



Action Network Human Rights- Philippines

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HEADLINES & POLITICS

The Philippine Star, 03.04.2013

Group takes Sabah human rights issue to UN

By Edu Punay

MANILA, Philippines - A multisectoral group led by a law professor from the University of the Philippines has sought the intervention of the United Nations in the ongoing Sabah crisis sparked by the incursion of the Sulu sultanate's army in Lahad Datu last February.

Harry Roque Jr. and his group CenterLaw has appealed to the UN Commission for Refugees (UNCR) and UN Commission for Human Rights (UNCHR), both based in Geneva, Switzerland, to intervene in the conflict that he said has resulted in "massive and gross human rights violations committed against Filipino refugees in Sabah by Malaysian agents."

In an urgent appeal, the group urged UNCR commissioner Navanethem Pillay and UNCHR commissioner Antonio Guterre to remind Malaysia to respect the human rights of Filipinos in Sabah as guaranteed under international law.

They also asked the UN to "remind Malaysia that it should provide effective remedies and compensation to the Filipino victims of the massive and gross human rights violations committed against them by Malaysian agents."

They alleged that the Malaysian government violated the rights of Filipino refugees as provided under the Universal Declaration

of Human Rights - specifically rights against discrimination; to life, liberty and security of person; against torture and cruelty; against arbitrary arrest; and to fair trial.

They cited the case of Amira Taradji, a Filipina who fled Sabah after living there for 26 years due to the armed conflict.

Taradji's brother Jumadil was among those killed in the crackdown launched by Malaysian authorities in Filipino communities to flush out the followers of the Sulu sultanate.

At least 1,497 Filipinos have fled Sabah since March 2. Of the number, 288 underwent the process of organized deportation, and the rest through self-deportation.

Roque and his group also submitted to the UN commissions accounts of other refugees who detailed how Malaysian authorities allegedly violated their human rights.

Apart from Roque, Sister Mary John Mananzan of the Association of Major Religious Superiors in the Philippines and other concerned citizens from various sectors also signed the appeal.

Earlier, Roque suggested that the territorial dispute be resolved in international bodies like the International Court of Justice. However, he said the move might require initiative from the governments of the countries involved.

Press Release, 06.04.2013

Rights groups launch Tao Muna-Hindi Mina campaign, urge candidates to prioritize human rights over mining

Members of Civil Society, Faith based organizations and Human Rights Defenders working against destructive mining in the country launched a campaign dubbed as "TAO MUNA-HINDI MINA!" to challenge candidates to take up a 10 point Human Rights Agenda on Mining in time for the election campaign period.

The group aims to popularize the agenda online and offline using social networking sites in order to generate the broadest possible support and endorsement by different sectors at the national and local levels.

<https://www.facebook.com/TaoMunaHindiMina>

"Mining has been in the national agenda for more than a decade. The assumption into office of PNoy gave hope for a policy change in mining. Unfortunately, government continues to aggressively promote mining as revenue-generating industry despite continued and widespread protests by mining-affected communities as well as civil society," said Jaybee Garganera, National Coordinator of Alyansa Tigil Mina (ATM).

"As the electoral campaign period provides an opportunity to propagate the peoples issues and concerns on Mining; human rights, environmental, indigenous peoples and women's groups have come together and developed a 10 Point Human Rights Agenda on Mining. It is a platform to unite all anti-mining groups and individuals during the electoral period. It is an agenda to challenge all candidates to take up and respond to the call for an end to large-scale destructive mining." Emmanuel Amistad, Executive Director of the Task Force Detainees of the Philippines (TFDP).

"Besides urging candidates to commit to the 10 point HR Agenda on Mining, TAO MUNA-HINDI MINA! Campaign is basically an assertion that government as duty bearer should uphold

human rights and protect the environment, and should conduct its affairs consistent with human rights standards and principles," said Max De Mesa, Chairperson of the Philippine Alliance of Human Rights Advocates (PAHRA).

"This will also complement our advocacy for the enactment of the Alternative Minerals Management bill and the scrapping of the Philippine Mining Act of 1995 among the candidates and the voting public especially at areas affected by mining where we will ask them to commit in making it as their priority," the group added.

[...] The group will challenge all candidates to take up and respond to the following 10 point HR Agenda on Mining:

1. SCRAP Mining Act of 1995! Enact AMMB.
2. Stop large scale mining.
3. Respect protect fulfill IP Rights, to self determination (FPIC).
4. Protect women human rights defenders and IP women in mining areas.
5. Stop exploitation of workers in Mining Sites.
6. Protect our environment and right to safe sound and balance ecology.
7. Stop killings! Protect human rights defenders!
8. Stop displacement of rural folks. Protect the right to food, water, housing and access to means of subsistence.
9. Stop militarization and Deployment of investment defense forces.
10. Justice for all victims of mining related HRVs. Stop development aggression!

"The 10 point HR Agenda on Mining will be used to raise awareness in the mining affected areas as voter's platform to register the peoples' aspiration for candidates to reckon with," the group concluded.

Philstar.com, 11.04.2013

Partylist group says 16 children killed over 'Oplan Bayanihan'

MANILA, Philippines - Party-list group Akap Bata on Thursday claimed that 16 children have been killed under the administra-

tion of President Benigno Aquino III since the implementation of "Oplan Bayanihan."



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Akap Bata partylist group Lean Peace Flores said the data is gathered from 2012 up to the present.

Flores said the latest incident of violence against children happened in Mabini, Compostela Valley, allegedly committed by soldiers from the 71st Infantry Battalion who fired upon five kids, one of whom died.

Flores said that the government's counter-insurgency program Oplan Bayanihan is actually targeting "progressive groups, civilians and worse, children."

Inquirer.net, 17.04.2013

De Lima decries dismissal of plunder case vs retired AFP generals

By Tetch Torres-Tupas

MANILA, Philippines—The Office of the Ombudsman missed a once-in-a lifetime opportunity to go after plunderers in the military, Justice Secretary Leila De Lima said Wednesday.

De Lima issued the statement following the Ombudsman's ruling dismissing the criminal complaint against retired Armed Forces chiefs of staffs Generals Diomedio Villanueva, Roy Cimatu and Efren Abu and Major Generals Carlos Garcia and Jacinto Ligot in connection with the alleged misspent P2.3 billion in military funds from 2000 to 2005.

"The Rabusa case is the single biggest military corruption case ever in Philippine history. The wide array of investigative (encompassing fact finding and case build up) should be brought to bear on those responsible," De Lima said in a text message to

Inquirer.net, 23.04.2013

Aquino urged to address roots of armed conflict

MANILA, Philippines - Militant group Bagong Alyansang Makabayan (Bayan) told President Benigno Aquino III to address the country's "roots of conflict" to achieve "lasting peace" rather than dismantling checkpoints by the New People's Army.

"Indeed, rather than making a general statement on dismantling NPA checkpoints, the Aquino [administration] should be more concerned in addressing the root causes of the armed conflict so that a just and lasting peace can be attained," Bayan said.

Bayan issued the statement following the NPA attack on the convoy of Gingoog City Mayor Ruth de Lara Guingona at a makeshift checkpoint in Alatagan village, Misamis Oriental last Sunday.

"The Aquino [administration] has previously placed many obstacles to the resumption of the peace talks, including the refusal to honor previous agreements such as the Hague Joint Declaration and the Joint Agreement on Safety and Immunity Guarantees (Jasig). Even the supposedly faster "special track" for the peace negotiations is not moving due to government disinterest," it added.

Bayan also claimed that the Philippine military was belittling the incident as a case of extortion, rather than looking it as a result of bigger issues that need to be addressed.

"It is not surprising too that the Armed Forces of the Philippines says that the NPA checkpoint was done because of the alleged

Rappler.com, 21.04.2013

PNoy urged to act on Escalante extrajudicial killings

By Gilbert Bayoran

BACOLOD CITY, Philippines - Families of the victims of extrajudicial killings in Escalante City, Negros Occidental called on President Benigno Aquino anew to act on the killings.

About 8,000 residents joined a rally on Saturday, April 20, to demand justice for the victims of extrajudicial killings in the city since 2007.

According to Luke Espiritu, counsel of the victims, such killings have claimed 25 lives in the city.

The group said that the rise in children's' deaths in conflict areas should be blamed on the government's inefficient implementation of laws protecting children such as the Anti Violence Against Women and Children law and Anti- Human Trafficking law.

"The inefficiency of the Aquino government to protect children accounts for rampant cases of crimes against children since 2012 such as kidnapping (56), abduction (11) and trafficking (103)," the group cited.

reporters.

The Ombudsman, in dismissing the case that stemmed from the allegations of former military Budget Officer Colonel George Rabusa, said that even if Rabusa handed the money to the military officials, there was no proof that the money came from converted funds.

"With respect to the Ombudsman, if indeed Rabusa's own testimony and voluminous documentary exhibits were not sufficient enough for a probable cause finding, they should have availed of, or maximized, the use of their case build up mechanisms/powers to strengthen the case, instead of dismissing the case or absolving the respondents at this point," De Lima said.

refusal of Mayor Guingona to pay campaign fees to the NPA. This is meant to make the incident appear as a case of plain extortion, detached from the bigger picture which is the ongoing civil war and the stalled peace negotiations between the GPH and NDFP. The AFP should [stop] using the incident to draw attention away from the many unresolved human rights violations linked to the military, such as the abduction of Jonas Burgos, Karen Empeno and Sherlyn Cadapan and the murder of labor leader Rolando Olalia and his driver Leonor Alay-ay," it added.

Meanwhile, Bayan lauded the NPA for owning up to their actions. "Complaints by the aggrieved parties can be brought directly to the National Democratic Front of the Philippines through the GPH-NDFP Joint Monitoring Committee on the Comprehensive Agreement for Respect for Human Rights and International Humanitarian Law. Mechanisms are in place to ensure that there would be a proper investigation and that there would be accountability for the NPA actions," it said.

Also this year, the NPA conducted an ambush in Negros that left nine people killed, including eight civilians and one policeman. Their attacks on DOLE and Del Monte Plantations in Bukidnon also killed one security personnel. Based on military records, the NPA killed 53 civilians in 2012.



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act?" Damalerio asked.

Police records showed that majority of killings in Escalante, the most recent being the assassination of Police Officer 1 Beijen Tanguan and police asset Joseph Lutrago, were perpetrated by the New People's Army (NPA). Lutrago's brother, Jonathan, who also participated in the rally, claimed that NPA rebels behind the killings are in the payroll of a politician.

Peace advocates in the province also expressed dismay, saying authorities have forgotten the cases.

