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2010  
YEAR-END REPORT  
ON THE  
HUMAN RIGHTS SITUATION  
IN THE  
PHILIPPINES

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ALLIANCE FOR THE ADVANCEMENT OF PEOPLE'S RIGHTS

(UPDATED VERSION)

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Cover design by Tom Estrera III

**KARAPATAN**

2/F Erythrina Bldg.

#1 Maaralin cor. Matatag Sts., Bgy. Central

Diliman, Quezon City 1100 Philippines

Telefax +63 2 4354146

[publicinfo@karapatan.org](mailto:publicinfo@karapatan.org)

[www.karapatan.org](http://www.karapatan.org)

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# THE FALLACY OF BENIGNO AQUINO III'S PROMISE OF CHANGE

**THE NOYNOY AQUINO government's mantra of change is now unraveling its true promise – that it is but a continuation of Gloria Macapagal-Arroyo's legacy of state terror, political repression and economic exploitation.**

Barely six months into Noynoy's presidency, there are already 28 victims of extrajudicial killings, making an average frequency of once a week. There are four victims of enforced disappearance, 19 victims of torture, 36 of arbitrary arrest and detention and almost 900 who were forced to evacuate their homes and croplands due to intense militarization.

**TABLE 1** **Violation of Civil and Political Rights under the Noynoy Aquino Government**  
*First Six Months (July to December 2010)*

Type of Violation	No. of Victims
Extrajudicial Killing	28
Enforced Disappearance	4
Torture	19
Frustrated Extrajudicial Killing	5
Illegal Arrest and Detention	36
Illegal Search	34
Violation of Domicile	45
Divestment of Property	43
Forced Evacuation	896
Threat/Harassment/Intimidation	4,314
Forced/Fake Surrender	7
Use of Civilians in Police and/or Military Operations as Guides and/or Shield	7
Use of Schools, Medical, Religious and Other Public Places for Military Purpose	1,756

*Based on reports gathered by Karapatan*

One can remember that even before Benigno Aquino III took his oath as the 15<sup>th</sup> president of the country, he gave the impression of being committed to solve cases of human rights violations perpetrated under GMA. In his first State of the Nation Address, he proudly announced that three of the six cases of killings which happened under his then month-old administration had been solved and that the suspects were already in police custody. But nothing about Palparan and other military perpetrators of the thousands of extrajudicial killings under Arroyo's presidency. Also, one of his spokespersons reassured the public that EJK is not a policy of Noynoy's administration; thus making people optimistic that the human rights situation in the Philippines would improve.

***“Cases of extrajudicial killings need to be solved, not just identify the perpetrators but have them captured and sent to jail,”***

Pres. Noynoy Aquino  
in a meeting with EU ambassadors, March 31, 2010

But in fact, Noynoy's EJK count has surpassed Gloria's during her last six months in office, with 18 extrajudicial killings closing her murderous and terrorist regime. A whole new set of trumped-up charges are being levelled against leaders and activists, all of them human rights defenders\*\*.

Nothing has changed. Aquino carries on Arroyo's legacy of state terror and violence.

## TABLE 2

**Victims of Extrajudicial Killing and Enforced Disappearance  
under Noynoy Aquino's Presidency (by month)  
July to December 2010**

Type of Violation	July	August	September	October	November	December	Total
Extrajudicial Killing	6	2	9	4	6	1	28*
Enforced Disappearance	0	1	1	0	2	0	4

\* Once a week on the average

Based on reports gathered by Karapatan

***“There can be no reconciliation without justice.  
When we allow crimes to go unpunished, we give consent to their  
occurring over and over again.”***

Pres. Benigno Aquino III, Inaugural Speech, June 30, 2010

Aquino has yet to render justice to the victims of human rights violations. To date Noynoy still ignores the people's call to prosecute and hold GMA and her general henchmen accountable for their crimes against the people. The victims' cry, *“Usigin, panagutin, huwag patakasin!”* continues to fall on deaf ears.

The gross human rights violations under the U.S.-Arroyo regime consequential with Arroyo's national security plan, Oplan Bantay Laya (OBL), a counter-insurgency policy that sought the end of both the armed revolutionary forces and the unarmed and legal democratic movement. This same counter-insurgency policy has been extended by Aquino, while his generals craft a replacement, a derivative of the components of the United States Counterinsurgency Guide. Noynoy's public relations weavers conjure an Oplan that is “respectful” of human rights. The opposite is shown by the initial months of Noynoy Aquino's rule.

## TABLE 3

### Victims of Extrajudicial Killing and Enforced Disappearance under Noynoy Aquino's Presidency (Per Region)

July to December 2010

REGIONS	EJK	ED
Ilocos	2	0
Central Luzon	1	0
Southern Tagalog	9	2
Bicol	7	0
Eastern Visayas	4	0
Western Visayas	2	0
Caraga	0	2
Southern Mindanao	3	0
<b>TOTAL</b>	<b>28</b>	<b>4</b>
<b>Organized</b>	<b>18</b>	<b>0</b>
<b>Women</b>	<b>3</b>	<b>0</b>

Based on reports gathered by Karapatan

## EXTRAJUDICIAL KILLINGS

Within a week of Noynoy's inaugural address, on July 5, **Fernando Baldomero**, an elected Municipal Councilor for the second term in Lezo, Aklan was shot and killed in front of his rented house in Bgy. Estancia, Kalibo, Panay. The assassination happened in full view of his 12-year old son.

Baldomero was the first reported victim of political killing under the Aquino administration.



Fernando Baldomero (top) and Pascual Guevarra.

He was also a member of Selda, an association of former political detainees, and provincial chairperson of the Bayan Muna partylist organization,

Soon after, **Pascual Guevarra**, 78, a leader of Alyansa ng Magbubukid na Nagkakaisa sa 3,100 Ektarya sa Fort Magsaysay Military Reservation (ALMANA 3100), a local affiliate of the Kilusang Magbubukid ng Pilipinas (Peasant Movement of the Philippines or KMP), was shot dead while at home on July 9. His 18-year old grandson, **Ronnel Vilorio**, was also shot but survived the attack.

**Casiano Abing**, a Bayan Muna Partylist member and a sheriff at the Regional Trial Court of Balangiga, Eastern Samar, was already resting with his family in the evening of August 25. At around 7:00 p.m., someone knocked at their door, and Abings' helper went to check who the visitor was. A man asked for Casiano and the helper called to her employer. After Casiano went down to check, his family heard gunshots. They rushed to find him sprawled on the floor, wounded. The assailant immediately fled after the shooting.

Casiano was able to tell his family that he saw his assailant who did not look familiar to him. His family rushed Casiano to the nearest hospital, but were told to transfer to another hospital with better equipment in Tacloban City, which was an hour and half away from Balangiga. Casiano was pronounced dead on arrival.

On September 3, **Reynaldo Labrador**, was shot and killed in front of his house in Paquibato District, Davao City, by men who were supposed to hand him a document. One of the assailants was identified as a member of the paramilitary Citizens Armed Force Geographical Unit (CAFGU). It turned out that written on the document were the words, “You are evil! You should be liquidated!”

## FORCED EVACUATION AND ENFORCED DISAPPEARANCE

With the counter-insurgency program Oplan Bantay Laya still being enforced, the military continues to sow terror among the civilians and their communities instead of “winning their hearts and minds.”

While trying to annihilate armed revolutionary groups and guard transnational and government economic interests in the resource-rich provinces, troops of the Armed Forces of the Philippines are deployed in mountainous areas and adjacent lands. These deployments have resulted into more numerous and worse human rights violations against civilians.

Such is the case in **Bgy. Mahaba, Marihatag, Surigao del Sur** where elements of the 36<sup>th</sup> Infantry Battalion, Philippine Army have occupied the community since March of this year. The soldiers are encamped in the village’s community buildings and facilities.

The residents are being harrassed and are accused of being members and supporters of the New People’s Army (NPA). They are being coerced into admitting that they are members of the NPA. Bribing them with money is also being used to get “confessions”.

On August 7, additional soldiers from the 75<sup>th</sup> IBPA were deployed in the area. Fearing for their lives, the villagers began to evacuate and take refuge in San Isidro. There were dialogues between the soldiers and the local government where the residents pleaded with the soldiers to leave their village.

### TABLE 4

**Victims of Extrajudicial Killing and Enforced Disappearance under Noynoy Aquino’s Presidency (by sector/special group)**  
*July to December 2010*

SECTOR	EJK	ED
Peasant	17	3
Worker	1	1
Indigenous people	3	0
Local Government Unit (LGU)	3	0
Youth and Students	2	0
Environmentalist	2	0
<b>TOTAL</b>	<b>28</b>	<b>4</b>
<b>Organized</b>	<b>18</b>	<b>1</b>
<b>Women</b>	<b>3</b>	<b>0</b>

### TABLE 5

**Victims of Extrajudicial Killing and Enforced Disappearance under Noynoy Aquino’s Presidency (Per Organization)**  
*July to December 2010*

ORGANIZATION	EJK	ED
Kilusang Magbubukid ng Pilipinas	9	0
Katribu	3	0
Bayan Muna	3	0
COURAGE	1	0
Others	2	1
<b>TOTAL</b>	<b>18</b>	<b>1</b>
<b>Women</b>	<b>3</b>	<b>0</b>

*Based on reports gathered by Karapatan*



In the course of the peasants' evacuation, two farmers went missing.

**Agustito Ladera** was last seen by his brother on August 28. As the community residents evacuated to the town center, Ladera asked to be left behind to see to their abaca farm. Meanwhile on September 1, **Renato Deliguer**, went to Bgy. Pong-on San Agustin next town, to seek permission from his father to harvest some abaca from their farm in Pagiwasan, Bgy. Mahaba.

There were reports of two men allegedly arrested by the military and turned over to the local police. But when the relatives insisted on searching for their loved ones inside the camps and police station, they were not allowed to do so.

To date, Ladera and Deliguer are still missing and have been listed among the *desaparecidos*.

## THREAT, HARASSMENT AND INTIMIDATION

**Rodolfo "Rudy" Sambajon** is the former Chairperson of Pamalakaya, a national alliance of fisherfolk organizations. These days, his work is focussed on the organizing, education and mobilization of peasants, fisherfolk and other community residents in his hometown.

Ka Rudy has been under surveillance by men suspected to be elements of the CAFGU and the 3<sup>rd</sup> IBPA. An attempt on his life has also been made.

Recently in the morning of September 11, he was in a meeting with leaders of a peasant organization, Samahan ng Magsasaka at Mamamayan ng Bangad (SMMB) in Sitio Bangad, General Lim, Orion, Bataan. Halfway through the meeting, two men arrived on a motorcycle without license plates. They beckoned to one of the SMMB members who came to talk to them.

After the meeting, as Ka Rudy waited for a bus to go home, the same two men riding in tandem on the motorcycle approached him. They asked where he came from and what the meeting was about. Ka Rudy replied that he dropped by at the gathering while on his way to buy vegetables that his wife would sell. When he asked who they were, they replied that they were policemen from Orion.

Doubtful, Sambajon asked for their identification, why they weren't in uniform and what they wanted from him. One of the men angrily shouted that they were policemen. Luckily, an SMMB member arrived and the men drove away.

Sambajon decided to go back to the meeting place to inform other SMMB leaders of the incident. He had not gone far from the bus stop, when he noticed that the men were following him. He immediately entered a yard to ask for help. As he did so, one of the men following him drew a gun and shouted, "Don't run! Come here! What's in your bag?" As the owner of the house went out to see what was going on, the motorcycle-riding men hastily drove away.

Another SMMB member passed by where Ka Rudy was taking refuge. While the latter was narrating the harassment the men returned and pointed at Ka Rudy. The SMMB member flagged a tricycle so Ka Rudy could take another route home. But the men continued to pursue him. There were two motorcycles this time, each with two men riding in tandem. Ka Rudy was able to shake them off his trail.

At around 4pm, another SMMB member called up Ka Rudy and reported that around seven unidentified men threatened him if he did not tell them the latter's whereabouts. These men were also seen going around the barrio, asking people what Ka Rudy looked like and where he lived. Later in the evening, Ka Rudy received a call from another SMMB colleague who told him that his house was under surveillance.

Fearing for his children's safety, Ka Rudy took them to a neighbor's house. He then called a staff of radio DZRH, who immediately informed the Orion Police who subsequently came to investigate.

In the following days, there were reports of men on motorcycles without plate numbers driving around the area. Some of Ka Rudy's neighbors reported that they saw some seven men enter Ka Rudy's yard.

## RECRUITMENT AND TORTURE OF A MINOR

In Bgy. Quipot, San Juan, Batangas, the military continues its recruitment for the CAFGU which also includes minors. **Norman\*** is a 17 year old who is one of those being forced to join the CAFGU by members of the 740<sup>th</sup> Combat group of the Philippine Air Force (PAF) led by Lt. Col. Arnel Villareal, and the 59<sup>th</sup> IBPA.

Being a minor, Norman's mother, **Anna**, did not allow him to join the paramilitary group. This irritated the soldiers who began to be hostile to Norman. One time, Anna found him inside the camp being forced to eat spoiled rice. The soldiers alleged that Norman was rude to them so they detained him.

On August 28, Norman was beaten up by soldiers at the Laiya Beach Resort in San Juan, Batangas, after he mistakenly entered a toilet which he immediately left after finding out that it was occupied. Three soldiers who saw him leave accused Norman of voyeurism. They dragged him into another toilet and beat him up. They threatened to kill him and throw his body into the sea if Norman told anyone of what happened.

Norman now exhibits extreme psychological trauma because of the torture. His family fears for his life and theirs. He has come to believe that had his mother allowed him to join the CAFGU, the soldiers would not have beaten him up.

Seven battalions of the joint elements of the PAF and Philippine Army are currently deployed in Batangas province. They are encamping in public civilian facilities such as the barangay hall, daycare center, chapel and school buildings.

## “LEGAL OFFENSIVE” AGAINST KARAPATAN STAFF AND OTHER HUMAN RIGHTS DEFENDERS

**Kelly Delgado**, Secretary General of Karapatan-Southern Mindanao Region (Karapatan-SMR) was slapped with criminal charges by soldiers implicated in the killing of **Julius Tamundez**. This is the most recent of the series of harassment against Delgado which began in 2008. He was subjected to threats on his life and vilification after Karapatan - SMR publicly exposed the military atrocities in the region.

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*\*Not his real name*

Tamundez was killed on August 2 allegedly by members of the Integrated Tribal Defense Forces (ITDF), a group under the command of BGen. Eduardo del Rosario and Datu Ruben Labawan. Del Rosario and Labawan, in a press conference, accused Delgado of allegedly masterminding a plot to kill Eastern Mindanao spokesperson Lt. Col. Randolph Cabangbang. The plot was purportedly to avenge the abduction and brutal killing of Rebelyn Pitao, daughter of a New People's Army (NPA) commander, Leoncio Pitao.

Various fabricated charges were also filed against leaders of people's organizations in Bicol. Among those charged with multiple murder, multiple frustrated murder, carnapping and malicious mischief are: KMP - Bicol Chairperson **Felix Paz**; Derechos Obrero spokesperson **Leo Caballero**; Bayan Muna - Camarines Sur Secretary General **Jariz Vida**; Bayan Muna - Bicol Chairperson **Joe Pernia** and other human rights defenders.

The leaders were being linked to the May 2006 raid in Pili, Camarines Sur, allegedly conducted by members of the NPA.

## POLITICAL PRISONERS

Despite the strong national and international clamor for the release of the 43 health workers who were illegally arrested and detained in Morong, Rizal in February this year, the victims of arbitrary arrest remain incarcerated and falsely charged with mostly nonbailable offense to keep them in jail indefinitely, thus depriving poor communities of barefoot doctors and

**TABLE 6** Political Prisoners  
*as of 30 December 2010*

TOTAL NO. OF POLITICAL PRISONERS	353
Arrested under Arroyo	326
Arrested under Aquino	17
Female	32
NDFP Consultants	15

Region	No. of PPs	Female	NDFP Peace Consultants	Arrested Under Aquino
Cordillera	0	0	0	0
Cagayan Valley	2	0	1	0
Central Luzon	18	1	3	0
National Capital Region	152	7	3	6
Southern Tagalog	23	5	0	3
Bicol	29	4	1	4
Central Visayas	12	1	2	0
Eastern Visayas	16	5	1	0
Western Visayas	23	2	0	3
Socskargen	7	0	0	0
Southern Mindanao	22	1	0	1
Caraga	5	1	1	
Northern Mindanao	13	2	2	0
Western Mindanao	18	3	1	0
ARMM	13	0	0	0
<b>TOTAL</b>	<b>353</b>	<b>32</b>	<b>15</b>	<b>17</b>

*Based on reports gathered by Karapatan*

midwives.

Aquino has brushed off the calls for the Morong 43's release and passes the resolution of the case to the courts even if legal minds in his administration and legislators point out that the executive arm of the government can effect withdrawal of charges and free the political prisoners.

