

## HEADLINES NEWS REVIEW JUNE 2015

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**Disclaimer:** *The news articles available in this review are only collated from local newspapers. They were not written by the Action Network Human Rights- Philippines.*

**The Action Network Human Rights – Philippines** *advocates the sustainable improvement of the human rights situation in the Philippines. Members are: Amnesty International, Bread for the World – Church Development Service, Misereor, Missio Munich, philippinenbüro e.V., the International Peace Observers Network (IPON) and the United Evangelical Mission (UEM).*

## HEADLINES &amp; POLITICS

Manilatimes.net, 14.06.2015

**Ex-Mayor linked to Inopacan Massacre nabbed**

By Fernan Marasigan

SECURITY forces arrested over the weekend a former mayor of Jagna town in Bohol for his alleged involvement in the “purg-ing” of suspected military informants within the ranks of the communist New People’s Army (NPA). Lt. Col. Harold Cabunoc, chief of the Public Affairs Office of the Armed Forces of the Philippines, said Exuperio Lloren, 65, was arrested by joint teams from the AFP and the Philippine National Police in

his hiding place in Barangay Pahina, Jagna on strength of a warrant of arrest issued by Judge Thelma Bunyi-Medina of the Manila Regional Trial Court Branch 32. According to Cabunoc, Lloren was charged with 15 counts of murder in connection to the infamous “Inopacan Massacre” that claimed that lives of at least 67 persons.

Inquirer Southern Luzon, 14.06.2015

**18 activists held on Independence Day**

ILOILO CITY—Holding protest rallies are apparently not allowed under the administration of President Aquino whose parents are considered icons of democracy.

Eighteen members of militant groups were arrested in Iloilo and Cavite on Independence Day for staging rallies which police claimed didn’t have permits.

Five of them were among the more than 1,000 protesters led by Bagong Alyansang Makabayan (Bayan) who clashed with policemen during Independence Day rites on Friday morning in the city.

The 13 others were Bayan members who were arrested for allegedly disrupting the program for the 117th Independence Day commemoration in Kawit, Cavite.

Senior Supt. Kashmir Disomangcop, Iloilo City police director, said the five militants were arrested after protesters allegedly forced their way into a police blockade near Plaza Libertad.

The plaza is about 1.6 kilometers from the old Iloilo provincial capitol where President Aquino and members of the diplomatic corps were attending the traditional Independence Day *vin d’honneur*.

**Police injuries**

Disomangcop said the protesters were allowed to hold their rally at the plaza as part of security measures.

An undetermined number of policemen were also injured while

police shields were cracked, according to the police official.

But Hope Hervilla, chair of the Panay chapter of Bayan, said the group was just asking for permission to go near the Freedom Grandstand, about 200 meters from the plaza.

“We were unarmed and beating us with truncheons is uncalled for,” she said.

The five were charged with disobedience to lawful order, direct assault with physical injuries, malicious mischief and resisting arrest. [...]

**P40,000 in bail**

They were released 1 a.m. on Saturday after posting bail which reached a total of P40,000.

Hervilla said they planned to file counter charges because 10 protesters, including two of those arrested, were injured after they were hit by truncheons.

In Cavite, the 13 arrested Bayan members faced charges for illegal assembly, said Chief Insp. Mark Laygo, Kawit town police chief. [...]

Laygo claimed that the group tried to disrupt the program for the 117th Independence Day commemoration at the Aguinaldo Shrine by chanting and holding out placards. [...]

Laygo, as of Friday, said he was still waiting for orders from the Cavite police’s legal department over whether or not to release the arrested activists.

InterAksyon.com, 17.06.2015

**Miriam wants probe on closure of Davao del Norte lumad schools**

By Ernie Reyes

MANILA, Philippines -- Senator Miriam Defensor-Santiago has asked colleagues to investigate reports that schools set up for “*lumad*” (indigenous people) [were closed] in the hinterlands of Davao del Norte, a move that will affect some 3,000 students from tribal communities.

Santiago said the closing of the schools as well as reported plans to field soldiers as “para-teachers” to the *lumad* communities would violate the Constitution as she proposed the idea of declaring schools all over the country peace zones.

“Recent events lend urgency to the need for an investigation, through which the Senate may contemplate legislation declaring schools all over the country as peace zones,” Santiago said in Proposed Senate Resolution No. 1392.

She cited Sections 5 and 5 of Article 2 of the Constitution.

Section 5 provides: “The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy.”

Section 17, on the other hand, says: “The State shall give priority to education, science and technology, arts, culture, and sports to

foster patriotism and nationalism, accelerate social progress, and promote total human liberation and development.”

Santiago’s resolution cited that the closure of the *lumad* schools and the deployment of the “para-teachers” was supported by the Department of Education’s schools division in Davao del Norte as well as accusations by human rights group Karapatan and the Save Our Schools Network that education officials colluded with the military in shutting down the education centers.

The senator noted that the two groups claim to have documented operations by the Davao del Norte-based 60th and 68th Infantry Battalions that have affected some 4,309 students and 41 teachers in the first five months of this year alone.

However, she also noted that “the National Commission on Indigenous Peoples (NCIP) alleged that it has yet to receive documentary evidence of such incidents.”

Santiago also recalled that in December last year, a resolution had also been filed seeking in inquiry into the need to bar armed groups from entering school grounds.

InterAksyon.com, 18.06.2015

## New US-Philippine military deal, already on ice, could face further delays

By Manuel Mogato

MANILA, Philippines - A US-Philippine defense agreement that would help counter China's growing naval power in the disputed South China Sea has yet to be implemented more than a year after it was signed, and could now face a fresh political hurdle in Manila.

The deal gives US troops wide access to local military bases and approval to build facilities to store fuel and equipment for maritime security, but it was effectively frozen after left-wing politicians and other opponents challenged its constitutionality in the Philippine Supreme Court last year.

The court is expected to issue a ruling before US President Barack Obama visits Manila for an Asia-Pacific summit in November. The deal, called an Enhanced Defense Cooperation Agreement (EDCA), was signed just days before Obama last traveled to Manila in April 2014.

In another complication, 13 senators in the 24-member Philippine Senate have signed a draft resolution insisting the upper house scrutinize the deal before it takes effect. [...]

While a Senate resolution would not be binding on President Benigno Aquino III, it would put pressure on him to allow senators to debate the agreement, which would delay it further, Philippine political experts told Reuters.

With national elections due in May 2016, politicians are already focusing on who will contest the presidency when Aquino steps down, possibly putting some congressional business on the back-burner. The Philippine constitution allows presidents to only serve a single six-year term.

"Aquino is increasingly losing his power to influence Congress," said political expert Ramon Casiple.

Further delays might raise eyebrows in Washington, experts said, given Manila has been the most vocal critic of Beijing

among the claimants to the South China Sea and has urged the United States to be more assertive in pushing back against China's rapid land reclamation in the waterway.

Senators have said they also want to review an agreement to be negotiated with Tokyo that would allow Japanese military aircraft and naval vessels to use bases in the Philippines for refueling and picking up supplies.

The Senate has ratified previous Philippine defense agreements, including a decades-old security treaty with the United States.

Aquino has said the EDCA only needs executive approval because it's an addition to existing security arrangements.

### Base access

To be sure, US-Philippine military ties are already robust.

Philippine military officials say there has been an increase in US exercises, training and ship and aircraft visits in the past year under Obama's "rebalance" to Asia.