Impunity

Espiritu said the culture of impunity in Escalante is too much already. "The government has to intervene now, replace the policemen and place Escalante under Comelec control," he added.

The call to place the city under Comelec control is being supported by re-electionist governor Alfredo Marañon Jr. and Escalante mayoral candidate Santiago Barcelona, who were both present in the rally. Barcelona, who is running against reelectionist mayor Melecio Yap, said 18 of the 25 victims of extrajudicial killings in the city were his supporters.

A former mayor himself, Barcelona lost to Yap in the 2010 mayoral race. His wife, Alice, also lost to Yap in the 2007 elections.

Karapatan Press Release, 27.04.2013

Rights group slams appointment of Palparan cohort, Hacienda Luisita massacre co-conspirator

Human rights group Karapatan today deplored the recent assignment of Brig. Gen. Ricardo Visaya as "acting commander" of the 4th Infantry Division of the Philippine Army based in Cagayan de Oro City.

Cristina Palabay, secretary general of Karapatan, said "the installation of Visaya reveals the intent of the Armed Forces of the Philippines to heighten attacks against people's rights, especially in Mindanao. Brig. Gen. Visaya was among Ret. Maj. Gen. Jovito Palparan's cohorts when the military's terror reigned in Central Luzon through Gloria Arroyo's Oplan Bantay Laya. He was former commanding general of the 69th IB-PA responsible for the Hacienda Luisita massacre in November 2004."

[...] Karapatan noted that among the many cases that Visaya is responsible for are:

- The abduction and torture of farmers Raymond and Reynaldo Manalo in February 2006, where elements of the 69th IB-PA, headed by Visaya, are directly involved. The Manalo brothers escaped after more than two years in captivity and are principal witnesses to the abduction, torture and rape of UP students Sherlyn Cadapan and Karen Empeño; The 69th IB-PA is among other military units under Palparan's 7th Infantry Division.
- The massacre and frustrated killing of Hacienda Luisita farmers and farm workers in November 2004, when elements of the Philippine National Police, AFP Northern Luzon Command, 33rd Light Armor Company, and the 69th IB-PA under Visaya fired at striking farmers and farm workers. The workers protested against the unjust labor practices of the Cojuangcos and called for land distribution. Pres. Noynoy Aquino's family owns the vast tracts of lands and, despite the Supreme Court, the land distribution has yet to materialize;
- The massive deployment of soldiers under Visaya's Civil Military Operation (CMO) Battalion in Metro Manila communities from February to September 2007 that result-

ed to numerous cases of threats, harassment and intimidation especially among members and leaders of progressive organizations, as well as partisan campaigning against progressive partylist organizations and recruitment of intelligence agents among the people;

Another rally

On the other hand, supporters of Yap also held on Saturday a prayer rally, just 250 meters away from the rally attended by Marañon and Barcelona.

Yap said he welcomes the charges filed against him. He said he wants to clear his name in the proper forum. At the same time, Yap also warned he would file counter-charges against those who he said fabricated lies about him. His lawyer, Dan Pondevilla, questioned the motive for the filing of charges against Yap. "Why only now, when the election is about to happen?"

Pondevilla added the claims have no basis, and that many killings have already been solved and suspects were charged in court.

[...] In 2011, Yap was stripped of his supervisory power over the local police following allegations that he was sympathetic to the NPA, and because of the killings in the city.

Escalante falls under Category 1 of the Comelec watchlist due to the employment of private armed groups by candidates and intense political rivalries.

ed to numerous cases of threats, harassment and intimidation especially among members and leaders of progressive organizations, as well as partisan campaigning against progressive partylist organizations and recruitment of intelligence agents among the people;

- Threats, harassment and intimidation of DOLE Philippines' farm workers during their union election in February 2011. Visaya headed the 27th IBPA assigned in Polomolok, South Cotabato. Visaya's troops reportedly targeted leaders and members of the incumbent union affiliated with the Kilusang Mayo Uno (KMU);
- Encampment and use of barangay halls, day care centers, chapels, and other civilian facility by troops under 901st IBPA in villages in Albay. Also, Visaya tried to justify the killing and beheading of Albay village councilor Ely Oguis in November 2012 by accusing Oguis as tax collector of the New People's Army (NPA).

Visaya replaced Maj. Gen. Nestor Anonuevo who was reportedly recalled to Camp Aguinaldo following the wounding of Gingoog Mayor Ruth Guingona.

[...] Karapatan said the statements from Pres. Aquino, AFP Chief of Staff Gen. Emmanuel Bautista and Malacañang spokesperson Edwin Lacierda ordering the military to step up offensives against the New People's Army (NPA) and the Communist Party of the Philippines (CPP) are indications of the heightened implementation of Oplan Bayanihan, which had already left 137 victims of extrajudicial killings, 72 victims of torture, 498 cases of illegal arrests, and 30, 260 victims of forced evacuation (Karapatan statistics as of December 2012).

"The installation of both an Oplan Bantay Laya and an Oplan Bayanihan operators to direct the increasing military troops in the area will definitely terrorize the people in Mindanao," concluded Palabay.

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Bulatlat.com, 28.04.2013

A year after SC order, Luisita farmers back in streets

By Ronalyn V. Olea

MANILA — One year after the Supreme Court ordered the distribution of Hacienda Luisita land to farm worker-beneficiaries, not a single parcel of land has been given back to the rightful owners.

This was the main message of the four-day Lakbayan para sa libreng pamamahagi ng lupa sa Asyenda Luisita (Journey for the free distribution of land in Hacienda Luisita) staged by more than 200 farm workers and their supporters.

[...] On April 26, [...] the farm workers reached Manila. [...]

Supporters from various groups joined them in a vigil in front of DAR [Department of Agrarian Reform], April 26.

[...] [Rodel] Mesa [chairman of Alyansa ng Magbubukid sa Asyenda Luisita and secretary general of Unyon ng mga Manggagawa sa Agrikultura (UMA)] said the Cojuangco-Aquinos, after benefiting from the land for more than 50 years, have the gall to demand compensation. [...]

Under the Comprehensive Agrarian Reform Program (CARP) and its extension law, landlords shall be paid 'just compensation.'

Farm worker-beneficiaries, on the other hand, have to pay amortization for a period of 30 years.

In their petition to the high court, the Hacienda Luisita Inc. (HLI) management argued that the valuation of the land must be pegged at P1 million per hectare or \$23.8 thousand.

Based on this valuation, a 0.7 hectare of land would range from P50,000 to P60,000 per year (\$1,190 to \$1,428).

In March, Agrarian Reform Secretary Virgilio delos Reyes said farm workers will not get any land if they will not sign a [promissory note](#) [2].

De los Reyes said DAR personnel will make farm workers sign an "application to purchase" and "farmers' undertaking" of responsibility to develop the land they will receive. The DAR chief added that the farmers would have to state what crops they intend to plant and on which part of the hacienda.

Speaking during a program [...] Joseph Canlas, chairman of Alyansa ng Magbubukid sa Gitnang Luzon slammed the promissory note.

"Why ask the farmworkers to sign a commitment to pay for the land when not a single parcel of land has been distributed?" Canlas said. [...]

What accomplishment?

Meanwhile, Lito Bais, chairman of United Luisita Workers Union (Ulwu), criticized the DAR for flaunting its achievements on

Hacienda Luisita. The agency is mandated to implement the high court's decision.

In a [report](#) [3], delos Reyes said the distribution of land is on track.

"The DAR has not done anything yet," Bais said.

So far, the [DAR released a final list of farm worker-beneficiaries](#) [4]. The Ambala, however, said the DAR "bloomed the number of beneficiaries to 6,212 and included dummies of Cojuangco-Aquinos."

[...] In a previous interview with Bulatlat.com, Bais said these are the persons who signed a compromise agreement with the Cojuangco-Aquinos in August 2010.

The Supreme Court also ordered the Cojuangco-Aquinos to pay the farm workers P1.33 billion (\$32.4 million) from the sale of more than 200 hectares of land in Hacienda Luisita.

The DAR has not selected an auditing firm to implement the decision.

Bais said, however, that the DAR is "obviously favoring an auditing firm linked with the Cojuangco-Aquinos."

The peasant leader was referring to Reyes Tacandong & Co., which is among those who submitted a letter of intent to the DAR. The audit firm's top officials reportedly used to work for SGV & Co. Philippines, which is the auditing firm of HLI.

Meanwhile, Sevillano Luna Jr., secretary general of Anakpawis, said that under CARP, Hacienda Luisita will never be distributed to the farm workers.

Luna said that the provisions of CARP favor the landlords, particularly the rigid process in selecting beneficiaries, valuation of land, among others.

Own version of agrarian reform

"We cannot rely on DAR to implement genuine land reform. We cannot rely on Noynoy Aquino. We must continue implementing our own version of agrarian reform," Bais told his colleagues.

"We must cultivate the land," Bais added.

The farm workers have started cultivating portions of Hacienda Luisita land and planted palay, vegetables and other crops. The bungkalan (cultivation) program of Ambala and Ulwu covers six out of 10 villages of Hacienda Luisita.

Bais said they intend to cover all the villages. By June, the groups are eyeing 1,300 hectares of land to be planted with palay, vegetables and fruits.

By October, Bais said they will plant palay to 500 more hectares of land. [...]

ELECTIONS

Inquirer Visayas, 08.04.2013

Police force of Negros town relieved

By Carla Gomez

BACOLOD CITY — Except for its newly installed acting head, the entire police force of Pulpupandan town in Negros Occidental was relieved on Saturday upon orders of Camp Crame to ensure that the lawmen would not be influenced by politicians.

The move came two weeks after three policemen assigned to the station were relieved for allegedly escorting Pulpupandan Mayor Magdalena Peña, who had challenged the chief of staff of Gov. Alfredo Marañon Jr. to a fistfight at the capitol on March 25.

In a letter to Interior Secretary Manuel Roxas II, Marañon said Peña's challenge to Jose Maria Valencia showed the "temerity and arrogance" of the mayor and his police escorts "to create trouble and instill fear and terror among the populace, simply to advance their election interests."

[...] Camp Crame issued the relief order to the town's 16 policemen several days after Marañon wrote Roxas and asked for

the relief of Senior Supt. Celestino Guara, caretaker of the provincial police, for being "partisan." Guara denied the charge.

Guara caught the ire of the governor after he announced that the killing of PO1 Bejein Tanguan and police asset Joseph Lutrago in Barangay (village) Poblacion in Escalante City, about 500 meters from the police station, was not politically motivated but insurgency related.