While he signed a proclamation granting amnesty to over 300 military officers and personnel involved in the military uprising against the Arroyo administration without waiting for the court's action, Noynoy sticks to his unjustifiable and cruel mantra of "let the court take care of it" in the case of the Morong 43.

## MILITARISM AND THE "RIGHTEOUS PATH"

Noynoy Aquino has almost doubled the military budget for 2011. He has announced his plans to expand the military and is now begging for more military assistance from the U.S. government. The U.S. has been equally gracious of Aquino's puppetry that an outpouring of millions of aid related to the counter-insurgency program has been granted to the Philippines. U.S. - RP joint military exercises shamelessly continue, even in Aquino's homebase Hacienda Luisita. There is likewise renewed psywar gimmickry and civil military operations which try to fool the people with the ridiculous portrayal of the AFP as "humanitarian" and soldiers as "human rights advocates".

However, the continuing brutal acts of state terror belie any deceptive scheme. The continuing military operations side by side with foreign and local big economic projects further emphasize the use of terror and militarization to suppress the people's resistance to these projects which are detrimental to their rights, livelihood and interests.

Millions of peasants continue to suffer from landlessness and deceptive schemes of big and corporate land-owners, while being victimized and driven away through massive militarization and forced evacuation. Meanwhile, the Public-Private Partnership (PPP), Noynoy's most touted scheme that will supposedly end unemployment, is a rehashed neoliberal one that is bound to further spur massive unemployment, denial of basic social services, landlessness and high prices of basic commodities.

Aquino's "*daang matuwid*" (righteous path) has been reduced to a populist line to divert the people's attention from the inability of his government to achieve any noteworthy gain that can foreshadow any significant change in any aspect of our society especially human rights. Very early, it has become a U.S. inspired path that is increasingly being marked by the blood of the victims of extrajudicial killings, enforced disappearance, torture, forced displacement and other violations of human rights.

The fallacy of change under Aquino has been revealed. Nothing has really changed. This government, comfortable in its puppetry to the U.S., has not shown much interest in pursuing peace and solving the root causes of armed conflict. Human rights must be defended by the people, especially the victims of violations. We march defiantly against an unjust order being maintained by the present regime, and backed up by the same U.S. imperialist power that has propped up Philippine dispensations, that violate the rights and aspirations of their own people. We are confident that we will not waiver in our commitment to fight for freedom, democracy, peace and progress.

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# FAILING TO MEET A DEADLINE: THE LAST SIX MONTHS OF THE U.S.-ARROYO REGIME (JANUARY-JUNE 2010)

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**The Arroyo government, with her second five-year operational battle plan Oplan “Bantay Laya” (Freedom Watch), failed to meet its self-imposed “deadline” to crush the local insurgencies by the end of her term.**

As the U.S. State Department came up with its 2009 US Counter-Insurgency Guide, largely for Obama to recoup his declining political capital, the much discredited Gloria Macapagal-Arroyo finished her term with the U.S.-supported Oplan Bantay Laya.

In the last six months in office as President, Arroyo became hardly visible as she concentrated on winning a seat in Congress. The election fever was up. And the U.S. was preparing for a “legitimate” government.

For the local state security forces, it was crunch time to defeat the Communist Party of the Philippines and the New People’s Army (CPP-NPA) tagged by the US as “foreign terrorist organizations”. Peace talks have already bogged down between the government and the National Democratic Front of the Philippines (NDFP) as well as with the Moro Islamic Liberation Front (MILF).

Meanwhile, the militant mass organizations and the progressive party list groups, despite the vilification campaign and physical attacks against them, continue to gain a wellspring of support from the people.

## 18 KILLED IN SIX MONTHS

U.S. special operations in the Philippines early this year claimed the lives of U.S.-hired interpreter **Gregan Cardeño** and his patron **Major Javier Ignacio** of the Military Police.

Cardeño died on February 2 inside the U.S. military barracks in Camp Ranao, Brgy. Datu Saber, Marawi City. Maj. Ignacio was shot dead





## DEATH INSIDE U.S. BARRACKS



Last January 30, 2010, Gregan Cardeno, 33, signed up as a security guard but was contracted out as an interpreter for U.S. troops by the Skylink Security and General Services, a subcontractor of DynCorp, an American firm that specializes in high-risk contract work for the Pentagon and the U.S. State Department. Cardeno learned of the job opening from a family friend, Capt. Javier Ignacio, head of the AFP's Military Police of the Western Mindanao Command in Zamboanga City.

In the morning of February 1, 2010, Cardeno was flown from Zamboanga to Marawi City. By afternoon, in separate calls to his sister, Clarivel, and his wife, Myrna, he said he wanted out. He sounded distraught over the phone and said "he could no longer take it."

The following day, according to the Marawi Police and the U.S. military unit, Cardeno was found dead inside the barracks of the Philippine Army's 103rd Infantry Brigade at Camp Ranao, Brgy. Datu Saber, Marawi City. It was the barracks of the U.S. military where he was supposedly assigned.

The Marawi City Police Station reported to the Lanao del Sur Provincial Police Office that Cardeno was assigned to a unit of the U.S. military known as Liaison Coordination Elements (LCEs) based in Camp Ranao. LCEs advise and assist select AFP units in planning and fusing all sources of intelligence in support of operations.

On March 25, newly promoted Major Javier Ignacio was shot dead by four men riding on separate motorcycles after he helped the family in the investigation of the mysterious death of his friend.

Karapatan and the local human rights group, Kawagib, conducted a fact-finding mission with the help of the Commission on Human Rights then under Chairperson Leila de Lima. Interestingly, aside from the local National Bureau of Investigation, the U.S. Federal Bureau of Investigation also conducted its own probe.

However, instead of digging deeper into the facts and circumstances of Cardeno's death, the Philippine government through the NBI considered the case closed, citing suicide. Cardeno's relatives are still receiving threats to this day and have petitioned since April for a writ of amparo with the Supreme Court. (cont.)

by unidentified assailants on March 25 after helping human rights groups investigate Cardeno's death.

Among those killed in the last six months of Arroyo was **Ronelo Perez**, a farmer from Libacao, Aklan, Panay Island. On March 18, Perez, went to his farm in Sitio Marandan, Mali-ao, Tapaz, Capiz. Perez was alone in his farmhouse when soldiers conducting a military operation opened fire with high-powered automatic rifles.

The soldiers, mostly trainees from the 3rd Infantry Division (3<sup>rd</sup> ID) were on a long-range reconnaissance patrol. When the firing stopped, Perez, staggered out of his farmhouse, his thigh sustaining gunshot wounds. A soldier went to him and shot him on the head, killing him instantly.

On May 14, at around 9:30 in the evening, **Dominador Ambol**, his wife Dolorosa Pidoy-Ambol, their 17-year old daughter Christine, and almost two-year old grandchild Rochel Mie were asleep inside their house in Purok 1, Brgy. Noa, Magpet, North Cotabato when five men, believed to be members of the 57<sup>th</sup> IBPA, arrived. Two of the men armed with .45 caliber pistols sneaked into the house. As the couple woke up, the family was immediately fired upon. Dominador was hit in the chest. Mrs. Ambol was hit on her left side, the daughter on her right arm. The baby was unscathed. Dominador died instantly. Mrs. Ambol and their daughter survived and were treated for almost a month at a local hospital.

On May 19, **Jim Gales** was on board his motorcycle when shot by men riding a van in Brgy. Little Panay, Panabo City, Davao del Norte. He has been a member of Bayan Muna since 2001 and was very active during the recent election campaign for the party list. Earlier, he related that he once caught a man taking his photograph while he was in an auto shop where he brought the Bayan Muna vehicle for repair in Matina, Davao City.

On May 31, **Edgardo "Dadul" Merculita Mariquit** left his house in Brgy. 10, Buenavista, Agusan del Norte to work on his farm in Sitio Calong-Calongan, Brgy. Malapong also in Buenavista. He was expected to be home later that day after picking up the chickens he left with his friend Tata Tallia. Instead, on the following day his dead body,

which bore signs of torture and a gunshot wound, was found far from his farm in Sitio Calong-Calongan.

**Edward Panganiban**, was a maintenance staff of Takata (Philippines) Corporation and Secretary of the independent union Samahang Lakas ng Manggagawa sa Takata (Salamat-Independent).

He was on his motorcycle on June 2 driving along the National Highway near the De Lima Subdivision in Brgy. Caingin, Sta. Rosa, Laguna when two men, also on board a motorcycle, overtook and shot him twelve times. Edward died on the spot.

On June 3, two farmers from Brgy. Baang, Mobo, Masbate were found dead after having been missing for two days. **Julito Etang** and **Borromeo Cabilis** were abducted on June 1 by armed men believed to be soldiers. When found, their hands were tied and their mouths covered with duct tape.

A human rights and church worker was shot dead by two men on June 14 at the crossing of Sitio Antolo, Brgy. Su-ay, Himamaylan City, Negros Occidental. **Benjamin E. Bayles** was waiting for a ride when two men, on board a black motorcycle with no license plate, shot him at close range.

Bayles was an active member of the September 21 Movement, a Karapatan member organization.

Pfc. Ronnie Caurino and Pfc. Reygine Laus, both enlisted men of the 61<sup>st</sup> Infantry Battalion of the Philippine Army, were positively identified (no less by the AFP itself) for the killing of Bayles.

“This is not the first time that members of the AFP have been identified as perpetrators of various human rights violations,” said Fred Caña, Karapatan-Negros secretary general. Caña himself is being subjected to threats and trumped-up charges.

On June 27, **Fernando Dejino** was on his way home to Bgy. Casalaan in Siaton, Negros Oriental with his wife and mother. At a junction near the jathropa processing plant, a man wearing a cap got off the jeep that the Dejininos were riding in. The man pulled out a pistol and ordered the other passengers to leave. He then sat across from Fernando, aimed the pistol at him and fired. Fernando died on the spot with five gunshot wounds on the neck and collarbone. He was an active member of Kasayan Farmers Association (KASAYFA), a group which opposed the operations and planned expansion of the privately-owned jathropa plantation guarded by soldiers of the 79<sup>th</sup> Infantry Battalion of the 302<sup>nd</sup> IBPA.

KARAPATAN documented 18 victims of extra-judicial killings in the last six months of Arroyo. There were 12 survivors of frustrated political killings and 71 victims of torture while in military or police captivity.

*Death inside U.S. Barracks... from previous page*

American soldiers are members of the Joint Special Operations Task Force-Philippines (JSOTF-P) which was established by the U.S. Special Operations Command Pacific (SOCPAC) despite the explicit constitutional ban on foreign military troops, bases and facilities in the country under Article XVIII, Section 25 of the 1987 Constitution.

Cardeno's and Ignacio's deaths add to the long list of the U.S. troops' violations of the sovereignty and rights of the Filipino people. These continuing violations warrant a thorough review towards the abrogation of the lopsided Visiting Forces Agreement under which these foreign forces are allowed to commit such heinous crimes against the Filipino people and continue such acts with impunity.

Karapatan supports the relatives of the victims in calling for justice for the killing of Gregan Cardeno and Major Javier Ignacio. The deaths should be thoroughly investigated by the authorities, and the perpetrators be made answerable for their crimes.

**TABLE 7** Violation of Civil and Political Rights  
under GMA's Presidency  
*Last Six Months (January to June 2010)*

Type of Violation	No. of Victims
Extrajudicial, Summary and Arbitrary Execution	18
Frustrated Killing	12
Enforced Disappearance	1
Torture	71
Illegal Arrest	96
Physical Assault and Injury	117
Threat, Harassment, Intimidation	587
Illegal Search and Seizure	83
Forcible Evacuation	305
Violation of Domicile	319
Destruction of Property	281
Divestment of Property	313
Criminalization of Political Offense	53
Food and Other Economic Blockade	2,526
Hamletting	1,187
Use of schools, medical, religious and other public places for military purposes	2,526

*Based on reports gathered by Karapatan*

## SURVIVORS

Others survived. Among them, **Ronald Capitanea** who was shot at close range from behind while riding his motorcycle on February 23, on the road along Hacienda Mabuhay, Brgy. Gil Montilla, Sipalay City, Negros Occidental. He was the Public Information Officer of Camindangan Small Farmers Association (CASFA) an affiliate of the KMP and of the Community Health Workers (CHW), an affiliate of the Negros Health Integrated Program (NHIP). Capitanea managed to escape and survived the attack.

A national fact finding mission conducted this year concluded that the frustrated killing on June 27 of **Rev. Father Jose Francisco Talaban** of the Infanta Prelature of the Roman Catholic Church at his convent was connected with the priest's active opposition to the Aurora Economic Zone and Free port (APECO) project that will be built in Casiguran, Aurora province in Central Luzon by the powerful Angara clan.

The Ecumenical Solidarity Mission was composed of members of the National Council of Churches in the Philippines (NCCP), the ecumenical Promotion of Church Peoples' Response (PCPR), Catholic clergy discernment groups and Karapatan.

It said: "The mission believes that the strafing of Father Talaban's convent was intended to scare off opposition against Apeco (Aurora Pacific Economic Zone and Free port), and to send a chilling message to community members that opposition may result to violence."

## HARASSED AND VILIFIED

Vilification campaign, threats and harrassment continued against leaders of mass organizations. **Benjie Paldas**, 30, head of the health committee of Nagkahiusang Mag-uuma sa Sibulan or



United Farmers of Sibulan (NAMAS), affiliated with KMP, with six other peasant leaders of Davao del Sur, were subpoenaed in February to submit counter-affidavits, in response to a frustrated murder charge filed by Cpl. Bert L. Ulao of the 39<sup>th</sup> IBPA and Antonio T. Omo, a CAFGU member under the 72<sup>nd</sup> IB-Philippine Army.

As elections drew close in May, even nominees of progressive party lists were threatened. Supporters received death threats, poison letters were sent to voters, and volunteers harassed. Yet, state terror failed to foil the election into Congress of progressive party lists.

Attempts at harassment have turned from desperate to absurd. Such is the case of **Irma Pamat**, Executive Director of the Women's Development Center (WDC). On January 31, a local newspaper published an article based on the allegation of the 2<sup>nd</sup> Special Forces Battalion of the Philippine Army in Bohol that Pamat was a member of the "white area committee" of the CPP-NPA.

The military admitted that they monitored a meeting conducted by the WDC which turned out to be a voters' education workshop on the automated election system which was to be used for the first time in the May 2010 Philippine elections.

This was a preview of what would later happen to 43 health workers in Morong, Rizal.

## MORONG 43

Failing to decisively engage and defeat the underground guerilla forces, the battle field had been extended even to the openly unarmed progressive forces. In the last six months of the Arroyo government, the Armed Forces of the Philippines (AFP) claimed its "biggest haul" against what it calls "enemies of the state".

On 6 February, 43 participants and trainers of the First Responders Training of the Community Medicine Development Foundation (COMMED) were illegally arrested by the combined forces of PNP and the 202<sup>nd</sup> IBPA in Morong, Rizal, east

## THE FISH IS CAUGHT BY ITS OWN MOUTH

Benjamin E. Bayles, 43 years old, single, is a parish worker of the Independent Church of the Philippines, who resides in Sitio Pamandayan, Brgy. Buenavista, Himamaylan City, Negros Occidental. He is a member of Bayan Muna, the Negros Federation of Sugar Workers (NFSW), and the September 21 Movement, an affiliate of Karapatan.

He has been active in fact-finding missions investigating human rights violations in Negros Occidental.

On June 14, 2010, at around 4:30 in the afternoon, Bayles was waiting for a ride at a street crossing in Sitio Antolo, Brgy. Suay, Himamaylan City, Negros Occidental.

Two men wearing helmets on board a black Honda TMX 155 motorcycle with no license plate stopped nearby. The back rider got off and walked towards Bayles. At about three meters away from him, the gunman shot Bayles at different parts of his body. When he fell down, the driver of the motorcycle also approached and shot him to ensure death. The gunmen then left the area on board the motorcycle. Bystanders took Bayles to the Valeriano Gatuslao District Hospital where he was pronounced dead-on-arrival.

Among the bystanders who witnessed the incident was a government employee who immediately called someone he knows from the Himamaylan City Philippine National Police (PNP) and reported the incident.

The Himamaylan City PNP alerted the nearby Kabankalan City PNP who set up a check point and apprehended Roger M. Bahon and Ronnie L. Caurino. Two .45 caliber pistols were confiscated from the suspects. "Bahon" was later identified as Private First Class Reygine Laus.

"Initially, the reported names of the two detained suspects who are now facing (murder) charges in court, were not in our roster (of troops)," Major General Vicente Porto, commander of the Army's 3<sup>rd</sup> Infantry Division said.

The Kabankalan police, in their statement to DYEZ "Aksyon Radyo" Bacolod, said that the suspects confessed to being "organic" members of the 61st Infantry Battalion, Philippine Army. The two were turned over to the Himamaylan PNP and are now detained at the Himamaylan City Jail.