But the EDCA would take the relationship a step further, partly by giving US forces broad access to the Philippines.

Washington for example wants to use Philippine military bases in eight locations to rotate troops, aircraft and ships, the Philippine military chief said in April.

One of those is a base on Palawan island, about 160 km (100 miles) from the Spratly islands, where China's creation of seven artificial outposts will allow Beijing to project power into the maritime heart of Southeast Asia.

The agreement would also allow the US military to build infrastructure such as barracks, logistic warehouses and fuel depots for its visiting forces.

US Marine Lieutenant Colonel Jeffrey Pool, a Pentagon spokesman, acknowledged that the court process had delayed implementation. [...]

Rappler.com, 18.06.2015

## Dire conditions found in factories around Kentex

By Buena Bernal

MANILA, Philippines - Almost all 42 Valenzuela City factories recently inspected by a tripartite task force were found to have violated general labor standards (GLS) and occupational safety and health standards (OSH), said labor coalition Nagkaisa.

In a press conference Thursday morning, June 18, Nagkaisa announced the initial results of the first 5 days of surprise joint inspections ordered by the Department of Labor and Employment (DOLE), following the deadly fire that killed 72 people in a footwear factory in the city in May.

The DOLE-created Task Force Valenzuela started onsite inspections on June 8.

Within 5 days, it found that almost all of the first 42 workplaces around the gutted factory of embattled footwear maker Kentex Manufacturing deprived its workers of [the assured Metro Manila minimum wage of P481](#) and other law-mandated benefits.

The factories were found to have poor housekeeping, insufficient first aid kits and emergency medicines, and unhygienic toilet and washing facilities, among others.

Although mandated under labor rules, the workplaces lacked an occupational safety and health policy and program, a trained safety officer and first aid responder, an unobstructed fire exit, an annual medical report, as well as policies and guidelines for the prevention and control of tuberculosis and HIV/AIDS.

Workers were likewise not provided with personal protective equipment including earplugs for noise pollution, face masks for airborne contaminants, and welding goggles.

### The case of Kentex

These findings reflect earlier stories by workers who survived the massive fire that razed the two-storey Kentex factory.

Relatives of workers killed in the fire told Rappler of horrid

factory conditions, including lack of masks amid the stench of paint and processed rubber, extreme heat, and long hours without the corresponding overtime pay, among others.

Fifty-year-old Marietta Madiclom, a Kentex casualty, [toiled in the footwear factory for 15 years](#) without health insurance, social insurance, an assured minimum wage, and other law-mandated protection for workers, her husband said. [...]

Kentex's factory in Valenzuela City caught fire on May 13, killing at least 72 and injuring others.

Considered the largest industrial accident in the Philippines in decades, the deadly blaze shed light on widespread non-compliance with occupational safety and health standards in workplaces, with DOLE and labor groups reiterating the call to criminalize grave OSH violations.

### Contractual workers

The deadly Kentex factory blaze is seen as a [setback for the Philippine manufacturing industry](#), an industry that draws foreign investors partly due to cheap labor. [...]

Trade Union Congress of the Philippines executive director Louie Corral argues that the way to attract investors should be through lower utility costs and upgraded skills of workers instead of lax labor standards and low pay.

Labor groups have aggressively [pushed for pro-worker reforms](#) in the aftermath of the tragic Kentex fire, including limiting contractual labor in workplaces. [...]

Unscrupulous employers often misclassify workers [as contractual from a subcontractor](#) or at times [as independent contractors](#) to relegate them to casual status as opposed to regular employees who enjoy a host of workers' benefits. This enables compa-

nies to reduce manufacturing costs, 40% of which is often allocated for labor. [...]

HRonlinph.com, 28.06.2015

## Breaking the silence from torture impunity -MAG

Torture is considered a crime under the international human rights law. It is prohibited everywhere, at all times, and no exceptional circumstances whatsoever can be used to justify it. However, the abominable practice of torture continues unabated throughout the world including the Philippines.

It most often takes place in places of detention - where people deprived of liberty are mistreated to extract information, to punish or to discriminate. Women and children in detention are most vulnerable to sexual violence. Many people are subjected to torture on the grounds of their sexual orientation, ethnic origins, political and religious beliefs, age or disabilities.

Yet, no one is punished for committing torture.

Torture has devastating effects not only to torture victims but also to their immediate families, communities and larger society. It is intended to silence the victims. Oftentimes, it is not the survivor's inability to speak but the fear of reprisal.

Once tortured is tortured for life.

Torture victims desperately need a help to mend their shattered bodies and mind from their traumatic experiences. But through rehabilitation they can reclaim their life and rebuild for their future, and that of their family and community.

As the world commemorates the UN International Day in Support of Torture Victims every June 26, the Medical Action Group together with the United Against Torture Coalition (UATC-

Philippines) stands in solidarity with victims of torture through the "Basta! Run Against Torture 9" (BRAT IX), to reiterate the demand for torture rehabilitation as a right and a responsibility for all us.

In the Philippines, despite the enactment of the Republic Act no. 9745 or the Anti-Torture Law in 2009 which is purportedly aimed at ending torture impunity and giving meaningful implementation to the UN Convention Against Torture (UNCAT) to which the Philippines is party since June 1986, rehabilitation remains very elusive.

While the Philippine government in compliance with the anti-torture law has already crafted and approved a comprehensive rehabilitation programs for torture victims, it is still unclear on how rehabilitation program can be effectively implemented and be made accessible to victims and their families.

We therefore join hands with all other members of the International Rehabilitation Council for Torture Victims (IRCT) in over 70 countries in calling on the states especially those which have ratified the UNCAT to comply with their state obligations particularly on Article 14 or on the provision of rehabilitation for torture victims.

Breaking the silence against torture impunity is a start to give each and every torture survivor the chance to begin rebuilding their lives. It is our social responsibility to make it happen.

### INSTITUTIONS

The Philippine Star, 18.06.2015

## Gascon is new CHR chairman

By Janvic Mateo

MANILA - The Commission on Human Rights (CHR) yesterday announced the appointment of Jose Luis Martin "Chito" Gascon as its new chairman, replacing former Akbayan party-list representative Loretta Ann Rosales who finished her term last month. Also appointed new CHR commissioners are Karen Gomez Dumpit, Gwendolyn Pimentel-Gana, and Leah Tanodra-Armamento.

They will serve until May 5, 2022.

Gascon, a lawyer, is currently a member of the Human Rights Victims Claims Board (HRVCB), the body created to identify and process the claims of the victims of human rights abuses during the Marcos regime.

A student activist during the Marcos dictatorship, Gascon served as undersecretary for political affairs of President Aquino

until 2014.

He also served as director-general of Liberal Party (LP) from 2008 to 2011 and undersecretary of the Department of Education from 2002 to 2005.

Gascon graduated from the University of the Philippines College of Law in 1996, and has a masters in International Law from Cambridge University in London.

"No announcement has been made as of this writing regarding when they are expected to take their oaths of office," CHR information officer Banuar Falcon said.

"The officers and staff of the Commission on Human Rights would like to extend their warmest welcome to the new chairman and commissioners," he added.