Lutrago was a political campaigner of mayoral candidate Santiago Barcelona, who is running against Peña, and the United Negros Alliance, which is headed by Marañon.

Pulpupandan and Escalante are among the 13 towns and cities in Negros Occidental which were placed under the watch list of the Philippine National Police and the Commission on Elections (Comelec) due to their history of election-related incidents, intense political rivalry and the presence of armed men.



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Marañon asked Roxas to direct the Army, in lieu of the PNP, to assist the Comelec in the conduct of the May 13 polls in Pulupandan, Escalante and other hot spots in the province.

The governor, who is running for reelection, also sought the filing of charges against Peña. But the mayor, who is supporting the gubernatorial bid of Vice Gov. Genaro Alvarez Jr., said he

Rappler.com, 26.04.2013

Lanao mayor hurt, 13 killed in ambush

COTABATO, Philippines – Gunmen ambushed the convoy of a Lanao del Norte mayor Thursday night, April 25, killing at least 13 -- including the mayor's daughter and granddaughter -- and wounding 10 others, police and military officials said.

[Mayor Abdulmalik Manamparan](#) of Nunungan, Lanao del Norte survived the ambush but he was wounded and brought to a hospital in Iligan City. His granddaughter died, according to Manamparan himself.

[...] Local military commander Col Ricardo Jalad said a daughter of the mayor was also among the dozen people killed, though the wounded official was apparently unaware of this.

Police initially put the death toll at 12, with at least eight wounded, but Senior Supt Gerardo Rosales, chief of the Lanao del Norte province, later updated the figures on television. The 12 died on the spot while another died later, he said.

The ambush on a remote mountain road near Nunungan town -- staged as the mayor and his party travelled home from a campaign event -- was the latest episode of political violence in the Philippines which will hold elections on May 13.

A running police tally lists 30 deaths from 45 other violent incidents reported since the start of the campaign in February.

[...] Manamparan, of the opposition Nationalist People's Coalition party, is the mayor of the mainly Muslim town of

had not violated the Election Code or any other provisions of the law through the use of the local police.

Guara said the relief of the Pulupandan police force was also approved by the Comelec. They were replaced by troopers of the Public Safety Company of the police provincial office.

Nunungan. He told AFP he had a good idea who was responsible for the attack, but declined to discuss his suspicions.

Clan wars

The predominantly Muslim areas of Mindanao have a reputation for deadly clan wars, sometimes lasting generations. The island is also wracked by insurgencies waged by Muslim and communist rebels.

Manamparan is standing for the lower post of vice-mayor, with his son and namesake running for mayor. The candidate-son was not among the casualties.

Manamparan earlier told a local radio station that he was the target in the attack. "It's a family feud," he said.

Provincial police commander Senior Supt Gerardo Rosales said Manamparan disclosed to them the identities of the perpetrators but refused to divulge further information.

Rosales said all possible exit points in the town have been sealed off. "We have launched a wide manhunt operation against the attackers. We alerted our policemen and military," he said.

[...] The ambush comes 5 days after communist guerrillas attacked the convoy of another mayor, Ruthie Guingona, of Gingoog City, Misamis Oriental. Guingona survived but two of her aides were killed.

INSTITUTIONS

Philippine Daily Inquirer, 07.04.2013

No midnight appointments, Aquino says of new judges

By Michael Lim Ubac

President Benigno Aquino III on Friday disputed reports that branded his naming of 61 judges last week as "midnight appointments" similar to that of impeached Chief Justice Renato Corona's by then President Gloria Macapagal-Arroyo, saying conditions surrounding the two moves were different.

First, Mr. Aquino said, Corona's appointment violated the Constitution since he was appointed by Arroyo during the election period in 2010.

Secondly, he said, he signed the judges' appointments on March 26, three days ahead of the start of the ban on presidential appointments stretching from March 29 to May 13.

"Now, on top of that, there is a letter from the chair of the Comelec (Commission on Elections), and it embodies Comelec Resolution No. 13-0331 dated March 5, 2013," the President said. He added, "It states, basically, that appointments to the judiciary [...] are not covered by the election ban [...]."

[...] He called attention to Article 7, Section 15, of the Constitution, which stated: "Two months immediately before the next presidential elections and up to the end of his term, a President or acting President shall not make appointments, except temporary appointments to the executive positions when continued

vacancies therein will prejudice public service or endanger public safety."

Mr. Aquino said the controlling rule was, "two months before and up to the end of the term" wherein a sitting President could no longer fill vacancies in the government.

"Corona was appointed one week after elections. My [appointments] happened when an election has yet to take place," he said.

[...] The judges have been assigned to municipal and regional trial courts [...].

Mr. Aquino added: "I am not a minister. I have a search committee that acts on the recommendations of the judiciary search [committee]. Well, the JBC (Judicial and Bar Council) sends a list.

"I am given a choice [to pick from] three [nominees] per court." Saying that the nominees were not the result of "hocus pocus," he added, "Of course, we thoroughly study [the list] as much as possible."

He enumerated some of the factors considered in judicial appointments: Grade in the bar examinations, output in terms of decisions as judge and the "crises he/she handled as a lawyer."

ManilaStandardToday.com, 07.04.2013

High court spurs party-list changes

By Maricel Cruz

The Supreme Court ruling widening the scope of the party-list system beyond sectoral groups gave a clear indication that the

enabling law of 1995 should be reviewed to define what a party-list should really mean, lawmakers said on Saturday.



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But Rep. Rafael Mariano hit out at the SC for destroying the original intent and purpose of party-list system—a genuine representation of marginalized sectors in the lawmaking process.

“The SC ruling is a debauchery of the system, favors big political parties and undermines marginalized sectors especially farmers, labor, urban poor and the like,” Mariano said in a text message.

The high court justices said the party-list system should not be exclusive to sectoral groups and must be opened to regional parties and groups and even national political organizations that do not represent marginalized sectors enumerated in the law.

Ifugao Rep. Teddy Baguilat, an administration ally, underscored the need for Congress to revisit the party-list law itself.

“I think the definition of a party-list should be more well defined in the law to avoid conflicting interpretations,” Baguilat told the Manila Standard.

“While we have to respect the SC as the arbiter of defining the intent of law, I personally think that the intention of the party-list system is to democratize political representation to the more marginalized sectors. So I hope to work for amendments in the law in the next Congress,” he added.

CURRENT CASES OF HUMAN RIGHTS VIOLATIONS
MindaNews, 05.04.2013

Boy, 8, killed in alleged strafing in ComVal

By Lorie Ann Cascaro

DAVAO CITY – An 8-year old boy died on Wednesday in an alleged strafing incident a village in Mabini town, Compostela Valley that a human rights group blamed on soldiers.

Karapatan Southern Mindanao identified the victim as Roque Antivo, of Sitio Kidaraan, Barangay Maskareg, who sustained a gunshot wound in his left chest.

The other victims were Jeffrey Hernan, 13, who was wounded in his chin and left shoulder, and Earl John Antivo, 12, who was hit with shrapnel in his left cheek, according to Karapatan’s Hanimay Suazo.

Suazo, who joined a fact-finding mission to the site, said that around 6:30 pm of April 3, 18 elements of the 71st Infantry Battalion Alpha Company led by 2nd Lt. Llorca “indiscriminately fired” at the three children.

She said the victims’ accounts “clearly stated that there was no encounter that happened and they heard only seven shots of gunfire from the military.”

[...] Ka Simon Santiago, director general of the NPA Southern Mindanao’s political department, told MindaNews in a text message on Friday that no encounter occurred between them and the military in Kidaraan on Wednesday.

Philstar.com, 08.04.2013

PNP sacks 3 cops caught beating up man in video

By Camille Diola

MANILA, Philippines - The Philippine National Police (PNP) on Monday relieved three policemen caught physically abusing a civilian in a viral video.

PNP spokesperson Chief Superintendent Generoso Cerbo identified the relieved cops as Police Officers 2 Richelle Antonio, Gerardo Bermudez and Fernando Acosta based in Paniqui, Tarlac.

[...] In the 39-second video, the three policemen are seen beating up an unarmed man.

Cerbo said that Antonio, Bermudez and Acosta have been placed under restricted custody while further investigations are still ongoing.

In the video uploaded on a Facebook page on Sunday, the civil-

ian House Deputy Majority Leader and Marikina Rep. Miro Quimbo also believed that the party-list law must be amended “to reflect the true aspirations of the Constitution’s framers which specifically reserved the party-list system for the poor and the marginalized.”

Maguindanao Rep. Simeon Datumanong and House Assistant Deputy Majority Leader and party list Rep. Sherwin Tugna of Citizens Battle against Corruption (Cibac) supported the SC decision which also urges the Commission on Elections to come up with new guidelines that will govern the accreditation of so-called party-list groups.

“The Constitution did not provide that party-list must be of marginalized sector,” said Datumanong, former justice secretary and an opposition.

Tugna shared a similar view, saying that the SC ruling clarified the intention of the Constitution and the Party-list Law.

“Regardless of the consequential participation of the new groups in the party-list elections, good track record, good and clear platform in case elected in Congress, good campaign strategy and diligence in public service are factors which the marginalized and under-represented sectors can rely on to maintain or increase its representation in Congress,” Tugna said.

He admitted though that the NPA’s Front Guerilla Unit-Front 2 ambushed elements of the 2nd Scout Ranger Battalion at 4pm of April 3 in Candinuyan, Barangay Libudon, Mabini, killing two soldiers.

Col. Angelito de Leon, commander of the 1001st Brigade denied in a phone interview Friday that the government troops fired indiscriminately at civilians.

He said an encounter ensued after the NPA ambushed the Scout Rangers killing two of them and wounding two others.

He added that troops from the 71IB led by Llorca were sent to reinforce and retrieve the casualties of the encounter in Libudon, which is adjacent to Kidaraan.

[...] “We’ll subject ourselves to investigation,” he told MindaNews.

Capt. Jeffry Balingao, civil military operations officer of the 1001st Brigade, said in a press statement that financial assistance has been given to the children and their families.

He added that the police in Mabini as well as the 10th Infantry Division were investigating the incident.

Hernan was being treated at the Davao Regional Hospital in Tagum City.

ian is seen arguing with unidentified policemen in a crowded street until the discussion heated up and he got cornered by the three law enforcers.

One of the police officers pushed the civilian with a kick, while another followed up the offense with a series of blows even when the victim was already down on the floor.

Several onlookers are also seen in the video including a young boy.

The Tarlac police said in a separate report that the three cops were trying to arrest the man for his alleged physical injury offenses.

