine others with the DOJ last July 27.

The mayor and his family have denied the charges, saying it is politically motivated.

Lawyer Francisco Britanico, brother-in-law of Arles, said they received information that the DOJ failed to issue a subpoena against Alvarez the past week due to the floods.

Marquez earlier announced a reward of P200,000 from the Philippine Judges Foundation for the arrest of Arles' killers.

The Arles family also offered a reward of P1 million. They likewise asked the help of President Aquino for the speedy resolution of the case.

Arles was gunned down while on his way home to Ilog town, Negros Occidental last April 24.

Meanwhile, Britanico said new witnesses have volunteered to give additional information and provide evidence to solve the case.

"We are confident that their information would be able to strengthen the case against Mayor Alvarez and the other accused," he said.

Bulatlat.com, 24.08.2012

Kin of missing activist slam military for providing misleading info

RONALYN V. OLEA

"James Balao is already dead."

This was the message received by Winston, James's brother, on August 19, at around 8:20 a.m. from mobile number +639993031078. James has been missing since September 17, 2008 when alleged state security forces forcibly took him along a busy street in La Trinidad, Benguet.

The news turned out to be a sham.

When James' siblings inquired about the details of the circumstances of the incident and whereabouts of their brother, the person did not reply at first and then could not give information on James. Later that day, the Balao family called the same number, and a man who answered the phone introduced himself as Sgt. Maganto who claimed to be an officer of the Philippine National Police (PNP) Cordillera Quirino province. The man said James Balao and three other members of the New People's Army (NPA) were killed in an encounter and that they have the bodies of the four. He further claimed that James was identified through an identification card inside his wallet. This certain Sgt. Maganto, however, did not provide information on how to retrieve the body of James.

Members of the Cordillera Human Rights Alliance (CHRA) tried calling the number but the calls were not answered. Beverly Longid, former chairwoman of the Cordillera Peoples Alliance (CPA) and current president of the Katribu Partylist, called the chief of police in Quirino province and was told that there is no police officer by the name of Maganto. The police also said that there was no encounter with the NPA, and that they had no

information on the whereabouts of James Balao. [...]

The CHRA deemed that the move is "a lame attempt to establish the storyline spun by the Armed Forces of the Philippines (AFP) and the PNP that James Balao is not a victim of enforced disappearance but has joined the New People's Army (NPA)."

"We condemn this ploy that is not just meant to inflict further emotional distress to the Balao family but is also an attempt of State security agents to escape accountability for their actions and do away with their responsibility of conducting a thorough investigation of the case," the CHRA said.

The group reiterated that James is not a member of the NPA. [...] Lorena Santos, deputy secretary general of Desaparecidos (Families of the Disappeared) said this is not the first time that state security agents did this to relatives of victims of enforced disappearances. She recalled that during the Commission on Human Rights (CHR) hearing on the case of Jonas Burgos in 2007, the accused AFP officers also claimed that Jonas was a member of the NPA and that his 'rebel' colleagues were the ones who abducted him.

The CHRA said, "Instead of these cheap tactics to muddle the case, the Aquino administration and his state security agents should provide us the true information about James and sincerely search for him until he is found."

The Balao family wrote to PNP Regional Director Benjamin Magalong and to Lt. General Jessie Dellosa, chief of staff of the AFP regarding the incident. The family and the CHRA called for a thorough investigation on the incident



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"The search for him has been very difficult but we will persist. We will resolutely clamor to surface James and to attain justice not only for him but for all the victims of human rights violations," the CHRA said.

"James abductors are desperate to end the long standing search

for James but no amount of lies can stop the families of the disappeared from searching for their missing loved one. Families will only stop when the missing is finally found," Santos said.

MindaNews, 13.08.2012

Maguindanao clashes displace 39,000 people

By Froilan Gallardo

COTABATO CITY — Clashes between a breakaway Moro rebel group and the military along the Cotabato-Isulan highway have forced at least 39,000 people to leave their homes in Maguindanao, the National Disaster Risk Reduction Management Council said Saturday.

The NDRRMC said the fighting has also caused the suspension of classes in 16 schools, affecting some 10,000 students and 260 teachers.