InterAksyon.com, 22.06.2015

## Drilon backs anti-dynasty bill, excluding '2nd wife' from ban

By Ernie Reyes

MANILA - Senate President Franklin Drilon on Monday expressed support for enactment of the Anti-Dynasty Bill being pushed by Senator Aquilino "Koko" Pimentel Jr. but excluding the "2nd wife or husband" from the ban. Drilon told journalists that the Anti-Political Dynasty Act pushed by Pimentel is the best version to implement the anti-dynasty provision in the Constitution. "In that bill, no relative from the first degree, meaning spouses or parents or children, of an incumbent elected public official

will not be eligible to run for office," Drilon said. Nephews and nieces will not be barred, and the law also excludes common-law wife or husband, as well as legal partners.

**Priority measures**  
Meanwhile, Drilon said that, aside from the Anti-Political Dynasty Act, among the priority measures when the session opens in July 27 are: Philippine Maritime Zones Act and National Identification System. [...].

The Philippine Star, 22.06.2015

## House OKs bills on mining-free zones

By Paolo Romero

MANILA, Philippines - The House of Representatives has approved eight bills declaring two cities in Mindanao and five provinces as well as one congressional district as mining-free zones.

The authors of the bill said mining has been statistically proven to be one of the most environmentally destructive industries.

The measures under consideration by the Senate include those authored by Reps. Rufus Rodriguez, Maximo Rodriguez Jr., Isidro Ungab, Cesar Sarmiento, Carlos Padilla, Ben Evardone, Deogracias Ramos Jr., Joseph Gilbert Violago and Rogelio Espina.

The measures were sponsored by Surigao del Norte Rep. Francisco Matugas, chairman of the House committee on natural resources.

The areas sought to be declared as mining-free zones are the

cities of Cagayan de Oro and Davao; the provinces of Catanduanes, Nueva Viscaya, Eastern Samar, Nueva Ecija, and Biliran; and the 2nd District of Sorsogon.

The authors cited the constitutional mandate "to protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

"Mining has adverse effects both to humans and the environment. Aside from adding toxic chemicals to the ore, it strips off large areas of topsoil of all flora and fauna," they said.

The lawmakers said apart from destroying the natural beauty of the environment, mining displaces communities, causes landslides, pollutes water sources and contributes to the greenhouse effect and climate change, among others.

The bills provide penalties ranging from six years to 12 years imprisonment and fines ranging from P100,000 to P500,000.

CURRENT CASES OF HR VIOLATIONS

Rappler.com, 28.05.2015

## Bishops to Aquino: Stop Samar killings before polls

By Paterno Esmaquel II

MANILA, Philippines - A year before the 2016 elections, bishops urged President Benigno Aquino III to stop a recent spate of killings in Samar, one of the Philippines' poorest provinces that is also a hotbed of election-related violence.

"We are alarmed that these killings may be the start of a wave of political violence in our provinces in the island of Samar," the bishops said in a letter to Aquino on Wednesday, May 27.

"Mr President, we seek your immediate assistance to resolve these killings the soonest possible time. This is the only way to avert further violence - to serve justice to the perpetrators of these crimes - so that peace may once again prevail in our provinces and to lessen many unsolved impunities until now," the bishops added.

Calbayog Bishop Isabelo Abarquez, Borongan Bishop Crispin Varquez, and Catarman Bishop Emmanuel Trance signed the letter as members of the Samar Island Partnership for Peace and Development.

The bishops made this appeal after at least 3 murders in the past two weeks.

The *Philippine Star* reported that gunmen killed Edgar Billeza, the barangay (village) chief of Carayman, Calbayog City, in Samar province. Billeza was killed in his Calbayog City residence.

The bishop said Billeza died on May 17.

Three days later, assassins reportedly shot dead two other village officials in Dagum, also in Calbayog City. Barangay Chairman Rio Lebario and Barangay Councilor Jonie Lungsod died in

their barangay hall.

### 21 murders since 2014

The bishops pointed out that "gunmen boldly barged into a barangay session in Dagum, Calbayog City, and repeatedly shot" the two officials. Citing police reports, they added that the gunmen "were unmasked, wore no bonnets to hide their faces," and killed persons who "belonged to opposite political camps."

*The Freeman* reported that since 2014, at least 21 political leaders and village officials have been murdered in the first district of Samar.

Before the 2013 elections, Interior Secretary Manuel Roxas II had included Samar among "the 15 priority provinces considered as high-risk areas in terms of political violence."

Samar is home to one of the Philippines' most deeply entrenched political dynasties.

At the same time, it is one of the Philippines' poorest provinces. Samar is also a victim of the Philippines worst typhoons in the past two years - Super Typhoon Yolanda (Haiyan), which [killed at least 6,300 people](#) in 2013 and Typhoon Ruby (Haiyan), which killed more than a dozen people in 2014.

The bishops from Samar island told the President: "We are still in the process of rehabilitating our communities and the infrastructure in our towns, and restoring our livelihoods and environments. And peace is essential to our development process."

"We urge you, esteemed President of our nation, to resolve these killings before these bring more violence."

Karapatan - Press Statement, 08.06.2015

## Union leaders, social workers file harassment complaints vs. AFP, PNP agents

Union leaders and members of the Confederation of Unity of Recognition and Advancement for Government Employees (COURAGE) and social workers from the Salinlahi Alliance for Children's Concerns and Children's Rehabilitation Center (CRC) today filed complaints at the Commission on Human Rights on the harassment and surveillance they experienced from military and police agents in Metro Manila.

Ferdie Gaité, chairperson of COURAGE, said "this pattern indicates a worsening trend of political repression against union organizers and political activists and attempts to disrupt the organizations' activities and terrorize people involved in development and human rights work." After the arrest in 2012 of COURAGE organizers Raul Camposano and Randy Vegas

based on trumped-up charges, the Aquino administration and his military and police continue to violate the workers' rights to unionize and organize, he added.

A few days before the Labor day commemoration, on April 27, at least five members and officers of Confederation of Unity of Recognition and Advancement for Government Employees (COURAGE) received letters listing down their involvement with the union and alleging that they were linked to the Communist Party of the Philippines-New People's Army (CPP-NPA).

Those who received letters were: Roman M. Sanchez, National Food Authority (NFA) employee and National Food Authority Employees Association (NFAEA) National President, Evelyn P.

Garcia, NFA employee and national assistant secretary general of NFAEA, Fely Saño, NHA employee and CUE-NHA 2nd Vice President, Rosalinda Nartates, CUE-NHA National President and COURAGE Secretary General, and Manuel Baclagon SWEAP-DSWD (Social Welfare Employees Association-Department of Social Welfare and Development) National President and former COURAGE Deputy Secretary General.

Prior to this, on April 21, a certain Sgt. Borres who introduced himself as liaison officer of the Intelligence Service of the Armed Forces of the Philippines (ISAFP) entered the NFA premises looking for Hilario M. Tan, retired NFA employee and former vice president of the NFAEA and Ms. Evelyn P. Garcia. He was stopped by the lobby guard and brought to the Security Service office of the NFA for questioning because he was carrying a .45 calibre pistol. The security personnel asked Borres for a mission order but he could not produce one, so he left.

On May 14 to 16, 2015, staff members of Salinlahi and the Children's Rehabilitation Center were being hounded in their offices and tailed by suspected agents of the military and police. Regis-

tered social workers Madella Santiago and Eilekrenes Manano of Salinlahi Alliance for Children's Concerns and Children's Rehabilitation Center (CRC) were tailed.