The arrest, however, should not have been carried out in a violent manner, Cerbo said. [...]

Action Network Human Rights- Philippines

Bulatlat.com, 11.04.2013

Latest killings, arrests by alleged soldiers condemned

By Ronalyn V. Olea

Yesterday, Roque Antivo, the eight-year-old boy who was killed due to strafing by uniformed men, was laid to rest.

[...] Members of human rights groups Karapatan and Salinlahi trooped to Camp Aguinaldo, the headquarters of the Armed Forces of the Philippines, to condemn the killing of Antivo and other recent cases of human rights violations.

According to Karapatan, Antivo is the 16th child victim of extrajudicial killings under the Aquino administration.

[...] Karapatan also cited the April 6 arrest of two civilians in Laak, Compostela Valley by soldiers from the 60th Infantry Battalion.

The Philippine National Police (PNP) - Laak reportedly said that Arnel Rosales, 30 years old, a motorcycle driver and her passenger Ronylin Lucin, 20 years old, were presented to them by the military but later brought the two victims with them. The police earlier denied the whereabouts of the victims, yet Rosales' mo-

torcycle was impounded at the PNP-Laak station.

The two victims were brought to the prosecutor's office in Nabunturan, where the quick reaction team of Karapatan-Southern Mindanao found them facing inquest proceedings based on charges of conspiracy to commit rebellion. They were later brought to the Compostela Valley Provincial Jail in Tagum City.

"It is hypocritical of the AFP to say that it wants closure on the abduction and enforced disappearance of Jonas Burgos, when the same forms of violations during the Arroyo regime - killings, abductions, illegal arrests based on trumped up charges, among others - are being perpetuated by Aquino's AFP. How can there be closure when perpetrators of human rights violations are promoted to higher positions in the military and are not punished for their inhumane acts?" Palabay said.

Bulatlat.com, 11.04.2013

Why pick on our daughter?' - Activist couple

By Ronalyn V. Olea

MANILA - On April 2, between 8:30 p.m. to 9 p.m., Gestine Mae Canaman was only two feet away from her apartment in Marikina when a man grabbed her, covered her mouth and forced her inside a gray SUV. The faces of the two men were completely covered with ski masks. The 19-year-old college student managed to send a garbled text message to her schoolmate. "*Bede, ung sundako,*" she texted. She meant "*Bebe, ung sundalo.*" (Bebe, the soldiers.)

Gestine's friend called her up. One of the men took her cellphone and rejected the call. They blindfolded her. Her hands and feet were tied. They travelled for one and a half hour. The men just kept silent.

Gestine prepared herself for the worst. She thought that this time, she might be killed. She is the eldest daughter of Tranquilino, a full-time organizer of drivers group Piston, and Ma. Arlyn, a volunteer for a non-government organization for indigenous peoples rights.

The men took her to a place where she could not hear anything. The men did not talk to her.

For three days, she refused to eat. "I was afraid. I thought the food was poisoned," she told *Bulatlat.com* in an interview.

She never heard any word from the two men but she talked to them. "I told them if they were doing this for money, there are other ways to earn. I said they might have daughters too and when their daughters would be lost, they would worry too."

On April 5, her captors released her to a place she did not know. She later learned that she was dropped off at Pasay City. She only had P15 in her pocket. The men took her wallet. They did not return her cellphone.

She went from one store to another, asking people to lend her a cellphone so she could text her younger sister. A woman agreed to text her sister. "*Si Ate ito, call back,*" her message read. She waited and waited but no reply came. Sensing that the woman was irritated by her presence, she left.

She rode the MRT to Cubao. From there, she walked to the Jam bus station in Kamias. Her uncle is working there as a driver. When she reached the terminal, her uncle was not there. She asked her uncle's co-worker if she could borrow his cellphone to send a message, the man agreed. This time, her sister called up immediately. In a few minutes, she was fetched from the station. Asked why she thought the men were soldiers, Gestine said that before the incident, in the morning of April 2, she saw two uniformed men on board a motorcycle in front of the school. "For the past five months I had stayed there, it was the first time I

saw soldiers in the area. They were looking at me," she said.

Upon seeing the soldiers, she gripped the arm of her friend who was standing beside her. "My friend knew my story," she said.

This was not the first time Gestine was taken by men she did not know.

On November 19, 2012, Gestine was on her way home in Los Baños, Laguna when an old white car stopped in front of her. She did not mind it and just continued walking. Suddenly, three men alighted from the car. One pointed a gun to her side. Another took her bag. The other blindfolded her. She was forced inside a vehicle.

"I was so shocked I did not move, did not say anything," Gestine recalled.

She was taken to a place she did not know. She was hearing the voices of three men.

"They asked the whereabouts of Mama and Papa," she said. "They told me they warned my parents but they are being stubborn."

"I was so afraid. I told them if they plan to rape me, they better kill me first," Gestine said.

After more than six hours, the men forced her again inside the car and drove off. They stopped in an isolated place. The men released Gestine.

"I ran when they released me. It was raining so hard," Gestine said.

She would later learn that she was released at the intersection of San Pablo and Sta. Cruz. She managed to get home.

After that, Gestine stopped schooling. "I was traumatized."

A few months after the incident, she transferred to a school in Marikina, thinking it was safe there.

She broke down in tears as she said: "I only wanted to live a normal life. I no longer have any freedom. I could not do the simplest things alone."

Warning

Asked about the so-called "warning," Gestine's mother, Ma. Arlyne, told *Bulatlat.com* that on June 25, 2012, at around 6 p.m., while she was in a public market in Los Baños, a man approached her.

"He was giving me a piece of paper. I thought it was a solicitation letter. I ignored him. But he was insistent. He showed me the paper, my name was written on it and so, I got it," she said.

Arlyne read the first paragraph of the letter. "*Ang nag-abot ng sulat na ito ay isa sa mga tauhan ko. Alam ko na ang organisasyon ninyo ay tumulutulong sa NPA,*" (The person who handed you



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this letter is under my command. I know that your organization is helping the NPA.) Arlyne quoted the letter.

The NPA refers to the New People's Army, the armed wing of the Communist Party of the Philippines. The Armed Forces of the Philippines (AFP) has repeatedly branded mass organizations critical of the Philippine government as fronts of the CPP and supporters of the NPA.

She stopped reading to look at the man who handed her the letter. He was gone.

Arlyne said she could identify the man if she would see him again. The man is 5'6 to 5'7 tall, with fair complexion, well-built and sports a beard.

Philstar.com, 16.04.2013

Leftist rebels kidnap militiamen, civilian in Mindanao

MANILA, Philippines - Seven government militiamen and a civilian were kidnapped by members of leftist rebel group New People's Army (NPA) in separate incidents in Mindanao, the military said today.

Philippine Army spokesman Lt. Col. Randolph Cabangbang said the latest kidnapping incident occurred at Binicalan village in San Luis town, Agusan del Sur on Monday morning, when

Rappler.com, 21.04.2013

Military holds humanitarian volunteers in Davao Oriental

By Karlos Manlupig

DAVAO CITY, Philippines - At least 70 health workers, social workers, nuns, mediamen, and environmentalists were stranded in a far-flung village in the town of Baganga, Davao Oriental, on Saturday, April 20, after soldiers allegedly blocked their vehicles and harassed their drivers.

The volunteers of the 3-day national humanitarian mission led by Balsa Mindanao was wrapping up the delivery of relief, medical, and psycho-social services to areas affected by Typhoon Pablo.

"The group was illegally held twice in checkpoints by members of the military in the municipality of Cateel. Military assets blocked the road with a dump truck, logs, and rocks in two different locations enough to bar the missionaries from passing," Balsa Mindanao claimed in a text message.

The group also said the drivers of the two trucks they hired abandoned the vehicles and left the area allegedly after the military harassed them. They were set to leave Sitio Cabuyao in Barangay Binondo, which is two hours away from the town center.

"The habal-habal drivers in the area would not also allow us to hire their motorcycles because they fear that they will be harmed by the soldiers. These drivers, including our drivers, were harassed by the soldiers," the group added.

The volunteers are calling for public support so that they will be able to return to Davao City safely.

Briefly held

Davao Oriental Governor Corazon Malanyaon said in a phone interview that the local police indeed briefly held the group in Commission on Elections checkpoints.

"The police said that this is for security measures, most especially that it is election time," Malanyaon said.

Inquirer.net, 22.04.2013

Radioman in Zamboanga Sibugay shot dead

By Jamie Marie Elona

MANILA, Philippines - A 33-year-old radio announcer in Zamboanga Sibugay was shot dead Monday by two men on a motorcycle, police said.

Police identified the fatality as Mario Vendiola Baylosis of local Radio Natin.

From then on, Arlyne was regularly fetched by Gestine from her office in Los Baños. "They might have seen her accompanying me," Arlyne said. [...]

Simple

life

"I know nothing," Gestine said. "I am not even keen on following the footsteps of my parents. I only want to study and live a normal life."

Gestine said she has to be strong for her family. "I think about my parents, my family. All of us are affected," she said.

"I hope the Aquino government would be fair. I hope they would punish the perpetrators," she said.

four militiamen were seized by the NPA rebels.

At least 30 NPA rebels seized the victims at a rebel checkpoint in the area. All victims belonged to the Philippine Army's 23rd Infantry Battalion.

Meanwhile, three militiamen and a civilian were seized at Santa Juana village in Tagbina town in Surigao del Sur on Sunday morning.

The governor also said she would send people to check the situation and provide assistance to the volunteers.

The military is still checking with its ground unit in the area to verify the report.

Fact-finding mission

Part of the group's activities was also to conduct a fact-finding mission on the murder of village councilor and food protest leader Cristina Jose. Her relatives said that Jose was gunned down while on her way to the Commission on Human Rights in Davao to file a complaint against the military for alleged threats to her life.

Bagong Alyansang Makabayan-Southern Mindanao Region briefly held a protest action in Davao City on Saturday evening, lambasting the military and Malanyaon for sabotaging the mission to cover up issues that include alleged corruption in the delivery of relief services, massive logging, and human rights violations.

"Malanyaon and her group maximized the relief goods intended for Pablo survivors for the interest of their political party and candidates. And they are also afraid that their involvement in the massive abuse of the environment through logging will be exposed," Bayan-SMR spokesperson Sheena Duazo said.

"I would resign, even if I will win again in the elections despite the fact that I am unopposed, if they would be able to prove that their accusations are true," Malanyaon said, denying the accusations.

Malanyaon said that it would also be impossible for her to use the relief services for their campaign because she already turned over all relief and rehabilitation responsibilities to Department of Social Welfare and Development.



