

Impunity and State Terror: Final Compendium Report of the Independent International Commission of Investigation Into Human Rights Violations in the Philippines

November 2022



ANNEXES

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Annex 1: New Data from Karapatan

TABLE 1:

VIOLATION OF CIVIL & POLITICAL RIGHTS UNDER THE RODRIGO DUTERTE GOVERNMENT (JULY 2016 TO DECEMBER 2020)

Violations	No. of Victims
Extrajudicial Killing	376
Frustrated Extrajudicial Killing	488
Enforced Disappearance	18
Torture	222
Illegal Arrest without Detention	2,635
Illegal Arrest and Detention	1,040
Illegal Search and Seizure	1,037
Physical Assault and Injury	485
Demolition	6,492
Violation of Domicile	1,512
Destruction of Property	7,068
Divestment of Property	921
Forced Evacuation	457,696
Threat/Harassment/Intimidation	103,843
Indiscriminate Firing	8,592
Bombing	372,629
Forced/Fake Surrender	3,349
Forced Labor/Involuntary Servitude	35
Use of Civilians in Police and/or Military Operations as Guides and/or Shield	147
Use of Schools, Medical, Religious and Other Public Places for Military Purpose	45,780
Restriction or Violent Dispersal of Mass Actions, Public Assemblies and Gatherings	4,125

2:

BY REGION (JULY 2016 TO DECEMBER 2020)

Region	Extrajudicial Killing	Enforced Disappearance
Ilocos	5	

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Cordillera Administrative Region	4	
Cagayan Valley	6	
Central Luzon	10	1
National Capital Region	2	1
Southern Tagalog	21	2
Bicol	52	
Western Visayas	46	
Central Visayas	50	1
Eastern Visayas	9	1
Northern Mindanao	24	
Caraga	29	1
SoCSKSargen	38	4
Western Mindanao	1	
Southern Mindanao	56	1
ARMM	23	6
Total	376	18
<i>Female</i>	55	4
<i>Rights Defender</i>	196	8

3:

BY SECTOR (JULY 2016 TO DECEMBER 2020)

Sector	Extrajudicial Killing	Enforced Disappearance
Church	7	
Entrepreneur	7	
Environmentalist	14	
Fisherfolk	3	
Government Employee	38	1
Indigenous People	68	6
Peasant	297	15
Lawyer	2	
Human Rights Worker	18	1
Worker	16	
Youth and Student	16	
Cultural Worker	2	
Moro	47	3
Transport	10	
Health	4	
Minor	14	1

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4:

BY AFFILIATION (JULY 2016 TO DECEMBER 2020)

Affiliation	Extrajudicial Killing	Enforced Disappearance
Anakpawis	27	1
Balatik	2	
Bayan	2	
Bayan Muna	8	
CPA	1	
Gabriela	1	
Kaluhhamin	8	2
Kalumbay	6	
Karapatan	13	
Kasalo	5	
Katribu	2	
KMP	100	1
KMU	5	
NDFP	12	1
NUPL	1	
Pamalakaya	3	
Pasaka	13	
PCPR	1	
RMP	1	
Others	19	3

Annex 2: 36 Fact Sheets

The following are the fact sheets for 36 of the 49 illustrative cases that form the basis of this investigation. They are based on materials and sources made available to the legal team of collators at the time of their writing. A full list of references for these cases can be found in Annex 5 and a detailed description regarding how the investigation was conducted can be found in the introduction of this report.

Case No. 1

Randall Echanis (Extrajudicial Killings)

Randall ‘Randy’ Echanis, 71 years old, was a high-profile peasant advocate and peace consultant, as well as a former political prisoner. He served as a longtime political consultant for the National Democratic Front of the Philippines (NDFP) in the peace negotiations with the government. When the peace talks were terminated, Echanis expressed security concerns and received threats.

In the early morning of August 10, 2020, he was brutally murdered. It was about 1:00 a.m. when barangay (village) officials found his dead and bloodied body inside his own rented space in Quezon City, Metro Manila. His entire room and belongings were in disarray. His folding bed was crumpled, and the bedding was soaked in blood.

Policemen called the Caloocan branch of funeral home Pink Petal. Echanis’ remains arrived at around 4:00 a.m. The retrieval of the body for autopsy was not easy. Erlinda Echanis, Randy’s widow, was only able to positively identify his body at noon of that day after searching different funeral homes.

Based on the initial external examination, Echanis reportedly bore wound holes in the head that looked like gunshot wounds, 21 punctured wounds, 12 stab wounds, and other lacerated wounds. The cadaver’s state indicated that Echanis was tortured and brutally killed. An independent autopsy was immediately requested by the family to further know the actual cause of death.

By 8:30 p.m., the legal counsel representing Erlinda fulfilled the necessary paper work, requirements, and coordination with the Criminal Investigation and Detection Unit for the release and transfer of her husband’s remains to the family’s chosen funeral home.

As Echanis’ colleagues were processing papers at the funeral home, more than 10 policemen from Philippine National Police Laloma Station, reportedly upon direct orders from the National Capital Region Police Office (NCRPO), arrived and they were insisting to take away the remains of Echanis, claiming that no release order was issued and that the case is still under investigation. When the family opposed this, the policemen forcibly snatched his remains and took it with them and brought it to the funeral parlor.

The next day, while Sentro Para sa Tunay na Repormang Agraryo (Center for Genuine Agrarian Reform) and Anakpawis Quick Reaction Team (QRT) were negotiating for the release of the cadaver, the PNP La Loma illegally arrested Paolo Colabres, a member of the QRT for alleged “obstruction of justice.” Colabres was detained at Camp Karingal in Quezon City from August 11 to August 20. He and Echanis’ counsel Luz Perez of the National Union of Peoples’ Lawyers *NUPL) are still facing charges of “obstruction of justice.”

Echanis’ remains were practically held hostage by the police and deprived his family and colleagues the right to privately mourn and grieve for the victim. Despite the positive identification of

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the cadaver by the wife, the police still claimed that the remains were not Echanis but one “Manuel Santiago”. A cross-matching exam, however, proved that the cadaver and Echanis are one and the same. However, the police obviously delayed the release of the cross-matching report, resulting in the delay of the cadaver’s transfer to the UP College of Medicine Morgue for autopsy.

On the evening of August 12, at around 8:00 pm, the cadaver was finally transferred from Pink Petals to the UP College of Medicine Morgue for necessary X-Ray procedures in preparation for the autopsy to be conducted by forensic pathologist Dr. Racquel Fortun. Based on the autopsy conducted by Dr. Racquel Fortun, the immediate cause of death was Intrathoracic Hematoma, the antecedent cause was injuries to the aorta, heart and esophagus, and the underlying cause was stab wound to the back.

The hole wounds on Echanis’ head turned out not to be gunshot wounds. Based on the post-mortem x-ray, the left side of Echanis’ head was fractured, possibly caused by a blunt injury or from the impact of beating. An internal hemorrhage inside his skull indicated that he was still conscious and did not die instantly from the said head wounds. There were also bruises all over his body, possibly an indication that he struggled with his killer/s. His face also bore visible contusions.

The autopsy also showed a foreign object -- a sharp metal still impaled on Echanis’ back that penetrated and struck his aorta. The said injury caused Echanis’ death. The sharp metal found on his back is similar to that of an icepick blade without a handle. The multiple stab wounds on Echanis’ back were possibly caused by a sharp weapon like a knife. There were also many punctured wounds on his back possibly caused by the said sharp metal similar to an icepick that was impaled on his back.

Investigators from the Commission on Human Rights were also present during the autopsy and concurred in the finding that Echanis was tortured before he was killed. Senator Francis Pangilinan of the Philippine Senate urged the National Bureau of Investigation and the Philippine National Police to probe the death of Echanis.

In August 11, 2020, Justice Secretary Menardo Guevarra ordered an investigation into the killing. Six months later, the results of this investigation have yet to be released. #

Case No. 2

Zara Alvarez Extrajudicial Killings

Zara Alvarez, 39, a resident of Sitio Canipaan, Brgy. Banquerohan, Cadiz City, Negros Occidental, was a paralegal of Karapatan Negros Island and a research and advocacy officer of the Negros Island Health Integrated Program.

She was previously arrested on October 30, 2012, on trumped-up charges of murder and frustrated murder but was released in July 2014 when her petition for bail was granted. The cases against her were dismissed only in 2020. After her release, she continued her advocacy work.

Zara had long been a victim of red-tagging in Negros. She was included as among those tagged as “terrorists” in the proscription case of the Department of Justice filed in 2018. Her name and that of all 600 plus respondents except for two were stricken off the list, but the threats against her by State forces continued.

Because of these threats, she joined Karapatan in applying for the protective writ of *amparo* before the courts but this was summarily denied by the Court of Appeals. She was supposed to be presented as a witness in the said petition.

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In August 17, 2020, she was murdered.

At about 7:00 pm of that day, as she and the caretaker of the boarding house she was staying were walking back towards the said boarding house, a man wearing dark shorts, shirt, jacket, and black mask suddenly went behind Zara's back and shot her three times.

Zara's companion immediately ran away from the shooter. She was able to recall that the shooter fired another three rounds at Zara, before she fell down to the ground. Other witnesses saw the lone shooter 'jog' away from the scene, and as it was dark, they never got a good look at another man waiting at the corner with a motorcycle.

Neighbors immediately called the barangay (village) officials to report the shooting incident. According to the police report, village officials Brgy. Kagawad Hernani Castor received the call about the incident and called local Police Station 3 at Mandalagan. Several police officers arrived at the place of incident and saw Zara lying on the ground. They called the Red Cross for possible revival, but they declared Zara dead.

Karapatan Negros was informed of the incident at about 8:00 p.m. but could only get to place the next morning because of the curfew imposed due to the pandemic.

Results of the autopsy showed that Zara died due to a gunshot to the thorax, her aorta was ruptured and the bullet exited through her chest. She also sustained multiple gunshot wounds to her right arm, left and right feet, sole of left and right feet, left upper and lower chest area, abdomen, and left lower back area. There were fractures on her ribs. Her right lung and liver were also ruptured.

She was a single mother of a young daughter.

Government investigators promised to investigate her murder, adding that they are looking into the victim's affiliation with alleged "leftist groups" as a possible lead for the attack. Yet, six months after the incident, the results of this investigation has yet to be released. #

Case No. 5

Eugenia Magpantay and Agaton Topacio (Extra-judicial Killings)

On 25 November 2020, at around 3:00 a.m., police operatives killed elderly couple Agaton Topacio and Eugenia Magpantay during a raid in Angono town, Rizal province. Topacio and Magpantay were retired peace consultants of the underground National Democratic Front of the Philippines.

The Philippine National Police (PNP) claimed that the senior citizens resisted arrest and tried to escape. Magpantay and Topacio also supposedly fired upon the PNP officers serving search and arrest warrants. The PNP allegedly found a Colt M-16 automatic rifle, a caliber .45 Rock Island pistol, a caliber .45 Federal pistol, two MK2 grenades, various gun magazines, and bullets during the search.

During a 3 December 2020 interview with media outfit ABS-CBN, PNP chief General Debold Sinas justified the pre-dawn operation as a precaution from being spotted by the subjects and their alleged community contacts. Sinas added that the couple's advanced age does not matter as there are elderly people who still can kill. He then said that the PNP's Internal Affairs Service will investigate the deaths.

In a 5 December 2020 Facebook post, the couple's son, human rights lawyer VJ Topacio of the Pro-Labor Assistance Center (PLACE) and the National Union of Peoples' Lawyers (NUPL), doubted the likelihood of his parents' fighting back against the police as they were both 68 years old and ailing. He likewise questioned the number of PNP personnel deployed to conduct the

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search as there were more or less 50 officers who conducted the operation.

VJ also revealed the difficulties his family experienced in retrieving the cadavers of his parents. From 26 November 2020, they had been tossed around by PNP personnel without getting a clear answer where the couple's bodies were taken. They were forced to visit multiple camps and stations. His sibling eventually found their parents at the Antipolo Memorial Homes.

Even after having found the bodies, the police made the release arduous by requiring proofs of the couple's identities. Police also failed to provide the family any report or document about the death of the couple.

Magpantay and Topacio had been subjects of intense police manhunt, which even resulted in the October 2014 wrongful arrest of Lourdes Quioc and Reynaldo Ingal. The police mistook Quioc and Ingal as the couple. Quioc and Ingal were released after spending 17 months in jail. #

Case No. 6

Dr. Mary Rose and Edwin Sancelan (Extrajudicial Killings)

Armed men riding in tandem on a motorcycle shot dead spouses Mary Rose and Edwin Sancelan on their way home in Guihilingan City, Negros Oriental on 15 December 2020. The spouses were brought to a hospital but were declared dead. Recovered in the crime scene were 15 empty shells from a caliber .45 gun. The Philippine National Police has created a task force to probe into the killing.

Mary Rose was a medical doctor and the city's health officer. She also headed Guihulngan's Inter-Agency Task Force on the Management of Emerging Infectious Disease. Her husband Edwin also worked for the local government unit.

Dr. Sancelan had feared for her life after her name appeared in a "hitlist" by a local anticommunist group in 2017. KAGUBAK (*Kawsa Guihulnganon Batok Kumunista* - Cause of Guihulnganon Against Communism) distributed flyers threatening the lives of 15 alleged members of the Communist Party of the Philippines and the New People's Army in Negros Oriental. Since 2017, individuals in KAGUBAK's list have been killed including Heidi Flores Malalay in 2018 and lawyer Anthony Trinidad in 2019.

Dr. Sancelan was the first name that appeared in the list. KAGUBAK accused her to be one "JB Regalado", the reported spokesperson of the Leonardo Panaligan Command of the NPA in Central Visayas. She issued an affidavit denying membership with the NPA.

On 22 December 2020, Central Visayas police chief Brig. Gen. Ronnie Montejo announced that one of the motives they are investigating is the supposed linkage of the Sancelans to the NPA.

Montejo claimed that the Sancelans might have been ordered killed for disowning membership with the NPA. He said that there were reports that Dr. Sancelan had treated NPA soldiers. He added that Edwin had also been monitored supposedly for being an NPA member.

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The KAGUBAK list has been brought to the attention of law enforcement authorities during a 2019 Senate inquiry into the spate of killings in Negros. At that time, Philippine National Police chief Gen. Oscar Albayalde announced that they would investigate KAGUBAK after being urged to ensure the safety of those on the hitlist. The current PNP chief, Debold Sinas, was then the Central Visayas police director.

As of this writing, no information on any significant development on the case has been received. #

Case No. 7:

(Recommended for Plenary Hearing Priority #1)

“Tumandok Massacre” (Extrajudicial Killings)

The Tumandok massacre occurred at 4:00 am of December 30, 2020, killing nine and imprisoning 16 unarmed civilian members of the *Tumandok nga Mangunguma nga Nagapangapin sa Duta kag Kabuhi* (TUMANDUK), an alliance of 17 indigenous peoples' communities in the towns of Tapaz and Jamindan, Capiz and the town of Calinog in the province of Iloilo.

Due to their vocal dissent on human rights violations and fervent opposition to militarization, the TUMANDUK have been red-tagged by the military as members and supporters of the Communist Party of the Philippines and its armed wing the New People's Army (CPP-NPA).

A month before the incident, a community leader of Barangay Lahug sought help from the Commission on Human Rights (CHR) because the residents were threatened by the Philippine Army and the Philippine National Police (PNP), who were deployed in their barangay (village) since June of 2020.

As staunch defenders of both their communities and the environment, the TUMANDUK was vocal in its opposition against the construction of the Jalaur Mega Dam. The project promised to provide uninterrupted water supply to 32,000 hectares of farmland and increase the annual production of rice. However, this project would also submerge 21,100 hectares of agricultural lands and homes of 17,000 Tumanduk individuals under water, hence the vehement opposition. Tribal leaders of the Tumandok stood up against the project to protect their ancestral domain and refused to sign the consent resolution required before projects can be implemented in ancestral domains.

The TUMANDUK proved to be a hindrance to the project being the largest group of indigenous peoples in the hinterlands of Panay and so, on December 30, 2020, the Synchronized Enhanced Management of Police Operations (SEMPO) orchestrated the massacre which was carried out by the combined forces of the Criminal Investigation and Detection Group (CIDG) Region 6, the 12th Infantry Battalion of the Philippine Army (IBPA) and the PNP.

According to PLTCOL Gervacio Balcameda, the chief of CIDG 6, their troops served search warrants to 22 persons in Tapaz, Capiz and 3 in Calinog, Iloilo. Their targets were said to be “high value personalities” of the CPP and were in possession of firearms and explosives. This operation led to a blood bath.

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The PNP insisted that the slain indigenous peoples were members of the CPP-NPA who fought back to resist arrest, even though the warrant was merely to search. Those killed were recognized indigenous community leaders in their respective barangays. All were unarmed civilians and non-combatants.

Family members of Eliseo Gayas were ordered to go out of their house by the officers, in contravention of the proper procedure for the implementation of a search warrant, which is to have witnesses to oversee the search. As soon as the armed operatives entered the house, Gayas was shot four times, killing him outright.

As the operation started at dawn, Mario Aguirre and Roy Giganto were still asleep. Yet, the armed operatives forcibly entered their homes and they were shot dead in the presence of their families.

In the same operation, sixteen other indigenous peoples were arrested and falsely charged with illegal possession of firearms and explosives.

According to the family of Aileen Catamin, she was tied and tortured by the military operatives. The family also added that when she was brought to the Tapaz Police Station due to her wounds, Catamin was tortured.