The Himamaylan PNP retracted from the Kabankalan police's initial statement to the same radio station and claimed that the suspects were not connected with the military. Himamaylan Deputy Police Chief, Inspector Edsel Balibadlan, said the .45 caliber slugs taken from Bayles' body did not match the guns seized from the two suspects yet he acknowledged that the results of paraffin and ballistic examinations were not conclusive.

However, newly-installed Defense Secretary Voltaire Gazmin and the Armed Forces of the Philippines Chief of Staff General Ricardo David finally admitted that the two soldiers were indeed involved in the murder of Bayles when Bayan Muna Representative Neri Colmenares posed the question to them during AFP budget deliberations in Congress.

*"The fish is caught by its own mouth," as an old Philippine adage goes.*

of Manila. The health workers were manhandled, blindfolded, their hands bound behind their backs and forcibly brought to the military camp of the 2<sup>nd</sup> Infantry Division of the Philippine Army in Camp Capinpin, Tanay, Rizal by around 300 heavily armed elements of the military and police. They were all subjected to mental and physical torture to force them to admit to being members of the NPA.

The **43 community health workers**, 26 of whom were women, including two expecting mothers, were illegally searched, denied legal counsel, unlawfully detained and tortured.

## **MORE ARRESTS**

**Thirteen farmers, including two minors**, were arbitrarily arrested on March 7 in Monkayo, Compostela Valley by Scout Rangers and elements of the 25<sup>th</sup> Infantry Battalion, Philippine Army. They were accused of being members of the NPA. They were interrogated about where guns were hidden. The soldiers had an armed encounter with the NPA two days before.

They were brought to a military depot then transferred by 60 soldiers in military trucks to the army headquarters where they were held *incomunicado*. They were photographed with each holding a sign with the word “commander” written on it. Under duress, they were made to sign a document the content of which they could not understand.

On March 10 they were turned over to the Monkayo police. The next day the 11 were brought to the prosecutor’s office and charged with multiple frustrated murder, murder and violation of the election gun ban. The two minors were turned over to the local Department of Social Welfare and Development.

The 11 were released when the prosecutor ruled on the illegality of the arrest due to the lapse of the prescribed period of filing of charges. The two minors were turned over to their relatives.

The above cases show, on one hand, the might, resources and power that the military can utilize and the extent to which the government’s security forces can violate human rights to meet the Oplan Bantay Laya target of ending insurgency. On the other hand, they are also a proof of a desperate counter-insurgency program that victimizes civilians and members of people’s organizations perceived and vilified as “enemies of the state”. This oplan, following the blueprint provided by the U.S. COIN Guide, has been retained by the Noynoy Aquino government and is being assiduously implemented by his AFP.

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# RENEWED TERROR: HUMAN RIGHTS SITUATION UNDER THE NINE-YEAR U.S.-ARROYO REGIME

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**AMIDST A CHRONIC domestic crisis aggravated by intensified global exploitation and U.S. imperialist aggression, the nine-year reign of Pres. Gloria Macapagal-Arroyo served as a desperate attempt to perpetuate the neocolonial and semi-feudal order in the Philippines by means of state terror.**

Despite being the bloodiest in the post-martial law era, the two successive “counter-insurgency” plans of Oplan Bantay Laya (OBL) I and II failed miserably to crush legitimate political dissent, neither the armed revolution nor the unarmed protest movement even with the state’s blurring of distinctions between the two.

The Arroyo clique became politically isolated. Riding on the popular uprising of EDSA II against the corrupt Estrada regime, Arroyo came to power in 2001 with the blessings of the U.S., the military, big business groups and the powerful Roman Catholic Church. Yet, its subservience to U.S. dictates on the “war on terror” after 9/11, massive electoral fraud in 2004 exposed in the Hello Garci tapes<sup>1</sup>, corruption scandals in the bureaucracy such as the NBN-ZTE deal<sup>2</sup>, moral bankruptcy and gross human rights violations, condemned locally and globally, all took their toll on Arroyo’s presidency.

To maintain herself in power, she ruled with an iron glove. Utterly failing, she sought the electoral backdoor and parliamentary immunity for her exit.

## STATE TERROR REDUX

Never, since the 14 years of Marcos’ outright fascist dictatorship (1972-86), had human rights violations and suppression of civil and political rights been done with extreme impunity as what the more than nine-year Arroyo regime did. It was state terror brought back.

The multi-tiered reactionary violence of the state, from the imperialist master to its client state down to the local feudal dynasties of warlords, was



unleashed with full unbridled force against the Filipino people – especially against individuals, organizations and entire communities at the forefront of the people’s struggle.

In violation of its own constitution, the Arroyo regime allowed the continued stay of U.S. foreign troops even without permanent U.S. military bases. About 600 U.S. troops are maintained but up to 3,000 participated in various “exercises”. Arroyo granted the U.S. with the Mutual Logistics Support Agreement (MLSA) in 2002, the Security Engagement Board (SEB) in 2006, and a U.S. Joint Special Operations Task Force - Philippines (JSOTF-P) under the Visiting Forces Agreement. It followed the U.S. Patriot Act with its own “Human Security Act” in 2007.

Aside from covert special operations, U.S. forces became more involved in combat units of the Armed Forces of the Philippines (AFP) as revealed by Navy Lt. SG Nancy Gadian in her testimony against the U.S.-RP Balikatan military exercises<sup>3</sup>.

As in the martial law years, local state forces, notably the AFP and the Philippine National Police (PNP), including para-military forces such as the Citizens Armed Force Geographical Units (CAFGUs) and private armed groups of local ruling warlords, have all been used to directly assault civilians especially the members and leaders of organized progressive movements. It was the exact opposite of supposed civilian supremacy over the military enshrined in the post-martial law 1987 Constitution.

Meanwhile, those who supported Arroyo in 2001 fell apart towards the end of her term with the military cracked into several warring factions, big business into rival groups, progressive church people attacked, and the U.S. scouting for a “legitimate” government for its renewed counter-insurgency program. Even the bunch of christian/social democrats in her cabinet left her and followed the age-old tradition in the country of political turncoatism.

Over a thousand lives have been summarily snuffed out by extra-judicial killings (EJKs) under the U.S.-Arroyo regime. Documented records of KARAPATAN bare that EJKs claimed **1,206** victims. Enforced disappearances left **206** desaparecidos still missing after her more than nine-year rule.

**TABLE 8** **Victims of Extrajudicial Killing under GMA’s Presidency (by year)**  
*January 21, 2001 to June 30, 2010*

Year	Total	Organized	Women
2001	100	35	11
2002	124	45	14
2003	130	34	14
2004	85	45	11
2005	194	101	14
2006	235	116	25
2007	100	39	14
2008	90	22	18
2009	130	33	32
Jan - June 2010	18	5	0
<b>TOTAL</b>	<b>1,206</b>	<b>475</b>	<b>153</b>

*Based on reports gathered by Karapatan*

**TABLE 9****Victims of Enforced Disappearance  
under GMA’s Presidency (by year)  
January 21, 2001 to June 30, 2010**

Year	Total	Organized	Women
2001	8	1	1
2002	10	3	2
2003	11	2	1
2004	23	10	5
2005	32	6	0
2006	78	25	15
2007	30	14	5
2008	9	5	1
2009	4	2	1
Jan - June 2010	1	0	0
<b>TOTAL</b>	<b>206</b>	<b>68</b>	<b>31</b>

*Based on reports gathered by Karapatan*

## REIGN OF TERROR

The killings and other human rights violations under Oplan Bantay-Laya (OBL) opened in 2002-03, escalated in 2004- 2005, peaked in 2006 and kept on in 2007-2010. OBL officially started in 2002. The year 2006 was the deadline of OBL by which time the CPP-NPA-NDF would have been decimated. The oplan was extended to OBL II in 2007 having failed to meet its objective. The new deadline is 2010.

Right after the so-called “people power revolution” at EDSA in 2001, the period 2001-2003 ended with a total of 354 extrajudicial killings, 39 of them women and 114 human rights defenders. There were 29 victims of enforced disappearances, four of them women and six were human rights defenders. It was the start of Arroyo’s reign of terror.

Bayan Muna organizer **Edilberto “Choi” Napoles** was riding on a tricycle when shot in the head in May 2002. Among the missing were peasant leaders **Honor Ayroso** and **Johnny Orcino** who were abducted in Nueva Ecija in February 2002. **Zenaida Llesis** was pregnant when arrested, tortured and detained in August 2003.

Nine civilians were killed when their houses were strafed by soldiers in **Kananga, Leyte, Eastern Visayas** in 2003. Col. Jovito “The Butcher” Palparan had just been transferred to Eastern Visayas, later promoted and praised by Arroyo as General.

During the first half of 2004, there were 36 extrajudicial killings, mostly during the electoral campaign period. Cases rose to 85 by the end of the year following the institutionalization of the military’s “target research” in October 2004. A total of 41 persons were reportedly abducted during the same year, with 23 still missing.

On February 14, 2004, **Atty. Juvy Magsino**, a Vice Mayor and human rights lawyer, was gunned down in Mindoro along with **Leima Fortu**, a human rights worker. **Eduardo Serrano**, NDFP peace consultant, was arrested in May 2004 and was missing for ten days before he was surfaced in a Mindoro Oriental provincial jail and later transferred to the maximum security Camp Crame Custodial Center. In March 2005, **Angie Ipong**, 60, a peace advocate, was abducted, blindfolded, her hands tied behind her back and brought for interrogation where she was sexually molested. She was missing for almost a week before she was presented to the media and brought to a provincial jail.



Two peasant massacres, both of which occurred in November, also marked this period. In 2004, **seven striking farm workers of Hacienda Luisita**, Tarlac were killed and 72 others injured during a brutal dispersal of their picketline. In 2005, nine farmers were killed when elements of the 19<sup>th</sup> IBPA sprayed with bullets a hut in Palo, Leyte.

Arroyo faced a political crisis in 2005 after the “Hello Garci” exposé. To counter public dissent, military troops were deployed in a number of cities and provinces. Curfews, checkpoints and other restrictions on the movement of the civilian populace were also imposed.

## A STATE IN PANIC

Extrajudicial killings surged during the last quarter of 2005 after the impeachment complaint against Arroyo was junked by Congress in September. There were **194 extrajudicial killings** recorded, and **57 persons abducted** with **32 still missing**.

The year 2006 witnessed an unprecedented number of political killings and disappearances. Extrajudicial killings on the average occurred every other day bringing the total to 235 by the end of the year. The number of victims of enforced disappearances was also at a record-high of 78, or an average of at least one every week, which was more than double those in 2005.

Among those abducted and disappeared were **Leopoldo Ancheta**, **Rogelio Calubad** and **Prudencio Calubid** who are consultants to the peace negotiations between the GRP and NDFP and whose security and protection from arrest were guaranteed under the Joint Agreement on Safety and Immunity Guarantees (JASIG) signed by both parties.

Students of the University of the Philippines (U.P.), **Karen Empeno**, 23, and **Sherlyn Cadapan**, 29, were abducted while sleeping in the house of peasant organizer Manuel Merino, 57. All three are now among the desaparecidos.

In April 2006, poet and peasant rights advocate Axel Pinpin and four other colleagues, who became known as **Tagaytay 5** were arrested and detained. They were released after more than two years due to insufficiency of evidence.

**Joey Javier**, chairman of a local peasant organization affiliated with KMP, was shot dead near a military detachment in October 2006. Two weeks after Javier’s killing, peasant leader **Anthony Licyayo**, who took Javier’s position as president was also killed. In less than a week, the third to occupy the position, **Pedro France**, escaped an assassination attempt.

Student leader **Cris Hugo** was walking on his way to school with his teacher when shot. **Atty. Gil Gojol** came from the Municipal Trial Court when ambushed in the morning of December 12 in Gubat, Sorsogon, some 200 meters from a 22<sup>nd</sup> IB-PA detachment.

Health worker **Alice Claver** from the Cordilleras was shot while riding in a utility vehicle with her doctor husband, **Chandu**, and their seven-year old daughter, **Cassandra**, whom they were about to bring to school. Chandu was wounded.

**Bishop Alberto Ramento** of the Philippine Independent Church based in Central Luzon was stabbed to death in his room, a victim of extrajudicial execution for his work among the workers of Hacienda Luisita, the site of the 2004 massacre.

## INTENSIFIED REPRESSION

On January 17, 2006, Arroyo issued Executive Order 493 creating the Inter-Agency Legal Action Group (IALAG) which was tasked to investigate, prosecute, monitor and handle litigation processes of cases involving national security. However, it organized the systematic filing of trumped-up criminal lawsuits against activists.

GMA declared a state of emergency in February 2006. Subsequently, 51 men and women were charged with rebellion. They included leading activists and human rights defenders such as the six party list representatives to the Philippine Congress later referred to as the Batasan 6, and six other leaders of the democratic movement and NDFP consultants to the peace negotiations.

The PNP instituted the Calibrated Pre-emptive Response (CPR) which prohibited rallies and other protest actions in certain areas and without a permit. Malacañang issued Executive Order 464 which provided a convenient excuse for government officials to decline invitations to testify in Senate hearings.

Former Anakpawis Party-list Representative **Crispin Beltran** was the first victim of IALAG. He was arrested in February 2006 and illegally detained for a year and a half on the basis of a warrant issued in 1985 for a case that had long been dismissed.

In February 2006, five party-list representatives (**Satur Ocampo**, **Teddy Casino** and **Joel Virador** of Bayan Muna, **Liza Maza** of Gabriela Women's Party and **Rafael Mariano** of Anakpawis) had to be under protective custody of the House of Representatives for 70 days after having been slapped with a rebellion charge along with six leaders of the democratic movement (**Rafael Baylosis**, **Rey Casambre**, **Randall Echanis**, **Vicente Ladlad**, **Tita Lubi** and **Nathanael Santiago**) plus 39 others accused of being CPP leaders. The rebellion charge was dismissed in July 2007 upon order of the Supreme Court for insufficiency of evidence.

In the early morning of March 2007, policemen literally dragged Bayan Muna party-list representative Satur Ocampo out of a police jail to a private plane that would have taken him to Leyte. Days earlier, Ocampo was put to jail on false charges that maliciously linked him to murders that happened 23 years ago. Warrants of arrest were also issued for Rafael Baylosis, Randall Echanis and Vicente Ladlad. By virtue of that warrant, Echanis was arrested in January 2008 in Bacolod City while attending a peasant consultation.

All the way in the Netherlands, **Prof. Jose Maria Sison** was arrested and detained after having been charged with inciting to murder. The NDFP office was ransacked and all their computers and files confiscated. He was released after 17 days.

Among the victims of OBL II in 2007 was **Jonas Joseph Burgos**, son of media icon Jose Burgos, who was abducted in April and is still missing. His mother, Edita Burgos, is now the Chair of Desaparecidos.

Also abducted and still missing are **Luisa Posa** and **Nilo Arado** from Panay and **Leo Velasco**, NDFP peace consultant, who was abducted in Mindanao. Illegally arrested were **Pastor Berlin Guerrero** and **Elizabeth Principe**, whose husband is desaparecido **Leo Velasco**. **Grecil Buaya** was a nine-year old girl killed in an encounter between the NPA and the military. The latter claimed that she was a "child warrior" shooting at them with an armalite rifle. **Prof. Jose Ma. Cui** was shot dead inside his classroom in front of his students.

## PROTEST MOUNTS

There was a marked de-escalation of politically motivated extrajudicial killings and enforced disappearances in the second half of 2007 following national and international condemnation of the Arroyo government's human rights record. By the end of the year, EJK reported to Karapatan were down to 100 from a high of 235 in 2006. Enforced disappearances dropped to 30 victims from 79 the previous year. However, illegal arrests increased by 48% in 2007 and 42% in 2008 compared to 2006.

**TABLE 10** **Victims of Illegal Arrest under GMA's Presidency (by year)**  
*January 21, 2001 to June 30, 2010*

Year	Total	Women	Minor	Organized
2001	342	54	9	106
2002	142	10	8	40
2003	147	28	12	54
2004	213	32	13	66
2005	127	19	8	22
2006	226	31	6	73
2007	335	57	35	60
2008	320	32	14	76
2009	111	27	0	49
Jan - June 2010	96	43	7	33
<b>TOTAL</b>	<b>2,059</b>	<b>333</b>	<b>112</b>	<b>579</b>

*Based on reports gathered by Karapatan*

Even the Chief Justice then of the Supreme Court, Reynato S. Puno, took cognizance of the gravity of the problem of extrajudicial killings and enforced disappearances. He led the Court in taking three significant steps in 2007: 1) ordered the dismissal of the rebellion case against the Batasan 6 and other political activists; 2) convened a National Consultative Summit on Extrajudicial Killings and Enforced Disappearances; and 3) issued the Rules on the Writ of Amparo, which could provide special remedy by the issuance of orders for witness protection, temporary protection, inspection of premises and production of documents.