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followed him and shot him upon arriving at the gas station. The suspects fled towards Ipil. Baylosis was rushed to Kabasalan Pathfinder State Hospital after sustaining three gunshot wounds to his chest, but was declared

dead on arrival by his attending physician. The murder of Vendiola is the first case of media killing in 2013. The last count was 154 cases since 1986, 13 of which happened under the administration of President Benigno Aquino III.

Inquirer Mindanao, 22.04.2013

Casiño decries NPA attack on Guingona convoy

By Ryan D. Rosaura

ILIGAN CITY, Philippines - Bayan Muna Representative Teddy Casiño scored communist rebels for their attack Saturday evening on the convoy of Gingoog Mayor Ruthie de Lara Guingona, mother of incumbent Sen. Teofisto Guingona III.

"I strongly criticize the New People's Army's military action on Mayor Ruthie Guingona's convoy that resulted in the death and injury of civilians. What happened is wrong and unacceptable," Casiño, a senatorial candidate, said in a statement.

"Civilians, especially women and the elderly, should be spared from such actions," Casiño added.

Guingona's husband, former Vice-President Teofisto Guingona Jr., has been closely allied with progressive groups like Bayan Muna, sharing with them similar nationalist stance on various social issues.

"My prayers go out to Mayor Guingona and for her speedy recovery. Likewise, I condole and offer my prayers to the families of her two companions who were killed," Casiño said.

The 78-year-old Mayor Guingona, who is finishing her third term in office, was going home from a village fiesta in Kapitulan, Gingoog City when her convoy was fired upon by New People's Army guerrillas.

She suffered bullet wounds in the arms and feet and is now recuperating in a Cagayan de Oro hospital. But her two aides were killed, and three more in her party were wounded after a brief gunfight with the rebels.

Allan Juanito, spokesperson of the NPA in northern Mindanao, quickly issued an apology for what it cited as an "unfortunate incident."

But even with this, Casiño told the NPA "to make a thorough

investigation, hold those responsible to account, take remedial actions and make amends to the victims' families."

He also suggested to have the incident taken up before the Joint Monitoring Committee on the Comprehensive Agreement on Human Rights and Respect for International Humanitarian Law of the peace process between government and the National Democratic Front, political front of the Communist Party of the Philippines.

Juanito claimed that Guingona's convoy refused to honor an NPA checkpoint by ramming through a bamboo roadblock the guerrillas set up and opening fire when they were flagged down.

In a statement, Juanito said that since the NPA set up three checkpoints in Gingoog starting April 15, four of Guingona's campaigners were held in Barangay Samay.

These campaigners, according to Juanito, were explained the NPA's policy regarding campaign sorties inside rebel-held areas. The same policy was told Guingona herself through cadres who contacted her through the phone, he Juanito.

These checkpoints are among the various ways the communist rebels assert military dominance in some of the rural areas of the region in support of the CPP's five-year program unveiled in 2009 seeking to even its armed strength with that of government.

In an earlier statement, Juanito said they are opening the guerilla zones to the campaigning of politicians as long as they "recognize the Red political power and respect the revolutionary policies ..."

Inquirer Mindanao, 28.04.2013

Digos City police provide protection to local journalists

By Orlando B. Dinoy

DIGOS CITY, Philippines - The city police office has provided security to broadcasters at a radio station here following an attempt by two gunmen to enter the station's compound on Friday.

Superintendent Allan Manibog, city police chief, said he ordered the tightening of security for announcers of MUEWS Radio and other journalists in the city after the foiled entry of the "unidentified" gunmen.

Based on police investigation, the two men, armed with handguns, arrived at the MUEWS station on Lim Street - some five meters away from the headquarters of the police's Criminal Detection and Investigation Group - on a motorcycle and tried to enter the station.

Abdul Rakman Jamad, one of MUEWS Radio's anchormen, told the police he noticed the armed men as they were entering the station and immediately informed the security guard about them.

Jamad said the guard on duty - whom he did not identify - immediately readied his 12-gauge shotgun for firing and asked the men what their purpose was.

He said the men did not respond and immediately left the sta-

tion's premises instead.

Jing Panogadia, a MUEWS reporter, said the armed men had obvious ill-motive as they were previously seen in the company of a Davao del Sur mayor, who was being heavily criticized by the station's anchormen for alleged irregularities.

Panogadia said the fact that the two men were armed proved they did not come to the station in good faith.

Jun Blanco, a MUEWS commentator, said days prior to the arrival of the two men, he and some of his colleagues had already been receiving death threats from unknown quarters through SMS.

Manibog said an "in depth" investigation of the incident has started to determine the identity of the two men and their purpose in coming to the station with firearms.

He also said that aside from those working with MUEWS Radio, the police have also taken steps to ensure the safety of other journalists in the province.

Many journalists in Davao del Sur were known to work for rival politicians and host blocktime programs in such stations as MUEWS Radio.

UPDATES ON CASES OF HUMAN RIGHTS VIOLATIONS

Asian Human Rights Commission - Urgent Appeals Programme, 03.04.2013

Action Network Human Rights- Philippines

Court records, military asset and military documents were used as evidence to affirm fabrication of charges on activists

The Asian Human Rights Commission (AHRC) is writing with deep concern that the investigation conducted by the Commission on Human Rights (CHR) after our appeals concerning the fabrication of charges on two urban poor leaders was ineffective. It appears that CHR investigators did not investigate adequately and thoroughly. Rather than conducting a serious investigation they collected documents from the court, cited confessional evidence of a military asset and documents from the military to conclude their report.

UPDATED INFORMATION:

In December 19, 2012, we issued an appeal concerning the fabrication of charges on Roy Velez, regional chairperson of the Kilusang Mayo Uno (KMU), Amelita Gamara, of Defend Job Philippines, and 30 others. [See also HRNEWS-2012-12]

In response to our appeal, on January 21, 2013 the Commission on Human Rights (CHR) Regional Office in Naga City conducted their investigation. In their investigation, however, the CHR reaffirmed the filing of charges on them and concluded that: ".....It appears on the evidences presented by the side of the complainant that the witnesses were former members of the NPA who positively identified the list of accused in this case. The witnesses were able to recount the incident of the attack as it happened....."

The right to due process includes the right to meet your accusers and their witnesses face to face. The witnesses in this case were willing to testify for and in behalf of the victims. They stand by their testimony that they have witnessed the commission of the crime and that they were able to identify the names of the accused for they were once of the NPA but are now rebel returnees. The accused should face the accusations against them in order for them to be able to give their side of the case and to prove their innocence in the crime they are accused of. (Attys. Arlene Alangco & Donnah Federico-Madrona, CHR Region V sub-office [Investigation Report](#), January 21, 2013, pp. 4-5)"

Upon receipt of the CHR's report, the AHRC forwarded the copy to Roy Velez and Amelita Gamara who are presently forced to go into hiding.

In her [reply](#), Gamara pointed out: "..... The contents of the report was a disappointment to me. It was a rephrased copy of the Information and Resolution from the prosecutor who filed the case before the Branch 64 Labo Regional Trial Court.....we were denied of this right because not a single piece of this information came to our knowledge until two persons were arrested (Raul Camposano and Randy Vegas of COURAGE) under the same warrant of arrest. The CHR one sidedly relied on the complainants' and witnesses' statements that we live in some general location address, and conveniently stated in the resolution that no response came from the address to where they sent the notices." In his [reply](#), Velez pointed out: "In the declaration of their definition of "truth", is it as if the CHR merely use the statements of facts information which came from only one side? If the military is the one accusing a certain person, and you are not biased, you will not use/issue a statement of fact that is purely

one-sided. Did they confirm that me and Amelita Bravante were really there?

It is VERY CLEAR that they DID NOT. They did not even attempted to go to the KMU National's office which is just a 30-minute ride from their office in UP. They did not even ask for our opinion or our side of the story and they just used the information in the court that came only from the military.

COMMENTS AND OBSERVATIONS OF THE AHRC:

In concluding their report, the CHR relied heavily on the court documents they obtained from a Court Interpreter at the Regional Trial Court Branch (RTC), Branch 64, in Labo, Camarines Norte on January 15, 2013. The CHR ignored the victims' alibi that they could not have been physically present in Barangay Maot, Labo, Camarines Norte on April 29, 2012, where the attack that killed four soldiers took place.

In the unofficial translation of their sworn statements originally written in Filipino, in Gamara's statement it was clear that they were both in Metro Manila, and could not have been physically present at the location where the crime happened.

However, there is nothing in the CHR's investigation report that includes their testimonies.

The testimonies of the witnesses, where the CHR pointed as evidence of the "positive identification of the accused," were witnesses: Gil Oresaca, an intelligence person working for the military and SP02 Reynate Nacario, who neither knew the perpetrators of the attack in person or by their names. Also, the documents of the investigation the CHR has quoted is information provided by the Armed Forces of the Philippines (AFP), not the police, because the CHR did not even get the forensic investigation report despite repeated requests.

Also, it is unthinkable for Oresaca to identify with accuracy the names, aliases and exact home address of the 23 rebels, two of whom are the accused Velez and Gamara, at once in a very chaotic situation of attack. Also SP02 Nacario's 'positive identification' of the accused was not his identification, but from the military men who had debriefed him and given him the names of the supposed identities of the perpetrators.

Gamara and Velez were both in Metro Manila on the same day the killing happened. In fact, Gamara could not walk properly due to her illness and medical condition. Also, there were witnesses who could testify that Velez was physically present in the Silverio compound, Paranaque City, to assist the burial of a villager who was killed in a demolition.

Moreover, when the CHR conducted its investigation neither Velez nor Gamara was given the opportunity to respond to the allegations. The AHRC is deeply concerned by the manner in which the CHR is conducting its investigation in this case.

Therefore, we urged the CHR to review their investigation. The victims, who are also the accused in the fabricated criminal charges should be given an opportunity to respond substantively to the allegations against them.

InterAksyon.com, 03.04.2016

Rights lawyers eye anti-desaparecido raps vs Baliaga, Ano, others over Burgos

MANILA, Philippines – Human rights lawyers involved in seeking justice for Jonas Burgos said they would "seriously study" amending the criminal complaint for arbitrary detention and obstruction of justice they filed over the abduction of the activist to the "graver violation" of the Anti-Enforced Disappearance Act.