Unidentified men also torched 22 houses in barangays Meta, Iganagampong and Maitumaig in Datu Unsay town, one of the hardest hit in the clashes between government troops and the Bangsamoro Islamic Freedom Fighters (BIFF).

BIFF gunmen had tried to capture the highway and set off bombs since Sunday last week in a rampage that had left five soldiers and policemen dead and three others wounded, according to the NDRRMC.

The clashes also caused trauma among residents, even those who are no strangers to evacuation having been displaced in the past.

"These clashes are scarier than the earlier conflicts we experienced in the past. The BIFF is different. They are more fanatic," Kagawad Roder Apenida of Barangay Saniag, Ampatuan town, said.

Apenida said the barking of dogs was the first indication that the rebels had descended on their barangay at about 4am last Monday.

He said the rebels moved silently, knocking on the doors of their houses, and asking all the men to gather at the village center near the flagpole.

He said all of them complied and went to the village center where they found more gunmen. He said all of the men were gathered by 6am.

"One of the rebels produced a copy of the Holy Book of Koran and started lecturing us why they came to the village," Apenida, a Teduray, narrated.

"We were not scared at first because they assured us that we will not be harmed. That it was not their way to harm innocent civilians," he added.

He said he even befriended one of the rebels, a short fellow who carried an M1 Garand rifle and a small Koran.

But Moro women whose husbands also joined the other men at the village center sensed something that alarmed them.

"I realized that there was something wrong because all of our men were gathered at the village center. This did not happen

when our village was also attacked by other rebels," Norlana Simpal said.

Simpal said her fears came true when she saw several gunmen entered the five sari-sari stores in their village and took out all of the Tanduay bottles they could find.

She said the rebels brought all of the bottles and in front of the men, shattered them to pieces.

"They told the men drinking Tanduay is not permitted in their group," she said.

Not contented, the rebels went around the village and tore down a billiard hall and a videoke bar. Like they did to the Tanduay bottles, they destroyed the billiard balls and the videoke machine, Simpal said.

"They used bolos to hack the billiard balls and used axes to destroy the video machines," she narrated.

She added the rebels then took all the mobile phones owned by her neighbors.

The seizure of the mobile phones and the sight of the rebels destroying the rum bottles, billiard balls and videoke machine sent a chilling effect among the residents.

Apenida said they realized that the rebels were not telling the truth and they could be harmed.

"They said they will not take anything from us but they took away our phones and destroyed our things," he said.

He said the rebels then asked them not to leave and all of the residents stayed until 4pm.

In the afternoon, Apenida said he went to the leader of the rebels and told them that the villagers were in danger of being caught in a crossfire if soldiers would come and try to recapture Saniag.

"I was surprised that the rebel leader allowed us to leave after conferring with somebody on the radio," he said, adding they arrived at the town center of Ampatuan at about 6pm after walking four kilometers.

Simpal, who has been an evacuee since the 90s when she was still a child, said last Monday's evacuation was very tiring for her.

"I am already a mother of four. I am not young anymore. My children all help carry our possession and we have to walk all the way because we do not have a carabao," she said.

"I was hoping that my children will not experience fleeing for safety every time there will be clashes. But they already tasted the kind of life I have last Monday," she said.

MindaNews, 11.08.2012

Peace Spoilers wont succeed

By Carolyn O. Arguillas

The Philippine government (GPH) and the Moro Islamic Liberation Front (MILF) today (Saturday) denounced the "senseless attacks" of the Bangsamoro Islamic Freedom Fighters (BIFF) and the "violent acts of lawless elements in several areas in Mindanao" and vowed to "work together to ensure that these (peace) spoilers will not succeed."

"The GPH and MILF denounce these aggressions or dirty spoiling by groups who will do everything to derail the peace process," the panels said in a Joint Statement signed shortly before

noon today at the State Room of the Palace of the Golden Horses hotel.

The panels said they will work together to ensure the spoilers will not succeed "as the parties continue to push forward to bring just and lasting peace to our peoples and communities."

In deference to Ramadan, the panels and their technical working groups (TWGs) held morning sessions only on August 7, 8 and 9, took a break on Friday the 10th and resumed on Saturday.

As usual, the Joint Statement was carefully worded. It said the

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panels have made "progress in the discussion on a framework agreement" that both GPH panel chair Marvic Leonen and MILF peace panel chair Mohagher Iqbal had repeatedly said they hope to sign soonest.