The Makabayan bloc in Congress filed House Resolution No. 1449, urging the House of Representatives to investigate the Tumandok massacre and the subsequent arrests. Available reports indicate that the investigation has not started to date. #

Case No. 8
(Recommended for Plenary Hearing Priority #2)

Elena Tijamo
(Enforced Disappearance)

On the evening of June 13, 2020, four armed men and two women wearing black short pants and masks entered the home of the Tijamo family in Bantayan Island, Cebu. Elena Tijamo, whose hands were tied behind her back and mouth was plastered by masking tape, was held by the two female perpetrators.

Violeta Tijamo, the sister of the victim, drawn out by the commotion saw the perpetrators and asked what they would do to her sister and one of the male perpetrators responded that her (Elena's) husband has a major offense.

Elena's daughter Nica was also drawn out of her room by the commotion and tried to approach her mother but she was blocked and pushed back by the armed men. The men kept repeating that they were only after Elena. Elena was brought out on foot in an unknown direction passing through the fields. Her laptop, cellphone and her sister's tablet were also taken away.

During the first quarter of 2019, at the height of the implementation of the so-called antiterrorist operations tagged as *Oplan Sauron*, Elena was red-tagged by State elements as being an 'alleged NPA'. State elements approached leaders of famers/fisherfolks organizations asking about the existing organizations in their locality and the whereabouts of Elena. Violeta also said that she heard from neighbors that police officers were asking if the Tijamo family members were really native to Bantayan.

Moreover, a week before the abduction, individuals who claimed to be from the government agency Department of Social Work and Development (DSWD) allegedly took photos of Elena and her family supposedly for a COVID-19 subsidy program but they were unable to produce IDs when Elena asked for identification.

When the incident happened, Elena had been working for 17 years for farmers' group Farmers Development Center, Inc. (FARDEC) that provide legal aid and agricultural education to farmers in Bantayan. FARDEC was tagged as a communist front by Deputy Chief of Staff for Intelligence Major General Reuben Basiao during a congressional briefing on November 5, 2019.

FARDEC's Bohol office was also raided in 2003 while its Cebu office was visited by military intelligence operatives accompanied by the Bureau of Fire Protection personnel in November 2009. Nothing irregular and unlawful was found in the FARDEC offices so the government operatives only left but not after intimidating FARDEC's staff members. FARDEC's Bohol Coordinator Carmilo Tabada and board member Danilo Olayvar were also visited by State agents after Elena's abduction and they were warned to stop working for the farmers sector.

The abduction of Elena was reported to the *barangay* (village officials) and was in turn reported to the police. On June 14, 2020, six policemen with only one of them in uniform arrived at Tijamo's home in response to the report of abduction but they only asked about Elena's occupation but not about the incident. The police reportedly took pictures of the logbook of a farmer's group Violeta was a member of and of flyers and the organizations' T-shirts.

After the incident, Elena's family was able to speak to her four times through 5-minute phone calls but Elena would only repeat to demand that the news articles about her abduction be taken down and that she was okay and would be returning soon.

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However, as of this writing, the whereabouts of Elena remains unknown and there are no leads as to the identity and motive of her abductors. Elena's relatives and human rights organizations have gone to military camps and detention centers but were unable to get any lead on her whereabouts.

Patrick Torres, the Executive Director of FARDEC, believes that the red-tagging incident against the group and its community workers are connected to the abduction of Tijamo since it provides a pattern of community workers being vilified through red-tagging, subjected to surveillance, and abducted. #

Case No. 9

(Recommended for Plenary Hearing Priority #1)

“Japer Gurung and Junior Ramos”

(Torture)

On August 26, 2020, elements of the Armed Forces of the Philippines (AFP) charged Aeta indigenous peoples (IP) Japer Gurung and Junior Ramos, with violation of the new Anti-Terrorism Law, among other crimes. The multiple criminal complaints against them stemmed from an alleged gunfight that took place between the Philippine Army and members of the Kilusang Larangang Gerilya (KLG) Bataan Zambales (KLG BATZAM), an alleged unit of the New People's Army (NPA) led by a certain “Ka Ivar,” in the morning of August 21, 2020 in Barangay Buhawen, San Marcelino, Zambales.

The military claims that they received an intelligence report that the said NPA unit was recruiting and using minors in their operations in the area. Acting on the said intelligence report, the military reportedly conducted patrol activities within the area on August 20, 2020, with the aim of “rescuing” the said minors. The following morning, the soldiers allegedly saw “children, civilians and IPs” at the NPA site in Sitio Lumibao, who were armed with M14 and M16 rifles and other guns.

While the soldiers were allegedly preparing to “rescue” the minors, gunshots were fired from the NPA camp, hitting a soldier named Sgt. Rudil A. Dilao at the leg. A firefight ensued between the groups for about ten minutes, with 2LT Fritz A. Entoma allegedly seeing Japer and Junior, among the KLG BATZAM members firing upon them. Sgt. Dilao would thereafter die of this gunshot wound. According to the military, the NPA members, including Japer and Junior, thereafter fled.

After the encounter, 2LT Entoma allegedly radioed his team informing them of the movement, appearance, clothing and the kind of firearms of the “enemy.” At around 9:00 am, a team of soldiers saw Japer and Junior, with their spouses Rosalyn Urbano and Kiray Serrano among a group of women and minors who were then going down the mountain with their backpacks. The soldiers' team leader ordered their arrest and searched their belongings, and allegedly found firearms and explosives.

Japer and Junior vehemently deny the foregoing fabrications of the military. They are indigenous Aetas whose ancestors were the original settlers in the community. They are farmers who till their small farms and forage banana blossoms for a living. According to them, in the morning of August 21, 2020, they heard bursts of gunfire from the mountains. Afraid of getting caught in the crossfire, they decided to evacuate from their community.

The soldiers, however, saw them as they approached the house of their relative who was also

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preparing to evacuate. The soldiers ordered them and their families to stay behind, saying that it is safer for them because the military is still pursuing NPA members in the area.

At noon, they cooked lunch, which they even shared with the soldiers. To their shock, the soldiers thereafter announced that they are placing them and their families, including their minor relatives, under arrest, accusing them of being NPA members who were trying to flee the area.

Japer and Junior were separated from the women and children, who were taken to another area. They were interrogated without counsel and were forced to admit that they are members of the NPA. Junior Ramos purportedly used to be a member of the NPA, but he supposedly surrendered to the government in February 2020 and was, hence, a civilian during his arrest.

Japer and Junior and their families were tortured for a total of six days. Grenades, ammunitions, and subversive documents were also planted in their possession. Japer, in particular, was subjected to dastardly acts of torture and inhumane treatment. To extract a confession from him, the soldiers tied him up and repeatedly mauled him, placed him inside a sack and hung him upside down, suffocated him with a plastic bag and cigarette smoke over his head, and forced to eat his own feces. These facts were contained in their sworn statements prepared by the lawyer of the local National Commission on Indigenous Peoples (NCIP) and in the Resolution of the investigating prosecutor.

Their minor wives were also slapped with the similar false charge of illegal possession of explosives and are still in the custody of the Department of Social Welfare and Development. Junior's father Manuel was also charged and detained but was released upon dismissal of the charges by the investigating prosecutor.

Japer and Junior are imprisoned in Olongapo District Jail, where they were reportedly visited by government officials from the NCIP, without the knowledge of their counsels of record, which is the National Union of Peoples' Lawyers-Central Luzon Chapter.

Later, Japer and Junior would appear in a video arranged by the National Task Force to End the Local Armed Conflict (NTF-ELCAC) purportedly suggesting that their counsel, NUPL, bribed and coerced them to sign documents relative a Petition filed in the Supreme Court questioning the Anti-Terrorism Act for which journalist Tetch Torres-Tupas of the Inquirer is now being red-tagged and threatened by NTF-ELCAC spokesperson Gen. Antonio Parlade for reporting.

This malicious video and false narrative are now being peddled by the NTF-ELCAC and the Defense Secretary in usurping legal representation and red-tagging of NUPL. A top lawyer of the NTF-ELCAC and the NCIP has even threatened disbarment cases against NUPL lawyers.

The two Aetas, upon the behest of the NCIP and the NTF-ELCAC, are now represented by the government agency Public Attorney's Office (PAO). They are now undergoing trial. #

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Case No. 10

Manila 5

(Illegal Arrest and Detention and Trumped Up Charges)

Reina Mae Nasino, Alma Moran and Ram Carlo Bautista

Reina Mae Nasino, Alma Moran and Ram Carlo Bautista are members of progressive organizations based in Manila. Bautista is the campaign director of the multi-sectoral formation Bagong Alyansang Makabayan-Manila chapter (BAYAN-Manila). Alma Moran is a member of the secretariat of labor union Manila Workers Unity, while Reina Mae Nasino is a coordinator of urban poor organization Kalipunan ng Damayang Mahihirap Manila chapter (Kadamay-Manila).

They were arrested without a warrant a little past 12:00 am on November 5, 2019, while they were asleep at the apartment that serves as the office of BAYAN-Manila and a halfway house for members of BAYAN-Manila and its affiliated organizations. This apartment is one (1) of the four (4) apartment units inside a gated compound in 672 Flora Street, Barangay 178, Tondo, Manila.

Elements of the arresting team wearing Special Weapons and Tactics (SWAT) uniforms entered the said apartment and went up the two bedrooms located at the third floor. One of the bedrooms was occupied by Nasino and Moran while the other was occupied by Bautista.

Nasino was sleeping when she heard noises outside their room. When she slightly opened the door, she saw shadows of persons ascending the stairs. She then quietly closed and locked the door of their room and woke Moran up.

Nasino then heard footsteps outside their door and sounds of people arguing in Bautista's room. She heard Bautista asking who these persons are and why were they are arresting him. She also heard Bautista introducing himself as an officer of BAYAN-Manila.

After a few minutes, police officers broke open the door of the room where Nasino and Moran were sleeping. Three men forcibly entered their room and ordered them to raise their hands in the air and lie face down.

The room was still dark at that time, but since one of the men was holding a flashlight, Nasino saw that one of them was pointing a long firearm at them. Moran saw another one holding a shield.

The police started to look around their room and they could hear them scattering some of their personal belongings. After almost an hour of lying face down, police officers then claimed that firearms and explosives were found inside their room. The same thing happened in Bautista's room. The three were eventually charged with illegal possession of firearms and explosives.

At the time Nasino was arrested, she was already three months pregnant. She gave birth while in detention and her infant was separated from her after a month from giving birth, despite strong recommendations by doctors for exclusive breastfeeding since the baby was born of low birth-weight. Her baby died after a month and a half later due to lung complications.

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Their case remains pending before the trial court. Their motion to quash the search warrant on the ground that there are glaring discrepancies in the address of the property subject of the warrant and the place of actual search was denied by the court. Their request to have access to the application by the police for the assailed search warrant was likewise denied by the court.

Cora Agovida and Michael Bartolome

Cora Agovida and her partner Michael “Tim” Bartolome were arrested on October 31, 2019 at around 4:00 a. m. in their residence, which is a small room at the 4th Floor of #1189 Julio Nakpil Street, Brgy. 686 Zone 75, Paco Manila by a team of around 20-35 operatives of the Criminal Investigation and Detection Group (CIDG)-Manila, Philippine National Police (PNP)-Manila and Special Weapons and Tactics (SWAT) Manila, who were purportedly enforcing search warrants.

At the time of their arrest, they were with their children aged 10 and one and a half-year old, and a male nanny named Carlo. Cora was also a breastfeeding mother for their youngest child. Between 3:30-4:00 a.m. on that day, around 15 armed men and women barged into their rented room.

There were some who were holding flashlights and all of them were wearing masks. Cora saw their guns pointed at them. One of the intruders ordered them to lie face down and prohibited them from looking back. They remained in that position for about 15 to 20 minutes and they could hear the intruders tampering with their belongings. Their children were brought to the adjacent room with their neighbors later on.

Afterwards, one of the intruders who held the search warrant approached them and asked who is Cora Agovida. Cora introduced herself while still lying face down. This person also asked Michael for his name, ordered him to kneel down and made him sign the search warrant.

Cora and Michael were never given the chance to read the contents of the search warrant. They were merely told that the document is a search warrant for firearms and explosives. After ordering Michael to sign, the lights were turned on and they were allowed to sit down and face the intruders. This was also the time that Cora noticed that some of the armed men who entered their rented room were members of the SWAT and some were wearing civilian clothes.

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The SWAT members then left the room. After three minutes, village officials Brgy. Chairman Eduard Joson and Kagawad Richard dela Cruz entered Cora's rented room. The "search" took place. The police officers searched first the container where their children's belongings were placed. The police officers allegedly found a belt bag with a grenade and a caliber .45 handgun.

Next, they searched the table where their soiled clothes are placed. The police allegedly found a sling bag with a handgun, grenade, wallet, fake IDs of Cora Agovida and some Facebook photos. The seized items were labeled in front of them with an electrical tape. After the search, seizure and labeling of the seized items, Cora and Michael were ordered to sign the receipt of property seized which was prepared by police PCPL Isaac. They refused to sign the same.

At quarter to 9:00 a.m., they were brought to the Manila Police District Headquarters in UN Avenue, Manila. They were charged with illegal possession of firearms and explosives.

On January 24, 2020, their counsel filed an Urgent Omnibus Motion to Quash Search Warrants, Suppress Evidence and Issue Subpoena *Duces Tecum* for the records of the application for the search warrants that were issued by the Executive Judge of Quezon City, Hon. Cecilyn Burgos-Villavert.

On February 24, 2020, the court denied the motion and proceeded with their arraignment and pre-trial on the same day. No documentary evidence was marked by the prosecution during the pre-trial.

On March 9, 2020, the prosecution presented three of its witnesses. Despite the strong opposition by defense counsels for the presentation of the first two witnesses (representatives from the Firearms and Explosives Unit and from the Crime Laboratory) since they are not among those listed in the pre-trial Order, they were still allowed to be presented by the Court. They were made to identify documents that were not listed as well in the pre-trial order, again, despite protestations from the defense counsel.

The spouses remain in jail. #

Case No. 11

Negros 54 (Illegal arrest and detention, trumped up charges)

In the late afternoon of 31 October 2019, members of the Philippine National Police (PNP) raided the offices and homes of people's organizations and human rights activists in Bacolod City, Negros Occidental.

The police were armed with search warrants issued by Executive Judge Cecilyn BurgosVilla of Quezon City in Metro Manila for alleged violations of Republic Act No. 10591 or the Comprehensive Firearms and Ammunition Regulation Act.

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The offices and homes raided were those of Bayan Muna, Gabriela, National Federation of Sugar Workers (NFSW) and the residence of Bito-on. The Bayan Muna compound also houses the local offices of Karapatan, Kilusang Mayo Uno (KMU-May First Movement), and Kalipunan ng Damayang Mahihirap (Kadamay).

The PNP apprehended more than 50 individuals—including 21 laid-off bus company workers consulting with KMU and 12 minors who were among the members of a local cultural group staying at the compound. They were brought to the Negros Oriental Provincial Police Office.

At the Bayan Muna compound, police forcibly entered the compound around 4:30 p.m. They gathered all occupants and visitors outside at gunpoint and made to drop to the ground as they conducted the search. The minors, workers, and activists reported being subjected to physical assault and verbal abuse.

The police did not immediately serve the warrant; they only presented the search warrant against NFSW National Secretary-General John Milton Lozande after conducting the search. The village officials, who supposedly witnessed the search, came much later. Police allegedly found firearms, explosives, and ammunition on the sofa and two other parts of the house.

A similar situation happened at the Gabriela Office compound, where trade union organizer and community journalist Mary-Anne Krueger resided. Police forcibly entered the compound and asked everyone to get out. They were made to face the wall with their hands raised as the search was conducted. When Krueger asked for the search warrant, police told her she will be able to read it after they clear the premises. Krueger was among those named in the search warrant. Krueger was able to air a footage of the police search on Facebook. Police allegedly found two revolvers and ammunition during their search.

At the NFSW office, police operatives apprehended Hacienda Ilimnan Farm Workers Association chairperson Danilo Tabura and kept him outside as they searched through the rooms. Tabura was called back after 20 minutes and served with a search warrant under his name. Thirty minutes later, the police, together with the barangay captain and Tabura, conducted the “search.”

During the search, the police allegedly discovered a pistol under a pillow on Tabura’s bed, a handgun under a wooden bed in the office of Negros Island Health Integration Program, a revolver in another room on the ground floor, and bullets and grenades on the second floor. Police confiscated three laptops and Tabura’s phone. The staff and caretaker of NFSW office, Roberto Lachica, was also arrested by the police.

Around the same time, armed men barged inside the compound where Spouses Mermalyn and Romulo Bito-on reside. Mermalyn is a campaign officer of ACT Teachers Partylist, while Romulo serves as regional coordinator of Makabayan and Bayan Muna. Romulo is also a member of SELDA, or the Samahan ng mga Ex-Detainees Laban sa Detensyon at Aresto (Association of Ex-Detainees Against Detention and Arrest).

Mermalyn and her grandaunt were then outside by the garage and overseeing carpenters fixing the roof. The armed men pointed their high-powered firearms at Mermalyn and her grandaunt, then ordered them to kneel. When Mermalyn asked for their identity and purpose, the men did not reply. She saw members of the PNP Special Weapons and Tactics Team (SWAT) and Special Action Force (SAF) enter the compound.

Similar with the other raids, residents were made to go outside while the police searched through

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the house. It was only later that Mermalyn learned that a search warrant was issued against “Amaylin” and Romulo Bito-on. Another search was conducted in the presence of a barangay kagawad and Mermalyn’s sister who is the property administrator. Allegedly seized were firearms and grenades. Romulo’s mobile phone went missing during the raid.

Only Danilo Tabura was read his Miranda rights during arrest.