"This is a clear act of harassment and reprisal on our active opposition to government policies and programs that are not beneficial for Filipino children and their families. CRC has been documenting cases and providing services to children victims of human rights violations perpetrated by the Armed Forces of the Philippines and its paramilitary groups for almost three decades now. Salinlahi, as the lead convener of the Save our Schools Network has been very vocal in opposing the increasing cases of military attacks and encampment on schools particularly in peasant and indigenous peoples' communities," opined Kharlo-Manano, secretary general of Salinlahi. [...]

Karapatan documented 125, 061 victims of threats and harassment under the Aquino administration, most of the victims are based in the rural areas. The members and supporters of the organizations also held a picket protest at the CHR to support the complaints filed by the union leaders and social workers.

Davao Today, 11.06.2015

## Family alleges Army of beating Bukidnon farmer to death

By Paulo C. Rizal

DAVAO CITY - A farmer who was accused of being a New People's Army member was allegedly beaten to death by the military on May 4 at Barangay Kalapaton, Kitaotao, Bukidnon. Residents reported that Emelio B. Roflo, 55, was about to work in his farm around 4:30 in the morning unaware that soldiers were camping in his farm.

Residents also said a military encounter happened near the victim's farm the previous night.

Roflo was buried on May 18.

Virgilio Lebor, cousin of Roflo, said he died of "intense beating, resulting to fractured ribs and internal hemorrhage." Lebor witnessed the autopsy on June 4.

Roflo's remains were dug out June 3 after his wife sought dialog with Governor Jose Maria Zubiri.

Captain Alberto Caber, chief public information officer of the Eastern Mindanao Command Chief, said they will verify the incident from ground officials.

Lebor said the victim's family has already filed a case.

Juanito Binaton, secretary of the farmer's group Kahugpong sa mga Mag-uuma sa Kitaotao (KMK) said it is because of the death of civilians like Roflo that they call for the pull out of the

military from their communities.

On Tuesday, more than 2,000 farmers put up a barricade along Davao-Bukidnon Highway in Kitaotao to call for the pull out of all military detachments from their communities, saying that Army presence "incites fear and chaos" and affects their farming activities.

Binaton said the military would enter their communities with medical missions. But then residents would be forced to register their names for the military's own census to track down farmers, he said.

"[...] They would investigate the residents, they intimidate them, asking them where the NPAs are," he told Davao Today in an interview on Tuesday.

As a result, farmers were not able to tend to their farms out of fear of harassment from the military. Their produce were already affected by drought since January. [...]

Meanwhile, Administrative Officer Engr. Eleuterio Vicente speaking for Kitaotao Mayor Lorenzo Gawilan said that the Army's directive to operate in the area does not come from the mayor, adding that they cannot order for the pull-out of the military. [...]

Karapatan - Urgent Appeal, 12.06.2015

## Farmers illegally arrested in Lemery, Batangas

Dear friends,

Please join us in our call to immediately release illegally-arrested **Norberto Burrico** and **Evelyn Flauta** who were nabbed by joint forces of Special Action Force (SAF) and Criminal Investigation and Detection Group of the Philippines National Police (CIDG-PNP) in Brgy. Niogan, Lemery, Batangas.

At around 6:00 a.m. last April 23, 2015, combined forces of the SAF and CIDG of the PNP illegally arrested farmers Evelyn Flauta and Norberto Burrico, common-law couple, in their home at Brgy. Niogan, Lemery, Batangas.

At the time of their arrest, Flauta and Burrico were feeding the farm animals in the backyard. As they were about to go inside their house, men with CIDG badges on their vests and in camouflage uniforms surrounded them. They were ordered to lie down on the ground. After which, they were asked if they have children, relatives or friends inside the house; to which they replied there was no one with them.

Flauta was asked to stand while the arresting team frisked her. She asked the arresting team the reason for their arrest and if they had a warrant of arrest. A certain "Ma'am Edna", answered

they had a warrant but she will only show them when they get to the police station. Flauta requested to make a phone call, but she was refused. The arresting team handcuffed Flauta and told her to get in one of the vehicles parked outside their house. Miranda Rights entitles an arrested person to make phone calls but this was violated during Flauta's and Burrico's arrest.

Simultaneously, the arresting team handcuffed Burrico and dragged him into one of the vehicles. They also did not show him a warrant of arrest. The policemen accused him as a commander of the NPA.

It took another 30 minutes before the convoy left the area. Flauta saw some police men stepped out of their house with a sack of things gathered inside, and dropped it in one of the vehicles. Flauta and Burrico later said that these may be the evidence planted against them.

An unidentified man sat beside Flauta inside the vehicle and talked to her in Waray. He said if Flauta will cooperate and would tell them everything she knows, they will immediately release her and her husband. Before they took off, "Ma'am Edna" told Flauta, "[...] we just carried on orders, we do not know your

case."

Burrigo was brought to a court near Batangas City police station where a judge asked him to sign a document. He said he cannot understand the contents of the document, which was written in English. The judge the document was about the charges against him for illegal possession of explosives. Burrigo told the judge he does not have any explosive in his house. The police claimed they got a hand grenade from Burrigo when he was frisked. Burrigo spent the night at the Batangas City Police Station. On April 24, he was transferred to the CIDG-NCR office in Camp Crame, Quezon City.

Flauta was brought to Fort Sto. Domingo, Sta. Rosa, Laguna then to CIDG-NCR office in Camp Crame, Quezon City. A warrant of arrest was presented to her; but she only saw the case number and the alias "Eldi", the subject of arrest. Some men interrogated Flauta. Then she was brought to a holding cell at the Major Crimes Investigation Unit (MCIU). Karapatan paralegals located Flauta and Burrigo in Camp Crame on April 27, 2015.

Burrigo now faces charges of murder and frustrated murder and violation of anti-alias law. Flauta is facing robbery with multiple homicide and frustrated homicide and three counts of murder. Both were also charged with illegal possession of explosives.

Asian Human Rights Commission, 16.06.2015

## Massive displacement of indigenous peoples due to aerial bombardment

The Asian Human Rights Commission is deeply concerned about the aerial bombardment in the mountains of Sarangani province, Mindanao due to military operations, resulting in massive displacement of indigenous *Blaans* in the area. Soldiers also threatened and forced confessions from villagers on locations of rebel groups in their community.

CASE DETAILS: (Based on information received from *Kafye de Lagad and Kahugpong sa mga Lumad sa Halayong Habagatang Mindanao (KALUHHAMIN)*, an indigenous people's organization; and the *Alliance for the Advancement of People's Rights (KARAPATAN)*)

On March 27, 2015 360 families or more than 2,000 individuals were displaced due to military operations conducted by the 73rd Infantry Battalion of the Armed Forces of the Philippines (AFP) in uphill villages of Malapatan and Alabel, Sarangani Province.

The soldiers forced civilians to 'confess' the rebel camp location of the New People's Army. If they refused to cooperate, the military would accuse them of either being rebels themselves, or rebel informants. The aerial bombardment in the Blaans communities has destroyed their crops—banana, cassava, vegetables and coffee—upon which they make their livelihood.

On the evening of May 18, 100 families or more than 400 individuals from the remote village of Upper Suyan and Barangay (village) Pagasa, Alabel, Sarangani province had to evacuate to Sofan Elementary School, in the same town. The villagers feared they would be killed in the bombardments if they do not evacuate.

Karapatan - Statement, 17.06.2015

## General Baladad, Año's 69th IB-PA responsible for Paquibato massacre of Lumad, peasant leaders

Karapatan today staged an indignation rally at the gate of the Armed Forces of the Philippines General Headquarters at Camp Aguinaldo on the Paquibato massacre, killing three civilians and wounding a 12-year old child.