In a bid to speed up the process, the panels will meet again in late August after consultations with their respective principals on the issues that have yet to reach a consensus.

This is the first time the panels are scheduling a second meeting within the same month.

TWGs on Wealth-Sharing and Power-Sharing, which met for the first time here this week, "discussed and reached consensus on some issues on power sharing and revenue generation and wealth sharing arrangements."

The Statement did not indicate what the consensus points are.

Present in today's signing were Presidential Adviser on the Peace Process Teresita Quintos-Deles and Mujiv Hataman, OIC Governor of the Autonomous Region in Muslim Mindanao (ARMM), observer and consultant, respectively of the government peace panel.

Hataman is serving as OIC until noon of June 30, 2013, when the elected officials of the ARMM take over. The incoming elected officials will be the last for the ARMM. Under the GPH-MILF Agreement on the Decision Points on Principles on April 24, the two panels will, among others, work for the creation of a "new autonomous political entity" that will replace the ARMM. The new entity, according to the same Agreement, "shall have a ministerial form of government."

Malaysian facilitator Tengku Dato' Ab Ghafar Tengku Mohamed on Thursday summed up the first three days of the talks, thus: the panels are "on the same paragraph now, but it's still a long paragraph."

At the end of the talks on July 18, Tengku told MindaNews that the two panels were still on the same page but were moving closer to the same paragraph.

Backdrop of violence

The August 7 to 11 negotiations were set against a backdrop of gunfire and some 20,000 residents in Maguindanao and North Cotabato displaced in the aftermath of the BIFF's simultaneous attacks on military detachments at around 11:30 p.m. Sunday, August 5.

On August 8, three soldiers and two civilians, including a ten-year old boy, were killed while 30 others, mostly students, were wounded when gunmen believed to be members of a private

armed group attacked an Army patrol inside the state-run Mindanao State University in Marawi City.

The BIFF and Marawi attacks triggered comments about an alleged war in Mindanao, prompting OIC ARMM Governor Mujiv Hataman to appeal to the public to "please double check facts before posting on social media. Let us not cause undue panic which may hamper government operations. Let us be part of the solution and not cause further trouble."

In their opening statements on August 8, both GPH peace panel chair Leonen and MILF peace panel chair Iqbal said the BIFF attacks had even strengthened their resolve to forge a peace agreement soonest.

"These incidents serve no other purpose than to strengthen our resolve to find a credible, workable and just political settlement with the MILF. The sooner we craft our agreements, the sooner we will also be able to fully unmask those groups who do not do justice to the many sacrifices of the many to find a just solution to the Bangsamoro question," Leonen said in his opening statement.

"The sooner we craft our agreements, the sooner we will be able to do our joint advocacies so that our partnership can effectively deliver on our mutual promises," he added.

In his opening statement, Iqbal said the BIFF's intention "is clearly to shame us and to stop the peace negotiation. But will they succeed? It depends on the MILF and the government. If we are not decided to settle the Moro Question and the armed conflict in Mindanao, then we become their first casualty and their laughing stock."

The BIFF, a breakaway group from the MILF, was founded by Ustadz Amiril Umra Kato, former commander of the MILF's 105th Base Command who resigned in December 2009 and set up the BIFF in March 2010.

The MILF Central Committee on September 22, 2011 expelled Kato after a series of dialogues with him failed.

In November 2011, Kato was reported to have suffered a stroke and that he allegedly died. Abumisry Mama, BIFF spokesperson said in late November that Kato was "still recovering from poor health but we can assure you he is alive."

The media-savvy Kato, however, has neither made any public appearance nor granted any interview even if by telephone, since his reported stroke in November. Reports reaching the military said Kato is still alive but is incapacitated.

Philippine Star, 23.08.2012

NCIP chief quits

By Perseus Echeminada

The chairperson of the National Commission on Indigenous Peoples (NCIP) announced her resignation during the commission's meeting last Aug. 16, an official said yesterday.

The official, who declined to be identified because he is not authorized to talk about the matter, said NCIP chairperson Brigida-Zenaida Pawid has also informed the agency's rank-and-file that she has resigned.