On 4 November 2019, John Milton Lozande, Albert dela Cerna, Noly Lacera Rosales, Proceso Quiatzon, Cheryl Cantero Catalogo, Karina Mae dela Cerna, Danilo Nacario Tabura, Roberto Dorio Lachica, Mary Anne Krueger, couple Romulo and Mermalyn Bitoon, the 10 cultural workers, and the 21 retrenched bus employees underwent inquest proceedings.

On November 6, 2019, the 21 workers and 10 cultural workers were released after the inquest prosecutor dismissed the charges against them. Meanwhile, criminal cases against the other 11 individuals were filed in the trial court.

As of January 2020, Judge Eduardo Sayson of the Regional Trial Court of Negros Occidental dismissed without prejudice to refile the cases against Lachica, Dela Cerna, Rosales, Quiatzon, and the Bito-on couple. The judge found “insufficient probable cause to issue Commitment Order against all ‘inquested’ accused for violation of R.A. 10591.” Judge Sayson stated that the prosecution also failed to submit the records of the application for the three search warrants.

Similar raids happened in another city of Negros Occidental. In Escalante City, on 01 November 2019, two women activists were arrested during two simultaneous raids conducted by police and military. At around 4:00 a.m., State forces raided the office of NSFW in Escalante City and arrested Imelda Pasinabo Sultan. Meanwhile, Ma. Lindy Balaobao Perucho was arrested in her house. They were both charged with illegal possession of firearms and explosives. The search warrants used by the PNP were likewise issued by Judge Burgos-Villavert of Quezon City. #

Case No. 12

Tacloban 5 (Illegal Arrest and Detention, Trumped-up Charges)

A team composed of 150 fully armed members of the Criminal Investigation and Detection Group (CIDG) Regional Field Unit 8 of the Philippine National Police (PNP), and the Armed Forces of the Philippines (AFP) conducted two raids on the Tacloban, Leyte offices of progressive people’s organizations BAYAN, Sagupa, and Katungod Sinirangan Bisayas, and online news portal Eastern Vista at dawn of February 7, 2020.

The arresting officers were led by Police Lt. Col. Marvin Pedere of the CIDG and acting under the authority of search warrants issued by Executive Judge Eligio Petilla of Regional Trial Court Branch 44.

As result of the search, several firearms, explosives and ammunitions were supposedly seized and one colored red flag with the underground CPP-NPA symbol also allegedly found in the said offices.

This led to the arrests of human rights defenders Mira Legion, Marissa Cabaljao together with her one-year old baby, Alexander Abinguna, Mariel Domequil, and community journalist Frenchie Cumpio dubbed as “Tacloban 5”. The five were charged with illegal possession of firearms and explosives and together with Cabaljao’s baby, were detained at the municipal office of the Philippine National Police in Palo.

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The raids had similar characteristics as other searches and arrests of activists: (i) the raiding team forcibly opens the rooms of the houses while pointing long firearms to the occupants in the room; (ii) the occupants were either dragged outside or were told to lie face down while several personnel of the raiding team were inside the room for more or less ten minutes without any witness and with the occupants having no knowledge of what they're doing; (iii) the belated arrival of the barangay (village) officials who are supposed to be the witnesses of the search followed by another "formal" search which will now be conducted with the barangay officials, and (iv) the search warrants shown to the activists only after their arrest.

Moreover, in a testimony during the trial of Cumpio and Domequil, the prosecution witness, a barangay kagawad (councilor), revealed that he did not see any firearm or explosive during the search because of the poor lighting.

Prior to the arrests, Legion shared in her social media accounts that she received threats from unknown callers whom she believed are PNP officers. On the other hand, days before the simultaneous arrests, Cumpio had also informed Altermidya that she was being tailed by men-riding motorcycles, whom she believed were military assets. A funeral wreath with Cumpio's picture was delivered to the same staff house where she was arrested.

After the arrests, the group continued to experience harassment both online and on the ground. Facebook pages handled by the police and military have been redtagging them. Legion also revealed in a social media post that the police and military have been continuously contacting her parents and threatening that their house would be the next subject of a raid and that she will be charged for terrorism.

Legion decried the delay of the court proceedings of their case caused by the repeated postponement of the trial schedule, the consolidation of the cases before different courts, and the problems brought by the coronavirus pandemic.

Last October 2020, the judge handling the cases of Legion, Abinguna, Cabaljao ordered to re-schedule the hearing of the motions their counsel filed to have the cases dismissed to March 2021 after a court staff made a mistake in scheduling the court session.

Domequil, Cumpio, and Abinguna are still detained while Legion and Cabaljao posted bail amounting to P120,000 each. #

Case No. 13

(Recommended for Plenary Hearing Priority #1)

**"Human Rights Day 7" Lady Ann Salem
(Illegal Arrest, Detention and Trumped Up Charges)**

On December 10, 2020, journalist Lady Ann 'Icy' Salem and trade union organizer Rodrigo Esparago were at Unit 617, a one-bedroom unit, at the Avida Towers Centera, Tower 3, EDSA cor. Reliance St., Mandaluyong City. The said unit is one of the multipurpose offices of progressive online news website Manila Today, where Salem is the editor-in-chief.

Before dawn, Salem was awakened by a series of knocks on the unit's door. She spoke briefly through the door with the security officer, who claimed he needed to fix something inside the unit.

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As soon as the door was opened, armed men barged in and forced her to kneel in the living area facing the windows and her wrists were put in cable ties. Esparago was manhandled from the bedroom to the windows, beside Salem. They were on the floor for almost an hour, hearing boots walking around and sounds of things inside the unit being opened and rummaged through.

Salem saw men and women wearing Philippine National Police uniforms. Some persons were in black full battle gear. Recognizing the intruders clearly as police, both of them repeatedly asked for the identity, unit, commanding officer, and authority of the police. Salem also insisted on calling her family and lawyer, but their guards were tight-lipped.

After about an hour, the police announced that they were going to conduct a search and showed the two a copy of a search warrant. Salem and Esparago were finally allowed to stand up and turn around, where they found two men in civilian clothes who were from the barangay, who will “witness” the “search.” At that time, their unit was already in shambles. Salem requested for a copy of the search warrant and repeated that she wanted to call a lawyer to also witness the search, but she was ignored and told to wait.

Salem was allowed to join the men in the bedroom and she saw how the police pulled out guns, ammunitions and explosives inside the room. Some four or five men were taking videos of the “search” on their camera phones. It was then that Salem consciously said out loud for the record that the firearms and explosives were never there. She insisted that those were planted.

At around 5:00 am, Salem and Esparago were brought to the police station. Salem reiterated that she be allowed access to a lawyer and her family but was repeatedly put off and told, “after ng proseso” (after the process), or “after ng swab”. The two waited as the policemen did their paperwork. Salem again asked for a copy of the warrant, and was given a photocopy.

By mid-afternoon, they were taken to the police national headquarters in Camp Crame in Quezon City for medical examination where they saw three others arrested. The three are trade union activists who looked familiar, but they had no opportunity to talk. All reiterated that they wanted to talk to their lawyer, and refused to sign any document.

Because of their collective and stubborn refusal, the police who escorted them put Salem and Esparago in a Mahindra vehicle, which was parked outside the office of Criminal Investigation and Detection Group- National Capital Region (CIDG-NCR) but still inside Camp Crame.

By accident, Salem’s sister saw her inside one of the vehicles. Having been alerted, the police transferred Salem to a heavily tinted vehicle and refused to entertain anyone knocking on the windows. Lawyer Kristina Conti was able to make the police lower their window at around 4:30 pm, with the assistance of base police who were also curious about the parked vehicles. She spoke briefly to Salem, with the understanding that the two were going to be booked into the CIDG-NCR office. Atty. Conti then was assisting the three other arrested trade union activists.

Instead of disembarking from the vehicle, Salem and Esparago were spirited away without notice to Atty. Conti. The family followed the police convoy which went to the Pasig police station, and then proceeded to Camp Bagong Diwa in Bicutan, Taguig where the family was not allowed to talk to Salem supposedly for health protocols.

Inside, Salem and Esparago were booked separately into living quarters which turned out to be

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a COVID-19 quarantine facility. The following day, they were swabbed for the COVID-19 virus. They were not allowed to use the telephone, despite insisting upon their rights.

On December 11, 2020, after lunch time, Salem and Esparago were told to get ready for inquest. Again Salem repeated her request to call her lawyers, warning that her family and at least one lawyer already knew that she was under their custody. They were loaded into the vehicle, where the escorts handed over her mobile phone.

She was able to contact her sister, some friends, and two lawyers before the phone was eventually taken away. Later, Atty. Conti arrived at the Mandaluyong Hall of Justice, and was allowed to board the vehicle where Salem and Esparago were placed. Inquest proceedings pushed through, with the two and their lawyer given just 15 minutes of private time to confer. Subsequently, they were charged with illegal possession of firearms and explosives.

Nearly 2 months after their illegal arrest, these charges against Salem and Esparago were dismissed by the Mandaluyong court, following a finding that the search warrant issued by the Executive Judge of Quezon City and were used against the raid, which resulted in the arrest of 5 other trade union organizers, failed to particularly describe the objects to be seized and that police resorted to “fishing expedition.” Despite this, Salem and Esparago still remain in prison until at present. #

Case No. 14

Amanda Echanis

(Illegal Arrest and detention, trumped up charges)

Thirty policemen and soldiers belonging to the 77th IBPA and 17th IBPA of the Philippine Army, wearing full battle gear and armed with high-powered rifles forcibly entered the house of Josephine Bumanglag in Cagayan on December 2, 2020 at about 3:00 a.m.

Amanda Echanis, daughter of slain peace consultant Randall Echanis, was breastfeeding her one-month old son when seven to 10 armed soldiers and policemen entered her room. Amanda shouted: “*Huwag kayong lalapit at may baby ako.*” (Don’t come near; I have a baby) The baby cried and Amanda covered the baby with a blanket, and she continued to breastfeed the infant.

The armed police/soldiers asked Amanda if she was indeed Amanda Soccoro Echanis and started taking her pictures. They also asked if she was “alias Waya” and “alias Amy Flores.” They also mentioned several other names to Amanda and were asking for their whereabouts. All of this happened while she was feeding her son.

Amanda asked the police/soldiers: “*Anong kailangan nyo? May kaso ba ako? Papatayin nyo ba ako? Kami ng baby ko?*” (What do you want? Do I have a case? Are you going to kill me? Me and my baby?) They then replied that Amanda has no case and that they are still waiting for the search warrant and the barangay (village) officials to arrive. They continued the interrogation but Amanda did not answer the questions and instead calmly requested that the men put away their rifles and guns.

At around 7:00 a.m. when the barangay officials arrived, the police/soldiers searched the house of Josephine Bumanglag. An hour later, Amanda was taken by the police/soldiers to Camp Aduru in Tuguegarao, Cagayan.

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Based on the police report, the raiding team allegedly recovered the following from the house where Amanda and her newborn son is staying: M16 assault rifle, 1 long plastic magazine for M16 rifle, 1 long steel magazine for M16 rifle, 20 live ammunition for an M16 rifle, and two hand grenades. The police also claimed that Amanda, who was pregnant for most of the year, and in fact just gave birth a month before, is a high-ranking official of the New People's Army in the province.

The raid, arrest, and planting of evidence against Amanda Echanis happened just hours after the Senate of the Philippines' third hearing on red-tagging that claimed that farmer's groups Anakpawis, KMP, and other progressive organizations were among the so-called 'legal fronts' of the underground movement. During the November 25, 2020 hearing, a certain Ivylyn Corpin red-tagged Amanda Echanis among others and showed her pictures during the Senate hearing.

According to Kilusang Magbubukid ng Pilipinas regional chapter DANGGAYAN-Cagayan Valley, since 2018, massive and systematic red-tagging of activists was rampant in the region by the AFP using fake organizations like Mulat-CV and ISEM-CV. They branded and accused the 57 names of activists as recruiters of the NPA. Ripped sacks written with names and organizations of activists were hanged on trees along major highways in three towns of Isabela and Cagayan. Moreover, flyers were distributed in Tuguegarao City, slandering the activists as "terrorists".

Inside the camp, CIDG agents harassed Amanda, insisting on "interviewing" or attempting to interview her without the presence of her counsel, Atty. Luz Perez of the National Union of Peoples' Lawyers (NUPL).

On December 9, Ivyly Corpin, the same person who red-tagged Amanda before the Senate, attempted to visit and talk to her, to which Amanda refused, as she was advised by her counsel not to talk to anyone without the presence of a lawyer.

Amanda is also an organizer of Anakpawis in Cagayan Valley. She has been organizing farmers and agricultural workers and helping them with their land disputes and cases. In January 2020, she started helping organize peasant women under AMIHAN Cagayan. Her organization Amihan expressed that they will coordinate with Gabriela Women's Partylist Representative Arlene Brosas in filing a house resolution to investigate the case. Members of the Senate minority bloc also called for the urgent release of Amanda, citing humanitarian considerations.

Echanis' camp filed a motion to quash the search warrant. Amanda's counsels claim that the actual "search" came before the service of the warrant, making the arrest highly irregular and questionable. The timeline of the actual events showed that there was first an invalid, illegal search that was conducted by the police/military before the supposed legal search by the CIDG with the presence of the barangay officials. They also filed a motion in court to allow her and her child to be together amid concerns she may suffer the same fate of another jailed activist. #

Case No. 17

**Kabataan Party-list Sarah Elago, Neri Colmenares, et. al.
(Trumped-up charges)**

In the second half of 2019, parents of youth activists separately charged before the Department of Justice Kabataan (Youth) Party-list's Sarah Jane Elago, National Union of the Peoples' Lawyers chairperson Neri Colmenares, and members of the national youth group ANAKBAYAN (Sons and Daughters of the Nation) for allegedly kidnapping and recruiting their children to the New People's Army.

The parents also questioned their children's participation in the electoral campaigns of Kabataan Party-list and Neri Colmenares, who was then running for a seat in Senate.

The criminal complaints cited violations of the (1) Revised Penal Code, (2) Anti-trafficking in Person Act of 2003, (3) Special Protection of Children in Situation of Armed Conflict Act, (4) Special Protection of Children against Child Abuse, Exploitation and Discrimination Act, and (5) the Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity.

The parents filed the complaints with the support of the Philippine National Police's Criminal Investigation and Detection Group (CIDG) and the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC). They also presented testimonies of alleged rebel returnees, Ma. Rebecca Pecayo and Edison Villanueva, about how ANAKBAYAN and other progressive youth organizations allegedly recruit minors to the NPA.

On 15 October 2019, the Justice Department dismissed one of the criminal complaints. Dismissed was the 24 September 2019 complaint filed by Relisa Santos Lucena and the CIDG for kidnapping and failure to return a minor under Article 270 of the Revised Penal Code and Section 4(c)(24)(ii-iii) of RA 9851 (war crimes). The investigating prosecutors stated that complainants failed to prove ANAKBAYAN's connection to the CPP-NPA-NDF and its supposed recruitment activities.

The other criminal complaints remain pending before the Department of Justice.

Months later, on 11 May 2020, Relisa and Francis Lucena sought the issuance of writs of *amparo* and habeas corpus against Elago, Anakbayan officers, and lawyer Kristina Conti of the Public Interest Law Center (PILC) and the National Union of Peoples' Lawyers (NUPL). Conti represented Anakbayan members during the preliminary investigations. The Lucenas were again assisted by the NTF-ELCAC as well as a certain lawyer named Ferdinand Topacio Jr. in filing the petition.

The Supreme Court junked the Lucenas' petition in September 2020. The Court said, "Since the petitioners' daughter has already attained the age of majority, which is 18 years old, [Lucena], in the eyes of the state, has earned the right to make independent choices with respect to the places where she wants to stay, as well as to the persons whose company she wants to keep." #

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Case No. 19

(Recommended for Plenary Hearing Priority #1)

“Windel Bolinget, Boyette Jurcales, et.al.”

(Trumped up charges)

Included in the list of the persons indicted for the killing of an alleged indigenous Lumad leader in Davao del Sur in Mindanao, and appears in the Information as among the accused are “WIND-DEL BOLINGET” and “LUTGARD JURCALES, JR”. These names are similar to the names of Igorot leader Windel Bolinget from the Cordillera People’s Alliance and long-time activist from progressive group Bagong Alyansang Makabayan (BAYAN or New patriotic Alliance), Lutgardo “Boyette” Jurcales, Jr.

Their names were allegedly identified by prosecution witness Ranel Tibog Vender in his Affidavit as purportedly responsible for the death of this alleged Lumad leader sometime in March 2018, along with nine (9) other well-known human rights defenders from across the country.

This witness accused these 11 individuals as members of the rebel New People’s Army (NPA). The charge for murder was endorsed by the police in the area and filed before the Provincial Prosecutor. Thereafter, Prosecutor indicted them for the charge of murder.

As in other similar cases against other activists, none of them, however, were properly informed of this charge or summoned to defend themselves during the preliminary investigation. Records would show that the subpoena for them were sent to a bogus address. Subsequently, a warrant of arrest was issued against them.

Bolinget and Jurcales learned about this accusation against them sometime in January 2021, when they were shown copies of the Information or charge sheet, with their names included.

Prior to seeking legal remedy, a shoot to kill order was made by the Philippine National Police Chief in the Cordilleras against Bolinget. This compelled him to turn himself over to the custody of the National Bureau of Investigation. Subsequently, he filed a motion before the court seeking a re-investigation.

Jurcales, for his part, has likewise filed his own motion for reinvestigation and prayed that the warrant of arrest against him be recalled. He narrated in his affidavit that it was physically impossible for him to be at the purported scene of the crime because he was in Metro Manila, attending to his duties as the director of the Popular Struggle Commission of BAYAN. He appended documentary evidence to support his claim and to show his whereabouts on those days when the alleged murder took place.