"The terror should stop now. The 69th Infantry Battalion- of the Philippine Army (IBPA) should immediately pull out from the

### Trumped-up criminal charge lodged vs another NDFP consultant

[...] Silva, 67, is a holder of JASIG documentation of identification with the assumed name "Percival Rojo" was arrested on June 1, 2015 in Molino, Bacoor, Cavite. A long-time trade union organizer, Silva currently serves as a consultant of the Kilusang Mayo Uno. His wife, Rosanna Cabusao, and another companion, Isidro De Lima, were also arrested by some 30 members of the Criminal Investigation and Detection Group of the Philippine National Police (CIDG-PNP). Cabusao is a researcher/consultant of the Crispin B. Beltran Resource Center and a founding member of Gabriela.

Cristina Palabay, Karapatan Secretary General, said the arrest of Silva shows "how the GPH continues to undermine the peace process by disregarding the Joint Agreement on Safety and Immunity Guarantees (JASIG) and the Comprehensive Agreement on the Respect for Human Rights and International Humanitarian Law (CARHRIHL) because of the trumped up charges filed against peace consultants."

Silva reportedly was charged with numerous fabricated criminal cases of murder and frustrated/attempted murder in the courts in Aparri, Cagayan and Laoang, Northern Samar, where NDFP consultants Benito Tiamzon, Wilma Austria Tiamzon and Elizabeth Principe were also charged with the same trumped up cases. Prior to Silva's arrest, Karapatan has documented 16 NDFP consultants arrested and are still detained, among the 527 political prisoners in the country.

To justify the arrest of Silva and his companions, Karapatan said fabricated charges of illegal possession of firearm and explosives were also filed against them in the inquest proceedings yesterday in Bacoor, Cavite.

"The evidences against them were planted during the raid by the CIDG. This practice of arresting individuals based on planted evidence should stop," Palabay said.

Karapatan recalled a similar pattern in the illegal arrest and detention this March of another NDFP consultant and 12 other individuals in the raid by the CIDG-PNP and Armed Forces of the Philippines in Caloocan and Quezon City.

"Karapatan reiterates our call to the GPH to respect the JASIG, CARHRIHL and all agreements with the NDFP and for the release of all political prisoners," Palabay stated.

Karapatan - Press Statement, 03.06.2015

Some of the evacuees moved to United Church of Christ in the Philippines (UCCP) compound in General Santos City, where local NGOs provided for some of their immediate needs, including trauma counseling, especially for children. Some women and children fell sick. One of the women, Meling Bagit, mother of a 10-day old baby, suffered bleeding, and another gave birth on May 21 in the evacuation center. Many pregnant and lactating mothers are showing signs of trauma.

ADDITIONAL INFORMATION:

On June 10, 2015 at 9 a.m., a dialogue was conducted between civilians, local government officials of Sarangani province, the Commission on Human Rights (CHR) and 73<sup>rd</sup> Infantry Battalion (IB).

During the dialogue, the villagers asked: Have the military left our place? [...]. Do we have assurance that we will be secured in our community? [...]. But their concerns were not categorically answered.

In fact, local groups have discovered that the aerial bombardment and military operation in the area could be due to the alleged plan by the local government units and three mining corporations—the Trans Multi Corporation, LOOC Mining Corporation and the Legenda Mining Corporation—to conduct mining in the area. Rich in minerals, the area covers 16,096 hectares.

community and answer for the massacre of peasant and Lumad leaders. As if killing is not enough, the Año's men tried to cover up their crime by lying and calling those killed as rebels and planted firearms and grenade beside the remains of the three. Such heinous act!" Cristina Palabay, Karapatan secretary general said.

The 69th IB-PA is under the 10th Infantry "Agila" Division headed by Gen. Eduardo Año, a protégé of The Butcher retired general Jovito Palparan; while the 10th ID is under Brig. Gen. Aurelio Baladad, another Palparan-trained general.

Those killed were tribal chieftain Datu Ruben Enlog, Randy Lavarcon Carnasa and Oligario Quimbo. Datu Ruben was a community leader and the chairperson of Nagkahiusang Lumad sa Paquibato (United Lumad of Paquibato), while Carnasa and Quimbo were farmer-members of the Paquibato District Peasant Alliance (PADIPA). A woman Lumad leader Aida Seisa and her husband are still missing as of this writing. Seisa is the spokesperson of PADIPA.

The three were killed midnight of June 14 when soldiers from the 69th IB strafed Aida Seisa's house. At the time, there were still guests who joined the birthday celebration of Seisa's daughter. The gunfire lasted for 30 minutes. Contrary to the military's claim, there were no exchange of fires, survivors of the incident recalled. The gunfire only came from the direction of the military. Seisa, her husband and three daughters were able to run away from the scene although her daughter Chingching, the birthday celebrator, was wounded.

"The army was quick in coming out with its cover-up by planting three landmines, weighing three kilos each, one grenade, an M14 rifle, and an M1 Garand at the scene to justify its claim that those killed were members of the New People's Army," Palabay

said.

"[...] The military thinks they can still fool us. Can my father still think of carrying landmines of about 3 kilos each during the strafing? They just made up that story. How can my father carry the two landmines when his armpit had been blown-up!" Felipe Carnasa, son of Randy, said upon seeing his father's dead body covered with blood.

The 69th IB used to be under the 7th Infantry Division commanded by Gen. Palparan when he was assigned in Central Luzon. In 2006, elements of the 69th IB, then headed by Gen. Ricardo Visaya, were involved in the abduction and torture of brothers Raymond and Reynaldo Manalo, now witness to the kidnapping case of Sherlyn Cadapan and Karen Empeno. On the same year, the 69th IB soldiers were involved in the massacre of the striking workers in the Cojuanco-Aquino owned Hacienda Luisita.

During Gen. Año's appointment as 10th ID chief, he said, "The kind of approach I would like to do is to concentrate in the community. I want to reach out to the people..."

"Año's 'approach' meant massacres, bombings, and indiscriminate firing in the Lumad communities in the Davao region. This is how he reaches out to the people. BS Aquino's Oplan Bayanihan in the communities meant terror. The military should pull-out, now!" Palabay ended.

Asian Human Rights Commission, 18.06.2015

## No protection given to indigenous man fighting for land rights who survived two attempts on his life

The Asian Human Rights Commission (AHRC) writes to inform you about the lack of protection provided to an indigenous man struggling for his land rights, who survived two attempts on his life. The victim has been targeted by the security guards of a landlord because of his refusal to vacate from his ancestral land. The guards were deployed by their employer-landlord who claimed that they owned the land. The victim has reported the attacks to the police, who did not investigate or provide protection to the victim and his family seven months after the incident. CASE DETAILS: (Based on the documentation by the Task Force Detainees of the Philippines (TFDP)) On 2 October 2014, at 8 a.m. in Purok 9, Prakatahan, Barangay (village) Pualas, Don Carlos, Bukidnon, Nestorio Sulatan Ampode, 36, an active member and overseer of Ambugkol Manobo Tribal Association (AMTA), was cultivating the rice field together with Danny Tahuyan, when they were approached by Marcial Balarote, a private security guard. Balarote told them to leave the area they were cultivating. Ampode insisted to talk with Balarote but the guard pointed an armalite (assault rifle) toward his abdomen. The guard fired his gun. Ampode fell down, but the bullet did not hit him. Balarote and Tahuyan thought that Ampode was already dead, and Balarote immediately left the area and reportedly went back to his barracks.