"Pawid has resigned both as chairperson and member of the

commission," the official said.

Although Pawid did not cite the reason for her resignation, NCIP sources believe that she has been affected by the executive order on mining issued by President Aquino recently.

The EO would allow mining operations in certain areas, which to Pawid's personal opinion should not be allowed at all.

Prior to her appointment at NCIP, Pawid has been a staunch anti-mining advocate.

Cordillera Peoples' Alliance, 14.08.2012

No such thing as 'responsible large-scale mining'

By KIMBERLIE OLMAYA NGABIT-QUITASOL

The Cordillera Peoples Alliance (CPA) reiterates call for a total mining ban saying that the recent leakage of toxic waste [1] from Philex Mining Corporation's tailings dam 3 during the onslaught of incessant monsoon rains in Luzon is enough proof

that responsible large-scale mining is a myth.

On August 4, Philex Mining Corporation announced that they were able to plug the leak from tailings dam 3 after affected residents of Barangay Ampucao, Itogon, Benguet reported that

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mine wastes were flowing down Agno river. The Mines and Geosciences Bureau (MGB) Cordillera ordered Philex to stop operations pending the repair of the dam. As of press time Philex operations is still on hold.

CPA Chairperson Windel Bolinget in an interview stressed that Philex and other mining firms have been boasting that their tailings containment facilities could withstand any weather condition but the leak of tailings dam 3 says otherwise. He said the collapse of Lepanto Consolidated Mining Company's tailings dam 5A is yet another incident that belies the myth of responsible mining.

"The leakage of Philex dam 3 is a warning especially to government officials to muster enough political will to stop the onslaught of large-scale mining. They should act now before a disaster happens. Should we wait for the collapse of mine tailings dams of Philex and Lepanto before we say enough to mining?" Bolinget asked.

He added that the experience of the people [2] of Itogon with the Benguet Corporation, and the people of Mankayan with Lepanto, give enough lessons and solid proof of how devastating and detrimental large-scale mining is to the environment and to people's lives.

The CPA chairperson reiterated that Benguet Corporation's century-old mine operations ravaged Itogon and the continuing operations of Lepanto resulted in the destruction of rivers and agricultural lands due to toxic waste contamination from the mining operations wastes or mine tailings.

"Let us also not forget the Marcopper mining tragedy in 1996 that killed the Boac River in Marinduque," he added.

The Marcopper mining tragedy is considered to be the most dreadful legacy of large-scale mining in Philippine history.

Bolinget challenged the provincial officials of downstream communities affected by the flowing of mine wastes of Lapanto, Philex and other mining companies in the Cordillera into the Agno and Abra rivers to step up and join the fight against destructive mining. He pointed out that the San Roque Dam serves as a catch basin of toxic wastes that flow down the Agno river. He explained that when the dam releases water just like recently due to incessant rains, contaminated water also flooded adjacent communities of Pangasinan and Tarlac.

In the same manner, he said the recent Philex dam 3 incident

should serve as a wake-up call to downstream communities of Ilocos Sur that serve as repository of toxic wastes.

"Local government units of affected communities should take a more active role in the fight against large-scale mining before it is too late. They should act now before the whole of Central Luzon and Ilocos is covered with mine waste," he stressed.

Bolinget also urged concerned government agencies and officials to make these erring mining firms pay for their crimes. He stressed that the royalties these firms are paying, which are only 1-percent of the total revenues they get out of the country's resources, are not enough to pay for the long-term environmental devastation and damage to people's lives.

"Mining companies should be punished for their crimes against the environment and the people. The government must close down these large mining firms to stop further devastation and give time for impartial investigations," he said.

The CPA chairperson also highlighted the impact of large-scale mining on the current climate change and climate disasters the country and the whole world is facing. He emphasized that the region is identified as among the most vulnerable to climate change and disaster.

He added that the tailings containment areas of these dams were built years back when the problem of climate change was not yet evident. He said it is logical to assume that these tailings dams are not made to withstand the impact of climate change.

"Philex dam 3 was damaged by monsoon rains alone. With the erratic weather brought about by drastic changes in our climate, how can we be sure that the tailings dam will be able to withstand upcoming typhoons?" he stressed.