However, 2007 is also the year when the Anti-Terrorism Law (ATL), cloaked under the title Human Security Act (HSA), was passed despite broad protests against it.

There were 90 cases of the extrajudicial killings recorded in 2008. Among them were **Tildo Rebamonte**, found dead four days after he was abducted by policemen in Claveria, Masbate in January. In a separate incident, **Ronald Cempron Sendrijas**, an environmental activist and a member of Selda (Society of Ex-Detainees Against Detention and Arrest), was shot in Tagbilaran City, Bohol. **Lakay Mariano Galisen**, a 60-year old villager, disappeared while tending his farm during a military operation in Pananuman, Tubo, Abra.

In the afternoon of April 15, elements of the 16<sup>th</sup> Infantry Battalion of the Philippine Army (IBPA), 202<sup>nd</sup> Infantry Brigade of the 2<sup>nd</sup> Infantry Division, strafed without warning the house of the Carser family in Sitio Macalla, Bgy. Pagsangahan, General Nakar, Quezon. Instantly killed were **Eliza Pera**, 26, and **Monica Carser**, 12. Wounded were **Nerissa, Christine** and **Monina Carser** along with **Rose Ann Gumanoy**, 21.



**Celso Pojas**, 45, Secretary General of the Davao City Farmers Association, was gunned down by motorcycle-riding men on May 15 in front of his office on Fatima St., Brgy. Mandug, Davao City, Southern Mindanao.

Also killed by assailants were **Maximo Baranda**, 47, and **Roel Doratot**, 33, both from Compostela Valley, Mindanao. Baranda was the former Chairman of the KMU (May 1<sup>st</sup> Movement) affiliate, Compostela Workers Association. Doratot was a municipal electoral staff of Bayan Muna (People First) party-list organization in Monkayo.

In the morning of September 8, six people including four children were killed after government planes blasted a small civilian boat in Maguindanao. The boat was part of a convoy of refugees fleeing their villages. Killed with **Daya Manunggal Mandi** were his children: five-month pregnant **Aida** (18), **Bailyn** (10), **King** (8), **Adtayan** (5) and **Faidza** (1). The air strike occurred during Ramadan, the holiest month of Islam.

## ACTS OF DESPERATION

State terror desperately tried to stave off Arroyo's fast political isolation in 2008-2009.

In 2008, the first case of enforced disappearance was that of **Flaviano Arante**, a council member of Nagkahiusang Mag-uuma sa Sta. Catalina (United Farmers of Sta. Catalina) in Negros Oriental. Arante's whereabouts remain undisclosed to date despite the petition for a writ of amparo filed by his family in February.

**Nonilon Gabani**, 31, a resident of Sitio Dabaclayon, Brgy. Caranas, Motiong, Samar disappeared on July 27 during a military operation. **James Balao**, founding member of the Cordillera People's Alliance (CPA) was abducted in La Trinidad on September 17. On September 22, **Elmer de la Cruz**, Bataan peace consultant of the NDFP, was abducted in Hermosa. They remain missing.

Among those abducted but later surfaced were: **Randy Felix Malayao**, 39, taken by elements of the Armed Forces of the Philippines Military Intelligence Group (AFP-MIG) on May 15 and presented after five days to the media at Camp Melchor in Gamu, Isabela, Northern Luzon; **Bernadith Dignos**, 26, peasant leader, abducted on May 18 in Iligan City, Mindanao and was missing for four days before being surfaced in the Misamis Occidental Provincial Jail in Oroquieta City; UCCP Pastor **Rodel Canja**, 25, abducted in Pililla, Eastern Rizal on May 2 and kept in a military safehouse for four days and three nights before he was released.

**Atty. Remigio Saladero**, **Nestor San Jose**, and **Crispin Zapanta**, were arrested on different days in October 2008. **Rogelio Galit**, **Arnaldo Seminiano** and **Emmanuel Dioneda**, were arrested in November. The arrest of **Prospero Agudo** followed in December. They are among 72 high-profile regional and provincial leaders in Southern Tagalog charged with multiple murder and multiple frustrated murder. Karapatan workers **Doris Cuarrio**, **Dina Capetillo**, and **Karen Ortiz** with five other women human rights defenders are among those falsely accused, now known as ST 72.

While EJK cases relatively tapered off statistically since 2007, largely due to national and international pressures, the killings went on with impunity topped by the grizzly massacre of **57 men and women including journalists and lawyers** hastily buried by a backhoe in December 2009 in Ampatuan, Maguindanao.

In 2009, among those killed were Catholic priest **Fr. Cecilio Lucero**, 48. He was giving sanctuary to a survivor of a military strafing which killed two farmers when troops of the 63<sup>rd</sup> IBPA confronted him in his convent in Northern Samar. Two days later, on September 6, 2009, he was ambushed.

In Davao del Norte, having failed to capture and kill known New People's Army leader Leoncio Pitao, death squads vented their ire on his daughter. **Rebelyn Pitao**, 20, a teacher, was found dead in a river in Davao del Norte on March 5, 2009, with her mouth wrapped in duct tape, eyes badly bruised and five stab wounds and lacerations on her body.

## POLITICALLY-MOTIVATED

Most of the EJK victims under Arroyo were members and leaders of progressive organizations such as the electoral party lists Bayan Muna and Anakpawis; mass organizations which are members of Bayan (New Patriotic Alliance) such as the Peasant Movement of the Philippines (Kilusang Magbubukid ng Pilipinas or KMP) and the militant labor center, May First Movement (Kilusang Mayo Uno or KMU); and Karapatan. These organizations were specifically targeted by the U.S.-inspired Oplan Bantay Laya.

Even human rights defenders were not spared of the vilification, persecution and outright killings. There were 475 human rights defenders murdered and 68 abducted and still missing. KARAPATAN officers and volunteers serving at the forefront of the human rights struggle are being decimated under the pretext of the U.S.-led "war on terror" and "counter-insurgency".

Trumped-up charges with false witnesses were filed against leaders of progressive organizations including lawmakers, leaders of non-government and people's organizations, and peace consultants of the National Democratic Front of the Philippines (NDFP).

Peace negotiations between the government and the NDFP were effectively sabotaged under

## TABLE 11

### Victims of EJK and ED under GMA's Presidency (by sectoral and multi-sectoral organization)

January 21, 2001 to June 30, 2010

ORGANIZATION	EJK	ED
<b>BAYAN</b>		
KMP	133	15
KMU	24	3
Anakbayan	15	3
Pamalakaya	8	2
Kadamay	11	0
LFS	5	0
Courage	4	0
PCPR	2	0
CPA	0	1
KAMP	11	0
SCMP	1	0
Kalikasan	1	0
Piston	1	1
Secretariat	8	2
<b>KARAPATAN</b>		
SELDA	4	2
Kasimbayan	1	0
September 21 Movement	1	0
Chapters	24	1
Other organizations	21	5
<b>Partylists</b>		
Bayan Muna	143	12
Anakpawis	50	7
Gabriela Women's Party	2	0
Kabataan	2	0
Suara Bangsa Moro	2	2
Anak ng Bayan	0	1
NDF Consultants/Staff	1	11
<b>TOTAL</b>	<b>475</b>	<b>68</b>
<b>Women</b>	<b>153</b>	<b>31</b>

Based on reports gathered by Karapatan

**TABLE 12**

**Violations of the Rights of Human Rights Defenders  
by the Arroyo Government  
January 21, 2001 to June 30, 2010**

Human Rights Violation	Over-all Total Victims	Total Women Victims	Total HRD victims	Women HRDs
EJK	1,206	153	475	54
ED	206	31	68	11
Illegal Arrest	2,059	333	578	116

**TABLE 13**

**Human rights workers of Karapatan and allied organizations who have fallen victim to human rights violations by the Arroyo Government  
January 21, 2001 to June 30, 2010**

Type of Violation	No. of Victims
Extrajudicial Killing	35
Enforced Disappearance	3
Frustrated Killing	8
Torture	13
Illegal Arrest w/o Detention	9
Illegal Arrest and Detention	53
Physical Assault and Injury	64
Threat/Harassment/Intimidation	154

*Based on reports gathered by Karapatan*

the US-Arroyo regime. Closing the doors on peace opened the gates for terror.

## **MILITARIZATION FOR “DEVELOPMENT”**

The OBL counter-insurgency plan initially targeted seven priority areas: **Southern Tagalog, Central Luzon, Bicol, Eastern Visayas, Bohol, Compostela Valley** and **Caraga**. Later, **Cagayan Valley, Ilocos** and **Cordillera** were added to the list. Most of the EJKs and enforced disappearances came from these regions.

More than 550 from the peasantry including their leaders fell victim to EJK including **Eddie Gumanoy** of KASAMA-TK (KMP Southern Tagalog), **Renato Pacaide** of KMP Far Southern Mindanao Region, **Arthur Orpilla** and **Dionisio Battad** of DANGGAYAN – CV (KMP Cagayan Valley), **Marcelino Beltran** of AMT (KMP Tarlac), **Fermin Lorico** of KAUGMAON (KMP Negros Oriental), **Celso Pojas** of FADC (KMP Davao City) and more. Further, there are 131 peasants and organizers who were victimized by enforced disappearances including **Nilo Arado** of PAMANGGAS – Panay and **Jonas Burgos** of AMB (KMP Bulacan).

Apart from being suspected by the AFP as “guerilla fronts,” these areas abound in rich natural resources and are prime targets for big plantations, logging and mining concessions and other so-called “development projects”.

The Tamapakan Gold-Copper Mining Project – of foreign transnational corporations Xstrata and Sagittarius Mines Inc. (SMI) – is the biggest in the Philippines so far worth \$5.2 billion under a Financial and Technical Assistance Agreement (FTAA) covering a total of 31,599.64 hectares in the quad-boundary of Sultan Kudarat, South Cotabato, Sarangani Province and Davao del Sur in South Central Mindanao, believed to contain one of the biggest untapped

copper resources in Southeast Asia. Indigenous people are being displaced from their ancestral lands and several B'laan communities have already been eased out from their communities.

Mandaya and Mansaka *lumads*<sup>4</sup> residents of New Bataan, Compostela Valley Province demanded to stop military operations conducted by the composite military units under the 28<sup>th</sup>, 30<sup>th</sup>, 72<sup>nd</sup>, 67<sup>th</sup> Infantry Battalions, Scout Ranger and Special Force. Some 25 lumad organizations in Southern Mindanao and North Cotabato condemned the military operations in the hinterland villages of Surigao Del Sur which displaced about 2,000 Manobo lumads

In Sta. Cruz, Davao Del Sur, peasant and Lumad leaders known as the “**Sta. Cruz 7**” were charged by Corporal Bert Ulao of the 39<sup>th</sup> IB and Antonio Omo Tongon of the CAFGU unit of the 72<sup>nd</sup> Infantry Battalion, under the 10<sup>th</sup> Infantry Division of the Philippine Army, as being “companions” of the NPA. They are campaigning against the construction of the Sibulan Hydropower Plant by HEDCOR – Aboitiz, a known Arroyo ally.

**TABLE 14**

**Victims of EJK and ED under GMA’s Presidency  
(by region)**

*January 21, 2001 to June 30, 2010*

Region	EJK	ED
Cordillera Administrative Region	35	2
Cagayan Valley	30	4
Ilocos	7	2
Central Luzon	154	66
Southern Tagalog	179	30
Bicol	199	10
NCR	41	6
Eastern Visayas	126	27
Central Visayas	28	4
Western Visayas	32	6
Northern Mindanao	33	2
Caraga	35	11
Socskargen	27	5
Western Mindanao	29	10
Southern Mindanao	106	13
ARMM	145	8
<b>TOTAL</b>	<b>1,206</b>	<b>206</b>
<b>Organized</b>	<b>475</b>	<b>68</b>
<b>Women</b>	<b>153</b>	<b>31</b>

*Based on reports gathered by Karapatan*

**TABLE 15**

**Victims of EJK and ED under GMA’s Presidency  
(by sector/special group)**

*January 21, 2001 to June 30, 2010*

Region	EJK	ED
Peasant	580	131
Moro	111	9
Indigenous people	89	5
Worker	66	15
Children	77	4
Unborn	12	0
Urban poor	50	7
Church	27	1
Youth & students	27	9
Fisherfolk	23	3
HR worker	24	2
Gov’t employee	25	1
Entrepreneur	23	10
Teacher	10	0
Health worker	4	0
Media	36	1
Lawyers	7	0
Others	8	5
Unclassified	7	3
<b>TOTAL</b>	<b>1,206</b>	<b>206</b>
<b>Organized</b>	<b>475</b>	<b>68</b>
<b>Women</b>	<b>153</b>	<b>31</b>

## ARROYO’S INDICTMENT

Pres. Arroyo earned a bad name for human rights. Yet, even the report made by UN Special Rapporteur Philip Alston to the UN Human Rights Council in 2009 remained unheeded.

Instead of being prosecuted and convicted for the grave human rights violations committed when she was the Commander-in-Chief, Macapagal-Arroyo remained at liberty and even got

**TABLE 16** **Violation of Civil and Political Rights  
by the GMA Government (updated)**  
*January 21, 2001 to June 30, 2010*

Type of Violation	No. of Victims
Extrajudicial, summary and arbitrary execution	1,206
Frustrated Killing	379
Enforced or involuntary disappearance	206
Torture	1,099
Illegal arrest	2,059
Physical assault and injuries	30,119
Threat, harassment and intimidation	81,835
Indiscriminate firing	538,017
Illegal search and seizure	53,893
Forcible evacuation and displacement	873,787
Hamletting	39,803
Violation of domicile	29,101
Food and other economic blockade	87,152
Use of schools, medical, religious and other public places for military purposes	57,914

*Based on reports gathered by Karapatan*

a seat at the House of Representatives together with two of her sons.

So long as the U.S. props up its client state in the country, and supports the local reactionary political dynasties of big landlords and compradors, human rights will remain elusive.

The only redeeming factor is the vibrant human rights defense in the country rooted in the people's struggle for national freedom and democracy. In turn, this strengthens the vital

## INDICTMENT

Based on the human rights record of the U.S.-backed government of Gloria Macapagal-Arroyo in almost nine years of repressive rule made distinct by undeclared martial law, Karapatan and its member organizations Ecumenical Movement for Justice and Peace (EMJP), DESAPARECIDOS, HUSTISYA and SELDA, on behalf of the victims of human rights violations and their families, bring this indictment to the Filipino people.

This indictment is against GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines, the Armed Forces of the Philippines (AFP), Philippine National Police (PNP) and their officers and operatives involved in cases of human rights violations like retired Major General Jovito Palparan, Jr.

They are hereby charged with the following offenses committed through the national counter-insurgency program, Oplan Bantay Laya (OBL):

- Extrajudicial killings, enforced disappearances, illegal arrests, arbitrary detention and torture;

- Vilification campaign and filing of trumped-up and politically-motivated charges against leaders and activists of the democratic movement;
- Indiscriminate firing, forced evacuation, militarization and other human rights violations directed at communities;
- Denial of justice through circumvention of the judicial system, cover-up and whitewashing;
- Persecution of human rights defenders;
- Repressive policies and legislation; and
- Abetting U.S. military intervention.

**No other regime has been so extremely discredited and detested by many since the Marcos dictatorship. Surveys consistently evidence the people's rejection of Gloria Macapagal-Arroyo's reign to no one's surprise. GMA not only failed to deliver promised economic and social reforms but also robbed the country coffers through graft and corruption led by her own family.**

Her neo-liberal policies favored big business and foreign capital. Her commitment to globalization has driven the country into heavy government debt, huge deficit and the financial crisis. Her government resorted to increasing tax burdens and drastic budget cuts on health, education and other social services while increasing debt servicing and military spending. It also further opened up the country's mineral resources to multinational corporations (MNCs) and accelerated the program of exporting cheap labor.

In an attempt to portray a rosy picture of the economy, the Arroyo government opted to advertise claims of economic recovery and progress. But in truth, the crisis that the Philippines is mired in preceded the global economic and financial crisis.

The Arroyo government has been rated as the most corrupt regime in Asia and one of the most corrupt in the world. The series of corruption cases include cutting into all major business contracts requiring approval of public officials, overpricing of government purchases and infrastructure projects, misuse of government loan guarantees and even misappropriation of funds intended for the indemnification of victims of human rights violations during Marcos's martial rule.

Arroyo has been able to remain in Malacañang by bribing Commission on Election (COMELEC) officials to cheat for her in the 2004 presidential elections. She again resorted to electoral fraud in the 2007 elections to make her candidates win. Despite this, the opposition managed to capture more seats in the Philippine Senate than GMA's senatorial line-up.