Some AMTA leaders immediately went to the place of incident and recovered empty shot gun shells at the scene. At 10 a.m., the incident was reported by AMTA leaders to the Philippine National Police (PNP) Don Carlos, Bukidnon station. They also

submitted the gathered evidence [...]. That evening, according to Ampode's wife Liguria Sagubalan, she and her husband were in their house, when she noticed four unidentified persons roaming around the vicinity carrying guns. [...] Prior to this incident, on 24 September 2014 at 5 p.m. while Ampode tending his water buffalo he was shot at twice by a certain Richie Lacorte, one of the security guards of Levelita Balarote-Zambrano. He was not harmed. The incident was immediately reported by AMTA members to the PNP-Don Carlos, Bukidnon, but no investigation was conducted on this case so far. The Levelita Balarote-Zambrano group wants Ampode to leave the disputed land as other members of AMTA did. Levelita Balarote-Zambrano claim that they own the lands under dispute, awarded to them by the government through the Commission on the Settlement of Land Problems (COSLAP). [...] Ampode and others are now struggling to obtain a Certificate of Ancestral Domain Title (CADT). According to Ampode, he used to till a parcel of land which he owns. However, the Balarote-Zambrano group prevented him to till his land, leaving him with no choice but to work outside his land. [...] Ampode said the National Commission on Indigenous Peoples (NCIP) had not taken actions to protect the interest of Manobo tribes and their communities against the unlawful claim of Balarote-Zambrano to their ancestral land, which is their means of subsistence. The ordinance had created fear among indigenous peoples in the area. It has taken its impact on the livelihood and socio-economic activities of indigenous peoples.

HRonlineph.com, 19.06.2015

## Continuing harassment of farmer beneficiaries in Barangay Sumalo, Hermosa, Bataan - TFDP

Dear friends,  
Task Force Detainees of the Philippines (TFDP) writes to inform you about the continuing harassment suffered by members of the Samahan ng Nagkakaisang Mamamayan ng Barangay Sumalo (SANAMABASU) Farmers by Riverside Development

Corporation owned by the Litton Family.

### CASE DETAILS:

Sixty-eight (68) residents and farmers of Barangay Sumalo, Hermosa, Bataan are allegedly being harassed by the Riverside Development Corporation (RDC) owned by the Litton Family.

The farmers said numerous nuisance and trump-up cases were filed against them by the RDC. [...]

Based on the narration of Alicia Poblete de los Reyes, one of the victims, the two cases of grave coercion were filed against them when the RDC along with almost a battalion of police personnel and security guards came to assist the workers of RDC in putting up the fence in the Sumalo farmlands. Residents and farmers tried to stop the materials for fencing from coming by barricading the areas [...].

Daniilo Tolentino and Caridad Tolentino, a senior citizen couple, were even surprised that it was the company who filed against them when it was the company personnel who came in the area with big guns to intimidate and frighten the residents during the fencing.

Belinda Petinez, 37 years old, said that she is a defendant in nine of the cases filed by the Littons. She was not even at the area when the incident happened.

Belinda is one of the victims arrested for the grave coercion charges. She and her other companion had to pay a bail of two thousand five hundred pesos each (PHP 2,500.00) to be freed.

Others who were not arrested like Alicia de los Reyes and Constanca Poblete, 72 years old, opted to surrender. They also had to pay one thousand five hundred pesos each (PHP 1,500.00) as bail.

Guillermo Tolentino, 58 year old, defendant in three (3) of the cases, said he wonders why the police arrested the farmers and residents who were just trying to protect their rights to the land they have been tilling. This is very much in contrast to the incident when they brought a barangay tanod who was beaten up by the RDC security and the police did not even entertain them.

The farmers lament the great injustice that the RDC has done to them. They claim that besides being forced out of their farms and homes, they are continually being harassed and intimidated by the company guards. The hearings that they had to attend since 2009 have also taken its toll on their finances. The money they are supposed to use for food for the family is now spent for the hearing expenses. [...]

Manilatimes.com, 20.06.2015

## Palace condemns isabela violence

By Catherine S. Valente

Malacañang has condemned in the strongest terms the fatal shooting of Vice Mayor Florante Raspado of Jones in Isabela province on Friday.

Presidential Communications Secretary Herminio Coloma Jr. stressed that violence has no place in Philippine politics and Filipinos are set to elect their leaders in less than a year from now.

"[...] Of course, we do not like any kind of threats to peace and order in our community," Coloma told government-run dzRB radio.

"[...] We should give violence a space and politics is not an acceptable reason for violence because politics should be done according to what the law dictates," he added.

Sun.Star Davao, 22.06.2015

## Army accused of attack at anti-mining leader's house

By Kriztja Marae G. Labrador

A HUMAN rights group has accused Army soldiers of attacking the residence of an anti-mining leader in Compostela Valley on Sunday afternoon.

In a statement, Karapatan-Southern Mindanao Region secretary-general Hanimay Suazo said the "strafing" of the house of Compostela Farmers Association (CFA) chair Sabello "Tatay Bello" Tindasan was "linked to the intensifying forms of protest by the CFA against the Agusan Petroleum and Minerals Corp. (Agpet), a large-scale mining company owned by the Cojuangcos that

Charito Datuon Pilor has been residing in the four- hectare land since 1996 before the RDC claimed the land and fenced the 213 hectares farmland in Barangay Sumalo in 2009. After the fencing of the area, the members of the RDC guards prevented them from going inside their lands. [...]

Charito said that there was also an incident when her nephews, Justin, 9 years old and Renren, 7 years old were climbing a caimito tree in their backyard when a guard, a certain Hermando Tibayan fired his weapon against them for allegedly stealing from the corporation. Guards had also pointed their guns at her children, Archie, Aldrin and Lester who at that time were minors. She said that the incident has been reported to the Commission on Human Rights (CHR) but to no avail.

A similar form of harassment was also experienced by the Sacay family. Guards also pointed their guns at the Sacay children, have prevented the family from coming in and out of the fence and have even forbidden visitors and relatives from going to their home inside the fence. [...]

### CASE BACKGROUND:

According to the members of SANAMABASU, they have been experiencing harassment from the Litton Family since 1991 when the Littons decided to withdraw their Voluntary Offer to Sell (VOS) and opted to apply for conversion of the land to industrial, commercial and residential use.

The land in question is supposedly a CARP-able land until the corporation filed a land-conversion claim at the Office of the President during the Fidel V. Ramos presidency. [...]

The farmers steadfastly continued their struggle by taking the case again to the Department of Agrarian Reform (DAR) when the corporation has failed to develop the land within five years as per requirement of Land Conversion. The land is supposed to be surveyed by the local DAR but they are still waiting for police assistance since according to the local DAR, the company guards are preventing them from entering the premises.

The farmers are the supposed beneficiaries of the land through the Comprehensive Agrarian Reform Program (CARP).

Coloma said as far as the killing of Raspado is concerned, the Philippine National Police should conduct a comprehensive investigation of the incident and bring the killers to justice.

On Friday, Acting Isabela Police director Senior Supt. Amorsolo dela Cruz, said in an interview over dzBB [that] the two suspected gunmen of the fatal shooting of Raspado were arrested after pursuing police officers caught up with their getaway vehicle - a red Mitsubishi Adventure - along the highway going to Quirino.