He further said that should the tailings dam collapse the owners and top officials of these mining companies are not the ones who will suffer. "If only the silt and mine toxic wastes could be directed into the homes of mine firm officials so that they will experience firsthand the devastation their operations cause," he said.

"This is a challenge to government at various levels – to declare a moratorium on mining, scrap the Philippine Mining Act of 1995, EO 79 and all other mining laws [3] that serve the interest of corporate greed and pass the peoples mining bill and reorient the mining industry to be more environment-friendly and adaptive to climate change," he said.

Editors: Brot für die Welt, MISEREOR, Verlag: Brandes & Apsel

New Publication on Land Grabbing (in German): 'Der Große Landraub' von Thomas Kruchem

Der fehlende Zugang der Armen zu Land und die ungesicherten Besitzverhältnisse in vielen Entwicklungsländern beschäftigen uns seit Jahrzehnten. Die Problematik, um die es in diesem Buch geht, ist daher nicht neu. Land war in den armen Ländern schon immer extrem ungleich verteilt, um einen als Erbe ehemals feudaler oder kolonialer Eigentums- und Besitzverhältnisse, zum anderen als Folge der Ausweitung einer exportorientierten Landwirtschaft.

Neu – und besonders besorgniserregend – sind allerdings das heutige Ausmaß der »neuen Landnahme« und die starke Beteiligung ausländischer Investoren. Bis 2008 wurden nach Angaben der Weltbank im Durchschnitt 4 Mio. Hektar Land jährlich durch Großinvestoren, zumeist große ausländische Unternehmen, erworben oder gepachtet. Seitdem haben sich die großen Landübernahmen mit 45 Mio. Hektar pro Jahr mehr als verzehnfacht – Tendenz steigend. Das ist jedes Jahr eine Fläche so groß wie Deutschland und Österreich zusammen.

Große transnationale Konzerne, Finanzspekulant, Regierungen reicher Staaten und nationale Eliten sichern sich riesige Flächen fruchtbaren Lands, um Nahrungsmittel für die eigene Bevölkerung, Futtermittel für Nutztiere oder Energiepflanzen

für Agrotreibstoffe zu produzieren. In der Folge werden unzählige Kleinbauernfamilien vertrieben und verlieren ihre Existenzgrundlage.

Gemeinsam mit unseren Partnerorganisationen unterstützen wir betroffene Bevölkerungsgruppen, vor allem Kleinbauern und Indigene, in ihrem Kampf gegen den Verlust ihres Landes und für einen besseren Schutz ihrer Rechte durch den Staat. In Deutschland und auf internationaler Ebene setzen wir uns in unserer Lobbyarbeit für politische Rahmenbedingungen ein, die Großinvestitionen in Land nach menschenrechtlichen und ökologischen Kriterien regulieren und gegebenenfalls verhindern. Land muss zuerst die Menschen ernähren, die dort leben! Bei uns ist immer noch viel zu wenig bekannt, was der Landraub, - »Land Grabbing« - bedeutet und dass er mit unserem Konsum und unserem Geld zu tun hat.

Thomas Kruchem hat in fünf Ländern recherchiert und dort Menschen besucht, die auf unterschiedliche Weise von Landraub betroffen sind. Er lässt sie zu Wort kommen. Sie haben ihm berichtet, was es bedeutet, das Land zu verlieren, welches die Familien seit Generationen ernährt hat. Er geht der Frage nach, wie man ihre Rechte wahren kann. Die Erkenntnisse, die der

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Autor auf seinen Reisen gewonnen hat, widersprechen der oft zu hörenden Behauptung, dass großflächige Landnahmen und die Ausweitung einer industriellen Agrarwirtschaft einen wichtigen Beitrag zur Nahrungsmittelversorgung der Weltbevölkerung und zur Überwindung des Hungers leisten können. Vielmehr zeigt sich: nur eine bäuerliche und nachhaltige Landwirtschaft, die verantwortlich mit den Ressourcen umgeht, kann die Weltbevölkerung auf Dauer ernähren.

VERAfiles.org, 13.06.2012

VERA Files Series Part 3: For better judiciary, reforms in appointment process needed

This is the final 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 2](#)

Two decades after its creation by the Constitution, the Judicial and Bar Council remains an institution critics say is riddled with “systemic deficiencies” and even defects, and is badly in need of reforms.