As the economic and social crisis worsens, the political crisis that beset the Philippines also worsens. There is widespread dissatisfaction by the populace that threatened the very survival of the regime. The stability of the government has been threatened by the year in and year out series of big protest actions. At the center of the mass protest is the people's movement that called for GMA's ouster.

Despite boasts of wiping out the CPP-NPA-NDFP and the Bangsa Moro secessionist movements, these armed revolutionary movements have gained more adherents and strength during her incumbency.

Instead of persevering in making changes to improve the lot of her constituency, Gloria Macapagal-Arroyo used an iron fist to perpetuate her hold on political power. She conveniently committed her government and military to the U.S. “war on terror” and used it to intensify political repression against her critics. She resorts to undeclared martial law and unleashed the most savage and brutal war of terror against the people.

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[1] The Hello Garci tapes were recorded phone calls made by Pres. Arroyo to Commission on Elections (COMELEC) commissioner Virgilio Garcillano to rig the 2004 presidential elections.

[2] The NBN-ZTE deal is the corruption tainted contract for a US\$329-M National Broadband Network with the Chinese telecom giant ZTE. The deal was exposed in 2007 and was later aborted.

[3] In her revelation in August 2009, Lt. Nancy Gadian said that “the [U.S.] soldiers who are deployed in Mindanao are part of the Special Operations Command. This is a unit of highly capable and technically skilled individuals. They will not be deployed here if they are not combat-ready.” She said in her affidavit that Filipino soldiers had confirmed to her “that US troops are embedded in Philippine troops who are engaged in actual combat in Mindanao.”

[4] Lumad is a Visayan term for “native” or “indigenous”. Lumads number around two million mostly in Southern Philippines (Mindanao) and account for a third of the indigenous peoples in the country.



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# TRIUMPH AMIDST ADVERSITIES: PEOPLE'S STRUGGLE AGAINST STATE TERRORISM

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For more than nine years of repression, military violence and unbridled human rights violations the Gloria Macapagal-Arroyo (GMA) government subjected to state terrorism thousands of workers, peasants, youth, women, indigenous peoples, urban poor, church and health workers, teachers, lawyers, journalists and freedom-loving people in the country. State violence claimed lives, rights and freedoms. It brought destruction to people's lives and livelihood. With Oplan Bantay Laya, a blueprint for terror and impunity, which is a spin-off from the many counter-insurgency campaigns of the United States, the Arroyo government has unleashed one of the bloodiest dirty wars against the Filipino people.

These nine years and those before them are replete with the undaunted bravery and resoluteness of the people in not only keeping the torch of justice and human rights burning, but more importantly in upholding and fighting for the fundamental rights of an oppressed and suppressed people. Indeed, the people triumphed in exposing the real violent nature of puppet, corrupt and megalomaniac regimes as Arroyo's.

## 2001-2005: ESCALATING POLITICAL REPRESSION, INTENSIFYING PEOPLE'S PROTEST

Since 2001, peoples' actions against extrajudicial killings, enforced disappearances, rural and urban militarization, arbitrary arrests and detentions, and scores of other violations of human rights have not wavered. On the contrary, every act of violence was met with an act of defiance.

Even under threat of illegal arrests, fabricated charges and imprisonment, national people's organizations and party-list groups effectively challenged each and every policy - pronounced or unwritten - on the streets, in communities, schools, factories and even in the halls of Congress and in the United Nations. There was no let-up in the mobilizations, fact-finding and solidarity missions, pickets and quick reactions which accelerated in the height of extrajudicial killings and enforced disappearance after 2005. Thousands were mobilized in defense of human rights from 2004 to the succeeding years.



Extrajudicial killing was successfully brought to the fore and made a prominent issue. It reached wide public awareness and created strong public condemnation here and abroad. Public outcry was expressed through mass actions, solidarity missions, legislative advocacy and intervention and other forms of protest against human rights violations and in support of the victims and their families.

“The Butcher”, Gen. Jovito Palparan, Jr., one of Arroyo’s favorite generals, was singled out and exposed as the loyal implementor of Oplan Bantay Laya, responsible for the spate of extrajudicial killings and intense militarization in areas where he was assigned. People’s organizations and party-list representatives condemned Palparan and his murderous team. They consistently opposed the hated general’s confirmation by the legislature’s Commission on Appointments.

Violent dispersal of the protest action during the meeting in Manila of the Inter Parliamentary Union (IPU) in April 2005 caught the attention of many parliamentarians. The Committee on Human Rights issued a resolution questioning the government’s repressive action.

There were solidarity missions conducted in Mindanao with regards to the escalation of military actions against the Moro people and the presence of U.S. troops. The International Solidarity Mission (ISM) which culminated in an International People’s Tribunal (IPT) in 2005 was a kick off for the International Campaign to Stop Extrajudicial Killings in the Philippines or Stop the Killings (STK) campaign. It exposed the terrible human rights situation in the country.

Extrajudicial killings, enforced disappearance and other gross human rights violations resulting from the U.S.-Arroyo regime’s political repression of dissent were one of the major bases of impeachment complaints filed against Arroyo since in 2005.

## **2006-2009: INTENSIFYING STATE TERRORISM, REALIZING PEOPLE’S GAINS**

The year 2006 was the deadline for OBL to meet its objective of wiping out the revolutionary forces of the CPP-NPA-NDF. We were witness to the height of extrajudicial killings and disappearance cases in 2006, during and after the declaration of the state of national emergency, as well as the continued persecution of personalities and groups who and which have openly criticized Arroyo.

Various personalities, legislators, media practitioners, church leaders, and professionals from all over the world condemned the killings. The declaration of a state of national emergency in February 2006, when threats of mass arrests and detention hovered over the heads of human rights defenders, did not stop people from joining mass actions. On September 21, 2006, nationally and internationally coordinated protests were successfully mounted in various cities in the country, as well as by Filipino organizations and solidarity groups in the U.S., Canada, Australia, Hong Kong, South Korea, Japan, Netherlands, Belgium, Norway and other countries. Filipino groups in the U.S. called for a halt to U.S. military aid to the Philippines due to its disturbing human rights record.

In the same year, Karapatan and human rights defenders filed a complaint on the extrajudicial killing of Eden Marcellana and Eddie Gumanoy with the UN Human Rights Committee (UNHRC) in New York. More than two years later, the UNHRC concluded that the Philippine government failed to protect the rights of Marcellana and Gumanoy. It instructed the Philippine government to provide remedies for redress to the relatives of the victims.

Karapatan, on behalf of Evangeline Hernandez, mother of slain human rights worker, Benjaline Hernandez, also filed a case against the Philippine government on the killing of her daughter. Recently, in September 2010, the UNHRC found the military and the Arroyo government responsible for the death of Benjaline.

Karapatan and people's organizations effectively exposed Task Force Usig and the Melo Commission, two token bodies created by the Arroyo government to supposedly investigate these rights violations, as whitewash mechanisms designed to clear and absolve the military from any involvement in the series of summary executions and gross human rights violations. After more than a year of these mechanisms' investigations, no soldier or policeman had been convicted of the killings, disappearances and torture.

Statements of concern about the killings were issued by several foreign governments including the European Union. Human rights and solidarity groups abroad sent fact-finding and solidarity missions to the Philippines.

Even the Chief Justice of the Supreme Court of the Philippines, Reynato Puno, was prodded into action by the snowballing condemnation of the killings especially from the international community. CJ Puno convened the National Consultative Summit on Extrajudicial Killings and Enforced Disappearances in July 2007. Its workshops recommended judicial reforms in the areas of preliminary investigation, powers of the public prosecutor, writ of habeas corpus and modes of discovery, among others. As a direct result of the summit, the Supreme Court issued the Rules on the Writ of Amparo on September 25. It provides special remedies through the issuance of orders either for temporary protection, inspection, production of documents and witness protection for persons whose life, liberty and security are under threat.

The February 2007 visit of Prof. Philip Alston, UN Special Rapporteur on extrajudicial, summary or arbitrary executions, is a turning point in the campaign against EJK. In his subsequent reports to the UN Human Rights Council he attributed the killings to the AFP and its counter-insurgency program. Among his recommendations were to abolish the Inter-Agency Legal Action Group (IALAG)), a Presidential creation utilized as an instrument for "legal" persecution of leaders of the open democratic movement. Alston likewise called on the Philippine government to order all military officials to stop linking people's organizations to the armed groups. Karapatan and victims of human rights violations participated actively in the Alston inquiry and presented victims who gave testimonies.

Alston's visit was followed by a U.S. Committee hearing which was called in March by Senagtor Barbara Boxer, Chair of the Sub-Committee on East Asian and Pacific Affairs of the Senate Committee on Foreign Relations. The hearing aimed to examine strategies to end the violence, especially EJKs in the Philippines. Two members of the nine-person delegation called the Ecumenical Voice for Peace and Human Rights in the Philippines or EcuVoice testified in the hearing where the sub-committee threatened to withhold release of additional military aid to the Arroyo government if gross human rights violations continued in the country. The delegation also traveled to Canada and Europe to seek audience with parliamentarians, churches, government bodies and UN agency representatives.

The Permanent People's Tribunal (PPT) followed with a Second Session on the Philippines held in the Netherlands. GMA and the military were found guilty of their crimes against the Filipino people, particularly on the violations of their civil, political, economic, social and cultural rights. It will be recalled that the PPT First Session on the Philippines in 1980 in Belgium was the first to expose the brutality and human rights violations of Ferdinand Marcos's dictatorship.

Fact-finding and solidarity missions from Japan, Hong Kong and international NGOs continued to visit the country. Their results became bases for active lobbying of solidarity groups abroad with their respective parliaments. International human rights organizations and networks also issued statements and urgent appeals on the dreadful human rights situation in the Philippines.

De-escalation of extrajudicial killings and enforced disappearances started in the second half of 2007 and continued until 2008 and 2009. The U.S.-Arroyo regime was forced to partially heed national and international clamor to stop the killings. But all human rights violations continued. As the killings and disappearances decreased, illegal arrests and detention increased.

The Philippine Universal Periodic Review Watch (Philippine UPR Watch) composed of church leaders and human rights organization representatives organized activities and made interventions during the Philippine government's review by the UNHRC in Geneva in 2008. The group was able to belie claims of government representatives that there was an "open and vibrant democracy in the Philippines."

People's organizations and human rights defenders in the Bicol and Southern Tagalog regions, where the highest numbers of extrajudicial killings were documented, were unwavering in expressing outrage and condemnation against state violence. They conducted mass actions, caravans and *lakbayans*. They brought to national attention atrocities otherwise hidden away from the public.

In Southern Mindanao and Western Visayas, enforced disappearances and trumped up charges against human rights defenders were perpetrated by the military aside from EJKs. People's actions prompted local governments to issue city council resolutions condemning specific human rights violations. The recently elected local chief executive of Davao City condemned heightening militarization in the city. She withdrew support from a military unit operating in an area under her jurisdiction.

Karapatan networks in Central Visayas, Caraga, Northern Mindanao, Eastern Visayas, Central Luzon, Ilocos and the Cordillera demonstrated the importance of human rights documentation work. Thousands of human rights violations were exposed through clear, accurate, complete and timely documentation of cases of violations.

Strong campaigns mounted by party-list and people's organizations blunted the efforts of the Arroyo government to stifle dissent and maim the opposition through "legal offensive" against progressive parliamentarians and leaders of the militant democratic movement. They earned support from local and international parliamentarians and personages.

The Batasan 5, composed of Reps. Satur Ocampo, Teodoro Casino, Liza Maza, Rafael Mariano and Joel Virador defied their accusers in 2006 by seeking protective custody of the House of Representatives. The late Rep. Crispin Beltran, detained for more than a year, remained undaunted inside prison and during his hospital arrest. When they brought their case to the Supreme Court, the latter ruled in 2007 that the filing of charges of rebellion against the party-list representatives and leaders showed "prejudgement, a determination to file the Information even in the absence of probable cause" and "obvious involvement of political considerations" by actuations of the then Justice Secretary Raul Gonzales.

## “THORNS ON THE SIDE OF A REPRESSIVE STATE”

At the core of the people's quest for justice for the victims of human rights violations are the organization of the victims and their families, as well as the ranks of professionals who advocate respect for civil liberties and defense of human rights.

**Hustisya**, an organization of victims of various human rights violations, especially of the families of those killed under the Arroyo presidency, was established on September 15, 2006. Hustisya serves as a venue for the collective pledge of the victims and their families to carry on the struggle for justice. It convenes monthly gatherings of members and friends. In these regular activities, martyrs and *desaparecidos* are remembered and given tribute through cultural performances and testimonies. Calls for justice and a stop to all human rights violations are reiterated.

“Tragedy maybe is what brought us together, but being aware that we are not alone gives us a sense of power, a sense of certainty that we will attain justice,” declared a victim's kin in one of the Hustisya gatherings. The organization believes that its actions and organized strength as victims can contribute significantly to the attainment of justice and a society free from state violence.

**Desaparecidos**, an organization that unites the kin of the *desaparecidos*, victims of enforced and involuntary disappearance. Its campaigns sustain in the public's consciousness the terrible and cruel phenomenon of enforced or involuntary disappearance. Its call for a stop to enforced disappearances gained attention once more in 2007 due to the cases of Jonas Burgos, son of Joe Burgos, a Philippine journalism icon, the two University of the Philippines students Karen Empeno and Sherlyn Cadapan and NDFP peace consultant Leo Velasco among others.

Mass actions were conducted by families and friends of the disappeared. Mrs. Editha Burgos, mother of Jonas, said “We shall continue to be a thorn on the side of this government until my son is found.”

**Selda** is an association of former political prisoners which was formed after the dismantling of the Marcos dictatorship. Illegal arrests and detention continue from martial law days to the U.S. backed regimes that followed Marcos, especially that of Arroyo. Selda's activities center on the campaign to free all political prisoners and get justice and indemnification for the victims of human rights violations under Marcos's martial rule. It provides support and services to political prisoners and to those who have been released and their families. Selda lobbies for laws protecting human rights especially that against torture and disappearance and for the rights of human rights defenders. It calls for the repeal of repressive legislations like the anti-terrorism law.

Lawyers and judges were among the victims of extrajudicial killings and other forms of violence and repression under the Arroyo regime. Scores of lawyers and judges were killed under GMA. In response to the spate of extrajudicial killings in the late 2004 and onwards, a number of lawyers formed the **Council for the Defense of Liberties (CODAL)**. When a state of emergency was promulgated through Presidential Proclamation 1017 and suppression of people's protests intensified, the lawyers formed the **Concerned Lawyers for Civil Liberties (CLCL)**. The CLCL, together with the Integrated Bar of the Philippines, led lawyers in protest actions. In mid-September 2007, the **National Union of People's Lawyers (NUPL)** was established with 150 lawyers from all over the country. Recently, it hosted the Fifth

Conference of Lawyers in the Asia Pacific (COLAP V), a gathering of more than 200 lawyers from different parts of the globe. The delegates affirmed the role of people's lawyers in helping the marginalized sectors defend their rights and attain justice.

With other public interest lawyers, the **Public Interest Law Center (PILC)**, CODAL and NUPL composed of lawyers providing legal service to marginalized sectors like the peasants and workers, countered the legal offensive spawned by the OBL. They defended the Batasan 6 and other leaders of the people's movement who were slapped with trumped up charges of rebellion and other crimes. They took on cases of victims of EJKs, enforced disappearance, illegal arrests and other gross violations of human rights. They defended political prisoners; helped in ascertaining and filing legal remedies for the victims and their families; and actively educated the public on the anti-terror law and other repressive policies.

## 2010: "RIGHTEOUS PATH" OR BLOODY TRAIL?

The new U.S.-Aquino regime should be reminded of what the people have achieved in history –that against the plethora of violence, deception and empty words lay the unwavering strength of the people in defending and upholding human rights. The renewed public clamor for the release of the Morong 43 and all political prisoners is backed up by waves of protest actions here and abroad. International organizations and personalities within and outside the country have issued without let-up statements of support and appeals for the detainees' release.

People's action for genuine agrarian reform and against massive displacement of rural and urban poor was accented by the recent Peasant Lakbayan from Mindanao, Visayas, Bicol, Central Luzon and Southern Tagalog to Manila this October. Trade unionists and public sector employees continue to demand higher wages and salaries. They fight union busting and trade union repression. The unemployed and under-employed from urban poor communities fight for their right to decent livelihood as demonstrated by the kuliglig drivers in Manila.

The outrage over one extrajudicial killing after another continues to burn. It is in the strength and perseverance of the people, through their organizations and militant actions, that we remain confident that we will overcome the state terror, puppetry and anti-people character of any U.S.-backed regime including that of Noynoy Aquino.

An example is the case of the Morong 43. Their hunger strike before the International Human Rights Day was joined through fasting and other actions by their families and other political prisoners nationwide. It garnered broad multi-sectoral support in the country and internationally. The political pressure pushed Noynoy Aquino to back down from his original hard stand of leaving the fate of the arbitrarily detained health workers to the slow grind of the Philippine courts. He was forced to order that charges against the Morong 43 be withdrawn, thereby effecting their release from detention. It was another victory for the people that capped 2010.