Both motions are still pending resolution before the court.#

Case No. 20
Aeta community
(Forced evacuation and/or bombings)

On August 21, 2020, 659 families in the indigenous Aeta community in San Marcelino, Zambales were forced to evacuate their homes after the 7th Infantry Division of the Philippine Army conducted several raids and bombings in the area.

The military did not deny that there were bombings but only insisted that its target was the hide-outs of the rebel New People's Army and such bombings were in accordance with the standard operating procedure. They claimed that the members of the NPA in the community used minors for their activities. They conducted a so-called rescue mission to retrieve the minors. But they got into an alleged encounter with the NPA that led to the death of one of the soldiers.

The military illegally arrested and tortured some Aetas, who were evacuating their homes. These Aetas were mauled, placed inside a sack and hung upside down, suffocated with a plastic bag and cigarette smoke and forced to admit membership with the NPA. The military also forced two of them to eat human feces. After six days in their custody, they were later charged with non-bailable crimes of murder, illegal possession of firearms and explosives and terrorism under the new Anti-Terrorism Act.

Indigenous rights group Umahon claims that the repeated bombings of the Aeta community were meant to drive the Aetas away to pave the way for the mining explorations of Dizon Copper-Silver Mines, Inc., which the Aeta residents oppose because they know it will be detrimental to the environment as well as their ancestral lands.

Last September 2020, the Commission on Human Rights said that it will conduct a separate and impartial probe on the incident but have yet to release the result of its investigation. The arrested Aetas remain detained since August 2020 and stand trial while they have recently filed an intervention in the Supreme Court questioning the constitutionality of the Anti-Terrorism Act but it was denied on the ground that there is already a pending criminal case before the lower court.

Case No.21 (Recommended for Plenary Hearing Priority #2)

“Kasibu” Violation of freedom of assembly

Oceanagold Corporation, a multinational corporation listed in the Australian and Canadian stock exchanges, has been involved in large-scale mining activities in Brgy. Didipio, Kasibu, Nueva Vizcaya for more than two decades. According to Kalikasan Peoples’ Network, a group of scientists and environmental rights defenders, Oceanagold’s mining activities have resulted in siltation of rivers in the area, which greatly affected the lives of the indigenous peoples living therein.

As early as 2017, the communities in the area where Oceangold operates have been subjected to a number of human rights violations. Military presence and the conduct of military operations intensified in the areas adjacent to the Oceanagold mine, which resulted in the forced displacement of families.

There were even several officers and members of local anti-mining group KIREED (Kasibu Inter-tribal Response for Ecological Development) who were accused by the Philippine Army of supporting the communist rebels.

On 29 September 2017, five residents were illegally arrested by the Philippine National Police in a checkpoint, including a woman, three men and one minor child. The adults were members of KIREED and another anti-mining group, the Samahang Pangkarapatan ng Katutubong Manggagawa at Magsasaka, Inc. (SAPAKKMMI). They were collectively known as the Kasibu 5. They were charged with trumped-up cases in court, which on 17 November 2017, ordered the release of the four of them due to lack of evidence.

In 2019, the Financial and Technical Assistance Agreement (FTAA) of Oceanagold was about to expire and became the subject of negotiation between the Philippine government and the company. The communities affected by the company’s operations, together with the provincial government of Nueva Vizcaya refused to allow Oceanagold to continue with its operations considering the expiration of its FTAA.

Thereafter, Oceanagold filed a case against the provincial government before the courts. Subsequently, the trial and appellate courts upheld the decision of the provincial government to disallow Oceanagold from continuing with its mining activities in the area following the expiration of the company’s FTAA.

Notwithstanding this, the company continued with its operations. On 6 April 2020, the Philippine National Police escorted the entry of trucks carrying fuels in Bgy. Didipio for the operation of OceanaGold, and used excessive force to push away the human barricade, which the locals set up to prevent the company from continuing with its operations.

The locals have likewise raised concerns over the excessive use of the company of water resources in the area, which deprived them of ample water supply especially amidst the COVID-19 pandemic, where frequent handwashing is a must.

As a result of the violent dispersal, Rolando Pulido, chairperson of indigenous organization DE-SAMA was arrested and slapped with charges of ‘disobeying’ police officers. At least three other

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indigenous barricaders were injured during the violent dispersal by the PNP. Currently, Pulido is out on bail. #

Case No. 22

(Recommended for Plenary Hearing Priority #2)

Altermidya

(Violation of Press Freedom)

The People's Alternative Media Network (Altermidya) is a nationwide network of independent alternative media outfits, individuals, and institutions in the Philippines. Its mission is to promote independent and pro-people journalism. The stories produced by the network focus mainly on underreported people's issues, particularly that of the marginalized sectors of the youth, women, indigenous peoples, workers, urban poor, and farmers. Included in its network are Bulatlat, Kodao Productions and Pinoy Weekly, which are only some of the media outfits which are under attack by the Duterte administration.

Digital platforms such as social media are used by their respective websites but these are also attacked through Distributed Denial of Service (DDoS). A DDoS attack is "a malicious attempt to disrupt normal traffic of a targeted server, service or network by overwhelming the target or its surrounding infrastructure with a flood of internet traffic." As a result of this attack, online publications are unable to reach the intended audience because the website becomes inaccessible to a real online user. This occurs when there is a deluge of fake users trying to access the same website, causing the site to crash and shut down. The nefariousness of the attack is heightened by the use of virtual private networks (VPN) to hide the perpetrator's footprints (technically called IP addresses).

Since December 2018, Bulatlat.com began to shut down for varying periods of time. Notably, these shut downs occur when the website posted breaking news of human rights violations, and statements of dissent. Altermidya and Kodao also faced the same types of attacks.

According to the exhaustive research and study by experts, it was shown that the attack signatures responsible for the DDoS attacks on each of the media outlets were the same. It was also found out that the perpetrators were employing the help of other cybercriminals to further the attacks in the cyberspace. As a result of a private forensic investigation, it was found that the attackers who visited Bulatlat.com used search words like "Duterte", to look for specific articles pertaining to the President or intimidate whoever is trying to trace them.

Aside from cyberattacks, press freedom has also been brazenly attacked by military, police, and government forces through the confiscation of their publications and vilification in public fora.

In August of 2019, the Facebook page of Concepcion (Romblon) Municipal Police Station alleged that Kodao is among those "above ground" organizations that directly and indirectly provide material and moral support to the armed revolution of the Communist Party of the Philippines (CPP).

This was also the tenor of the quote by Lt. Gen. Antonio Parlade Jr of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) when he alleged in May 2020

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that Kodao is a creation of the CPP which exists as a propaganda front of the underground organization—a dangerous allegation echoed by Presidential Communications Operations Office Undersecretary Lorraine Badoy.

The Dinagat Island Mobile Force Platoon of the Philippine National Police also alleged that Kodao was manipulating the Filipino people by spreading misinformation against the government.

Bulatlat was likewise attacked by Badoy in a television program, saying that Bulatlat journalists as well as the National Union of Journalists of the Philippines are communist fronts and terrorists.

On September of 2019, the editor-in-chief of Pinoy Weekly was informed that members of a military and police-backed group that called itself “Pro-Government” forcibly entered the local chapter office of an urban poor organization called *Kalipunan ng Damayang Mahihirap (Kadamay)* in Pandi, Bulacan, and confiscated several bundles of its magazines, placed them in a clearing in front of the residents and set the magazines on fire.

The police also demanded local Kadamay leaders to surrender copies of Pinoy Weekly in July 2020, claiming that the magazine was teaching the people to fight the government and was brainwashing the people. The police chief also threatened the locals, saying that something will happen if they refused to surrender the “illegal” and “subversive” materials. Out of duress, they were made to sign a statement that they voluntarily surrendered “large volumes of subversive documents” to the Pandi police.

A team of relief workers were also stopped at a police checkpoint and were accused by the police of inciting rebellion against the government for possession and intent to distribute copies of Pinoy Weekly to farmers.

As a result of these attacks, Altermidya called on the Commission on Human Rights to conduct an investigation on the incidents. Administrative and criminal complaints against Parlade, Badoy, and the Executive Director of the NTF-ELCAC Allen Capuyan, were also filed before the Ombudsman for violations of the Anti-Graft and Corrupt Practices Act and the Code of Conduct and Ethical Standards for Public Officials and Employees. The cases remain pending and are reportedly not moving. #

Case No. 23 (Recommended for Plenary Hearing Priority #1)

Jevilyn Cullamat (International Humanitarian Law (IHL) Violation)

On November 28, 2020, Jevilyn Cullamat, 22, a medic of the rebel New People’s Army’s North-eastern Mindanao Regional Committee, was killed during an alleged encounter with the Philippine Army in Marihatag, Surigao del Sur. She was the youngest daughter of a progressive partylist Bayan Muna representative in Congress.

The Philippine Army’s 3rd Special Forces Battalion arranged her remains as though she was still

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carrying a rifle, together with the seized firearms, improvised explosives and flags of the CPP-NPA-NDFP, and photographed with the members of the military posing in the background. After the incident, the photo was uploaded by the state-run Philippine News Agency on its Twitter account but after receiving backlash from netizens, the tweet showing the photo was taken down.

Defense Secretary Delfin Lorenzana, a retired Philippine Army general, said that the handling of the corpse of Jevilyn and the taking of such picture is a policy of the Philippine Army and that soldiers do the same thing after clashes with different armed groups in the past.

However, two days after the incident, Philippine Army spokesperson Brig. Gen. Edgar Arevalo said that the photo was taken for reporting and documentation purposes only, that it is not military policy to distribute such pictures, and a similar act constitutes a violation of their stringent policy. Arevalo also said the issue of how the photos were leaked to the media was already investigated and the one who was responsible already faced sanctions. He provided no other details.

Because of this incident, National Security Adviser Hermogenes Esperon, Jr. Who is concurrently Vice-Chairperson of the National Task Force to End the Local Communist Armed Conflict (NTF-ELCAC) and the Anti-Terrorism Council (ATC), linked the Cullamat clan with the CPP-NPA and its alleged front organizations, claiming that Jevilyn's father, uncle, and aunt were alleged leaders of the indigenous Lumad organizations tagged by the military as terrorists. The military also propagated that Jevilyn's death was a "proof" of the Cullamat clan's "deep rooted radicalization" and the "exploitation of the Indigenous Peoples' community."

Jevilyn was witness to the "Liangga Massacre" where paramilitary group Magahat-Bagani Lumad killed Lumad leaders on September 1, 2015 including Manobo leader Dionel Campos, a first cousin of Congresswoman Eufemia Cullamat, and Juvello Sinzo, a relative. The paramilitary group is still free and has not been brought to justice.

In a televised briefing on November 30, 2020, President Rodrigo Duterte said that the Lumad who became rebels should go home because they are being deceived by the NPA, that many Lumads have already died, and that if it continues, the Lumads will become an extinct tribe. He mentioned the death of Jevilyn and said, "Let a woman fight a soldier, she will surely die."

Last July 2017, President Duterte threatened to bomb Lumad schools, claiming that they taught students subversion and communism. Indigenous peoples' group Save Our Schools Network documented 584 cases of attacks ranging from school-related extrajudicial killings to sexual harassment cases from May 2017 to July 2019. In 2019 alone, 55 Lumad schools in the Davao region, villified by the military as training centers for NPA rebels, were shut down by the Department of Education.

The Commission on Human Rights (CHR) launched their own investigation of the incident upon the complaint of Congresswoman Cullamat. The CHR found that it "cannot find good reason" in the military's decision to pose with the dead body of Jevilyn alongside seized firearms and communist flags.

Jevilyn was buried on December 3 in a public cemetery in Lianga, Surigao Del Sur but Congresswoman Cullamat could not be present because of threats to her life. #

Case No. 24

Asset freeze and forfeiture cases v. RMP” (Threats and red-tagging)

The Rural Missionaries of the Philippines (RMP) is a national, inter-congregational, and inter-diocesan organization engaged in missionary work, adopting the Vatican’s declaration of preferential option for the poor. Members of the RMP work directly with the oppressed in rural areas to form democratic Christian communities.

The National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) has relentlessly red-tagged and maligned RMP, labelling them as terrorists. The Task Force even bragged in public fora that they have spoken to members of the European Union and urged them to stop funding RMP as it is allegedly an aboveground organization of the Communist Party of the Philippines.

Due to the constant red-tagging, the RMP sought protection and joined human rights watchdog Karapatan and progressive women’s group Gabriela in filing a petition for a writ of *amparo* and habeas data. Not only was the petition denied after a railroad hearing, National Security Adviser Gen. Hermogenes Esperon also used it as a basis to file a reprisal suit of perjury against these groups.

The attacks on RMP intensified in December 26, 2019, when the Anti Money Laundering Council (AMLC) issued Resolution TF-18 that ordered a 20-day freeze for three bank accounts with the Bank of Philippines Islands (BPI) belonging to the RMP-Northern Mindanao.

It then ordered BPI to submit details of RMP-related bank accounts and the BPI also froze at least 12 bank accounts, two of which are accounts of the RMP National Office. This was based on the very vague reasoning that there is “probable cause that the BPI accounts of RMP are related to terrorism financing”.

On February 26, 2020, the RMP received a copy of a resolution of the Court of Appeals dated February 11, 2020 granting the AMLC’s petition to extend the freeze order to six months and instead of the original 3 bank accounts, it has resolved to include in the extended freeze order all mentioned related bank accounts totaling to 15 bank accounts – four (4) for the National Office and eleven (11) for the Northern Mindanao Sub-Region.

These accounts were created and maintained for completed and on-going projects of RMP, as well as for its internal operations. The Court of Appeals yielded to the reasoning of the AMLC, which asserts that there was an “imperative need...to prevent RMP/RMPNMR from withdrawing these funds to further prevent terroristic activities of the CPPNPA.”

Even after six months has passed, the RMP was still not able to access their accounts. On September 23, 2020, the RMP was informed that a case for civil forfeiture has been filed at the Manila court against the RMP and RMP-NMR. A hearing for an Asset Preservation Order (APO) was held last October 2020 and the APO was granted, rendering the funds inaccessible while the case is pending.

As of this time, the civil forfeiture case is still pending. The freezing of the funds affected the projects and operations of the RMP, making it hard for them to fulfill their organization’s mandate of serving the poor. #

Case No. 26

(Recommended for Plenary Hearing Priority #1)

**“MAKABAYAN Bloc in Congress”
(Threats, Red-tagging)**

Bayan Muna (People First), Gabriela Women’s Party and Kabataan (Youth) Partylist are members of the political opposition, collectively known as Makabayan (Patriotic) bloc, the progressive partylist groups in the House of Representatives. They have filed numerous pieces of legislation that are aimed at improving the condition and protecting the rights of marginalized sectors which include peasants, workers, urban poor, women, LGBTQIA+, students and the youth.

Considering their track record in exposing the ills of State policies that run counter to the promotion of civil, political, economic, social and cultural rights, the Makabayan bloc has consistently been the open target of the atrocious vilification campaign by the administration of President Duterte.

During the campaign period of the 2019 national elections and even during the election period, the Makabayan bloc and its member organizations were vilified and accused of being terrorist front organizations by Gen. Antonio Parlade Jr., a high ranking army official and a spokesperson of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC).

Gen. Parlade publicly attacked and vilified the Makabayan bloc in various media platforms, referring to it as “Kamatayan” (Death) bloc in Congress.

Bayan Muna Representative Carlos Zarate was accused by Gen. Parlade of using the Lumad (indigenous peoples in Mindanao) for the advancement of the causes of the underground Communist Party of the Philippines, in the guise of calling for the reopening of certain Lumad schools. Gen. Parlade baselessly claimed that these Lumad schools are allegedly being used by the rebel New People’s Army as training ground for future red fighters.

Towards the end of 2020, Rep. Zarate, who is also an adviser of the National Union of Peoples’ Lawyers (NUPL), was likewise publicly vilified by no less than President Duterte and called him names, such as “hypocrite” and “chauvinist pig.” President Duterte claimed that Rep. Zarate’s lifestyle should likewise be open to scrutiny, questioning his capacity to send his son to a European school and thereby insinuating corruption.

Meanwhile, Kabataan Partylist Representative Sarah Elago was also accused by Gen. Parlade and other members of the NTF-ELCAC, of recruiting minors to the rebel underground movement and poisoning the minds of the youth to go against the government. Trumped-up charges against her and other activists were filed but some of them have already been dismissed by the Department of Justice itself for lack of basis.

Like Rep. Zarate, Rep. Elago has been the object and subject of vicious vilification in posters, tarpaulins, media and social media platforms both by the NTF-ELCAC and by trolls and anonymous authors.

Rep. Zarate and Bayan Muna filed a complaint before the Commission on Elections against Gen. Parlade for his partisan political activity during the national elections when he actively engaged himself in negative campaigning against Bayan Muna on April 17, 2019. This complaint remains pending before the Commission.

In early and late 2020, both Representatives have pursued separate administrative and criminal cases in the Office of the Ombudsman against Gen. Parlade and some members of the NTF-

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ELCAC including Lorraine Badoy, an Undersecretary of the National Security Adviser Gen. Hermogenes Esperon Jr., Vice-Chair of both the NTF-ELCAC and the AntiTerrorism Council who has also red-tagged Makabayan. They charged Gen. Parlade and the NTF-ELCAC members of misusing public funds in their baseless and malicious redtagging activities.

The cases remain unacted upon as of date despite several follow-ups. #

Case No. 30 Commission on Human Rights (Threats/Red-tagging)

The Commission on Human Rights (CHR) had long been vocal against the war on drugs waged by the Duterte government and the extrajudicial killings that came along with it.