While some of the reforms being proposed by lawyers, judges and civil society would require amendments to the 1987 Constitution, others can be implemented with simple policy issuances, especially by the President.

Some of proposed reforms involve altering the composition of the JBC, while others have to do with improving its processes. Still others stress the need to rethink the question who could best appoint the country’s justices and judges in a transparent and competent manner and to ensure their independence.

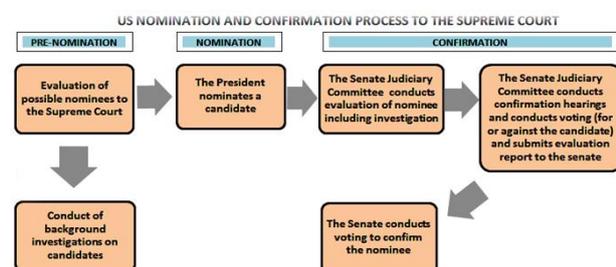
Changing the composition

One proposal repeatedly being made is the call to limit congressional interference by returning to the practice of allotting Congress only one vote in the JBC, in keeping with the provisions of the Constitution.

In his writings, former Supreme Court Chief Justice Artemio Panganiban said, however, a proposal during his time to terminate the arrangement of having two legislators in the council, each with one vote, was eventually abandoned because of what could have become an “adversarial proceeding.”

To further depoliticize the JBC, Panganiban even proposed that the President be entitled to two representatives in the council (the justice secretary and private sector appointee); Congress also to two (a senator and a congressman); and the Supreme Court to four (the Chief Justice and the three others named by the court).

Retired Supreme Court Associate and now JBC executive committee chairman Justice Regino Hermosisima, who counts among the longest-serving regular members, once suggested further expanding the membership of the council to 12 to accommodate more representatives from the Judiciary.



Indeed, larger judicial councils have been the trend in some countries, according to a study by Judge Sandra Oxner of the Commonwealth Judicial Institute of Canada. Another study, by the International Foundation for Electoral Reforms (IFES), meanwhile, reported an emerging international consensus on a broad-based membership for the councils, to include a majority of judges elected by their peers.

But the most successful models of judicial councils, according to

schaft, die verantwortlich mit den Ressourcen umgeht, kann die Weltbevölkerung auf Dauer ernähren.

Das Buch ist u.a. erhältlich im Online-Shop von BfdW: [Link](#)

the IFES study, are those with representation from a combination of State and civil society actors who are given substantial powers.

Former 1986 Constitutional Commission (ConCom) member and now Elections Commissioner Rene Sarmiento suggests at least two more JBC members, to be drawn from public interest and human rights groups.

Sarmiento recalled that shortly after the EDSA People Power revolution in 1986 when the country was under a revolutionary government, members of the judiciary were recommended by a select committee, of which he was a member representing civil society. Sarmiento said the committee was successful because of active civil society members.

Regular members

The selection, appointment and reappointment of the four regular members of the JBC—representing the retired Supreme Court justices, Integrated Bar of the Philippines, private sector and legal academe—have been long-running issues because these are perceived to have made them as vulnerable to politics as members of the judiciary.

Presidential intervention in the appointment of the regular members, as well as the absence of consultation, grates on the very sectors from which the regular members are drawn. Calls have been made to clip the president’s power to appoint the regular members.

The dominant question is whether to retain the setup where the president appoints their representatives or give them a free hand to make their own choices to ensure that the regular members are “truly representative” of their sector. One analyst describes it as a matter of “respecting the demarcations.”

But even proponents acknowledge this is easier said than done, and may boil down to a “slugfest” even for the most organized sector, the IBP, which they said has been wracked by infighting.

In the case of legal academe, law schools have different ways of listing faculty members, and taking a vote on who should represent the sector might end up being lopsided in favor of schools with bloated faculty rosters.

As for the private sector, reaching a consensus on who should represent it may be a complicated process, given the associations that abound.

But proponents are also quick to say that a mechanism on how to choose their representative must and can certainly be worked out by each sector, even if this would take time.

Panganiban, however, feels the President should be stripped entirely of his power to appoint the representatives of the retired justices, IBP and legal academe to strengthen “the anti-political shield of the judiciary.” The three, he said, should instead be appointed by the Supreme Court. His proposal would leave only the representative of the private sector for the President to appoint.