The National Union of People's Lawyers said the option to use

the newly enacted law against Army Major Harry Baliaga Jr. and Brigadier General Eduardo Ano, chief of the Intelligence Service of the Armed Forces of the Philippines, was decided after "extended consultation with the Burgos family and our co-counsel." Baliaga is the officer named by the Court of Appeals as directly in charge of the operation in which Burgos, son of the late world press freedom icon Jose Burgos Jr., was abducted from a Quezon

Action Network Human Rights- Philippines

City mall on April 28, 2007.

At the time, Ano headed operations of the Army's intelligence

arm.

Asian Human Rights Commission – Urgent Appeal Programme, 08.04.2013

Police investigators concludes torture victims' testimony as hearsay to justify refusal to prosecute policemen

The Asian Human Rights Commission (AHRC) writes to inform you that the local police have concluded that it will not prosecute policemen accused of torture because the victims' testimonies are hearsay. They will not take action unless they are "formalized as complaint". We earlier asked for an investigation on the victims allegations that they were tortured in June 2005. No investigation was conducted until we made our appeal. But when the police did investigate they blamed the torture victims for not filing a complaint and placed the burden on them to provide evidence for their allegations.

UPDATED INFORMATION:

On October 8, 2012, we issued an appeal asking for the allegations of torture victims Hamsa Pedro and Alex Salipada, whom the police in General Santos City illegally arrested, detained, tortured and falsely charged in June 2005, to be thoroughly investigated. We also asked for the prompt conclusion of the trial of the fabricated charges on them in court.

In [a letter](#) dated March 19, 2013, Police Chief Superintendent Francisco Don C. Montenegro, acting director for Investigation and Detective Management (DIDM) of the Philippine National Police (PNP), has informed that:

"...the Acting Regional Director of the Police Regional Office 12 (PRO 12) had already conducted an investigation relative to the said cases. Accordingly, after investigation, their Office is of the view that they cannot institute administrative complaints against the unidentified personnel in the absence of testimonial or documentary evidence to support the alleged imputation."

P/Chief Supt. Montenegro relied on the investigation [report](#) by P/Supt. Emmanuel Peralta, writing on behalf of the PRO 12 Acting director.

[...] They declared the victims' testimonies as hearsay to justify the absence of testimonial evidence and documents; and they blamed the victims for their unwillingness to pursue their complaints, for not putting them in writing and for not filing a complaint earlier. [...]

AHRC's comments and observation:

Confessional evidence and documents are not absent

The claim of police investigators on the absence of testimonial or documentary evidence is incorrect. In their own report, the police have also confirmed: "Both of them replied affirmatively and confirmed what were written and reported," which means nothing in the content of the appeal were denied or rejected, when they asked the victims of its accuracy as it is written and reported. [...]

In torture cases the victim's person is itself body of evidence of the commission of torture inflicted on him. It explains why forensic evidence, indicating physical of torture; and psychological assessment, evaluating the psychological impact on torture victim, should have been collected promptly and made available to torture victims to have the possibility of torture cases to progress in court.

In Pedro and Salipada's case, to expect them to produce medical certificates to support their allegations could not be reasonable.

It is because the police themselves deliberately suppressed the evidence from coming out. In their testimony, Pedro revealed the doctor did not even examine his body, and while the doctor checked Salipada, he did not even get the result of his medical examination.

[...] Torture is not an ordinary crime; thus, in affording effective remedy the procedural requirements must not impede or obstruct the victims' right to obtain an effective remedy, and for the perpetrators to be held accountable [...].

Policemen were identified, not unidentified

The perpetrators have, in fact, been identified. One of them was Sr. Supt. Alfredo Torotocon, former director of General Santos City Police Office (GSCPO), and the rest were policemen acting under his command. But despite identifying them, P/Supt. Peralta ignored this by insisting the perpetrators were "unidentified PNP personnel". Also, in P/Supt. Peralta's investigation report nothing was mentioned that they had Sr. Supt. Torotocon and his men also investigated over the allegations.

Rather, they put the blame on the victims for 'not recognizing the perpetrators' to exonerate the policemen and to reject any prosecution of them. To expect the victims to identify the perpetrators is not also reasonable because: first, the police did not introduce themselves when they illegally arrested and detained them; second, they were kept in solitary confinement and blindfolded in police custody.

The AHRC is not surprised by the result of this investigation and the bias it manifests. Under the PNP's organizational structure, the GSCPO is under the direct supervision and command responsibility of the PRO 12; and in practice operations like arresting suspects of bombing, both units worked together. We have documented cases in the past where both the GSCPO and PRO 12 committed acts of torture. [...]

Without protecting the complainant, no effective complaint can be filed

P/Supt. Peralta's understanding of what is a complaint and a complainant is misplaced. Complaint is documentary evidence for police and prosecution to cause action. The complainant meanwhile is a victim or a person making the complaint.

In this case, the absence of a complaint by the victim does not mean the absence of a complainant as well. In fact, for these victims not to file a complaint is rather a question on part of the investigating authorities--here the police--as to why the victims are not filing or are unwilling to file a complaint for prosecution. Certainly, section 9 (c) of the Anti-Torture Act of 2009, it places the responsibility on the government in ensuring that when victims testifies or complaints of torture, there must be a protection made available to them. However, in this case, it is clear the police investigator neither offered nor afforded protection to the victims. It explains why the torture victims are not encouraged to file complaint.

To expect from torture victims, who are still jail, to file complaint of torture, is also not reasonable unless they are given protection and out from risk and threat.

Inquirer.net, 10.04.2013

2 immigration men fired for escape of Reyes brothers

By Tetch Torres-Tupas

MANILA, Philippines—The Bureau of Immigration (BI) has

dismissed from service two of its employees allegedly involved

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in the escape of former Palawan Governor Joel Reyes and brother Coron, Palawan Mayor Mario Reyes.

In separate decisions, Immigration Commissioner Ricardo David ordered the dismissal of Rogelio Udarbe Jr., Administrative Aide III and Wesley Gutierrez, Security Guard I.

Based on the decision, Udarbe is liable for grave misconduct and conduct prejudicial to the best interest of the service while Gutierrez was found liable for grave misconduct, gross neglect of duty, and conduct prejudicial to the best interest of the service. Both Udarbe and Gutierrez' retirement benefits, except for accrued leave credits, were forfeited; his civil service eligibility

was ordered cancelled; he was ordered perpetually disqualified from holding public office; and barred from taking civil service examinations.

The bureau said that Udarbe, together with Reyes' counsel lawyer Hermie Aban, allegedly a close friend of Udarbe, assisted the brothers' departure from the Ninoy Aquino International Airport Terminal III for Vietnam while Gutierrez cleared the former governor for departure who used the name "Joseph Lim Pe."

The brothers were accused of murder for the death of environmentalist and broadcaster Gerry Ortega.

Rappler.com, 12.04.2013

SC to AFP: Submit reports on Burgos

By Purple Romero

MANILA, Philippines - The Supreme Court has ordered the military to produce all documents in relation to the Jonas Burgos case and submit a report on the location of officers and soldiers linked to his abduction.

In its en banc meeting on Thursday, April 11, the High Court agreed to order Armed Forces chief of staff Gen Emmanuel Bautista to take note of a supposed After Apprehension Report prepared by two Army intelligence task forces -- one, the Task Organization-56th infantry battalion, which is based in Bulacan, and another, the Task Force Organization-72 MICO, which is a military intelligence company that is under the command of an Army division. The report was submitted by Mrs Edita Burgos, Jonas' mother, to the High Tribunal.

Bulacan is under the 7th infantry division of the Army, which used to be headed by fugitive Maj Gen Jovito Palparan until 2006. (Each Army division is assigned one MICO.) Two former officers of the 56th battalion have been implicated in the case: Col Melquiades Feliciano, former battalion commander, and Maj Harry Baliaga, who was positively identified by an employee of Hapag Kainan restaurant where Burgos was abducted as the one who led the abducting team. (It was the Commission on Human Rights that was able to pin down Baliaga in its own probe. Read all about it here: [Why would the Army abduct Jonas Burgos?](#))

The Court also asked the AFP chief to produce a confidential report "on the present location and/or whereabouts" of military personnel in these two task forces, and "ensure that these military personnel can be located and served with the processes that this Court may serve."

The High Court also directed the National Bureau of Investigation to coordinate with and provide investigative assistance to the Commission on Human Rights as it expands its probe on the abduction. It has also issued a [protection order to Mrs Burgos and her family](#).

Before the case was elevated to the SC, the military has consistently dodged all efforts to make it admit to anything about the Burgos case. While the Court of Appeals conducted numerous hearings on it, military commanders refused to disclose anything that would help move the investigation.

It was in one of the CA hearings where a restaurant employee identified Baliaga as one of the men who

abducted Jonas. Baliaga broke down in that hearing.

Mrs Burgos went to the SC recently to ask it to order the CA to reopen the case based on the After Apprehension Report in her possession, an alleged photo of her son taken after he was arrested, a psycho-social processing report, and an autobiography of the son of the late press freedom icon Jose Burgos. She submitted all of these to the SC.

No other case of enforced disappearance in recent history had come this close to identifying key players, producing documents, and establishing the motive for such crime.

Pinoyweekly.online, 09.04.13

Indisputable evidence': Burgos family releases picture of Jonas in military captivity

By Kenneth Roland A. Guda



[...] The family of missing activist Jonas

Burgos released a picture of Jonas taken by his military captors, again proving that state security agents were behind the abduction in April 28, 2007.

The picture (above) shows a man, with deep circles around his eyes, in white shirt and a scarf around his neck, photographed against a cement wall. The Burgos family positively identified the man in the picture as Jonas.

"While the family and friends of Jonas unwaveringly pursued the truth (about the disappearance of Jonas), confident in God's mercy, never before throughout the search has been this kind of evidence been uncovered," stated Edita Burgos, mother of Jonas.

The Burgos family released the picture as part of a special urgent motion filed before the Supreme Court to compel the Armed Forces of the Philippines, as well as the Aquino government, to reveal the whereabouts of Jonas and bring to justice the military perpetrators.

[...] The release of the picture comes on the heels of a Court of Appeals decision publicized on March 27 that said the abduction of Jonas Burgos was a case of enforced disappearance, with the Philippine Army as culprit.

[...] Most of these evidences, submitted before the Court of Appeals, came from the Burgos family. The family has long lamented the lack of support from government agencies in investigating leads of the case. [...]

[...] The human rights organization, Karapatan, asked the Aquino government to punish the military officers and soldiers identified to be involved in the disappearance of Jonas.

Among them is Major Harry Baliaga, who was under the 56th Infantry Battalion of the Philippine Army. 56th IB was once under the command of the notorious Maj. Gen. Jovito Palparan Jr.