The House of Representatives tried to emasculate this independent constitutional body by cutting its budget to a mere at 1,000 pesos or merely 20 US dollars. The then Speaker of the House, who was then a close ally of the President, tried to justify this decision by saying that the CHR was only concerned with the rights of criminals. He went on to say that if the CHR was truly concerned with the rights of criminals, then the agency should just ask the criminals for their budget.

President Duterte himself slammed the CHR for criticizing his war on drugs. In a speech before the 2nd Infantry Battalion of the Philippine Army, he said, "*Itong Human Rights, mamili ka* (These human rights...pick). Is it the comfort or safety of the population or the lives of criminals?"

In 2017, President Duterte attacked CHR Chairman, and member of the 1987 Constitutional Commission, Chito Gascon, accusing him of being a pedophile after the CHR expressed concern over the growing number of teenagers being killed in the drug war. He said,

"Itong si Gascon...parang pedophile kang putang ina ka! Bakit ka mahilig masyado sa teenager (This Gascon...he is like a pedophile, son of a bitch! Why are you so fond of teenagers)? *Nagdududa tuloy ako eh. Bakla ka o pedophile ka?* (I now have my doubts. Are you gay or a pedophile)? Why is this guy suffocated about the issue of young people, especially boys? Are you a pedophile? Do you want the young? You almost cry blood. Of course it's repugnant. You are so fixated with young males. So I have doubts if you are a pedophile, *gago ka* (you are stupid), idiot!"

Despite the political attacks, the CHR remained vocal about draconian policies of the Duterte government, such as the implementation of E.O. 70, or the Executive Order which institutionalized the National Task Force to End Local Communist Armed Conflict (NTFELCAC). It called for the rescission of the executive order, following the mass attacks on human rights activists since the beginning of 2020.

Because of this, NTF-ELCAC Spokesperson Gen. Antonio Parlade slammed the CHR anew, accusing them of siding with the Communist Party of the Philippines and its front organizations. Parlade said the CHR "continuously parrots the lies" of CPP front organizations, "in synch with the United Nations Commission on Human Rights investigation" of alleged crimes of the Duterte government. National Security Adviser Hermogenes Esperon Jr. likewise taunted the CHR, asking "Does CHR job involves (sic) counter-insurgency. Why call for the E.O. 70 to be abolished?"

In October 2020, on the heels of the United Nations Human Rights Council Resolution endors-

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ing the technical assistance and capacity building measures to address the human rights situation in the country, Gen. Parlade criticized both Chairperson Gascon and Commissioner Karen Dumpit. Gen. Parlade castigated Dumpit for her reaction to the said Resolution and accused her of becoming a “mouthpiece of the Kamatayan (Death) (Makabayan) bloc and its allies like Karapatan.” #

Case No. 31

“Norzagaray” (HRVs during the Pandemic)

On 19 April 2020, members of the Philippine National Police apprehended at a check point six volunteer workers on their way to deliver food packs and relief goods to agricultural workers residing in Norzagaray, Bulacan province, north of Manila.

The six individuals—Karl Mae San Juan, Tobi Estrada, Eriberto Peña Jr., Raymar Guaves, Roberto Medel, and Marlon Lester Gueta—volunteered for the relief mission being conducted by Oplan *Sagip Kanayunan* (Save the Countryside) and *Tulong Anakpawis* (Help the Toiling Masses). They are members of progressive groups Kilusang Magbubukid ng Pilipinas (KMP), Unyon ng Manggagawa sa Agrikultura, Alyansa ng Magbubukid sa Bulacan, and Sining na Naglilingkod sa Bayan (Sinagbayan).

The police stopped the vehicle carrying the volunteers and the relief goods at the check point on the boundaries of Norzagaray and San Jose del Monte City at around 10 a.m. They were also carrying copies of old issues of alternative media *Pinoy Weekly* news magazine and KMP’s *LINANG* newsletter.

After inspecting the passengers and the vehicle, a man in plainclothes who appeared to be a police officer ordered them to proceed to the Norzagaray Municipal Police Station. The volunteers were not apprised why they were brought to the municipal police station.

By noon, former progressive Anakpawis Party-list Representative Ariel Casilao arrived at the police station to discuss the release of the volunteer relief workers. Despite failing to provide any reason for the volunteers’ detention, the municipal police continued to refuse their release. It was only around 1:30 p.m. when the police allowed the volunteers to leave after reaching an agreement with Norzagaray police chief Lt. Col. Jaime Quicho that the relief goods will be turned over to a village officer.

However, Casilao and the volunteers were later called back to the station and then brought to the Bulacan Provincial Police Office located in Malolos City. At the provincial office, Casilao and the volunteers experienced verbal harassment and vilification from Provincial Police Director, PGen. Rhodel Sermonia. Police officers suddenly laid out flyers and tarpaulins of *Sagip Kanayunan* and *Tulong Anakpawis*, while taking videos of Sermonia admonishing Casilao and the volunteers.

Copies of *Pinoy Weekly* and *LINANG* were confiscated by the police. Also seized was the Food Pass issued by the Bureau of Fisheries and Aquatic Resources under the name of Anakpawis Party-list, which they had been using in the conduct of relief operations in other provinces. Casilao and the six volunteers were later brought back to the Norzagaray Police Station for inquest proceedings for alleged violations of enhanced community quarantine protocols. Before the Office of the Provincial Prosecutor of Bulacan, all seven were charged with alleged viola-

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tions of (1) Section 9 of Republic Act No. 11332 (Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act); (2) Article 151 (Resistance and disobedience to a person in authority or the agents of such person) of the Revised Penal Code in relation to Inter-Agency Task Force (IATF) directive dated April 2, 2020 and Department of Health's Department Order No. 2020-0090; and (3) Section 4 of Presidential Proclamation No. 922, s. 2020.

Police claimed that the volunteers and Casilao failed to present a valid travel permit or a quarantine pass.

The police also charged the six volunteers also with attempted inciting to sedition under Article 142, Revised Penal Code, for allegedly planning to distribute pamphlets containing anti-government sentiments such as “#OUST DUTERTE SA PANAHON NG 2019-NCOV, LABANAN ANG NEOLIBERAL NA ATAKE MANGGAWA AT MAMAMAYAN NG REHIMENG US-CHINA DUTERTE” (Oust Duterte in the time of 2019-NCOV, Fight neoliberal attacks against workers and people by the US-China-Duterte regime). The pamphlets seemed to refer to old issues of *Pinoy Weekly*.

Meanwhile, Casilao was charged with Usurpation of Authority under Article 177, Revised Penal Code. The charge stemmed from his alleged misrepresentation that he was still a member of the Philippine Congress and the current representative of Anakpawis Partylist.

The Prosecutor found probable cause to indict (1) all seven for violation of Section 9 of RA 11332; (2) the six volunteers for inciting to sedition; and (3) Casilao for usurpation of authority. All seven were released on bail on 22 April 2020.

On 13 May 2020, the Municipal Trial Court (MTC) of Norzagaray, Bulacan dismissed the charge for violation of Section 9(d) of RA 11332 against Casilao and the six volunteer relief workers. The other cases however remain pending at the lower court. #

Case No. 32 (Recommended for Plenary Hearing Priority #1)

San Roque 21 (HRVs During Pandemic)

On April 1, 2020 residents of the urban poor community Sitio San Roque in Barangay (village) Bagong Pag-asa, Quezon City heard from a local resident and a local barangay official that there would be a distribution of relief aid from a TV station to the community.

The residents, daily wage earners who have not received any food or financial aid from the government since work was officially suspended March 17 due to the COVID-19 pandemic, got wind of this and started queuing in EDSA, Metro Manila's major thoroughfare, just outside their urban poor community.

A van of the TV station was also on standby near the area, lending credence to the promise of relief. Nearly 1,000 people showed up and stood in line but the rumor turned out to be false and there was actually no relief operation to be conducted. Instead, some of the residents were randomly given placards by people they did not know or recognize and members of media then started asking them about their grievances against the Quezon City local government.

A few peacefully expressed their grievances against the lack of food supplies, medical services, and government action since the lockdown declared by President Duterte on March 15, 2020. This led media to misinterpret the gathering as a protest action.

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After a while, officers of the Quezon City Police District (QCPD) personnel armed with riot shields and batons arrived and gave the residents 10 minutes to disperse but because of the size of the crowd, they were not able to do so in time which led the police to chase them down and arrest 21 of them.

Jocy Lopez, one of the residents who was first in line, heard the order of dispersal and shouted to the queue that they were being asked to leave but the police suddenly took her by the arm and also pulled in those they could collar. Those at the end of the line said that they were just suddenly apprehended and made to lie on the ground while two of those arrested said they were not in the queue at all and were merely passing through when they were accosted.

The arrested were held at the Criminal Investigation and Detection Unit custodial center, the unit led by Police Chief Inspector Elmer Monsalve. On April 3, 37 hours had elapsed since they were arrested and no charges have been filed against them so some relatives of those arrested filed a habeas corpus petition before the Quezon City Regional Trial Court to seek their release. However, the formal charges were filed the same day at the trial court.

They were charged with unlawful assembly or violation of the Batas Pambansa Bilang 880; non-cooperation in a health emergency under Republic Act (RA) No. 11332; resistance to authority or Article 151 of Revised Penal Code; and spreading false information and impeding access to roads under President Rodrigo Duterte's special powers under the Bayanihan to Heal as One Act (RA No. 11469).

The night of the incident, President Duterte went on a televised address and ordered the police and the military to shoot quarantine violators dead if the latter caused disorder and the situation arose that the police authorities' lives are put in danger.

As response to the plea of the hungry residents, President Duterte said not to intimidate and challenge the government "because they will surely lose" and to just wait for government assistance even if it is delayed. He also warned urban poor group Kadamay, which was accused of instigating the residents to stage the protest, not to cause trouble because they would be detained until the outbreak ends. Kadamay denied that they were behind the protest since they were busy at the time organizing a community kitchen.

On April 6 the QCPD stormed the community kitchens in Sitio San Roque, organized by the residents, to take down the protest placards demanding for food, mass testing, and other social services hung in the kitchens. The QCPD Station 2 chief Lieutenant Colonel Rodrigo Soriano claimed that even community kitchens are banned under the Luzon-wide lockdown but the national guidelines do not provide so.

The posting of bail of the 21 residents was delayed because some of the residents did not have their IDs and the court staff initially did not accept the photos of the arrested residents because they were not printed on photo paper. After five days in jail, all the arrested were able to post bail amounting Php 367,500 (more or less USD 7,500) raised through donations and they were released on April 6. The charges against the residents are still pending. #

Case No. 33

Pride 20 (HRVs During Pandemic)

On June 26, 2020, the officers of Quezon City Police District (QCPD) arrested at least 20 people --dubbed as #Pride20-- at a Pride March protest of the LGBTQ+ community near the presidential palace in Manila during the pandemic lockdown.

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They were charged with disobedience of persons in authority in relation to a law on reporting of communicable diseases and the Public Assembly Act despite the protesters observing physical distancing and other health protocols.

The protest was held to celebrate Pride month—to call for the end of violence and discrimination against members of the LGBTQ+ community; for the passage of an antidiscrimination bill; and for the junking of the anti-terrorism bill, among others.

Bahaghari, an LGBTQ+ rights group, led the protest. Rey Valmores-Salinas, the group's spokesperson and one of the arrested said the protest program was peaceful and that they were merely exercising their right to freedom of speech and peaceful assembly. The entire protest was being streamed in several social media platforms through a live video coverage and it can be seen that the protesters were practicing physical distancing and wearing face masks.

The program was peacefully conducted until the group were surrounded by policemen in anti-riot gear. One of the participants of the protest Andrew Zarate approached to negotiate with one of the police officers who appeared to be in command later identified as James Cabales and asked that they be allowed ten minutes to finish their program but Cabales denied the request.

Zarate instead asked that they be given a minute to peacefully disperse but while the negotiation was still ongoing, Cabales ordered his men to take Zarate who was then tackled and dragged towards the police formation. Salinas saw Zarate being taken away so she came to his aid and tried to hand onto him but a police officer approached her and hit her in the head with a shield.

The police officers, on the other hand, claimed that one of the protesters became unruly when he allegedly and intentionally sprayed liquid substances on the police officers which resulted to the commotion but the said protester was not identified. This was also belied by the testimony of those arrested in their counter-affidavits.

When the protesters were arrested, they kept asking why they were being arrested but they were not given any response. An arresting officer also threatened Aljohn Estrella, one of the arrested, that he would be killed if he continued resisting which caused great fear on Estrella so he pleaded to be put in the vehicle where his other companions were taken.

The two drivers hired by the protesters to drive the two vehicle used for the protest were also arrested. The keys of the vehicle were also taken by the police officers and the vehicles were used by the police officers without consent from the protesters to transport some of the arrested to the police station.

They were taken to the Manila Police District Headquarters using the two vehicles. Joan Paz-Bonganay, one of the arrested, tried to retrieve the keys of their vehicles from the police officer who drove the vehicle but the latter only returned it after the protesters warned him that they will file a carjacking charge against him.

Salinas, a transwoman, also reported experiencing discrimination from the police officers after they refused to let her stay with female detainees in their quarters. She was only allowed to stay with female detainees after intense collective negotiations by the group's lawyers and intervention of some female detainees.

After she was placed inside the detention room for women, she heard insults and jeers from the police officers. One remarked "that's a man!" and another repeatedly misgendered her by calling her "sir" despite being repeatedly corrected. She and her companions were made to stay in a small space in the corner of the Headquarters while the police did not give them beddings, blankets, pillows, or food and they had to rely on donations from friends and concerned citizens.

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The charges against the protesters were dismissed by the Manila Prosecutor's Office due to lack of probable cause. The fiscal said in her resolution that while the march and protest was an illegal assembly because of the lack of the required written permit from the office of the local government of Manila City, only leaders or organizers of the rally can be held punishable under the law.

The complaining police officers failed to name who among the respondents were the organizers and leaders so they are assumed to be mere participants. Participants to a public assembly even without permit can only be dispersed peacefully from the assembly and cannot be held criminally liable.

The Prosecutor also cited the video footage of the march and the rally to note that it was staged peacefully and with observance of the health protocols for COVID-19 were it not for the police officer who collared Andrew Zarate. There was also no resistance and disobedience since the protesters did obey the order of dispersal but it was the police officers who prevented the participants from leaving the area, surrounded the vehicles of the protesters, and proceeded to arrest them. Lastly, there was no violation of the law prohibiting non-cooperation of persons identified as having a notifiable disease since there was no information that the protesters were afflicted by any disease, particularly COVID-19, that required them to notify the authorities.

The victims filed criminal and administrative countercharges for, among others, physical injuries, carnapping, qualified sexual harassment, grave misconduct, and violation of the Public Assembly Act against against the police in July 2020 before the Ombudsman and is still before the Case Evaluation Unit of its Military and Other Law Enforcement Office (MOLEO). #

Case No. 36

Cebu 8 (HRVs During Pandemic)

In the morning of June 5, 2020, 40 mostly young and student protesters were converging outside the gates of the University of the Philippines in Cebu in preparation for a protest action against the enactment of the Anti-Terrorism Bill.

The participants were wearing face masks and observed physical distancing as they lined up from the University gate but the dispersal unit of the Philippine National Police (PNP) Cebu, warned the protesters that they are only allowed 15 minutes to conduct their program.

Meanwhile, they police were checking quarantine passes and whether there were minors participating in the protest action. However, only a few minutes had just lapsed when the heavily-armed policemen and plain-clothed agents started an indiscriminate and violent arrest of the protesters and onlookers.

During the dispersal, some student protesters retreated inside the University grounds hoping to be protected by an accord with the Defense Department which prohibits police personnel from entering University grounds without consent from the UP administration. Nevertheless, the perpetrators chased the student protesters, prevented medical professionals from entering, and blocked delivery of food and water.

Six protesters together with two bystanders were brought to the police camp where they were detained and waited for charges. Of the two bystanders, one was a passerby who was merely taking a video of the arrest of one of the protesters and the other just happened to be near the area for an errand who asked a nearby police officer the reason for the commotion.

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Even in the complaint filed by the prosecution against the victims, nowhere in the affidavits of the arresting officers was the specific participation of each accused indicated. It merely contained generalized and blanket accusations against the victims that they were organizers or leaders of the rally.

The victims were tackled, choked, and handcuffed by the arresting officers and plainclothed agents during the violent dispersal. They were also verbally abused by the police officers when they were in the latter's custody because of their inquiries for the grounds for their arrest. They were not apprised of their rights as arrested and detained persons nor were they informed of the basis of their arrest and detention.

There were three charges against them: Public Assembly Act of 1985 Public Assembly Act of 1985 (BP Blg 880) for the alleged conduct of a protest action without proper permit, Republic Act No. 11332 for the alleged non-reporting of persons identified as having COVID-19, and Article 151, paragraph 2 of the Revised Penal Code for alleged resistance or disobedience to a Person in Authority.

The victims, in their counter-affidavits, denied the charges and asserted that the protest action was not illegal and that they were not protest leaders or organizers, that they were not COVID-positive patients or suspected patients required to report their status, and that there was no lawful order that was disobeyed since the right to peaceful assembly and free speech are constitutionally protected rights. Moreover, the police started arresting people even before the 10-minute duration for the order of dispersal elapsed and before the police were able to check for their quarantine passes.

In their counter-affidavits, the victims maintain that their arrest is invalid since there is no law which criminalizes participation in protest actions. Even the Public Assembly Act of 1985 only allows the arrest of protest leaders or organizers in case of an illegal assembly. However, the protest action does not need a permit since it was conducted in an area within a government-owned or operated educational institution like UP Cebu.