Altering the practice on appointments of representatives to the JBC falls within the powers and prerogative of the President. He or she may simply adopt a policy to appoint only regular mem-

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bers who have been named by their sector.

CA hand in JBC

Panganiban also wants an end to the practice of having all four regular members undergo confirmation by the Commission on Appointments (CA). "(T)he present system has shielded justices and judges from direct congressional interference, but not the four regular JBC members who need CA confirmation," he said.

Restored through the 1987 Constitution, the Commission on Appointment confirms or rejects nominations submitted to it by the President and acts as a restraint on his or her vast appointing power. Although members of the Senate and the House of Representatives make up the 25-member body, the CA is theoretically independent of Congress because it derives its powers directly from the Constitution. In practice, though, the majority of CA members may belong to the political party of the President.

Other court observers do not share Panganiban's view. They say what is needed is for the CA to play a more focal role and rigorously screen nominations to the JBC, beyond the perfunctory and cursory look. And what is needed on the part of judicial watchdogs, especially those from civil society, is to monitor CA proceedings on the nominations of the council's regular members as closely as they watch nominations to the High Court.

Back in 1986, Fr. Joaquin Bernas had explained to fellow Con-Com members the reasons for making regular JBC members go through the CA wringer: "The requirement of confirmation by the Commission on Appointments, which I understand is provided in the proposal for the legislature, will have the effect of a check on the discretion of the President in the appointments of the Council."

Term limits for regular members

While there is disagreement over who should be named to the JBC and how they should be picked and screened, members and monitors of the judiciary alike agree on one thing: the need to impose a term limit on the regular members. The Constitution imposes no limit on how many times a regular member can be given a four-year term.

Immediately upon their appointment or reappointment, some JBC members are said to begin lobbying hard with the Palace, politicians and other stakeholders to ensure they clinch another term. They end up owing the President and those who helped him a debt of gratitude and, at times, are forced to do their bidding. Other reappointees, according to a JBC member, develop "bad habits," like socializing with applicants.

Sarmiento acknowledges that the framers of the Constitution were so focused on restricting the terms for politicians, they overlooked term limits for the JBC members. "We were of the belief that since JBC regular members would not be politicians, there would be no need for term limits," he said.

Sarmiento and many in and out of the judiciary and the legal profession believe a single four-year term for JBC regular members is enough for members to learn the ropes and guarantee their independence and accountability.

The IFES study also recommends an additional measure: The term of council members should not coincide with that of the appointing authority.

As for the "bad habits" that some regular members reportedly develop while in office, Panganiban said the regular members should also strictly observe the judicial code of ethics. "As the full-time vanguards of the judiciary – (they) should, like judges, perform their work with same standard of 'proven competence, integrity, probity and independence,'" he said.

Limiting the terms of regular members can be done through only a policy issuance discontinuing the practice of reappointments. The Commission on Appointments, on the other hand, can agree as a matter of policy not to confirm reappointments.

Policy issuances are, of course, subject to changes of leadership in both the executive and legislative branches. But they could set precedents that may lead to something more permanent, including legislation and even changes in the Constitution.

JBC processes

As a vetting agency, the JBC plays a crucial role in preventing the unqualified from getting appointed to the bench. It is thus imperative for the council to adopt and implement rules that ensure applicants for vacancies in the court meet the criteria stipulated in the Constitution and by the Supreme Court.

Having closely observed the judicial appointment process and engaged the JBC over the years, members of civil society groups like Bantay Katarungan and SCAW are in a good position to identify areas of reform in the way the council operates. Officially, SCAW has written the JBC to propose the following:

Use of a score sheet. Instead of the current system where the JBC votes for and ranks candidates, the score sheet would evaluate candidates on the constitutionally mandated criteria and the rules of the JBC to ensure that only those who meet a predetermined minimum score would be shortlisted.

Live media coverage. Allowing live media coverage would widen the audience for the JBC's public interviews. It would not only "demystify" the JBC process but also contribute to raising the level of public discussion on the appointment process.