Dela Cruz said the suspects who were armed with M16 rifles, jumped out of their van and then engaged the pursuing police officers in a brief gun fight.

Dela Cruz said the suspected gunmen are both retired soldiers.

applied for mining permits for 12,444 hectares of land in Compostela, and community residents' opposition to encampments by the Philippine Army's 66 Infantry Battalion (IB)."

The attack was reported to have been perpetrated by elements of the 66th IB from a nearby military detachment, about 80 meters away from the community.

The group said Tindasan was attending a CFA meeting in a separate location when his residence was peppered with bullets. Those who survived the incident were Tindasan's wife, Alice,

their three-year-old grandchild, their 14-year-old adopted son and two of his son's friends.

Tindasan's grandchild was reportedly wounded by slivers of broken jalousie as they ran away during the incident.

"Tindasan and other members of the CFA had just concluded the barricade protest they conducted against the incoming heavy equipment of Agpet. Truly, the attempt on his life are directed against peasant leaders who are in staunch opposition to various land-grabbing ventures supported by the Aquino regime's Oplan Bayanihan, as manifested in this incident," Suazo said, adding that Tindasan has been a "military target" since early 2015.

"A week ago, it was Aida Seisa from Paquibato. Now, it is Tatay Bello of Compostela. This is a cowardly act from the AFP; hapless civilians become their easy targets. Worst of all, they can easily cover up their crimes by accusing the victims as members

or supporters of the NPAs (New People's Army)," she said.

Meanwhile, Eastern Mindanao Command public information officer Captain Alberto Caber, in a text message, denied the allegation, saying it was actually the NPA rebels who fired from their patrol base.

"As per my verification with 66th IB Commander Lieutenant Colonel Gulbert Roy Ruiz, the patrol base of Bravo Company was harassed around 3:15 p.m. on June 21 by more or less 30 NPA rebels who were positioned in the vicinity of Tindasan residence. It is the NPA rebels who fired the patrol base," Caber said.

"The rebels completely disregarded the safety of the populace/residents by firing and positioning at Tindasan residence," he added.

Caber said they have recorded "no casualty on the government side."

#### UPDATES ON CASES OF HR VIOLATIONS

Bulatlat.com, 02.06.2015

### 'Lumban 3' freed after 5 years

By Janess Ann J. Ellao

MANILA - Three farmer-activists who had been detained in Laguna province for five years were released yesterday, June 1, after a court dismissed the charges of illegal possession of fire-arms and explosives against them.

Darwin Liwag, Reynaldo Malaborbor and Aries Cuazon were freed shortly after the Sta. Cruz Regional Trial Court Branch 91 in Laguna granted their demurrer to evidence, with the failure of the prosecution to provide convincing evidence and testimony against them.

The three were arrested in the first 100 days in office of President Aquino.

"We are thankful that truth and justice prevailed. This legal victory gives happiness that money cannot buy," said Jobert Pahilga, lawyer of the three farmers and executive director of the Sentro Para sa Tunay na Repormang Agraryo (Sentro).

"The cases were clearly trumped-up, intended to silence critics of the administration, but with an officer of the AFP (Armed Forces of the Philippines) caught lying under oath," he added.

The [three were on a jeepney on their way to Sta. Cruz, Laguna on Oct. 5, 2010 when they were arrested in Lewin village](#), Lumban by soldiers and local police, and brought to the military camp of the 1st Infantry Battalion in Cavinti. They were dubbed as the Lumban 3.

In a hearing last year, Lt. Aaron Nasataya testified before the

court that they arrested the three farmers in a checkpoint, because they noticed a bulge on Liwag's t-shirt. He said they asked Liwag to alight the vehicle and they discovered that an Ingram, a long fire arm, and gun magazines were tucked in his pants. Pahilga found Nasataya's claims as "ridiculous" and "contrary to human experience."

"Why would he tuck a long fire arm in his pants when he could have hid it in the bag he was carrying at the time? Would he be that stupid, especially since the military is claiming he is a high-ranking NPA?" he said in a phone interview.

Pahilga said that there was never a checkpoint. The three were on board a jeepney, when they were followed by a military truck, which then overtook and blocked the jeepney.

The so-called Lumban 3 were accused as high-ranking officers of the New People's Army. [...]

[Liwag is the secretary general of the Pagkakaisa at Ugnayan ng Magsasaka sa Laguna \(Pumalag\)](#), a local peasant organization in Laguna province. Malaborbor and Cuazon are staff members of Pumalag.

Pahilga said he would consult the three farmers if they plan to file charges against the military. Although they are now free, "the fact remains that the three were incarcerated for five long years," he said.

International Peace Observers Network, 12.06.2015

### Impartial and fair verdict for human rights defender Cocoy Tulawie! Ensure his safety and security!

Temogen "Cocoy" Tulawie is a human rights defender from the Sulu region in Mindanao, the Philippines. He is the founder of the local human rights group Bawgbug and member of several civil society organizations where he was responsible for campaigns for the democratization of local politics, transparency in government and the preservation of civil rights of people living in Sulu. His campaigns uncovered numerous human rights abuses and violations on the part of the local government, among them mass rapes of women and girls committed by the sons of prominent politicians and their paramilitary protection forces and the unconstitutional declaration of a state of emergency by the provincial governor Abdulsakar Tan.

After a bomb attack against provincial governor Tan in May 2009, Tulawie was accused of being the mastermind behind it, even though evidence was lacking. In 2012 he was arrested and detained in Davao City. The trial started in October 2013 and is

supposed to come to an end in late 2014.

The prosecution of Tulawie is an attempt to silence his protest against severe human rights violations. Judicial bodies and criminal prosecution authorities, especially in the rural areas of the Philippines are often highly dependent on local power brokers and can be systematically abused by the latter for personal interests.

Tulawie has been imprisoned for three and a half years now with his trial awaiting verdict on July 17, 2015. We, the International Peace Observers Network (IPON), a German independent, non-governmental organization, have accompanied and monitored the criminal case of Cocoy Tulawie since January 2013. We consider him a Prisoner of Conscience. While the trial has been conducted within reasonable time and in a fair manner, we are nevertheless worried about a conviction and further harassments due to Tulawie's continuing activism.

According to Article 12 (1) of the 1999 United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders), human rights defenders, like Temogen "Cocoy" Tulawie have the right "individually and in association with others, to participate in peaceful activities against violations of human rights and fundamental freedoms". Even though the Philippines have acknowledged this declaration, human rights defenders and other political activists often face legal and physical harassment due to their work. The criminalization of human rights defenders does not only violate basic rights of individuals, but also undermines the rule

of law and hinders the development of an active civil society in the Philippines. "Individuals, groups, institutions and non-governmental organizations have an important role to play and a responsibility in safeguarding democracy, promoting human rights and fundamental freedoms and contributing to the promotion and advancement of democratic societies, institutions and processes" (Article 18 (2), UN Declaration on Human Rights Defenders). Successfully petitioning the relevant state authorities to ensure a fair and impartial verdict and the safety of Cocoy Tulawie not only protects Tulawie's rights, but also contributes to improving the situation of human rights defenders in the Philippines in general.

HRonlineph.com, 20.06.2015

## Gaily Miraato, a victim of indiscriminate firing in Officer's Lane, Marawi City, Lanao del Sur -TFDP

Dear friends,

Task Force Detainees of the Philippines (TFDP) writes to inform you about the case of Gaily Miraato, a 6 year old victim of indiscriminate firing in Officer's Lane, Marawi City, Lanao del Sur.