[...] Karapatan also called for a full disclosure of other cases of enforced disappearances that involved military officers, including the current chief of the Intelligence Service of AFP, Gen. Eduardo Año. [...]

Jonas Burgos was seized on April 28, 2007 at the Hapag Kainan



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restaurant in Ever Gotesco Mall in Quezon City by unidentified men who dragged him into a vehicle whose plate number was eventually traced to the 56th infantry battalion.

The SC resolution came weeks after the [Court of Appeals found the military accountable](#) for the disappearance of Jonas. The CA, in a decision dated March 18, singled out Baliaga as the one

responsible for the enforced disappearance of Burgos.

President Benigno Aquino III himself called for a "focused, dedicated and exhaustive" probe on the Burgos case. Bautista said he welcomes Aquino's order, saying the military, too, "wants to settle it once and for all...we want to move on."

GMA News, 15.04.2013

Dismissed cop in 2010 torture video arrested

Nearly two years after the incident, the long arm of the law caught up with a dismissed police officer who was caught on video torturing a suspect in 2010. The Intelligence Group of the Philippine National Police (PNP) arrested Senior Inspector Joselito Binayug while he was renewing his driver's license in Manila, radio dzBB's Tuesday Niu reported

Monday. [...] In August 2010, Binayug found himself at the center of a controversy after a video showing him supposedly torturing a suspected snatcher became viral on the internet. At that time, he

was chief of the Asuncion Police Community Precinct (PCP) in Tondo, Manila.

The video showed a policeman, believed to be Binayug, pulling a string attached to the private parts of the naked suspect, who twitched in pain every time the string was pulled.

The incident reportedly happened in March 2010.

Binayug, who has denied he was the policeman on the video, and at least eight other policemen were charged for violating the "Anti-Torture Act of 2009."

Bulatlat.com, 17.04.2013

Gringo Honasan named as one of commanding officers of team that abducted, killed Olalia, Alay-ay

By Marya Salamat

MANILA - Along with former Air Force Col. Eduardo "Red" Kapunan, former colonel Gregorio "Gringo" Honasan, now a senatorial candidate, was named by a state witness as one of the commanding officers of government soldiers who abducted, interrogated and then murdered labor leader Rolando Olalia and companion Leonor Alay-ay in 1986. But while Kapunan is under the custody of the National Bureau of Investigation, and two other accused, both of lower rank, are at the Rizal Provincial Jail, Honasan is not yet listed with the thirteen accused in the double murder case.

Under questioning of defense lawyers of Kapunan, [former sergeant Desiderio Perez and former marine sergeant Dennis V. Jabatan](#) [2], former sergeant turned state witness Eduardo Bueno added details to the still unsolved double murder case that took place under the Cory Aquino administration. Asked in court who gave them orders to conduct operations, such as that on labor leader Olalia, [Bueno replied that orders emanated](#) [3] "from the commanding officer of the SOG" (Special Operations Group, then under the defense department headed by Juan Ponce Enrile, now also a senator)[...] Gregorio Honasan, now a senator, and Lt. Col. Eduardo Kapunan [...].

Lawyer Lorna Kapunan reiterated to the court that her client was no longer CO (commanding officer) of SOG on November 1986, when the Olalia-Alay-ay double murder case took place.

[...] Asked later who gave the order to conduct an operation on Olalia, Bueno told the court that he does not know. As an operative, Bueno was down the line away from the commanding officer. But he said there were times when they (commanding officers) directly gave him an order.

After killing Olalia and Alay-ay, clean-up and further killings

Lawyer Oscar Martinez asked the state witness who were left to stay at the safehouse on the evening of November 12, 1986. Bueno replied that he was left to stay there with Master Sergeant (Juan) Matango, Cpl. Caliyog, and civilian Gil Galicia.

The team who brought out Olalia and Alay-ay included Capt. Ricardo Dicon, Technical Sgt. Dennis V. Jabatan, Staff Sgt. Amado Pagon, Cpl. Jose C. Bacera and Staff Sgt. Florante Viana,

Bueno said. [...]

Asked why the state witness thought there were threats to his own life, Bueno said his fears were based on warnings such as those given to him by a batchmate (in Group 56). [...]

"When Florante Viana was still alive, he warned me to take precautions so I won't end up like Master Sgt. Juan Matango, who was abducted by unknown persons and his body has not been found since."

Asked if his fears have other basis, Bueno said yes. He told the court about the killing of Master Sgt. Dionisio Ramirez. [...]

Bueno told the court that Ramirez had wanted to surrender to then Congressman Jose Peping Cojuangco and divulge all he knew (about the Olalia-Alay-ay double murder). He was stopped by the group and strangled to death, Bueno said.

At lawyer Kapunan's questioning, Bueno said Ramirez was pressed down to the ground by his fellow soldiers. While Ramirez was being strangled, Cpl. Danilo Pacino was pressing him down by holding his waist; Staff Sgt. (Edger) Sumido was holding down Ramirez's legs.

Lawyer Lorna Kapunan asked the state witness if Col. Eduardo Kapunan was there when Ramirez was killed, Bueno said he did not see him there. [...]

Bueno also admitted he did not see Col. Kapunan in the safehouse where Olalia and Alay-ay were brought for questioning before they were murdered. Another state witness, Medardo D. Baretto, a team leader in SOG, had said in earlier hearings that the "higher-ups," which included Kapunan, Honasan and Legaspi, were giving directives and the go-signal even if they were not visible to mere operatives.

In the next hearing for the Olalia-Alay-ay double murder case, the (fourth judicial) Regional Trial Court Branch 98, under Judge Ma. Consejo Gengos-Ignalaga, is set to issue a ruling on whether to accept or not the three documents, including the testimonies of state witnesses, submitted so far by the team of private prosecutors from the National Union of Public Lawyers and public prosecutors from the justice department. [...]

Bulatlat.com, 19.04.2013

Kin, colleagues mark birthday of missing activist

By Ronalyn V. Olea

MANILA - It has been four years and seven months since James



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Balao, an Igorot activist, was abducted by suspected state agents in La Trinidad, Benguet.

Today, on his 52nd birthday, his siblings and colleagues from the Cordillera People's Alliance, families of other victims of enforced disappearances and other groups made origami paper cranes and sent him their greetings.

In the last 1,677 days that passed, James's loved ones went to military camps, police stations, hospitals and every possible place to find him. They sought the help of the courts, and still, James remains missing.

Slow progress

The CPA and the family filed a petition for writ of amparo in September 2008.

After four months, in January 2009, the Regional Trial Court Branch 63 granted the petition for writ of amparo filed by CPA and the family and ordered the respondents then President Gloria Macapagal-Arroyo and her military officials to surface James.

In its 13-page decision, the RTC said James Balao disappeared because of his "activist/political leanings." The said decision also noted the state policy, Operation Plan Bantay Laya tagging members and leaders of progressive people's organizations as enemies of the state, which validates the claims of CPA that James was taken by state agents.

The court, however, did not issue an inspection order that should have helped in finding James.

The respondents appealed the case to the Supreme Court. In a [ruling dated December 13, 2011](#) ^[2], the high court reversed the granting of the amparo petition, remanded the case to the RTC, and ordered the military and police officials to continue their investigations and submit reports to the SC.

The SC also dropped Arroyo as one of the respondents, citing

presidential immunity.

In a statement, the Cordillera Human Rights Alliance (CHRA) said the Philippine National Police's Task Force Balao "has not provided helpful and concrete results."

The human rights group revealed that what the police presented as updates in the case were mere computerized cartographic sketches of the abductors. The sketches were results of the independent investigation by the CPA and CHRA and not by the police.

"The Balao family and the CHRA have been deeply disappointed with the continuing lack of sincere effort on the part of the PNP to locate James," the CHRA said. "Each day that passes without him being found is proof to the continuing impunity in the country."

Painful search

In an email interview with *Bulatlat.com*, James's younger brother Winston shared the agony of the seemingly never-ending search. Winston joined the search in military camps. "Military personnel were not friendly and were arrogant. Some would not let us in even if we are accompanied by CHR [Commission on Human Rights] officers who are supposed to have the authority to enter military camps and offices," Winston related.

In one of the camps, at the Camp Allen, Winston said, the soldiers were even covering their faces. "It is infuriating. Probably James is there because they barred us from entering the camp. If they are not hiding anything, why would they not let us in to see for ourselves?"

Both their parents died without seeing James. [...] Winston hopes this message could reach James: "Manong! Be strong as always! We share your hardships, feel your pain, we miss you so much and we will not stop searching for you! May you have a Happy Birthday!"

Bulatlat.com, 21.04.2013

Military admits Bayles killers as their own

By Karl G. Ombion

In a court hearing yesterday April 18 held at RTC Branch 55, Himamaylan City, Adjutant General Alexis Gopico and Lt. Col Ricardo B Bayhon, Commander of 61st IB, 303rd Brigade of the 3rd Infantry Division positively identified the two suspects in the brutal murder of activist Benjamin Bayles as military enlisted men.

Edre Olalia, legal counsel of the victim's family, and Secretary General of National Union of People's Lawyers (NUPL), confirmed this report.

Bayles was murdered last June 14 2010 by two suspects who claimed to be Roger Bajon and Ronnie Caurino when they were captured by Himamaylan police operatives hours after the incident. The two were later identified by the victim's kin and militant organizations as soldiers under the 61st IB.

Olalia said "the confirmation, positive identification and specific personal pinpointing of the killers of activist Benjamin Bayles by top army officials as enlisted personnel under their command is

a welcome development and a high point in making perpetrators of extra judicial killings accountable."

This is ultimately a product of public vigilance and pressure by human rights defenders aided also by conscientious legal work, Olalia stressed.

The NUPL official also said that "amid strong evidence, the military was compelled to admit this fact. But it remains to be seen if this leads to a deeper investigation, determination of other guilty parties, including possibly, superior officers. The accused who are lowly private first class personnel maybe sacrificial dispensable small fry to stop the investigation and let masterminds escape identification and prosecution."

"As in other cases, like that of Jonas Burgos, extra judicial killings and enforced disappearances and other rights violations, there is no closure until there is full justice for the victims," Olalia concluded.

Bulatlat.com, 22.04.2013

After 10 years, still no justice for 2 slain activists

Posted By Ronalyn V. Olea

MANILA — Enraged over the inaction of the government on the murder of Eden Marcellana and Eddie Gumanoy, relatives and colleagues of the slain activists trooped to the Department of Justice (DOJ).

The protest marked the 10th death anniversary of Marcellana, former secretary general of Karapatan-Southern Tagalog, and Gumanoy, former chairman of Kasama-Timog Katagalugan.