They also pointed out that there are currently no national or local laws penalizing mass gatherings let alone peaceful protests during pandemics. Although there are omnibus guidelines from the Inter-Agency Task Force on Emerging Infectious Diseases, a task force organized by the executive of the Philippine government to respond to the pandemic, and an executive order of Cebu City which prohibit "mass gatherings," these are not laws that can prohibit and penalize protest actions.

At most, these may impose reasonable guidelines such as social distancing, the use of prescribed facemasks, and proper sanitation. All of these were observed by the victims and their fellow protesters. In fact, it was the arresting officers who failed to practice social distancing as shown by pictures when they were preparing to arrest the protesters.

A trial court judge ordered the release of the victims the same day of the arrest but it was only after three days that they were released. One of the three charges (mandatory reporting of COVID-19 positive status) was dismissed for lack of merit since there was no allegation or any evidence to even suggest that the accused were identified as having COVID-19 at the time of their arrest. The remaining two charges remain pending. #

Case No. 38

**Maria Beltran
(HRVs During Pandemic)**

Filipino artist Maria Beltran was arrested without warrant at past midnight Sunday of April 19, 2020 at her bar and café in Cebu City. Since the government lockdown in Cebu began, no restaurants were allowed to have dine-in customers so when the police operatives of Regional Intelligence Division and Regional Anti-cybercrime Unit (RACU) entered her room on the second floor and arrested her, no one was aware of it until her staff discovered her absence the next morning.

Police operatives told her that they came to arrest her but when she asked for a warrant of arrest, they answered that they will handcuff her if she refuses to go.

Her arrest was triggered by a satirical Facebook post that described Cebu City as being the “epicenter” of COVID 19 “in the whole Solar System” after an area in Cebu reported to have the most COVID-19 cases in the city. This earned the ire of the Cebu City Mayor Edgardo Labella who shared Beltran’s post and said that the post is fake news and is a criminal act, that Beltran would soon be caught by the Philippine police Cybercrime Unit and would be thrown into jail.

After Mayor Labella threatened Beltran, she took down her post upon the advice of her lawyer and issued a statement on her Facebook page that said the post was not meant to spread confusion or fear and it was obviously satirical.

She was taken to the Police Regional Office 7 headquarters in Camp Sergio Osmeña on Jones Avenue, where the PRO-7 cybercrime unit is located. Beltran recalled that she was brought inside the conference room of the headquarters and handcuffed to a chair. There were no instructions to the officers as to how she would be allowed to rest so she maneuvered herself to sleep in a plastic sofa.

Around noon, she was moved to the holding cell in the men’s section because it would be easier for the officers to just watch one place. A short while, Brigadier General Albert Ferro, Central Visayas’ police director, came to interrogate her without the presence of her counsel and asked whether she is a member of leftist partylist Bayan Muna, which she denied since her only affiliation is with art groups.

It was only after more than 15 hours since her arrest that Beltran was able to talk to her legal counsel since the latter was not allowed to while Mayor Labella was still talking to Beltran inside the police station.

Beltran was released after three days when she posted bail. All the cases against her were eventually dismissed, the judge ruling that the post is satire, a “constitutionally protected speech.” nable arrest, search and seizure because the allowed instances of warrantless arrests were not present. #

Case No. 39

Ronnel Mas (HRVs During Pandemic)

On May 11, 2020 the National Bureau of Investigation (NBI) arrested without warrant Ronnel Mas, a public high school teacher, who during the pandemic lockdown posted on Twitter that he will give a P50-million reward to anyone who would kill President Rodrigo Duterte.

NBI Director Eric Distor instructed the agency to search for Mas but Mas had deactivated his Twitter account. This prompted the NBI agents to search for him until he was eventually traced to his residence in Zambales in Central Luzon.

Mas did not initially admit owning the Twitter account subject of the case alleging that someone made a fake Twitter account using his name. However, according to NBI Dagupan District Office chief Rizaldy Jaymalin, Mas eventually broke down and admitted to the deed. Jaymalin also alleged that Mas voluntarily surrendered the Iphone that he used to write the tweet.

Mas was charged with inciting to sedition in relation to the Cybercrime law and for violation of the Code of Conduct for Public Officials.

The case was eventually dismissed by the Olongapo City Regional Trial Court by ruling that the warrantless arrest was invalid explaining that the NBI violated the constitutional right of Mas since he was not committing any criminal act at the time of the arrest owing to the appreciable lapse of time of six days between the arrest and the commission of the crime charged and the uncertainty of the identity of the author of the tweet.

While Mas gave an interview to the media where he apologized to the President and basically admitted that he is the author of the tweet, the Court said it did not cure the invalid warrantless arrest since the supposed extra-judicial admission made by Mas was not included in the records submitted to them.

Moreover, the “voluntary” confession was made without the assistance of counsel when Mas experienced deep stress after being accosted during the arrest, the coercive atmosphere of being alone with police officers in the vehicle which transported him, and the humiliation of being presented to the media.

A day after Mas’ arrest, the police nabbed a construction worker in Aklan province in the Western Visayas region who made a Facebook post where he offered P100-million to anyone who could kill President Duterte. Like Mas, he was charged with inciting to sedition. In Agusan Del Norte in Mindanao, a salesman was arrested for a Facebook post where he called President Duterte “buang” (fool) and was charged with cyberlibel. A month prior to Mas’s arrest, a social media user’s comment on the government’s choice of buying a P2-billion private jet last 2019 which could have been spent for the pandemic instead landed him in legal trouble with the NBI.

Mas was released after eight days of detention and payment of P72, 000 bail.

The NBI refiled the case against Mas and attempted to remedy the gaps in their evidence which led to the case’s earlier dismissal. However in a resolution dated February 16, 2021, Acting Provincial Prosecutor Jose Theodoro Leonardo Santos dismissed the case for “lack of probable cause” after the NBI failed to prove that it was Mas who posted the tweet. The refiled case suffered from the same procedural lapses that led to the case’s first dismissal. Mas’ lawyer said that the NBI’s move to refile the case was an effort to further harass Mas. #

Case No. 41

**Margarita A. Valle
(Ineffectiveness of Domestic Remedies)**

In the morning of June 9, 2019, Margarita Valle, a journalist, arrived at the airport in Misamis Oriental in the island of Mindanao to board a flight back to Davao City where she is a resident. While waiting for her flight, Valle sat in one of the fast food shops and started finishing some work on the interviews which she had just conducted.

Thereafter, several men in civilian clothes approached her. One of them, who later introduced himself as an officer of the Criminal Investigation and Detection Group (CIDG) from the Philippine National Police, informed her that she had a warrant of arrest and commanded her to come with them.

Valle asked for the said warrant of arrest. The CIDG officer merely showed her a piece of paper inside a folder that he was holding but forbade Valle from reading its contents. Since Valle was not allowed to read the warrant of arrest, she asked the CIDG officer again for the reason why she was being arrested. But all her questions, demands, and pleas all fell on deaf ears.

To prove her identity, Valle showed her local newspaper (Sunstar Davao) and her Senior Citizen's identification cards (ID). However, her captors simply ignored what she did and insisted on bringing her out of the airport premises by commanding her to come with them to the police station in Cagayan de Oro so that she can clear her name.

At this point, Valle asserted her right to counsel and to make a phone call to her family to inform them that she was being arrested. She was brought into the office of the airport security. There she tried to call her family but she was only able to contact the cellular phone number of her cousin. She immediately informed her cousin that she was being arrested by policemen who were not in uniform and had no name plates.

After making that call, Valle was prevented from contacting her lawyer and the immediate members of her family. The police then hurriedly brought her out into a waiting vehicle. While inside, one of her captors confiscated all of her three cellular phones. At that point, she had no means to contact anybody, and was therefore left to fend for herself.

Valle was made to travel from one province to another in Mindanao. At one local police station, she was forced to wear an orange shirt with "CIDG Detainee" printed on it and had her finger and palms-printing, as well as her mugshot photos taken. Afterwards, she was ordered to sign at the bottom of the printed paper where she noticed that her family name was added to the name of a certain Elsa Renton.

Valle continued to assert her identity but all her assertions again fell on deaf ears. One of her captors even retorted that the name Elsa Renton was just among the many aliases she could be using. This Elsa Renton is an alleged high-ranking official of the rebel New People's Army who faces a number of criminal charges.

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Later that night, Valle was released following a public admission by the PNP that they mistook her for Elsa Renton.

After her release, Valle learned that earlier in the morning of the same day, the police released a report on the arrest at the Laguindingan Airport of a certain ELSA RENTON @Tina Maglaya/ FIDELINA MARGARITA VALLE y AVELLANOSA. It stated that they arrested Margarita Valle by virtue of a warrant of arrest for the criminal cases of Multiple Murder with Quadruple Frustrated Murder and Damage to Government Property with Criminal Case No. 508.

The warrant of arrest was issued on December 29, 2011 by Judge Bernadette S. Paredes-Encinareal, Regional Trial Court 10th Judicial Region, Branch 36, Calamba, Misamis Occidental. They termed the arrest as part of Oplan *Pagtugis* and Oplan *Salikop*. Authorities involved in the operation were elements of the PNP and the Philippine Army.

Following her ordeal, Valle filed criminal and administrative charges against the police operatives involved in her illegal arrest and detention. These criminal charges against the police officers were later on dismissed by the Ombudsman stating that she failed to adduce enough evidence to overturn the presumption of regularity in the performance of official duties by the said police officers.

The administrative charges were likewise dismissed, except for two low-ranking officers, who were meted the penalty of suspension only for a few days. #

Case No. 42 **(Recommended for Plenary Hearing Priority #1)**

“KARAPATAN and NUPL Amparo Petitions” **(Ineffectiveness of Domestic Remedies)**

KARAPATAN

KARAPATAN (Rights) is a national alliance of organizations, human rights desks and individuals working for the promotion and defense of human rights and people's rights. Because of KARAPATAN's staunch advocacy and human rights work, its officers and members have become open targets of various human rights violations themselves.

Per its data, 48 of its human rights workers have been killed from 2001 to 2019. Under the present administration, three of its workers and volunteers have been killed. None of the perpetrators have been brought to court for their crimes. Its members and officers have been experiencing relentless persecution through the filing of trumped-up criminal charges.

Since October 2017, President Rodrigo Duterte has red-tagged and vilified KARAPATAN for a total six times in his public and official speeches and press conferences. He practically declared an open season against KARAPATAN's officers and members by threatening to go after the organization, which he alleged to be a “legal front” of the underground Communist Party of the

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Philippines (CPP) and its armed wing the New People's Army (NPA).

KARAPATAN's Secretary General Cristina Palabay and its council member Reylan Vergara have been receiving death threats. Clarizza Singson-Dagatan, Secretary-General of KARAPATAN's Negros Chapter has also received various threats and harassments perpetrated by state agents.

For years, Singson-Dagatan has been vilified by local law enforcement officials as a "communist rebel" plotting to destabilize the government. She received death threats via three text messages in the days following the killing of Atty. Ben Ramos, Secretary-General of the National Union of Peoples' Lawyers (NUPL)-Negros Chapter in November 2018. The said messages warned that she "will be next."

In May 2019, KARAPATAN filed its Petition for Writ of Amparo before the Supreme Court to quell these threats. While its petition remained pending appeal at the Supreme Court after the Court of Appeals perfunctorily and summarily dismissed their case after only an afternoon of hearing, one of their members, Zara Alvarez, was gunned down in Bacolod City, Negros Occidental in August 2020. Her account was supposed to be presented as evidence for their petition. The appeal remains outstanding to date.

National Union of Peoples' Lawyers (NUPL)

The National Union of Peoples' Lawyers was founded as a nationwide voluntary association of human rights lawyers, law students and legal workers committed to the defense, protection and promotion of human rights and the assertion of national sovereignty. Most of NUPL's clients, who are given *pro bono* legal representation and related legal services, belong to the poor and marginalized sectors of society, including peasants, workers, indigenous peoples, activists, and the urban poor.

Over the years, NUPL members have been red-tagged, threatened, vilified, subjected to surveillance, and charged with nuisance cases. Many have been publicly vilified in posters or radio programs.

On 15 April 2019, NUPL filed a Petition for the Writ of Amparo and the Writ of Habeas Data with the Supreme Court to seek protection for its members' right to life, liberty and security, which have been threatened by ranking officers of the military, police and key officials of the National Task Force to End the Local Communist Armed Conflict (NTFELCAC).

The Supreme Court granted the writs on 3 May 2019 and ordered the Court of Appeals to summarily hear the case. But the latter court dismissed the petition and denied the prayers asked by the human rights lawyers.

The appeal remains pending with the Supreme Court while the red-tagging and other forms of vilification continue against NUPL and its members, the latest of which is the baseless and malicious imputation of bribery and coercion against its own clients the Aetas who were tortured by the military and charged with terrorism and other crimes. Their legal representation was usurped upon the behest of the NTF-ELCAC and the National Commission on Indigenous Peoples (NCIP).

Administrative charges against the NTF-ELCAC officials led by National Security Adviser and

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Anti-Terrorism Council Vice Chair Gen. Hermogenes Esperon Jr., spokespersons Gen. Antonio Parlade Jr. and Undersecretary Lorraine Badoy were also earlier filed by NUPL before the Ombudsman in December 2020 and remain outstanding as well. #

Case No. 43

(Recommended for Plenary Hearing Priority #1)

Almonte et.al.

(Ineffectiveness of Domestic Remedies)

On 22 April 2020, 22 political prisoners filed a petition before the Supreme Court seeking their temporary release on humanitarian grounds amid the spread of the novel coronavirus in jails and penal institutions.

The petitioners—elderly, sickly, and pregnant detainees who are most vulnerable to COVID-19 infections—asked to be allowed to post bail or be released on recognizance during the duration of the state of public health emergency and the community quarantine.

They cited the Supreme Court’s decision allowing former Marcos Martial Law implementor and then Senate President Juan Ponce Enrile to be released on bail due to his advanced age and poor health in 2015.

As the number of COVID-19 infections worsens, the petitioners invoked the equity jurisdiction of the Supreme Court as the Rules of Court do not provide guidelines on temporary release of prisoners during public health emergencies.

The petitioners also sought the creation of a prisoner release committee that would recommend the release of other detainees and prisoners similarly vulnerable to COVID19 infection throughout the country.

The petitioners are human rights defenders and activists who have been charged with trumped-up, non-bailable charges such as illegal possession of firearms and explosives, rebellion, and murder. Among them is activist Reina Mae Nasino, who at that time was pregnant with her child Emmanuelle River. Nasino gave birth during the pendency of the petition, and forcefully separated from her infant child. Emmanuelle River died in October 2020. (For more details, see factsheet on Case No. 44.)

In its comment submitted on 24 April 2020, the Office of the Solicitor General (OSG) sought the dismissal of the petition saying that “unfortunately, congestion in prison facilities is not among the grounds to release inmates.” The OSG also reasoned that the prisoners may have better access to medical care while in confinement.

The Supreme Court dismissed on 28 July 2020, three months after its filing—with the petitioners and their counsels only notified about it in September 2020. The Supreme Court treated the petition as an application for bail; it redirected the petitioners to the lower courts where their respective criminal cases are being heard.

The Court said that “In order for the Petitioners to be granted bail, it is imperative to conduct hearings and receive evidence in order to weigh the strength of the prosecution’s evidence as

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to the guilt of the Petitioners. These proceedings are within the competence of the trial courts.”

But based on abundant experience, applying for bail in a normally non-bailable offense takes a long time and a protracted and tedious process that is practically illusory because it amounts to a full blown trial to support it, much less granted. All the petitioners remain in jail with a number of them getting sick with various illnesses. #

Case No. 44

(Recommended for Plenary Hearing Priority #1)

“Reina Mae and Baby River Nasino” (Ineffectiveness of Domestic Remedies)

Reina Mae Nasino is a community organizer and a member of urban poor organization Kalipunan ng Damayang Mahihirap-Manila chapter (Kadamay-Manila). On November 5, 2019, she was sleeping over at the office of fellow activists Ram Carlo Bautista and Alma Moran in Tondo, Manila when the police barged in, purportedly to implement Search Warrant Nos. 5944 (19) and 5945 (19) issued by Cecilyn Burgos-Villavert, Executive Judge of the Regional Trial Court of Quezon City. The firearms and explosives supposedly seized from Reina Mae, Bautista, and Moran were actually planted by the police operatives.

Together with Bautista and Moran, Reina Mae was arrested and thereafter indicted for trumped-up charges of Illegal Possession of Firearms and Explosives. Reina Mae and Moran were committed at the Manila City Jail Female Dormitory (MCJFD).

At the time of their illegal arrest, Reina Mae was in the first trimester of her pregnancy. She was deprived of adequate and appropriate prenatal care as she was seen only once by a doctor throughout her entire pregnancy. This was only done prior to their transfer of detention from the police Camp Crame to MCJFD sometime in February 2020.

On July 1, 2020, Reina Mae gave birth to her firstborn, a live baby girl named River Emmanuelle. As River then weighed only 2,435 grams or about 5.5 lbs. despite being born full term at 39 weeks, she was considered a low birth weight infant. She also had infant jaundice and was placed under ultraviolet light the following day.

Considering her low birth weight, Reina Mae requested several times before the court to allow her to stay with her baby at the Fabella Hospital or at the prison nursery within the MCJFD for 12 months pursuant to Republic Act No. 10028 or the “Expanded Breastfeeding Promotion Act of 2009” to ensure that River would be properly nourished.

However, her request was denied by the court after the jail authorities claimed that they lack facilities to cater to the needs of Reina Mae and her baby. Moreover, they claimed that it is the policy of their agency to allow female detainees to be with their infants for a maximum of 30 days.

Subsequently, Reina Mae’s baby was separated from her a few days after a month from giving birth and was turned over to her grandmother. In less than two months, baby River died from pulmonary disease on October 9, a condition which could have been prevented, according to health experts, had she been properly nourished by her mother’s breastmilk.