### CASE DETAILS:

On August 8, 2012, around 10:00 p.m., Gaily D. Miraato, a six-year old girl, was hit by stray bullets as she was running towards the bedroom on the second floor of their home to watch her favorite television show.

The Miraato family had already heard gunshots minutes before Gaily was hit. Her grandfather Yusoph Miraato [...] called his wife Elizabeth and their children to come down and take cover when they heard the first round of gunshots. The family however returned to the second floor as one of the children said that the gunshots were coming from Marawi State University. As Gaily entered the bedroom, she collapsed and was caught by Abigail Domantay, her biological mother.

It turned out that Gaily was hit during the second round of firings. [...] Gaily was taken to Amai Pakpak Medical Center where she was pronounced dead on arrival. [...]

On August 12, 2012, following the principle of command responsibility, the Miraato family formally filed a case against Brig. Gen. Daniel A. Lucero (+) and Lt. Col. Siegfred J. Espina, heads of the 65th IB, 9th ID. The military member who actually fired the gun which resulted in Gaily's death was never identified.

Despite the family's persistence in seeking justice for Gaily, the case has had very little progress in the months and years that followed. On September 1, 2013, Elizabeth filed a police blotter

against an armed group believed to be under the Philippine Army, for visiting their home and allegedly asking Yusoph to sign an Affidavit of Desistance. There were several other occasions when different members of the military allegedly sent by Brig. Gen. Lucero and Lt. Col. Espina visited the Miraato residence.

Even at work, Yusoph allegedly experienced harassment and intimidation. Yusoph's superior (unnamed) who was believed to be the friend of Lt. Col. Espina allegedly demoted Yusoph after he declined to settle the case.

### CASE BACKGROUND:

On the night of Gaily's death, there was in fact an encounter between members of the Philippine Army and "lawless elements" at the Marawi State University (MSU). However, the physical location of the MSU was too far from the Miraato residence to consider it as the source of the stray bullet. Based on the counter affidavit presented by the accused, there was also an attack in the nearby barracks of the 65th IB, 9th ID and the National High School located at the back of the Miraato residence and it was during the exchange of gunshots when Gaily was hit. Yusoph and Elizabeth expressed their doubts regarding this story. They had gathered signed affidavits of witnesses as proof that there was no encounter at the barracks and the school. According to them, the surrounding area was quiet except for the rounds of firing that killed Gaily. The family argued that the firing was indiscriminate - done as an "acting out", or was an emotional release or perhaps as "vengeance" for the military men who were injured and killed at the MSU. They said that what happened was clearly the murder of a child.

InterAksyon.com, 23.06.2015

## Forensic experts' testimony would pin down Pemberton: Laude camp

By Mon Gualvez

The camp of the slain Filipino transgender woman Jeffrey "Jennifer" Laude was confident that evidence provided by three US forensic experts which the prosecution presented on Monday would pin down US Marine Lance Corporal Joseph Scott Pemberton in the murder case.

George Jackson, a forensic toxicologist, was the first to take the witness stand during the resumption of the hearing at the Olonapo Regional Trial Court.

Jackson testified that his examination of the blood samples of Laude proved negative for any illegal drugs. The same was also

true for Pemberton.

Jessica Le Croy, another forensic expert, said one of three condoms recovered at the crime scene bore the fingerprint of Pemberton.

Forensic expert Derek Dorrien testified that he examined the lubricant on the condoms. He said it was positive that the lubricant found in one of the recovered condoms was the same one found in a part of the genitals of Pemberton.

He added that the same lubricant was found in the anal area of Laude. [...]

PEACE PROCESS

MindaNews.com, 19.06.2015

## FAB, CAB questioned in Supreme Court

DAVAO CITY – A group that includes the Zamboanga Archbishop and a retired archbishop of Davao City filed with the Supreme Court on Friday a petition to declare unconstitutional the peace agreements signed by the Philippine government and the Moro Islamic Liberation Front (MILF).

In a 26-page petition, the Philippine Constitution Association (Philconsa) – headed by Leyte Rep. Ferdinand Martin Romualdez and former Senator Francisco “Kit” Tatad – asked the Supreme Court to declare unconstitutional the Framework Agreement on the Bangsamoro (FAB) and the Comprehensive Agreement on the Bangsamoro (CAB), GMA News online reported.

[...].

Gonzales and the archbishops are members of the National Transformation Council (NTC) which called on President Aquino to step down after the January 25 tragedy in Mamasapano.

The report said petitioners also asked the high tribunal to stop the Budget Department from releasing funds to pursue or implement the FAB, the CAB; and the draft Bangsamoro Basic Law (BBL) which is still under deliberation in the two houses of Congress.

The FAB was signed on October 15, 2012 by then government peace panel chair Marvic Leonen (now Supreme Court Associate Justice) and MILF chair Mohagher Iqbal while the CAB was signed on March 27, 2014 by government peace panel chair Miriam Coronel-Ferrer and the MILF’s Iqbal.

Shared destiny

In a statement sent to MindaNews, Ferrer said they “reserve comment on its merits until we get a copy.”

But Ferrer reiterated their conviction that “bringing to life social justice and meaningful autonomy as mandated in the 1987 Philippine Constitution is at the heart of the Comprehensive Agreement on the Bangsamoro.”

Ferrer said she is saddened that some groups and individuals “continue to mount road blocks to our forward march to peace and development in Mindanao, a right that belongs to all Filipinos.”

### House panel approves Bangsamoro Basic Law

By Xianne Arcangel

The House ad hoc committee on the Bangsamoro Basic Law (BBL) on Wednesday voted to approve the measure formalizing the creation of a new political entity that will replace the existing Autonomous Region in Muslim Mindanao. Voting 50-17 with one abstention, the panel approved the committee report on the proposed Basic Law for the Bangsamoro Autonomous Region after two days of marathon hearings where committee members voted on each of the provisions contained in the bill.

The result of the voting was announced by panel chairman, Cagayan de Oro Rep. Rufus Rodriguez on Wednesday afternoon.

Some of the lawmakers who voted for the bill’s passage expressed their reservation about certain provisions, indicating their intent to question or introduce amendments when plenary debates begin.

Following the ad hoc panel’s approval of the bill, the measure will be deliberated on by the joint committee on appropriations and ways and means, which will iron out details on funding its implementation.

GMA News, 20.05.2015

[...] Last Tuesday, President Aquino witnessed the ceremonial decommissioning of 75 high powered and crew-served weapons and 145 combatants. [...]

Iqbal told MindaNews: “Why only now and the people behind (the petition) are close to the Marcoses and GMA (former President Gloria Macapagal-Arroyo).” [...]

Romualdez is the cousin of Sen. Ferdinand Marcos Jr., chair of the Senate committee on Local Government tackling the BBL.

Marcos had said in a privilege speech in early June that the BBL in its present form and substance would not bring peace but “lead us to perdition” and that he would file a substitute bill.

He vowed to submit the Committee report to the Senate before Congress resumes session on July 27, also the day when President Aquino delivers his sixth and last State of the Nation Address.

In the House of Representatives, the Ad Hoc Committee on the Bangsamoro Basic Law (AHCBBL) approved its substitute bill on May 20. The period of interpellation began on June 2 but was suspended evening of June 10, before Congress adjourned sine die.