Carrying photographs of the two leaders, Marcellana's husband, Orly, and their two daughters, Ara and Dana Marie, led the

protesters in front of the DOJ. [...]

The incident

On April 21, 2003, the two led an 11-member quick reaction team (QRT) to investigate cases of abduction and killings at Gloria and Pinamalayan towns in the province of Mindoro Oriental. On their way back to Calapan City, a group of some 20 armed men wearing bonnets abducted them.

Their companions were eventually released but the two leaders were not. They were found dead the next day in Bansud, Orien-

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tal Mindoro. Their bodies bore signs of torture. The perpetrators, the so-called "Bonnet Gang" was linked with the Philippine Army's 204th Infantry Battalion of which then Colonel Palparan was the commanding officer.

Philippine gov't accountable

After the incident, the families filed charges against Palparan and his men before the DOJ but the case was dismissed.

Finding no justice here in the Philippines, Orly and Gumanoy's son, Daniel, filed a complaint before the United Nations Human Rights Committee in March 2006.

In a [ruling](#) ^[3] dated October 30, 2008, the UN Committee declared that the Philippine government violated the rights of the victims.

The UNHRC further declared that the Philippine government "is under an obligation to provide the authors [families of victims] with an effective remedy, including initiation and pursuit of criminal proceedings to establish responsibility for the kidnapping and death of the victims, and payment of appropriate compensation. The State party should also take measures to ensure that such violations do not recur in the future."

None of the UNHRC's recommendations have been implement-

ed more than 1,500 days after the issuance of the said resolution. Last year, Orly, together with Karapatan-Southern Tagalog secretary general Glendhyl Malabanan and Marie Hilao-Enriquez Karapatan national chairwoman, held a dialogue with Justice Undersecretary Francisco Baraan III. The group demanded the reopening of the case and the implementation of the UN resolution.

"Usec. Baraan told us it was his first time to hear about the UN resolution and said we should follow up his office the next month," Malabanan said in her speech. "Until now, however, we have not heard anything from the DOJ."

Arrest Palparan, jail Arroyo

Protesters threw rotten tomatoes at the photograph of Palparan.

They said the Aquino administration must bring Palparan to justice and must not give special treatment to Gloria Arroyo.

Palparan has not been apprehended more than a year after the issuance of a warrant of arrest issued against him for charges of kidnapping and serious illegal detention in connection with the enforced disappearance of University of the Philippines students Karen Empeno and Sherlyn Cadapan. [...]

PEACE PROCESS

Rappler.com, 11.04.2013

MILF warns gov't: Clock is ticking

By Angela Casauay

MANILA, Philippines -- The clock is ticking on the peace process, the Moro Islamic Liberation Front (MILF) warned government on Thursday, April 11, as the formal talks in Kuala Lumpur ended without any agreement.

Despite an earlier target to sign a final peace pact by April, both parties failed to complete any annexes in the latest round of talks. The next round of talks will be held after the May 13 elections - a timetable the MILF had dreaded.

MILF chief negotiator Mohagher Iqbal earlier said it would be ideal to finish the negotiations before the May elections.

With the delay, Iqbal cautioned the government against prolonging the talks further.

Asked whether he's frustrated, Iqbal told Rappler in a text message Thursday: "A real negotiator will not be frustrated under any situation. But GPH (government) must tighten its belt. Time is ticking away."

The government, for its part, was quick to respond to concerns that the peace talks has turned from upbeat to uncertain.

In an FAQ on the 37th round of talks released by the Office of the Presidential Adviser on the Peace Process (OPAPP) a few hours after the talks ended Thursday, the government said:

"The Government panel had a frank and candid discussion with the MILF during the last round of talks. They have reiterated their commitment to the peace process and their trust and confidence on President Aquino and their counterparts. As in the past, all hard feelings were smoothed out, and the next steps were ironed out. There is clarity on how to move forward." [...].

Main cause of delay

The main cause of delay is the annex on wealth-sharing, which includes issues on the devolvement of natural resources, as well as taxation.

[...] After the 36th round of peace talks, Former Agriculture Secretary Senen Bacani, one of the members of the government peace panel, expressed the [...] sentiment, saying that the annex was "almost ironed out" and working solutions have been formulated on the 3 remaining contentious items:

- how taxes will be devolved
- mechanism of grant transfers from central government to Bangsamoro
- shares and revenues from mineral and other natural resources

However, any agreements still have to be approved by President Benigno Aquino III and MILF chairman Al Haj Murad Ebrahim. [...] For the MILF, a wealth-sharing arrangement has to happen between the Bangsamoro and the national government.

"There has to be wealth-sharing. Because the reality is, in Mindanao, especially with what we call the ancestral domain of our people, everything is being decided by Manila. All the natural resources have been at the sole discretion of Manila. So, we want to have a share on this," he said. [...]

Other contentious issues

During the first meeting of the Transition Commission on April 3, OPAPP Secretary Teresita Deles gave her word that the government will stick with their intended timetable of finishing the transition towards the Bangsamoro within the Aquino administration, acknowledging that the peace talks is in "a race against time." [...]

Other contentious issues remain unresolved.

Both panels have only signed one out of the 4 annexes needed to complement the Framework Agreement signed in October 2012. [...] In their joint statement for the 37th round of negotiations, both sides "agreed to exchange notes through the Facilitator in the coming days" and affirmed their commitment to settle the issues "so that all three Annexes may be signed without due delay."

Although the annexes on power-sharing, wealth-sharing and normalization have yet to be completed, both parties were able to sign the Terms of Reference of the [Sajahatra Bangsamoro](#), a [basic services program for MILF communities](#) that President Aquino launched in February in a [historic visit to the MILF stronghold](#).

Philippine Daily Inquirer, 27.04.2013

Gov't negotiator insists talks with rebels should be preceded by ceasefire

By Nikko Dizon



Action Network Human Rights- Philippines

MANILA, Philippines—While both the government and the Communist Party of the Philippines acknowledge that the attack on Gingoog Mayor Ruthie Guingona has highlighted the need for the resumption of peace talks, a return to the negotiating table by the two parties appears to be farfetched for now.

Government chief negotiator Alexander Padilla said Saturday that the Aquino administration remains open to resuming the peace talks with the communists but only if the process is “time bound and agenda bound with no preconditions.”

In addition, Padilla said in a telephone interview, “there should be a cessation of hostilities that could be independently monitored by civil society and church groups.”

Padilla stressed the need for a ceasefire before returning to the negotiating table because without it, “violence will continue, nothing will change.”

“I hope the public understands we cannot return to the talks just for the sake of talking and continue all the violence again. That would be just fooling the public,” he said.

In an e-mail to the Inquirer, Luis Jalandoni, chief negotiator for the communist-led National Democratic Front, said that his panel has informed Norwegian Special Envoy Ture Lundh, who is facilitating meetings between the two sides, “that we are willing to move the peace talks forward.”

Jalandoni said his panel “actually offered truce and cooperation” to the government, noting that a truce was even “much longer than a ceasefire.”

“But the truce and cooperation should be the result of a declaration of common intent upholding national sovereignty, land reform and national industrialization, among others,” he said. “Furthermore, we are demanding that obligations arising from agreements previously signed like the Joint Agreement on Safety and Immunity Guarantees (JASIG) and the CARHRIHL be respected.”

“By the way,” he added, “these are not preconditions, but obligations arising from a mutually agreed bilateral and binding peace agreement.”

But these are exactly the points that the government panel is wary of, particularly the demand of the CPP-NPA-NDF to release “consultants” who have been arrested and detained by the government.

Padilla said for one, the government refuses to release any more “detained consultants” because those who have been released earlier have “gone back to the hills.”

“So we even refused to collaborate on that level that we will release them and then they would return to the underground movement,” he said.

Padilla also described as “preposterous” the CPP-NPA-NDF demand for the government to stop its socio-economic development programs for the people such as the Pamana, the Conditional Cash Transfer, and Oplan Bayanihan.

“To them, these development programs are counterinsurgency programs,” Padilla said.

The Philippines has what is now the world’s longest running communist insurgency problem, which dates back to soon after the end of World War II. The government and the CPP-NPA-NDF have been trying to negotiate for peace for the past 25 years but Padilla himself said this “has gone nowhere.”

After a stalled “regular track” in the peace negotiations, the two panels tried to talk through a “special track,” which Padilla said the CPP-NPA-NDF themselves had proposed.

Initially meeting in December last year in the Netherlands, both panels agreed to discuss a draft Declaration of National Unity and Just Peace prepared by Jose Ma. Sison, founder of the CPP [...].

At their next meeting last February, according to Padilla, the NDF “proposed three new documents” instead of discussing the Sison draft.

He said the new documents “backtracked from their original position on a Draft Declaration, particularly on ceasefire, which they now subjected to preconditions.”

“They also reverted to the prolonged and untenable process of the Regular Track,” Padilla said.

“Joma Sison practically declared the special track dead when he reintroduced (the) three separate documents that were miles away from what we originally talked about,” he added.

For the talks to move forward, Padilla said, the negotiations should be “under a new atmosphere or a new environment whereby they will actually listen and talk to us on an even level.”

Asked how he thought the talks could move forward, Jalandoni said: “If there is the political will, there will be a way to move forward. But the GPH team wanted indefinite, simultaneous and unilateral ceasefires without the upholding of national sovereignty, land reform and national industrialization.”

Jalandoni said his panel also gave the government team “two drafts they can study and consider.”

FURTHER READINGS

Philippine Daily Inquirer, 04.04.2013

Manila again drops ball in Human Rights Council

By James Ross

Last June, the Philippine delegation to the United Nations Human Rights Council was an embarrassing no-show during an important vote on human rights abuses in Syria. Last week, the delegates stayed in their seats only to vote against a council resolution promoting human rights in Sri Lanka. Maybe they should have stayed home, too. [Read more](#)

Bulatlat.com, 06.04.2013

How the military hid the truth behind Jonas Burgos abduction

By Ronalyn V. Olea

The military repeatedly refused to turn over to the courts documents that could have determined what happened to Jonas. [...] Following the recent developments on the case [...] the Armed Forces of the Philippines (AFP) said it would submit to the legal processes. [Read more](#)

Business World, 11.04.2013

Out of context

By Luis V. Teodoro

Orgies of overspending, vote-buying, intimidation and outright coercion, and exercises through which a few political families have monopolized practically every elective office from city councilor to President, Philippine elections are already a mockery of representative democracy. The latest Supreme Court decision declaring the party-list system open to established political parties will make them even worse travesties. [Read more](#)