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After a complicated and delayed process of asking for furlough to see her dying baby in the hospital, another trial court finally granted her request but only after River had died already.

Reina Mae was deprived of her right to grieve properly and with dignity as she was arbitrarily and inhumanely treated as a “high value prisoner” by the Bureau of Jail Management and Penology (BJMP), placed in handcuffs practically all the time, clothed in personal protective equipment (PPE), and guarded closely by battle-ready jail guards and police, and isolated from her family and lawyers in the abbreviated time she was given to attend her baby’s wake and burial.

Before giving birth to her baby, Reina Mae was among those who petitioned the Supreme Court in April 2020 to allow them to be released from detention temporarily and for humanitarian considerations, in the light of the COVID-19 pandemic, and also for her to be able to give birth and nurture her infant properly.

Since she was pregnant, she was considered by health authorities as among those vulnerable sectors to easily contract the virus. Her vulnerability was aggravated by the dismal and cramped conditions inside jail facilities in the country.

This petition remained pending with the Supreme Court for a couple of months without any action. It came out with a decision only before River died but Reina Mae’s lawyers from the National Union of Peoples’ Lawyers (NUPL) received it only a few days after the infant had already succumbed to illness.

The Supreme Court essentially denied the detainees’ pleas as it remanded to the lower courts the protracted and tedious determination if the petitioners who were elderly, sick and pregnant detainees may be allowed to be released on bail. She and her co-accused remains in jail to date as the charges are notailable as a matter of right. #

Case No. 45

(Recommended for Plenary Hearing Priority #1)

“Joshua Laxamana – Oplan Tokhang Victim” (Ineffectiveness of Domestic Remedies)

Joshua P. Laxamana, Julius Sebastian, and a certain “Deo”, are teenage friends from around the same neighborhood in Tarlac City, Tarlac and are all avid players of the virtual game Defense of the Ancients (Dota). (Dota is a multiplayer online battle arena video game which is played over a network.)

Joshua, 17 years old, was the most competitive among them, and already ranked as among the top players of the electronic sport from the province. Julius, 15 years old, and “Deo” 16 years old, regularly played Dota with Joshua.

Apparently bored and unchallenged, Joshua and his friends on a whim decided to go to Baguio City, Benguet to seek better rivals in the game, which can be played either over local area networks or online. They had in the past known of tournaments played in Baguio City.

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Early in the morning of 15 August 2018, the three started hitchhiking their way to Baguio, meaning to stay out only for a day. They managed to flag down and ride on a vegetable delivery truck, and then a jeepney (a popular local mode of public transport).

The friends probably ended up in the province of La Union, walking and wandering through the place disoriented. Deeming themselves lost by afternoon, they decided to go home as evening set on the same day.

Hitchhiking back home, the trio were dropped off by a delivery vehicle along a highway in Pangasinan, where an expressway directly connected to the vehicle's destination in Manila and traversing Tarlac.

The friends grappled with their next step. Joshua and Julius both insisted upon walking through, while "Deo" begged to stop, rest, and find another passing vehicle to hop on. The two walked on, leaving "Deo", who last saw them at 10:00 pm or 11:00 pm of 15 August 2018 near the Tarlac Pangasinan Expressway (TPLEX) entrance in Sison, Pangasinan.

"Deo" trudged alone and arrived home around 3:00 am, 16 August 2018. Neither Joshua nor Julius made it back. Joshua's anxious mother, Christine Pascual, searched far and wide and entertained all leads about her missing son. She eventually learned that her son was killed in an alleged shootout with the police of Rosales, Pangasinan on or about 17 August 2018.

At the police station, Christine was told that Joshua had been on a motorcycle, armed, and upon confrontation, fought back ("*nanlaban*") and evaded arrest. His body sustained several gunshot wounds. The police claimed that the boy was part of a group responsible for incidents of theft and robbery in the said province. The police allegedly recovered a pistol and sachets of dangerous drugs in his possession.

They had no record of Julius or any other person with him. Christine was able to claim the body of Joshua from the DL Funeral Homes in Rosales, Pangasinan on 21 August 2018.

The police autopsy report generally found that Joshua died of multiple bullet wounds. Christine requested for a re-autopsy of the body on 01 September 2018 with the Philippine General Hospital (PGH)-University of the Philippines College of Medicine.

In her report, forensic pathologist Dr. Raquel B. Del Rosario-Fortun opined that one of the wounds, the one on Joshua's wrist, could be considered as a defense-type of injury.

Refusing to accept the police version of events, Christine filed criminal and administrative charges before the Office of the Ombudsman against the police operatives who were part of the operation that killed her son.

The Ombudsman, however, dismissed Christine's complaint on 24 September 2019, stating that the killing of her son was a result of a legitimate police operation that was carried out within the ambit of the law.

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She appealed her complaint all the way up to the Supreme Court. However, the Supreme Court affirmed the findings of the Ombudsman.

Recently, she has moved for reconsideration of the said affirmation before the Supreme Court and but remains pending to date. #

Case No. 46

3-year Old Myca Ulpina (Ineffective Domestic Remedies)

In the morning of June 29, 2019, three-year old Kateleen Myca Ulpina was still sleeping in their residence in Rodriguez, Rizal, together with her mother, father and two younger siblings. Suddenly, armed policemen arrived, encircled their place and barged inside their house.

Myca's family was caught by surprise. Her father attempted to escape through their window by the second floor of their house where the bedroom was located. Myca unwittingly followed her father, but the police already fired shots at them.

Myca sustained three gunshot wounds, the most fatal of which was the one that entered through her nape, which caused her death the day after she was brought to the hospital. Her father was likewise killed in the incident.

As a reaction to the outcry on the death of the little girl, Senator Ronald "Bato" dela Rosa, who previously headed the Philippine National Police at the height of the *Oplan Tokhang* and *Oplan Double Barrel* antidrug campaign of the Duterte government, said that "shit happens" in an "imperfect world."

Following Myca's death, her mother Lydjay, filed criminal and administrative charges for murder and obstruction of justice, against all police officers involved in the killing of her daughter before the Ombudsman in October 2019.

However, the Office of the Ombudsman resolved to dismiss the complaint, considering that there was already a prior criminal complaint for homicide initiated by the police against just one of their colleagues who actually fired shots at Myca.

Lydjay moved for reconsideration of the said resolution in February 2020, considering that the criminal charge filed by the police was based on an entirely different theory and evidence that the police-respondents in her complaint fabricated and gathered in their adulterated crime scene. Until at present, Lydjay's motion for reconsideration remains pending. #

Case No. 47

**“Bonifacio Father and Son Case”
(Ineffective Domestic Remedies)**

Father and son, Luis Bonifacio and Gabriel Lois Bonifacio, were killed on 15 September 2016 in an alleged buy bust operation conducted by the police in Caloocan City, Metro Manila. Both died as a result of multiple gunshot wounds.

The widow of Luis and mother of Gabriel, Mary Ann Domingo, filed criminal and administrative charges for two counts of murder before the Ombudsman against the police. She vividly narrated in her complaint affidavit that several armed policemen arrived in their home at an ungodly hour on that day.

She and her three young children were bodily forced to go downstairs. Before going downstairs, she saw her husband on his knees with guns pointed at his head. She likewise saw her son, who was trying to pull away the police surrounding his father while pleading for his father’s life. Their house was likewise surrounded by armed policemen.

They were ordered by the police to stay away from their house. While they were a few meters away, they heard several gunshots from their house. Distraught, Mary Ann sought the help of the barangay officials but were only told that they could not do anything about it, much more intervene in an alleged “legitimate police operation.”

The police later claimed that Luis and Gabriel were involved in drug-related activities. When they were about to arrest them in a drug buy-bust operation, the police alleged that they were armed, resisted arrest and fought back.

Mary Ann refuted these and claimed that there was no buy-bust operation on that day. The multiple gunshot wounds sustained by her husband and son show how the police operatives outnumbered the victims, who were defenseless and unarmed, contrary to what the police asserted.

The Ombudsman downgraded the crime charged from murder to homicide and dismissed all criminal and administrative charges against the high-ranking officials involved in the said police operation.

Mary Ann moved for reconsideration of this resolution by the Ombudsman. After several months, however, her motion remains pending. #

Case No. 48

“Djastin Lopez” (Ineffective Domestic Remedies)

In the late afternoon of May 18, 2017, Djastin went out to meet some of his friends along the old railroad tracks in Tondo, Manila. After an hour, his mother, Normita, was informed by some of her neighbors that Djastin was killed by police officers along the railway. She immediately went to the railway to verify the dreaded news. When she arrived there, she saw her son lying motionless and bloody on the ground. She wanted to get near him, but the police prohibited her from doing so. The autopsy and medico-legal report revealed that Djastin died of multiple gunshot wounds.

Witnesses claimed that Djastin was pleading for his life, as police officers in civilian clothes, swarmed around and pointed guns at him. One of the witnesses narrated that one of the police pushed Djastin on the ground and then slapped him. Thereafter, another police officer shot him at close range, slapped him and then shot him again. Three more policemen came close to Djastin and slapped him as he bled to death.

The police-respondents, on the other hand, claimed that they were doing a police followup operation on the murder of a certain individual, of which Djastin was considered a suspect. When they spotted him, Djastin allegedly resisted arrest and used a firearm to fight back. This was reflected in an earlier police report. However, in a subsequent progress report, the police then claimed that Djastin was a drug suspect and he was killed, not in a follow-up operation, but in a supposed drug buy-bust operation.

Normita pressed criminal and administrative charges for murder and planting of evidence against the police officers involved in the said operation before the Ombudsman. However, the Ombudsman resolved to indict only one police officer who admitted to shooting Djastin, while exonerating the high ranking officials involved in the operation.

In August 2018, Normita, through Rise Up for Life and for Rights and assisted by the National Union of Peoples' Lawyers (NUPL), joined five other relatives of the victims in the “drug war” of the Philippine government in filing a Communication before the Office of the Prosecutor (OTP) of the International Criminal Court against President Duterte for Crimes Against Humanity.

The case is still in the preliminary examination stage but the OTP has determined in December 2020 that there is “reasonable basis” to believe that such crimes in relation to the war on drugs were committed in the Philippines.

The OTP said a decision to seek authorization to open the next stage of investigation is expected in the first half of 2021. Meanwhile, Normita and the other victims' kin submitted on 22 January 2020 a Third Supplemental Pleading in support of their Communication. #

Case No. 49

**Writ of Habeas Corpus for Alexandra Pacalda
(Ineffectiveness of Domestic Remedies)**

On 14 September 2019, six military operatives in civilian clothing arrested a volunteer of a peasant organization without warrant in Quezon province, south of Manila.

Alexandra Pacalda, a volunteer of the *Pinag-isang Lakas ng Magsasaka sa Quezon* (United Force of Farmers in Quezon/PIGLAS-Quezon), was brought to a military camp where she was subjected to interrogation without the presence of a lawyer of her choice. Military men forced her to identify alleged members of the New People's Army.

On 15 September, Alexandra, her father, and her brother signed under duress a certification at the General Luna Municipal Police Station in Quezon making it appear that Alexandra voluntarily surrendered to the Philippine Army and the Philippine National Police. They were promised that Alexandra will be released upon signing the Certification.

Alexandra was also brought to a Notary Public and made to sign an Affidavit of Voluntary Surrender, admitting her supposed membership to the Communist Party of the Philippines and the NPA and her turning over a revolver, live ammunition, and "other war material" to the police and military.

In a handwritten letter dated 17 September, Alexandra explained that she signed the affidavit while she was not in her right mind—after she was deprived of food and sleep for more than 24 hours and having underwent psywar and mental torture.

Alexandra was detained for nine days without any charges filed against her. On 18 September, Alexandra's father, Arnulfo Pacalda, wrote to the 201st Infantry Brigade leadership asking for his daughter's release. He also informed the military that he has sought the help of the regional office of the Commission on Human Rights (CHR) to process Alexandra's release. The CHR also informed the commanding officer that it will conduct investigation into the involuntary disappearance of Alexandra on the same day.

The military however refused to release Alexandra to her family despite the lack of any criminal case against her.

On 23 September, Arnulfo filed a petition seeking the issuance of a writ of habeas corpus before the Supreme Court. On the same day, Alexandra was charged with violations of Republic Act (RA) No. 9516 (on the Unlawful Manufacture, Sales, Acquisition, Disposition, Importation or Possession of an Explosive or Incendiary Device) and RA No. 10591 (Comprehensive Firearms and Ammunition Regulation Act) before a lower court. In a 2 October notice, the Supreme Court issued a writ of habeas corpus. The Supreme Court then referred the petition to the Court of Appeals for appropriate action. The Court of Appeals issued on 9 October and ordered respondent military officials to make a verified return.

In its Return dated 10 October, the Office of the Solicitor General accused Alexandra and her counsels as playing victim ("*pa-victim*"). The Solicitor General insisted that Alexandra was a member of the NPA based on the 17 September 2019 affidavit she signed. The OSG also informed the appellate court that Alexandra has been transferred to the Bureau of Jail Management and Penology's Lucena City Jail Female Dormitory on 9 October.

On 29 October, the Court of Appeals dismissed the petition for habeas corpus, saying that the filing of the criminal cases against Alexandra has rendered it moot. The subsequent filing of charges against Alexandra barred her release from detention. #

Annex 3: 13 Cue Card Summaries

The following are the Cue Card Summaries for 13 out of 49 illustrative cases that form the basis of this investigation. These 13 cases are those which are not covered by the Fact Sheets in Annex 2. Please note that these summaries are just preliminary sketches. They will be further vetted and and elaborated upon.

CASE SUMMARY

Case No. 3	Extra-judicial Killings
Nature of the case	Murder and red-tagging
Victim/s	Atty. Benjamin Ramos Jr.
Perpetrators	Unidentified men riding a motorcycle
Brief Description of the Incident	<p>In the late evening of 06 November 2018, two armed motorcycle-riding men shot Atty. Benjamin Ramos Jr. three times in the chest and back while he was buying from his neighborhood's variety store in Kabankalan City, Negros Occidental. Ramos's neighbor saw the perpetrators late afternoon of the same day in front of their house.</p> <p>Atty. Ramos was the secretary general of the National Union of Peoples' Lawyers in Negros Island. He also served as executive director of the Paghidaet sa Kauswagan Development Group (PDG), a non-governmental institution assisting peasants in Negros. He also represented many political prisoners.</p> <p>Before his murder, Atty. Ramos was tagged as a member of the the underground Communist Party of the Philippines National Democratic Front of the Philippines-New People's Army) in a poster put up by the Philippine National Police in Moises Padilla, Negros Occidental, a few months before his murder. Before his death, he was part of the legal team that assisted the victims of the massacre of farmers in Sagay.</p> <p>Members of the NUPL who attended his wake and burial were tailed and threatened by armed personnel later identified to be members of the Philippine Army. Criminal cases were filed against these two men and the cases are reportedly still pending while they are out on bail.</p> <p>To this day, no substantial results in the investigation by the National Bureau of Investigation or by any government body is known on Ramos' murder. Meanwhile, Atty. Ramos' wife reported that she herself has been subjected to surveillance by unidentified persons. #</p>

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Case No. 4	Extra-judicial Killings
Nature of the case	Murder
Victim	Jose Reynaldo “Jory” Porquia
Perpetrators	Unidentified armed men
Brief Description of the Incident	<p>Jose Reynaldo “Jory” Porquia was a known human rights activist in Iloilo City. He served as the coordinator for Bayan Muna (People First) in Iloilo, a progressive party-list in the House of Representatives that represents the poor and marginalized sectors.</p> <p>Prior to his killing, Jory was harassed by the police for his relief efforts during the lockdown and his conduct of educational campaign as regards the COVID-19 virus and the respect for human rights despite the ongoing pandemic. He was vilified because of his activities.</p> <p>In the morning of April 30, 2020, unidentified armed men barged into his rented home in one of the towns in Iloilo. He sustained nine gunshot wounds which resulted in his death.</p> <p>There is currently no available information or report of any substantial development on the case by any government body. #</p>

Case No. 15	Illegal Arrest and Detention, Trumped Up Charges
Nature of the case	Fabricated charges of Arson and Kidnapping
Victim	Teresita Naul and the 468 journalists, lawyers, nuns and human rights defenders
Perpetrators	Philippine National Police and the military

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<p>Brief Description of the Incident</p>	<p>On March 15, 2020, Teresita Naul, who is a senior citizen and a person suffering from asthma, was arrested by the police for charges of arson and kidnapping, as a result of an alleged offensive by the New People's Army against the Armed Forces of the Philippines in 2018.</p> <p>Among those falsely charged by the military are journalists, lawyers, nuns and human rights defenders mostly from CARAGA and Northern Mindanao regions.</p> <p>Teresita Naul serves as the coordinator of KARAPATAN, a human rights watchdog in the Philippines, for the Northern Mindanao region. She is a staunch advocate for the people's right to health and other basic social services.</p> <p>She was arrested just two days after the Philippines was placed under total lockdown following the surge of COVID19 cases. She remains in prison until at present and has to endure the dismal conditions inside over-crowded and unsanitary detention facilities, despite her health frailties. #</p>
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Case No. 16	Illegal Arrest and Detention, Trumped Up Charges
Nature of the case	Fabricated charges of Kidnapping, Human Trafficking and Child Abuse
Victim	Former Congressman Satur Ocampo, ACT Teachers Partylist Congresswoman France Castro and 16 members of the National Solidarity Mission in Talaingod, Davao del Norte
Perpetrators	Philippine National Police in Davao del Norte