As we pay tribute to the thousands of martyrs and heroes of the national democratic movement we remain confident in the commitment of the Filipino people to national freedom, democracy, just and lasting peace.





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# FREE THE MORONG 43!

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**After more than ten months of illegal detention, 36 out of the 43 health workers, who were illegally arrested and tortured, gained their freedom on December 17, 2010.**

The 43 health workers, collectively known as Morong 43, were illegally arrested on February 6, 2010 by combined elements of the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) in Morong, a town in Rizal province. They are now prominently known as the Morong 43. Thirty eight of them were detained in Camp Bagong Diwa in Taguig City, while five remained in Camp Capinpin in Tanay, Rizal.

Two doctors, a nurse, two midwives and 38 volunteer community health workers comprised the Morong 43. They were in the midst of a Community First Responders' Health Training when the military and police made their arbitrary arrest. The training was sponsored by the Community Medicine Foundation (Commed) and the Council for Health and Development (CHD), two organizations known for community health work.

Twenty seven of them are women, two were pregnant at the time of the arrest. The two women gave birth while in detention and were for a time under hospital arrest.

On the day of their illegal arrest, around 300 soldiers in full battle gear, led by Col. Aurelio Baladad, from the 16<sup>th</sup> Infantry Battalion, 202<sup>nd</sup> Infantry Brigade, 2<sup>nd</sup> Infantry Division of the Philippine Army (IDPA), plus the local police force swooped down a farmhouse owned by Dr. Melecia Velmonte, a retired medical professor in the University of the Philippines and a well-known infectious diseases specialist. Using a defective search warrant, the illegal arrest was made in gross violation of basic human rights and United Nations standard procedures.

The health workers were bodily searched, blindfolded, handcuffed and then herded into military trucks which took them to Camp Capinpin, the headquarters of the 2<sup>nd</sup> IDPA in Tanay, Rizal. During the illegal search, fully stuffed knapsacks were brought into the compound, and later brought out empty. The contents must have been the explosives and bomb-making materials which were planted as evidence against the Morong 43.

The health workers were not informed of the reasons for their arrest nor were they informed of their rights while under arrest. They were detained in a military camp instead of a police detention facility. In the complaint filed with the Commission on Human Rights by the lawyers of the 43 health workers, the following were specified as the rights violations committed against them:

- a.) All the 43 doctors and medical workers were denied their right to counsel immediately after their arrest. They were allowed to see their lawyers five days after their illegal arrest;
- b.) They were held incommunicado;
- c.) They were subjected to prolonged and repeated interrogation to elicit information while blindfolded and in handcuffs; they continue to be blindfolded when their fingerprints were taken;
- d.) They were deprived of sleep, interrogated individually at odd hours, made to listen to gun shots and the unnerving screams of the other detained persons being tortured;
- e.) They were deprived of visitation rights by families, lawyers and representatives of human rights organizations;
- f.) During tactical interrogation, they received death threats and were forced to admit membership in the New People's Army; they were subjected to psychological and some to physical torture; the military threatened to harm their families if they refused to cooperate;
- g.) Physical torture of Ramon de la Cruz with the interrogators punching him near the liver area and using tight handcuffs causing wounds on his wrists; he received knee blows to his legs and soldiers punched his solar plexus, back, nape and shoulders; electric shock and punches on the chest were applied on Dr. Alex Montes; Lilibeth Donasco was hit and punched in the head by a male soldier when she would not answer questions during interrogation, causing ringing of her ears and extreme dizziness, aggravated by the tightness of the blindfold; gun aimed at the head and back of Eulogio Castillo prior to the taking of his fingerprints and photograph.
- h.) The detainees were both threatened and cajoled into cooperating with the military with a promise of assistance in fixing their cases or grant of rewards;
- i.) Valentino Paulino was not shown to his lawyers when they tried to confer with him on February 11, 2010; he was threatened and forced to admit membership in the New People's Army and thereafter presented to the media against his will;
- j.) Jane Ballesta, an epileptic, was deprived of her medicines; Glenda Murillo suffered internal bleeding leading to a miscarriage due to the early morning raid on 6 February 2010 and was refused medical attention;
- k.) Deprived of privacy; army officers and soldiers took off the detainees' clothing and underwear every time they went to relieve themselves;

- I.) Sexual harassment on Jane Balleta and Mian Oseo – soldiers took off their clothing during questioning; Mercy Castro – the soldiers threatened to kiss her during interrogation;

After days of incarceration and psychological and/or physical torture, the Morong 43 were forced into an inquest proceeding without benefit of counsel. They were charged with illegal possession of firearms and explosives.

The Arroyo government and her military claimed the arrest and detention of the health workers as a major victory in their counter-insurgency operations. The officers and soldiers involved in the illegal raid were later awarded medals and commendations.

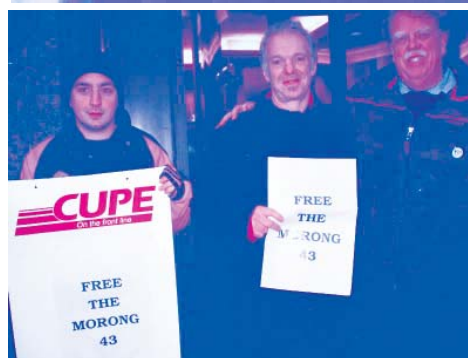
The 43 were branded as high ranking members of the Communist Party of the Philippines (CPP) and combatants of the New People's Army (NPA). They were presented to the media, along with planted campaign materials of progressive party-lists, bomb-making devices and some firearms to prove that the health seminar was not a medical training but a bomb-making workshop.

The military tried to discredit the 43 health professionals and workers by pointing out the low educational attainment of many of the community health workers. They went overboard when they accused the 62-year-old doctor, Alexis Montes, of being an NPA assassin. When their accusations were not bought by the public, they went further and insisted that the 43 were actually NPA medical officers undertaking insurgent health training.

Relatives of the 43 through their lawyers led by Atty. Romy Capulong of the Public Interest Law Center (PILC) filed a petition for a writ of habeas corpus. The case remains pending at the Supreme Court. A complaint was also filed with the CHR, which was then headed by current Justice Secretary Leila de Lima.

There was an outpouring of support for the release of Morong 43. It came from various sectors including the Catholic Bishops Conference of the Philippines (CBCP), former Department of Health officials, deans of medical and nursing schools and well known medical practitioners. International organizations and Filipino solidarity groups conducted sustained support actions. Statements of support came from various global networks of doctors, nurses, lawyers, Filipino migrants and even parliamentarians.

In October, Justice Secretary de Lima submitted her long-awaited review of the case and recommendations to President Noynoy Aquino. The report was tackled by the security cluster of the Aquino cabinet in one of their meetings. There were two dialogues held in Malacanang between the supporters and relatives of the 43 health workers and officials of the administration. Aquino acknowledged that



Calls for the freedom of the Morong 43 were supported by various groups from here and abroad. (Top) The NY Committee on Human Rights in the Philippines braved the snow and cold to picket at the Philippine Consulate in New York. (Bottom) The Canadian Union of Public Employees joined in the September 23 International Day of Action for the release of the Morong 43 and all political prisoners. ([www.arkibongbayan.org](http://www.arkibongbayan.org))



the pieces of evidence against the health workers were illegally acquired and called the charges against them as “fruits of the poisonous tree.” However, instead of making a decisive executive action to free the 43, Aquino insisted that the relatives wait for the courts to decide on the issue of their loved ones’ freedom.

Meanwhile, there was no let-up in the outpouring of sentiment in the country and abroad in support of the Morong 43. The campaign to free the Morong 43 became a major flashpoint in the campaign for the release of all political prisoners and the fight to assert and defend human rights in the country. The intensified campaign, that gained widespread support from the international community, rendered inutile the lies and posturing of the military.

The popular push to free the M43 heightened and further broadened in the last quarter of 2010 as the detainees approached their 9th month of incarceration. There were protest actions near Malacanang palace, troopings in court hearings and caravans to the detention center. Calls and statements in support of the Morong 43 came out almost daily in various media outlets. Personalities and organizations from within the country and abroad went on jail visits to the Morong 43 as expression of support and solidarity. All the actions called for the government’s withdrawal of charges against the 43. The full-page paid advertisement on November 19 in the broadsheet with the widest circulation had more than 900 signatures including those of international and national personages such as former U.S. Attorney General Ramsey Clark, Atty. Leonard Weinglass (lead counsel of the Cuban Five), Swiss Member of Parliament Hon. Brigit Wyss, Pedro Nikken (former president of the Inter-American Court of Human Rights), Cagayan de Oro Archbishop Most Rev. Antonio Ledesma and former Phil. Vice President Teofisto Guingona.

Because of Aquino’s refusal to withdraw the charges and free the detained health workers, 38 out of the 43 launched a hunger strike (HS) on December 3, 2010. The HS was a political act of unity and assertion of their just and legitimate call for freedom. It gained support through solidarity fasting by their relatives, friends and other supporters who visited the Support the HS Center in a church compound. Personages like CHR Commissioner Jose Mamauag, Archbishop Oscar Cruz, Sen. Loren Legarda and former congresspersons Satur Ocampo and Liza Maza visited the hunger strikers in the detention center.

Notable are the HS, fasting and other actions that spread nationwide by the more than 150 of the more than 350 political prisoners and fellow inmates in detention centers all over the country. Solidarity groups and allies abroad conducted solidarity actions in the week commemorating

International Human Rights Day, December 10.



Foreign lawyers visit the Morong 43 in Camp Bagong Diwa. ([www.arkibongbayan.org](http://www.arkibongbayan.org))

Inmates Jane Balleta, an epileptic, and Franco Remoroso, a recently diagnosed diabetic were requested not to join the HS because of their health condition. But they insisted on fasting as show of unity with the group. Jane as a result suffered epilepsy seizures, while Franco’s blood pressure shot up. They were both brought to the hospital respectively as they during the time they were on hunger strike.

On December 10, International Human Rights Day, Pres. Aquino in an announcement in Malacanang ordered the Department of Justice to withdraw the charges against the Morong 43. The hunger strike of the health workers was lifted the same day.

Lawyers, relatives and supporters were quick to pursue the release of the 43 after Aquino's pronouncement. They did daily trooping covering the Department of Justice and the Regional and Municipal Trial Courts in Morong, Rizal. They held vigils as well. A last ditch effort was made by anti-communist professional heckler Rep. Pastor Alcover of the ANAD Partylist to oppose the release of the 43, but his manifestations in court failed to block the releases.

Thirty three of the 43 gained their freedom on December 17. Five remained in detention due to supposed pending cases which were gathered in desperation by the military to prevent their release. Examples are estafa and rape which are cases filed against full or partial namesakes. Another two were released on December 28. And still another on February 17, 2011.

The five who remained in the custody of the military in Camp Capinpin continued to be coerced by the AFP to sustain the already discredited spin and lies against the other health workers. At least three of them parrot the military line that brands Karapatan as a front organization of the Communist Party of the Philippines and the health workers as combatants of the NPA. Despite the five's release order, they are kept in the custody of the Philippine Army. Some of their families who continue to demand their release receive threats on one hand and promise of reward if they will also cooperate with the soldiers on the other.

Freedom for most of the Morong 43 is aptly referred to as the "fruit of the just struggle for human rights." It is the result of the detainees', their relatives' and the people's movement's unity and perseverance in the struggle for justice. It is a fight won because of the solidarity offered by all political prisoners and human rights advocates in the country. It is the result of the support and efforts of solidarity groups and international human rights organizations and individuals in different parts of the world.

The political pressure created by the broad campaign to free the Morong 43 prodded and forced Pres. Aquino to take the decisive action that has been the demand in the last ten months. Once again the strength of a people's movement that is committed to the protection and defense of human rights in the context of the struggle for justice, peace, national freedom and democracy is manifested.



Morong 43 women triumphantly raise their fists and called on the government to free other political prisoners after they were released from prison. (Photo courtesy of bulalat.com)

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# WHO WILL DEFEND THE DEFENDERS?

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**To whom can we go for help when those who are supposed to be our protector, such as the police and the military, are the ones threatening our security? When the human rights defenders are being hunted down and persecuted?**

## **LAWYER UNDER THREAT**

On April 16, 2010, the mother of **Atty. Kathrina Castillo** received a letter addressed to the latter. "It seems that you are not truthful and serious in serving the public. We found out that you continue your alliance with the enemies of democracy, progress and peace - the CPP-NPA-NDF and its partylists. Your alliance with them is an admission that you are one of them who adhere to the nonsense communism. WITH THIS LETTER IS A BLACK RIBBON THAT WILL REMIND YOU THAT YOUR LIFE, AS WELL AS YOUR FAMILY, IS ONLY A PRIVILEGE. IF DEATH BECOMES YOU, MAY YOU REST IN PEACE. For the Filipino people, country, and democracy."

Clearly a death threat that Atty. Castillo could not ignore since two officers of Katungod-Sinirangang Bisayas, of which she was a former officer, and a legal counsel of Karapatan-Eastern Visayas were likewise subjected to similar harassment and later fell victim to extrajudicial killing. They were **Atty. Felidito Dacut** (legal counsel) killed on March 14, 2005; **Rev. Edison Lapus** (chairman) killed on May 13, 2005; and **Prof. Jose Maria Cui** (Secretary General) killed on January 19, 2007.

In May 2010 when Atty. Castillo was campaigning as the Kabataan partylist third nominee, the harassment and surveillance targeting her intensified. Some of her friends and colleagues were approached by the military who asked about her whereabouts. Somebody also tried to get her school records with the University of the Philippines - Tacloban .

Atty. Castillo is a staunch human rights lawyer who defended political prisoners in Eastern Visayas, most of whom were farmers and peasant leaders.

## DEFENDERS TO SEEK REFUGE?

Two months after the killing of Benjie Bayles, his close friend and colleague, **Fred Caña**, Secretary General of Karapatan – Negros, received a call on his mobile phone from someone who introduced himself as a cousin working abroad, but currently in the Philippines on vacation. This “cousin” insisted to meet with Fred that day. But whenever Fred would ask about this cousin’s mother, an aunt with whom Fred is in constant contact with, the caller would hang up. Suspicious, Fred called up his aunt to verify if indeed his cousin is back in the Philippines. He learned that his real cousin phoned his aunt the previous day from overseas.

Fred also came to know that he and his wife was in the military’s Order of Battle. They fled for their safety. Of the several trumped-up charges that Fred faced, the ones of libel, grave coercion and unjust vexation had been dismissed. The case of malicious mischief is still with the Mediation Board. Reactivated were the cases of violation of Batas Pambansa 880, and alarm and scandal.

Fred has been helping victims of human rights violations in Negros Occidental. He has been assisting the relatives of victims of extrajudicial killings and those of enforced disappearance. He led the campaign for justice for all victims of human rights violations.

In Davao City, Southern Mindanao Region, a feisty human rights defender, Secretary General of Karapatan – SMR, **Kelly Delgado**, received classified information that a mission order has been issued for his “physical elimination” by the Eastern Mindanao Command of the AFP under which were the 10<sup>th</sup> and 4<sup>th</sup> Infantry Divisions of the Philippine Army.

Three days after, on September 21, 2010 at a press conference of the Philippine Army, Brig. Gen. Eduardo del Rosario and Datu Ruben Labawan accused Kelly of masterminding a plot to liquidate the Eastern Mindanao Command spokesperson, Lt. Col. Randolph Cabangbang. It was allegedly in retaliation for the brutal killing of Rebelyn Pitao, a young teacher who was also the daughter of the well-known NPA commander in Mindanao, Leoncio “Ka Parago” Pitao.

Earlier on June 12, Karapatan - SMR learned from a reliable source in the military that criminal charges had been filed against Kelly. After checking with various courts all over the region, it was found out that multiple murder, frustrated murder and theft charges were filed against him before Branch 3 of the Regional Trial Court in Nabunturan, Compostela Valley Province.

Kelly is known for his exposes of the military’s human rights violations. He also assists victims and has led a number of fact finding missions all over Mindanao. Kelly is now forced to seek temporary refuge to avoid the military’s threat of liquidation.

**Emily Ayagina** is a staff member of Karapatan – SMR and a colleague of Kelly Delgado. She and her family recently experienced harassment, illegal arrest and detention. At around 2:00 p.m. on Friday, November 12, three members of the 3rd Special Forces wearing civilian clothes arrived at the house of the Ayaginas in Purok 5, Brgy. Magsaysay, Nabunturan, Compostela Valley. They were accompanied by a barangay kagawad, Landring Coming.

They forced Analou Ayagina and Jimuel Tanilon, sister and cousin respectively of Emily, to report to the barangay hall to “clear their names” as the two were suspected of being members of the New People’s Army. Emily’s older sister and Jimuel’s mother accompanied them.