Access to information. SCAW has batted for a policy that favors access to information, and clearly and narrowly defines the exceptions to access. "With such a policy in place, the JBC can unburden itself of dealing with mundane and routine information requests, and thus make more efficient use of its time," it said.

Predictability and regularity in setting key dates in the selection process. Saying the retirement dates of justices of the Supreme Court and of the Ombudsman are, like the constellations, known in advance, the consortium has proposed a uniform timetable for the screening process, such as outlining the number of days before a scheduled retirement that nominations would open.

Minimizing the influence of the Supreme Court. SCAW has asked JBC to delete Rule 8, Section 1 that gives "due weight and regard" to recommendees of the Supreme Court. The rule requires the JBC to submit to the Supreme Court a list of the candidates for any vacancy in the court with an executive summary of its evaluation and assessment of each of them and relevant records concerning the candidates "from whom the court may base the selection of its recommendees."

The JBC has also been asked to actively search for nominees, instead of limiting itself to those who apply as it does at present, a task it can do in collaboration with civil society. But an even better process, according to the 2008/2009 Philippine Human Development Report, is for the JBC to do away completely with recommendations it gets from politicians and other interest groups, and instead rely on an independent and diligent search mechanism for qualified candidates.

The Bantay Korte Suprema (BKS), a coalition of individuals and groups that monitored Arroyo's appointments to the High Court, had previously suggested that the council seek the help of the Civil Service Commission in checking the background of applicants. It found the investigations done by the National of Bureau Investigation inadequate.

Just as importantly, the BKS had asked JBC members to explain their votes to the public to generate discussion on the candidates and make known the reasons behind the appointments.

And to assert its independence, the JBC has been urged to spurn Malacanang's request to submit a second shortlist should the President's nominee not appear on the first list transmitted to the Palace.



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The appointing power

Court observers say other options should be explored to guarantee the independence of the court, especially from the executive branch.

Bernas has argued for a return to the 1935 system that requires appointees to pass through the CA, at least for candidates to the Supreme Court and the Court of Appeals. He agrees with the late former senator and fellow ConCom member Francisco Rodrigo who favored the CA choosing pre-martial justices. Bernas recalls how Rodrigo "valiantly" fought, but failed, to restore the 1935 constitutional provision.

"From President Quezon on to Osmeña, Roxas, Quirino, Mag-saysay, Garcia, Macapagal and even Marcos before he declared martial law, the appointments to the Judiciary, especially to the Supreme Court and to the Court of Appeals, were high-class, so much so that we had the highest, the utmost respect for the Judiciary," Rodrigo had said. "Before the declaration of martial law, we regarded the Supreme Court, up to the Concepcion Court, with awe and respect. And so why should we change this now, merely because of what happened during martial law?"

In the end, the Commission on Appointments' greater openness in conducting public hearings and disclosing information and documents is said to be a more transparent process than the JBC. It would be just like the US Senate Justice Committee which confirms appointments made by the American president to its Supreme Court, court observers say.

But political pundits say the U.S. system works because of a strong two-party system that provides checks and balances.

Post-martial law politics in the Philippines, on the other hand, has been characterized by a weak party system.

Other proposals on the appointments of judges and justices range from retaining the President's appointive power but with modifications, to transferring the power entirely to the Supreme Court. Some of the proposals that modify the President's power to appoint include:

- Enacting a law transferring the President's power to appoint members of the lower courts to the Supreme Court, but let the President continue appointing justices to the Court of Appeals and Supreme Court.
- Amending the constitution to empower the JBC to confirm and veto the appointments, so that it takes on a role akin to the CA in the pre-martial years. This is expected to depoliticize appointments as the JBC is, unlike the CA, supposed to be a nonpolitical body.
- Amending the constitution to require the JBC to submit only one name to the President like what the select committee did during the revolutionary government days in 1986, since the President can always give back the list.

A radical proposal would transfer the President's power to appoint members of the judiciary to the Supreme Court sitting en banc.

There is no telling how far the proposed changes to the JBC will go, but there is one thing almost certain about calls to reduce the President's appointing power. No Philippine President would easily give up the powers that make him one of the most powerful presidents in the world.

(This series is adapted from VERA Files' study on the post-Marcos judicial appointment process. VERA Files is put out by veteran journalists taking a deeper look at current issues. Vera is Latin for "true.")