They spent the night at the barangay hall of El Salvador. They were taken the next day to the New Corella municipal hall where they were supposed to meet with the mayor. They were instead brought to the New Corella police station where they were misrepresented as NPA surrenderees. Analou was in the custody of the military until 2:00 p.m. of November 14. Jimuel is still in detention in New Corella.

Combined elements of the local police and the 9<sup>th</sup> Infantry Division, 902<sup>nd</sup> IBPA raided at 10:30 a.m. on November 22 the office of Karapatan-Camarines Norte, which was also shared by Makabayan and KMP, in Daet, Camarines Norte. They arbitrarily arrested **Smith Bardon** (KMP's local Chairperson), **Denver Bacolod** (Karapatan-CN staff), **Mherlo Bermas** (Kabataan Partylist member) and **Elpidio de Luna**, a former political prisoner released last October and is a member of Selda.

As in the case of the Morong 43, the raiding troops supposedly were able to recover explosives from the office. The four are charged with illegal possession of explosives and inciting to sedition. Bacolod, Bermas and de Luna are now in the custody of the PNP-Daet while Bardon, who is also facing murder raps, is now being detained at the PNP provincial jail in Camarines Norte.

Karapatan points out the very alarming trend of soldiers raiding legal offices of non-government and human rights organizations, planting evidence and then announcing that it was a "safe house" of the NPA. It only shows that Oplan Bantay Laya is very much operational, resorted to by the state security forces to silence legitimate criticism and dissent.

By the end of Arroyo's term as president, there were 475 human rights defenders (HRD) who became victims of extrajudicial killing, 53 of whom were women; and 68 HRD victims of enforced disappearance, 11 of whom were women. Of the more than 2,000 victims of illegal arrest under GMA, 578 were human rights defenders, 116 of whom were women.



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# ENCOUNTERING THE TRUTH: THE KANANGA 3 KILLINGS

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BY LISA ITO  
CENTER FOR ENVIRONMENTAL CONCERNS PHILIPPINES

**This article recounts the ordeal of Leonard Co and his team, as reconstructed from field interviews during the November 26 independent fact-finding mission led by Agham and the Justice for Leonard Co Movement and from media reports.**

On November 15, 2010 the Philippines lost **Leonardo Co**, one of the country's finest ethnobotanist/taxonomist. He and his teammates, forest guard **Sofronio Cortez** and farmer **Julius Borromeo** were killed by a hail of bullets in the forests of the Manawan-Kananga Watershed in Leyte province.

Co and his team were in the area to collect specimen seedlings of endangered trees as part of a reforestation project for the Lopez-owned Energy Development Corp (EDC). The EDC maintains a well-secured complex in the Leyte Geothermal Production Field, the world's largest wet steamfield straddling Ormoc City and Kananga municipality. Katungod Sinirangan Bisayas, a local human rights organization, said that the incident happened within the vicinity of the EDC-PNOC Mahi-aw Plant where there are military camps of a special Citizens Armed Forces Geographical Unit (CAFGU) unit and a team from the 19<sup>th</sup> Infantry Battalion.

## FIELDWORK IN KANANGA'S FORESTS

Co arrived at the EDC in Kananga on November 9. As a biodiversity consultant for EDC's reforestation project, Co was responsible for the identification and collection of rare seedling specimens.

From November 10 to 13, Co and his assistants had conducted their fieldwork in three (3) different pads within the EDC territory. A pad is an area where geothermal steam is piped from the ground to the EDC plant. The team took the day off on November 14.

On the early morning of November 15 (Monday), Co and four of his team mates left the geothermal plant staff house to resume work in pad 403, reportedly a choice site for collecting forest samples. They reached the pad at around 9:30 a.m. and started their survey.



It was a small and efficient team: Co and Cortez would examine trees and their leaves to identify their species. Policarpio Balute, a local guide, measured their diameter. Ronino Gibe, a forester, was in charge of recording the data observed. Borromeo carried their food and tools. The team had just finished marking a mayapis, syzigium and tanguile tree when a heavy rainshower prompted them to stop. They planned to go back to the nursery of the geothermal plant facility and sent a text message to the driver of the EDC service vehicle to fetch them back.



They were still waiting when the rain abated at around 11:15 a.m. Co decided to resume the survey. The fourth tree that they set out to identify seemed to have been an interesting case because all the five men gathered around it for closer inspection.

That was the last tree that Co, Cortez, and Borromeo would ever survey. At around 3:00 p.m. their lifeless bodies, riddled with bullets, were carried by soldiers back to pad 403 and later on transported to the V. Rama Funeral Homes by the EDC. Balute and Gibe, shaken from their ordeal, were brought to a hospital in Ormoc City.

### **MILITARY: CASUALTIES OF A “CROSSFIRE”**

Initial media reports later quoted the local police and army as saying that the killing of the three men was the “unfortunate” result of a “legitimate military operation” in the forest area, where troops reportedly sighted and pursued members of the New People’s Army (NPA).



According to the police blotter of the Kananga Police Station, 19<sup>th</sup> IB troops reported that 38 of their men, led by 1Lt. Ronald Odchimar and 2Lt. Cameron Perez, had engaged in a firefight with around ten persons with long firearms, at Sitio Mahiao, Barangay Lim-ao. In the course of the cleaning operations, the troops “found out [sic] three dead bodies.”

The military reported that they received intelligence information about NPA sightings on November 12 and subsequently communicated this to the EDC. The 19<sup>th</sup> IB then started conducting operations in the vicinity on Sunday, November 14.



In a press statement on November 17, 19<sup>th</sup> IB Commanding Officer Federico Tutaan said that their troops observing the area spotted around “seven men carrying high-powered firearms,” who opened fire upon “sensing” the government troops’ presence some 30 meters away. His report mentioned that a ten-minute exchange of gunfire ensued, wounding “an undetermined number” of rebels and reaching the civilians “incidentally located within the line of fire.”

From top to bottom: Leonardo Co, Sofronio Cortez and Julius Borromeo

## A BLOODSTAINED HISTORY: THE 19TH IB'S RECORD OF RIGHTS VIOLATIONS

by Lisa Ito

Unknown to many, the army unit involved in the killing of Leonardo Co, Sofronio Cortez, and Julius Borromeo has been dubbed by human rights groups as the "Massacre Battalion" due to their being implicated in at least three previous mass killings of civilians in Region 8.

The 19<sup>th</sup> Infantry "Commando" Battalion was activated during the Marcos dictatorship on October 31 1973, at the height of the secessionist movement in Mindanao. It was assigned to combat operations in Maguindanao, Sultan Kudarat, and Lanao del Sur, before being transferred to Northern Samar in 1985. The 19<sup>th</sup> IB is currently under the jurisdiction of the 8<sup>th</sup> Infantry Division (ID) of the Philippine Army in Eastern Visayas.

A closer scrutiny of the 19<sup>th</sup> IB's track record in Northern Samar also reveals that there were at least two more massacres perpetrated by elements of this battalion against civilians, where victims were either similarly written off as being caught in the crossfire or were suspected rebels. What follows is a short listing of some incidents involving civilians, all of which have yet to see the light of justice.

### Massacre in Northern Samar

The earliest documented massacre by the 19<sup>th</sup> IB happened in January 28 1999, when patrolling elements strafed the house of a peasant family in Sitio Mogus, Brgy. Capacungan, Palapag, Northern Samar. Ermito Nuguit, 52 years old, was killed along with his pregnant wife, Delia, and their three sons. The army later claimed that it was an encounter with NPA rebels.

### Deployment to Northern Leyte

In November 2001, the 19<sup>th</sup> IB moved from Northern Samar to Zamboanga City and Jolo in order to augment military operations against the Moro National Liberation Front. Returning to EV in March 2002, the 19<sup>th</sup> IB established a temporary base in Ormoc, Leyte. By July 1, 2002, the 19<sup>th</sup> IB transferred to its new headquarters in the village of Aguiting, Kananga, Leyte. Camps and strategic detachments were later on established throughout Northern Leyte.

### The first Kananga massacre

In between 5 to 6 a.m. on April 16, 2003, residents of farming communities in Brgy. San Isidro and Brgy. Bagabao, Kananga awoke to a volley of gunfire emanating from a hill in Sitio Mahayhay, San Isidro. The wives and children took refuge in the nearby sitio to avoid being hit by stray bullets.

Farmers Allan Collarte, Roy Collarte, and Mateo

## SURVIVORS: WE WERE THE ONLY ONES THERE

Doubts quickly surfaced as to whether a crossfire had indeed occurred. Testimonies from Co's surviving crew, as well as subsequent inspections of the area, indicated that Co's team was alone in the area and was never caught in a clash between government and rebel forces.

Balute, a farmer who served as one of the team's local guides, recalled how they were closely studying the fourth tree when a rapid burst of gunfire from unseen shooters erupted around 30 to 40 meters behind the team.

"*Doon lang galing sa may itaas lahat at isa lang ang direksyon* (All the shooting came from above and from one direction only)," Balute was quoted as saying. He denied hearing any exchange of shots to indicate that a gunfight between opposing sides occurred.

Co and his teammates had dropped to the ground, with only tree branches and roots for cover. They shouted out pleaded for the shooting to stop. "*Maawa kayo, hindi kami kalaban!* (Have mercy, we are not the enemy)," the survivors recalled Co crying out. He was obviously in pain, having been shot in the back.

"*Dia lang diay mo!*" ("So this is where you are! Nandito lang pala kayo!"), someone from the group that fired at Co's team shouted back. There was sustained assault on the team by rapid gunfire and big explosions.

Balute decided to flee the site because he was positioned behind a big tree; four members of his team were still lying face down on the ground.

Gibe, meanwhile, managed to creep towards another large tree and hid behind its buttress. Gibe said he dared not peep out of his hiding place for fear of being shot. His companions were no longer responding to his calls; one by one, they fell silent as gunfire riddled the ground for some twenty more minutes.

When the firing finally stopped, Gibe peeped out and saw soldiers in camouflage uniform approaching

them from both sides. He broke cover and raised his arms.

*“May isa pa palang buhay dito (There is one more here alive),”* a soldier said then ordered him to come out of hiding at gunpoint. Crying and shaking in fear, Gibe pleaded for medical help for his companions. While Borromeo was moaning in pain, Co and Cortez were motionless.

Another soldier told Gibe that his companion will not make it to the hospital.

A soldier also asked Gibe about his other two “armed” companions and asked the latter to show his weapons. Gibe denied that he or any other member of the team were armed.

*“P...ina, natalay tayo!”* (...invective..., we’ve been had!) one soldier exclaimed. Gibe was ordered to lie down on the ground while the troops took his cellphone and Global Positioning device. Gibe identified himself as an EDC employee, explained his group’s purpose and activities in the area and the identities of Co and Borromeo. Gibe was interrogated about the equipment he had on hand, including his notes and the map the team had, as well as his relations from the EDC. He repeatedly asked for help for his companions. By this time, Borromeo was already bleeding, telling Gibe that he was hit near the heart. Gibe pleaded to the soldiers to help Borromeo.

Gibe was also told to shut up, *“Wag kang maingay! Ligtas ka na! (Don’t be annoying! You are after all unharmed!)”*. It was around 1 p.m.

Gibe remained lying face down for about two hours while the troops talked among themselves from a distance.

He was then asked to stand up and answer the same questions they had asked him earlier. The soldiers asked Gibe if he knew about the military’s operations in the area, saying that it was impossible for Gibe’s group to miss the three (3) armed men the soldiers were observing for thirty minutes. Gibe said that his group did not see anyone, and again asked for help for Borromeo.

The troops then gave first aid to Borromeo, and called his condition *peklat* (literally meaning “scarred” and an idiomatic term implying a very acute condition).

Tequilla were discussing the situation when they were approached by soldiers in a rice field, who shot at the farmers running away from them. Tequilla was left behind and forced at gunpoint to be interrogated and accused of being a rebel. Other residents who were left behind in the sitio overheard painful cries of people—including those of a woman and a child— followed by gunshots.

When the firing stopped at around 9 a.m., residents and barangay tanod approached the site of the incident and collected the bodies of 9 civilians from the army troopers in the place. The dead included a pregnant woman, four minors, and a former barangay councilor who was the chairperson of the local farmers association. The bodies were brought to the Kananga Municipal Hall at 1:30 p.m. Injuries indicated that the victims were shot at close range, with sustained contusions, burns, and bludgeoning by hard objects.

A preliminary inquiry was initiated by local human rights organizations on April 18 and a national fact-finding mission was held from May 30 to June 3, 2003 on the incident. These investigations concluded that victims were civilians belonging to people’s organizations who were “summarily executed despite their immobility and helplessness.” The investigations also concluded that the 19<sup>th</sup> IBPA Command undertook armed military operations in any area of their choice without the required coordination and courtesy accorded to the concerned local officials, and that the military had committed various human rights violations against residents and witnesses.

#### Under the ‘Butcher’

The 8<sup>th</sup> ID was among the army units placed directly under Major General Jovito S. Palparan, known among activist groups as the “Butcher” due to his record of racking up human rights violations in areas where he was deployed. Palparan served as the Commanding General of the 8<sup>th</sup> ID from February 10 to August 25, 2005, and has been credited by the national government for “reducing the insurgency problem in Samar by 80 percent.”

#### The second massacre in Palo, Leyte

Shortly after Palparan’s stint in EV, the 19<sup>th</sup> IB was implicated in the November 21, 2005 massacre of 8 civilians in Palo, Northern Leyte. The victims were among the 50 farmers participating in a “balik uma” (back-to-farm) activity after having successfully won a landgrabbing case filed by members of the San Agustin Farmer Beneficiaries Multi-Purpose Cooperative with the Department of Agrarian Reform against landlord Pedro Margallo.

At around 5 a.m., the farmers were preparing breakfast in a hut near the contested rice lands when they were shot at by men in bonnets and ski masks. The farmers shouted that they were civilians but were

still attacked with gunfire and hand grenades. When the firing stopped, armed men in military gear ordered the survivors to lie down and admit that they were rebels. Their pleas for immediate medical attention were ignored. Local police were prevented from responding to the incident.

Col. Louie Dagoy admitted that the 19<sup>th</sup> IB was responsible for the attack but claimed that this was a legitimate encounter between the army and the rebels. The army also filed criminal charges of illegal possession of firearms and illegal assembly against the surviving farmers. Eight farmers were detained pending resolution of the court cases and have reported receiving death threats during this period. One died in jail.

The charges of illegal possession were dismissed in 2006 while the other case continues in court.

This massacre was included in the list of charges filed by HUSTISYA, Desaparecidos, SELDA, and BAYAN – representing the Filipino people – against the administration of President Gloria Macapagal-Arroyo to the Permanent People's Tribunal's second session on the Philippines held at the Hague, The Netherlands in March 2007.

#### Prelude to the third massacre

In 2007, Lieutenant Col. Henry Bumiltac, commanding officer of the 19<sup>th</sup> IB declared the towns of Kananga, Palompon, Tabango, Matagob, Isabel and Merida, as well as some parts of Ormoc City as "completely free" of the insurgency. Media reports in 2008 and 2009 cited Army officials' statements that they were winning the campaign against insurgency.

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At this point, Gibe asked for his cellphone and called his superiors from EDC to relay details of the incident. He was then ordered by the military men to proceed back to pad 403. It was around 2 p.m.

The walk down was the last time Gibe saw Borrromeo alive. Borrromeo was laid on a sack and carried down by the soldiers. At around 3 p.m., an EDC service vehicle arrived to drive Gibe to a hospital in Ormoc. He later learned that Borrromeo died while at the pad.

## SCIENTISTS: NO SIGNS OF A CROSSFIRE

Ten days after the killing, from November 26 to 28, an independent fact-finding mission (FFM) was organized to gather testimonies and other relevant information on the case. Led by the Advocates of Science and Technology for the People (AGHAM) and the Justice for Leonard Co Movement, the 33-member team composed of scientists, experts, environmental advocates, human rights workers, and journalists conducted interviews, gathered testimonies, documentation and observations from people involved in the incident, the local police, the 19<sup>th</sup> IB, and the EDC staff.

The FFM went to the site of the killing and to the ridge where the soldiers reportedly shot it out with the NPA. Among the significant observations noted in the site was that the trajectory/direction of the bullet marks on the trees had originated from a vantage point on the ridge above Co and his team. The trajectory of the bullet marks was bearing downwards and were mainly concentrated in the area where Co's team was standing.

Tree number four, where Co's team was positioned around before the shooting started, was hit 3 times. The large tree that saved Gibe from certain death had 6 bullet marks on it. In contrast, the FFM did not observe any bullet marks on the trees around the ridge area or from any side, except where Co's team was positioned.

The only consistent explanation for these key observations, the FFM members concluded, would be that the military shooters were positioned on top of the ridge and firing towards Co's team. There



was no indication of any crossfire. It was also concluded by the FFM that by waiting for an hour before bringing Co's team down to pad 403 and in spite of Gibe's and Borromeo's repeated requests, the 19th IB troops had failed to provide immediate medical attention or hospital treatment for Borromeo, and which ultimately led to his bleeding to death.

## FFM RECOMMENDATIONS

The FFM team recommended specific actions regarding the 19<sup>th</sup> IB and the EDC. All military personnel connected to the chain of command related to the shooting must be included in the investigation and filing of charges, and all soldiers present on that ridge and their firearms be secured and surrendered to the proper authorities. The liability of the troops who failed to give Borromeo immediate medical attention and evacuation must also be pursued. The EDC, on the other hand, must fully cooperate in clarifying their communication and security coordination protocols. All documents that would further shed light on the truth must be made available.

Borromeo and Cortez were both laid to rest on November 25 by their families in Leyte. They left behind 6 and 3 children, respectively. Leonard Co was cremated on November 23 in Quezon City. Part of his ashes has been scattered over a dita tree at the University of the Philippines campus, home to Co's beloved herbarium..

**Grief can know no closure without truth and justice. The culprits accountable for the crimes have to be made accountable for this transgression of human rights; the truth should be pursued up to the very end. Only then can we begin to overcome the impunity that killed three good men, one rainy morning in the silent forests of Kananga**

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# KULIGLIG DRIVERS DEFEND ECONOMIC RIGHTS

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**Fernando Picorro is 38 years old, married to Ailyn and a father of five children whose age range from 13 to 2. He drives a kuliglig (a pedicab, which is a three-wheeler usually driven by foot-pedaling, now motored with a marine engine) six to eight hours daily from the Light Railway Transit station on Legarda Avenue to nearby areas in Sampaloc, Manila. He earns a maximum of P500 a day when there are classes in the university belt along his route. Before driving a kuliglig, Picorro was among the more than 12 million unemployed Filipinos who suffered the consequence of the government's inability to create jobs.**

There are 10,000 drivers in Manila who escaped unemployment and/or overcame anti-social activities by driving a kuliglig and be able to support their families. Like most of the others, Picorro got a loan to buy a kuliglig which he drives through the narrow streets and alleys of Manila. He hails from a family of farmers in Bulacan, who were displaced because of land conversion. He went to Manila to take a chance at earning a living in the "big city".

Kuligligns have been plying Manila's routes since the 1970's, first as a means to transport goods from nearby provinces to Divisoria and other marketplaces in Manila. Back then, the kuliglig was a two-wheeled trailer pulled by a two wheeled mini-tractor. The term kuliglig was the Filipino translation of the engine's brand name "Cricket." Cricket marine engines power small fishing boats, irrigation pumps and small generators. Years later, it evolved into the modern-day kuliglig, with the motor installed in a pedicab. It is an alternative form of transport that bring students, teachers, employees, laborers, among others to their workplaces. The kuliglig is very effective during and immediately after heavy rains and typhoons when roads and side-streets are flooded.





Most pedicab drivers got loans of P30,000 to P40,000 to buy a kuliglig of their own. Compared to the pedicabs the motorized kuliglig requires much less physical effort thus can be driven even by those advanced in age and/or not physically fit. Loans are amortized on a daily basis from their limited daily earnings. To make matters worse the kuliglig drivers are easy prey for abusive policemen, who collect “*tong*” or bribe money of as much as PhP 1,200 a day from a group of 10-15 drivers or PhP 80-120 a day from each driver.

In 2007, the Manila City Government under Mayor Alfredo Lim created the Manila Tricycle Regulatory Office mandated to monitor the operation of kuligligs and tricycles. The annual city permit costs PhP 700 which the kuliglig operator or owner-driver applies for so their vehicle can be recognized as a legal public utility vehicle in the city thereby allowed to carry passengers along established routes. One of the requirements the city government asked to grant a permit is the conduct of emission testing on a kuliglig, which was fully complied with by the drivers and operators.

Majority of the kuliglig drivers and operators applied for and were granted permits because they considered such permits as evidence that kuligligs are recognized by the city as legitimate public utility vehicles. Mayor Lim also announced, among his campaigns promises during the May 2010 elections, his support for the continuation of operations of kuligligs in the city.

Despite the permits and the promises of Mayor Lim, in September 2010, the Manila City government issued two memoranda regarding the operation of kuligligs and tricycles within the city. Memorandum #16 effectively bans the operation of kuligligs in all streets of Manila, citing the amount of traffic they cause and the pollution they emit. Memorandum #17 limits the operation of tricycles and pedicabs from main and some secondary roads in Manila.

The kuliglig drivers approached Karapatan and the partylist chapters of Bayan Muna and Kabataan in their areas. The drivers sought support for their opposition to the two memoranda on the following grounds:

- 1) The memoranda were issued without due consultation with the drivers, who were the most affected sector in the phase-out;
- 2) The local ordinances and national laws which have been applied are discriminatory and anti-poor, blaming the drivers and the kuligligs as the cause of pollution and traffic congestion in the city, conveniently ignoring the fact that big factories and other vehicles as well are contributors to said problems;



photo courtesy of Alyansa ng Nagkakaisang Kuliglig at Pedicab Driver – Sampaloc, Manila

- 3) They have been willing to register, including passing emission tests, and be reasonably regulated, thus there was no need to ban their operation;
- 4) It is a direct attack on the people's right to decent livelihood. They, who have scrounged for work without help from the government, which has not presented alternative jobs nor livelihood programs to support the drivers and their families after the planned phase-out of the kuligligns.

Leaders of kuliglig lines in the four districts of Manila promptly conducted a series of mass meetings to articulate their views and positions and arrive at unities among drivers plying different routes. Protest actions were conducted almost daily from October to November 2010. The drivers asserted their right to livelihood and called for a stop in the implementation of the two memoranda.

More than 2,000 kuliglig drivers and their families held a big rally on November 15 calling for a dialogue with the City Mayor, but got no response. Instead, the city's Legal Counsel and the Mayor's Chief of Staff talked to them, and justified the Mayor's orders. Several attempts to appeal to the City Council were made. A few days before the implementation of the total ban, a petition for a temporary restraining order (TRO) was filed with the Supreme Court.

On December 1, 2011, the day of the implementation of the ban, thousands of drivers and their families trooped to the Manila City Hall to protest. Bayan Muna Rep. Neri Colmenares, and Makabayan Vice Chairperson and former Congress Representative Liza Maza joined their rally to express their support. Again, they got no response from Mayor Lim did. The attempt at a dialogue was once again met with cold response from the city government. The driver delegation disgustedly left the city hall.

The rallyists started their programme while negotiating with the Manila Police. The kuligligns barricaded the street. Without warning, the Manila police violently dispersed the crowd. They beat up with truncheon, punched, manhandled and dragged whoever they had their hands on. Government trucks ran down kuligligns. Sixteen, including a young



The Manila City police used water cannons to disperse the protesting pedicab drivers (top). They later used a truck to ram into the pedicabs. A young woman was arrested as she was saving her baby from a destroyed pedicab (bottom).

mother with a 2-month old baby, were arrested and detained at the Western Police Station. Some of the kuligligs were impounded.

The drivers and their families stood their ground. They and their supporters immediately condemned the violent dispersal of the police. They trooped to the police station and kept watch on their detained relatives and friends. Rep. Antonio Tinio of the ACT Teachers party-list dropped by with his staff on the way home from a hearing in the Senate. Two lawyers from the National Union of Peoples' Lawyers (NUPL) negotiated for the 16 detainees' release. A few days later, the detainees were released on bail. The impounded kuligligs, some of which need major repairs, were eventually released to their owners.

The kuliglig drivers' protest continues against the two memoranda which violate their economic right to livelihood and the government's inaction on their plight. A contingent of almost a hundred kuliglig drivers and their families joined the more than 2,000 who marched to Mendiola on December 10, International Human Rights Day. Rep. Neri Colmenares made a privilege speech in the Philippine Congress lambasting the grave violation of the people's right to livelihood and free expression. The Commission on Human Rights conducted an investigation of violent dispersal. The policemen admitted that they used excessive force during the dispersal.

At present, the drivers and their families suffer from worse destitution having been robbed of their legitimate livelihood. But they remain steadfast in organizing, educating and mobilizing their ranks, their families and their communities and assert their rights.

*[Note: The Manila city government recently offered the kuliglig drivers a program that is essentially a lease-purchase scheme. The driver will pay daily boundary (share of the driver's daily gross income paid to the kuliglig owner) to the city government and this will be considered amortization for the price of the kuliglig. This means that after some time, the driver will own the vehicle. The drivers and their organizations are studying the offer to make sure that it proves to be a gain from their struggle for their economic and other rights.]*



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# CONTROLLING PEOPLE: THE “NEW” U.S. COUNTERINSURGENCY GUIDE

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*“Whether the United States should engage in any particular counterinsurgency is a matter of political choice, but that it will engage in such conflicts during the decades to come is a near certainty.”*

- Dr. Eliot A. Cohen, Counselor of the Department of State,  
in his Preface to the U.S. Counterinsurgency Guide, January 2009

**THE UNITED STATES government has already made that political choice in the Philippines at the turn of the last century. The bloody American occupation and “pacification” campaign killed more than half a million Filipinos.**

Interestingly, the “new” counterinsurgency guide released by the U.S. State Department last year opens its first chapter (Theory and Principles) with a photo captioned “U.S. Army General Samuel Sumner meets with the Sultans of Bayang and Oato, Philippines, 1902.”

If that is what they meant as a model counterinsurgency plan, then the U.S. would have to dig in for another century. The Moro people, and the entire Filipino people, were not cowed into submission.

Under the “new” U.S. guide, counterinsurgency (COIN) is “the blend of comprehensive civilian and military efforts.”

*Unlike conventional warfare, non-military means are often the most effective elements, with military forces playing an enabling role... Strategies will usually be **focused primarily on the population** rather than the enemy and will seek to **reinforce the legitimacy of the affected government** while reducing insurgent influence.*

Four functions of the U.S. COIN are identified thus:

The **political function**, the “key function,” providing a framework of political reconciliation, and reform of governance around which all other COIN activities are organized;

The **economic function**, to provide essential services and stimulate long term economic growth, thereby generating confidence in the government while at the same time reducing the pool of frustrated, unemployed young men and women from which insurgents can readily recruit;

The **security function**, an enabler for the other functions and involves development not just of the affected nation's military force, but its whole security sector, including the related legal framework, civilian oversight mechanisms and judicial system; and

The **information function** comprises intelligence (required to gain understanding), and influence (to promote the affected government's cause).

Two basic approaches are defined: enemy-centric or population-centric. The purpose of COIN is to "build popular support for a government" while suppressing or co-opting insurgent movements.

The progress of control in a successful COIN campaign often develops in three overlapping phases, viz.: establishment, consolidation and transfer (or transition):

**Establishment of control:** During the initial phases, a government conducting COIN seeks to establish control over the environment. This requires controlling terrain, key infrastructure, economic production assets, population movement, resources and information flow.

**Consolidation:** Once control has been established in one area, the government seeks to extend and consolidate it (in geographic, demographic and functional terms). This phase is typically the longest in duration, lasting years or even decades. In COIN, establishing control over population groups and population centers is more important than the control of territory.

**Transition:** 'Transition' is used to describe not just the transfer of authority from an intervening nation to the host nation but also the handover from indigenous military forces to local civilian authority (an essential step in normalizing the environment and ending insurgency).

All United States Government COIN strategies, plans, programs and activities are undertaken in support of the affected government and managed through the U.S. Mission's Country Team, led by the Chief of Mission (COM) in coordination with the Department of State.

Other COIN actors identified are: Inter-Governmental Organizations (IGOs), NGOs, exile or diaspora groups from the affected nation, media, multinational corporations, contractors, and U.S. government grantees.

COIN planning by the affected nation integrates civilian and military capabilities across each of the four COIN strategy functions of security, politics, economics and information. This requires the affected nation to conduct 'whole-of-government' planning to synchronize and sequence each department's activities towards achieving the objectives of the COIN strategy.

This "whole of government" planning was initiated by newly-installed Pres. Benigno Simeon Aquino III in his Memorandum Order No. 6, dated October 21, 2010 (Directing the Formulation of the National Security and National Security Strategy for 2010-2016).

The memo directed the National Security Adviser/National Security Council Director-General (NSA/NSC-DG) to "spearhead the formulation of the National Security Policy (NSP) and National Security Strategy (NSS) for 2010-2016, in coordination with all concerned departments, agencies, and instrumentalities of the government including government-owned and controlled corporations and regional offices."

The National Security Policy will focus on four key elements, quite similar to the U.S. Guide except for information: (1) Governance; (2) Delivery of Basic Services; (3) Economic Reconstruction and Sustainable Development; and (4) Security Sector Reform.

The recent budget allocations for the Department of Social Work and Development, with a whopping 123% increase for next year, bespeaks of the “civilian component” of counterinsurgency.

The information offensive of the AFP, together with government media, to repackage its image as a “human rights advocate” instead of a human rights violator also takes its cue from the U.S. Guide. The only problem is that the message will not stick to reality.

Currently, some quarters have been vocal about “depoliticizing” EJKs (extra-judicial killings) and enforced disappearances to obscure the state’s culpability and complicity in such gross human rights violations.

The “new” U.S. counterinsurgency guide has already failed even before it has even begun with the new administration – on its own terms: politically, economically, security-wise and information-wise. The Filipino people simply could not and would not be “controlled”.



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# ACRONYMS

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AFP	Armed Forces of the Philippines	IDPA	Infantry Division, Philippine Army
AP	Anakpawis (Party-List of the Toiling Masses)	ILPS	International League of Peoples' Struggle
ATL	Anti-Terrorism Law	JASIG	Joint Agreement on Safety and Immunity Guarantees
AHW	Alliance of Health Workers	Karapatan	Alliance for the Advancement of People's Rights
Bayan	Bagong Alyansang Makabayan (New Patriotic Alliance)	KMP	Kilusang Magbubukid ng Pilipinas (Peasant Movement of the Philippines)
BM	Bayan Muna (People First) party-list	KMU	Kilusang Mayo Uno (May 1 <sup>st</sup> Movement)
Bgy.	Barangay (community or village)	LGU	Local Government Unit
CA	Court of Appeals	MIG	Military Intelligence Group
CAFGU	Civilian Armed Forces Geographical Unit	MILF	Moro Islamic Liberation Front
CAP	Concerned Artists of the Philippines	NCCP	National Council of Churches in the Philippines
CARHRIHL	Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law	NCR	National Capital Region
CHR	Commission on Human Rights	NDFP	National Democratic Front of the Philippines
CIDG	Criminal Investigation and Detection Group	NGO	Non-government organization
CMO	Civil Military Operations	NPA	New People's Army
COCIS	Cabinet Oversight Committee on Internal Security	NUJP	National Union of Journalists of the Philippines
COMMED	Community Medicine Development Foundation	NUPL	National Union of People's Lawyers
CPA	Cordillera People's Alliance	OB	Order of Battle
CPP	Communist Party of the Philippines	OBL	Oplan Bantay Laya ("Freedom Watch")
CPR	Calibrated Pre-emptive Response	PA	Philippine Army
CIDG	Criminal Investigation and Detection Group	PCPR	Promotion of Church People's Response
Desaparecidos	Families of Desaparecidos for Justice	PILC	Public Interest Law Center
DOJ	Department of Justice	PNP	Philippine National Police
DOLE	Department of Labor and Employment	PP	Political Prisoner
ED	Enforced Disappearance	SC	Supreme Court
EJK	Extrajudicial Killing	SELDA	Society of Ex-Detainees Against Detention and Arrest
EMJP	Ecumenical Movement for Justice and Peace	SMR	Southern Mindanao Region
EO	Executive Order	STK	Stop the Killings
FFM	Fact Finding Mission	SWAT	Special Weapons and Tactics Group
GMA	Gloria Macapagal-Arroyo	TF	Task Force
GRP	Government of the Republic of the Philippines	UCCP	United Church of Christ in the Philippines
GWP	Gabriela Women's Party	UN	United Nations
HLI	Hacienda Luisita Inc.	UNHRC	United Nations Human Rights Council
HSA	Human Security Act (Anti-Terrorism Law )	UNSR	United Nations Special Rapporteur
HR	Human Rights	UP	University of the Philippines
HRD	Human Rights Defenders	UPR	Universal Periodic Review
HRV	Human Rights Violation	U.S.	United States
Hustisya	Victims of the Arroyo Regime United for Justice	WGEID	Working Group on Enforced or Involuntary Disappearance
IALAG	Inter-Agency Legal Action Group		
IB	Infantry Battalion		
IBPA	Infantry Battalion, Philippine Army		
ICCPR	International Covenant on Civil and Political Rights		
IFI	Iglesia Filipina Independiente		
IHL	International Humanitarian Law		
ID	Infantry Division		