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<p>Brief Description of the Incident</p>	<p>On November 29, 2018, a high-profile National Solidarity Mission was conducted in Talaingod Davao del Norte, following reports of harassment against the Lumad (indigenous peoples in Mindanao) communities and the food blockade conducted by the military which seriously affected a Lumad school that houses several Lumad students and volunteer teachers.</p> <p>Part of the mission were former Congressman Satur Ocampo of Bayan Muna and Congresswoman France Castro of ACT Teachers Partylist, together with various church leaders. Bayan Muna and ACT Teachers Partylist are members of the progressive bloc in the House of Representatives.</p> <p>The mission went to rescue the Lumad students, as requested by the school administrators, after the military conducted food blockade in the area where the school was located. They took the children onboard their vehicle and were about to transport them to a safer place, when the military seized them in a checkpoint.</p> <p>The joint police and military initiated the filing of kidnapping, human trafficking and child abuse charges against former Congressman Ocampo and Congresswoman Castro, for having with them some minor Lumad students in their vehicle.</p> <p>The cases are reportedly still ongoing. #</p>
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CASE SUMMARY

Case No. 18	Illegal arrest and Detention; Trumped-up charges
Nature of the case	Trumped-up Charges
Victim/s	Atty. Kathy Panguban; Atty. Luz Perez, and Paralegal Paolo Colabres
Perpetrators	Philippine National Police
Brief Description of the Incident	<p>In November 2018, Atty. Katherine Panguban was charged before the Department of Justice with the non-bailable offense of kidnapping for assisting a mother in securing custody of her son, a minor who survived the massacre of farmers in Sagay, Negros Occidental.</p> <p>The Department of Justice dismissed the complaint, which was filed by the survivor's estranged father upon the instigation of the local police, for lack of probable cause in June 2019. Panguban is the head of the Women and Children Committee of the National Union of Peoples' Lawyers (NUPL).</p> <p>Meanwhile, in August 2020, the Quezon City Police District (QCPD) accused Sentra's Atty. Luz Perez and paralegal Paolo Colabres of misrepresenting themselves when they claimed the cadaver of slain peasant leader Randall Echanis. Echanis, chairperson of Anakpawis and deputy secretary general of the Kilusang Magbubukid ng Pilipinas, was killed inside his house in Quezon City.</p> <p>Perez, an officer of the NUPL NCR chapter, was designated as attorney-in-fact by Echanis's wife to claim his body. Erlinda Echanis had positively identify the body through a video call prior to its release to Perez and Colabres by the funeral parlor to where it was brought by the police.</p> <p>The police arrested Colabres and reclaimed the body of Echanis. Colabres was then charged with obstruction of justice. He was released after posting bail of Php36,000.</p> <p>Meanwhile, the QCPD claimed that Perez "eluded arrest" even when she has not made herself scarce and was always in the public eye through media interviews in relation to the case. Both cases are still pending. #</p>

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Case No. 25	Red-Tagging of Government Critics
Nature of the case	Filing of Disqualification Case against Gabriela Women's Party
Victim	Gabriela Women's Party
Perpetrators	National Task Force to End Local Communist Armed Conflict (NTF-ELCAC)
Brief Description of the Incident	<p>The NTF-ELCAC filed a case in 2019 against the Gabriela Women's Party before the Commission on Elections (COMELEC) and sought for its disqualification from participating in the upcoming Party-list elections. The NTF-ELCAC alleged that Gabriela Women's Party is engaged in activities that support the New People's Army and its advocacy of overthrowing the government.</p> <p>In December 2020, fake news circulated online that the COMELEC has already approved the petition of the NTF-ELCAC and as a result of which, Gabriela Women's Party is now disqualified to participate in the 2021 national polls.</p> <p>The current representative of Gabriela in the House of Representatives denounced such proliferation of fake news that intend to create confusion among the people and resulted in the disenfranchisement of women belonging to the marginalized sectors.</p> <p>Gabriela Women's Party belongs to the progressive Makabayan Bloc in the House of Representatives and particularly espouses women and children's rights in Congress. #</p>

CASE SUMMARY

Case No. 27	Threats/red-tagging
Nature of the case	Threats/red-tagging
Victim/s	Human rights workers and defenders – Karapatan
Perpetrators	President Duterte, NTF-ELCAC

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Brief Description of the Incident	<p>President Duterte, along with the National Task Force to End Local Communist Armed Conflict, had repeatedly targeted Karapatan and its members, calling it an aboveground organization of the CPP-NPA.</p> <p>Its leaders and members have been subjected to all types of attacks, from death threats to actual assassination. Atty. Ben Ramos, Zara Alvarez, and Ryan Hubilla are some of the casualties of the state-sponsored vilification. Cristina Palabay, its Secretary General received a call and several text messages on December 10, 2019 threatening to rape and kill her.</p> <p>Karapatan applied in May 2019 for the writ of amparo but the Court of Appeals in June 2019 denied their application after a summary 3-hour hearing without giving them full opportunity to present their evidence on a technicality.</p> <p>According to the Court, there was no unlawful act or omission that violated or threatened their rights. The case was appealed to the Supreme Court in July 2019 and is pending.</p> <p>Meanwhile, National Security Adviser Hermogenes Esperon filed perjury charges in July 2019 against Karapatan, Gabriela and Rural Missionaries of the Philippines for purported false attestations of their corporate registration. The cases against them were dismissed by the prosecutor except for an elderly RMP nun who is now facing trial in court.</p> <p>Karapatan also filed in December 2020 a case against National Security Adviser Hermogenes Esperon, General Antonio Parlade, Undersecretary Lorraine Badoy and Deputy Administrator Mocha Uson before the Office of the Ombudsman, accusing them of committing a crime against humanity through persecution. No information as to any action, if any, on the case has been received. #</p>
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Case No. 28	Threats/Red-tagging
Nature of the case	Red-tagging
Victim/s	National Union of Peoples' Lawyers
Perpetrators	National Task Force to End Local Communist Armed Conflict and its local counterparts, the security sector of the Executive Department, among others.
Brief Description of the Incident	<p>The National Union of Peoples' Lawyers, its officers and members have been constant subjects of red-tagging and vilification through posters, tarpaulins, media interviews, posts in social media platforms, media columns and even in government legal pleadings. They have been branded as "communists" and "terrorists", or "front organizations" of the CPP and NPA.</p> <p>NUPL together with the Union of Peoples' Lawyers in Mindanao and Public Interest Law Center have been branded as "communist fronts" by the NTF-ELCAC during a briefing with the Integrated Bar of the Philippines in November 2019.</p> <p>NTF-ELCAC's spokespersons Undersecretary Lorraine Badoy and Lt. Gen. Antonio Parlade have relentlessly maligned NUPL, accusing it of deceiving lawyers and judges to become members, recruiting lawstudents to the NPA, funneling material support to the underground, misrepresenting itself as <i>pro bono</i>, lawyering only for the armed movement, and exploiting public interests issues.</p> <p>A petition for amparo filed in May 2019 was junked by the Court of Appeals in July. The case is still on appeal before the Supreme Court.</p> <p>In December 2020, the NUPL filed an administrative complaint before the Ombusman against Parlade, Badoy and National Security Adviser Gen. Hermogenes Esperon Jr. for these continuing attacks. No information as to any action on the case is available to date.</p> <p>In January 2021, NTF-ELCAC witnesses repeated the villifications before the Senate Committee looking into the issue of red-tagging.</p> <p>This February 2021, it was falsely accused by the Solicitor General, NTF-ELCAC, the NCIP, and by the Defense Department of deceiving, coercing and bribing its clients</p>

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	Aetas into signing a Petition in the Supreme Court questionin the Anti-Terrorism Act. #
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Case No.29	Threats/red-tagging
Nature of the case	False accusation in public fora, red-tagging through flyers, surveillance
Victim/s	Civil society organizations: Ibon Foundation, Cordillera Peoples' Alliance, Churches
Perpetrators	NTF-ELCAC, Sagada Municipal Police Station
Brief Description of the Incident	<p>Ibon Foundation, an independent think-tank, was called out by NTF-ELCAC Spokesperson Undersecretary Lorraine Badoy in a TV program. She claims that Ibon's critique of the government's Build-Build-Build program is "unsurprising" because Ibon is allegedly an above-ground organization of the CPP-NPA.</p> <p>During a town fiesta in Sagada, Mountain Province, flyers bearing the caption "Deceptive Recruitment of CPP-NPA Terrorists" were distributed. The flyers listed several organizations, including the Cordillera Peoples' Alliance, as alleged communist fronts.</p> <p>Religious organizations like the Iglesia Filipna Independiente and United Church of Christ in the Philippines were not exempt from red-tagging and threats.</p> <p>During a Congressional hearing, the military tagged the National Council of Churches in the Philippines (NCCP) as a front of the CPP-NPA. In February 2021, the NCCP reported men aboard a police mobile taking pictures and videos of their compound.</p> <p>Bishops and lay members of the UCCP have been falsely charged with various common crimes in relation to their providing sanctuary and assistance to displaced indigenous Lumads. The charges and cases are ongoing while some have been dismissed earlier. #</p>

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Case No. 34	Human Right Violations During Pandemic
Nature of the case	Mass illegal arrest and detention; Threat, Harassment and Intimidation - Trumped-up charges
Victim/s	Piston 6
Perpetrators	Caloocan Philippine National Police
Brief Description of the Incident	<p>In June 2020, the Philippine government has shifted to looser health protocols, a less restrictive lockdown, and has allowed other forms of public transportation to resume operations. But the government has refused to allow jeepneys or public utility vehicle (PUV) to ply roads, three months since they were told to stop operating.</p> <p>On June 2, 2020, starving jeepney drivers and operators staged a protest in Caloocan City, Metro Manila, calling for the government to allow jeepneys back on the road and protested the government's jeepney modernization plan which would lead to their displacement and loss of livelihood.</p> <p>The police told them to stop their protest and the drivers and operators complied, but the police still brought six drivers to the Northern Police District after reassurances that it will only take a while.</p> <p>To the drivers' surprise, they were charged with violating city ordinances on social distancing and mass gatherings and for resistance and disobedience to persons in authority under the Revised Penal Code. The drivers denied resisting arrest and asserted that they were observing physical distancing rules and were wearing face masks. They were detained at a cramped custodial facility of Caloocan.</p> <p>On June 8, four of the six drivers were released on bail at P3,000 each upon the decision of the Caloocan Metropolitan Trial Court. The other two, 72-year old Elmer Cordero and Wilson Ranilla were initially not allowed bail but released on June 9 after posting bail. Their trial is still pending.</p> <p>Two of the six jeepney drivers, including Cordero, have tested positive for COVID-19 after their detention. #</p>

Case No. 35	Human Right Violations During Pandemic
Nature of the case	Mass illegal arrest and detention; Threat, Harassment and Intimidation - Trumped-up charges

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Victim/s	Activists, volunteers, and participants of Labor Day activities
Perpetrators	Philippine National Police
Brief Description of the Incident	<p>More than 50 labor and human rights activists all throughout the Philippines were arrested on May 1, 2020 as the country celebrated Labor Day.</p> <p>In Marikina City, 10 relief workers were arrested and detained by members of the PNP as they held a community feeding program and distributed food packs as part of their Labor Day activities. The relief volunteers brought placards calling for mass COVID-19 testing and were observing physical distancing when they conducted the program. They were charged with illegal assembly, resistance, and disobedience in relation to the law requiring reporting of notifiable diseases. The 10 volunteers were eventually released the next day May 2. The latter case was dismissed recently.</p> <p>Similarly, in Barangay Central, Quezon City, another group of volunteers conducted a community kitchen and distributed face shields to members of the community. Four of them were brought to the police precinct and together with 14 of the residents of the community, they were charged with illegal assembly and for violating the law on mandatory reporting of notifiable diseases. The four volunteers and 14 residents were released two days after on May 3.</p> <p>Meanwhile, two labor leaders were arrested by the police in a subdivision in Rodriguez, Rizal, just east of Manila, as they staged a protest with six other people.</p> <p>In Iloilo City, 460 km south of Manila, 42 people were arrested as they held a tribute protest in memory of activist Jory Porquia who was killed inside his home a few days prior. Charges against them remain pending.</p> <p>Labor rights groups also organized a virtually rally via Zoom and Facebook Live on May 1. After a while, police officers arrived and “invited” the group to the police station to explain the activity and to ask who instigated the online protest. They</p>
	were later released and no charges were filed against them. #

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Case No. 37	Human Right Violations During Pandemic
Nature of the case	Mass illegal arrest and detention; Threat, Harassment and Intimidation - Trumped-up charges
Victim/s	Cabuyao 11
Perpetrators	Cabuyao Philippine National Police
Brief Description of the Incident	<p>On July 4, 2020, 11 activists were arrested by combined elements of the Cabuyao City Police and the Philippine Army in Cabuyao, Laguna after several human rights groups conducted a peaceful protest against the enactment of the Anti-Terrorism Law, which was signed by President Rodrigo Duterte the day before.</p> <p>During the protest program, the Philippine Army's military truck also parked near the area where the protest was being conducted and blared out disinformation about progressive organizations, calling them fronts of the CPP-NPA.</p> <p>The activists were wearing face masks and were observing physical distancing during the program. Their protest program had already ended and they were already packing their streamers and sound system when the protesters were violently apprehended and dragged to the Cabuyao City Police Station. They suffered bruises and cuts on their arms and legs. The banners, placards, pamphlets, and speakers used in the protest were also confiscated by the police.</p> <p>On July 5, three of the arrested protesters who were minors were released. The rest were charged with violation of quarantine protocol, for conducting an illegal assembly, and resistance and disobedience to persons in authority. On July 6, the remaining activists were released on bail. The cases against them remain pending. #</p>

CASE SUMMARY

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Annex 3: 13 Cue Card Summaries

The following are the Cue Card Summaries for 13 out of 49 illustrative cases that form the basis of this investigation. These 13 cases are those which are not covered by the Fact Sheets in Annex 2. Please note that these summaries are just preliminary sketches. They will be further vetted and and elaborated upon.

CASE SUMMARY

Case No. 3	Extra-judicial Killings
Nature of the case	Murder and red-tagging
Victim/s	Atty. Benjamin Ramos Jr.
Perpetrators	Unidentified men riding a motorcycle
Brief Description of the Incident	<p>In the late evening of 06 November 2018, two armed motorcycle-riding men shot Atty. Benjamin Ramos Jr. three times in the chest and back while he was buying from his neighborhood's variety store in Kabankalan City, Negros Occidental. Ramos's neighbor saw the perpetrators late afternoon of the same day in front of their house.</p> <p>Atty. Ramos was the secretary general of the National Union of Peoples' Lawyers in Negros Island. He also served as executive director of the Paghidaet sa Kauswagan Development Group (PDG), a non-governmental institution assisting peasants in Negros. He also represented many political prisoners.</p> <p>Before his murder, Atty. Ramos was tagged as a member of the the underground Communist Party of the Philippines National Democratic Front of the Philippines-New People's Army) in a poster put up by the Philippine National Police in Moises Padilla, Negros Occidental, a few months before his murder. Before his death, he was part of the legal team that assisted the victims of the massacre of farmers in Sagay.</p> <p>Members of the NUPL who attended his wake and burial were tailed and threatened by armed personnel later identified to be members of the Philippine Army. Criminal cases were filed against these two men and the cases are reportedly still pending while they are out on bail.</p> <p>To this day, no substantial results in the investigation by the National Bureau of Investigation or by any government body is known on Ramos' murder. Meanwhile, Atty. Ramos' wife reported that she herself has been subjected to surveillance by unidentified persons. #</p>

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Case No. 15	Illegal Arrest and Detention, Trumped Up Charges
Nature of the case	Fabricated charges of Arson and Kidnapping
Victim	Teresita Naul and the 468 journalists, lawyers, nuns and human rights defenders
Perpetrators	Philippine National Police and the military
Brief Description of the Incident	<p>On March 15, 2020, Teresita Naul, who is a senior citizen and a person suffering from asthma, was arrested by the police for charges of arson and kidnapping, as a result of an alleged offensive by the New People's Army against the Armed Forces of the Philippines in 2018.</p> <p>Among those falsely charged by the military are journalists, lawyers, nuns and human rights defenders mostly from CARAGA and Northern Mindanao regions.</p> <p>Teresita Naul serves as the coordinator of KARAPATAN, a human rights watchdog in the Philippines, for the Northern Mindanao region. She is a staunch advocate for the people's right to health and other basic social services.</p> <p>She was arrested just two days after the Philippines was placed under total lockdown following the surge of COVID19 cases. She remains in prison until at present and has to endure the dismal conditions inside over-crowded and unsanitary detention facilities, despite her health frailties. #</p>

Case No. 16	Illegal Arrest and Detention, Trumped Up Charges
Nature of the case	Fabricated charges of Kidnapping, Human Trafficking and Child Abuse
Victim	Former Congressman Satur Ocampo, ACT Teachers Partylist Congresswoman France Castro and 16 members of the National Solidarity Mission in Talaingod, Davao del Norte
Perpetrators	Philippine National Police in Davao del Norte

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<p>Brief Description of the Incident</p>	<p>On November 29, 2018, a high-profile National Solidarity Mission was conducted in Talaingod Davao del Norte, following reports of harassment against the Lumad (indigenous peoples in Mindanao) communities and the food blockade conducted by the military which seriously affected a Lumad school that houses several Lumad students and volunteer teachers.</p> <p>Part of the mission were former Congressman Satur Ocampo of Bayan Muna and Congresswoman France Castro of ACT Teachers Partylist, together with various church leaders. Bayan Muna and ACT Teachers Partylist are members of the progressive bloc in the House of Representatives.</p> <p>The mission went to rescue the Lumad students, as requested by the school administrators, after the military conducted food blockade in the area where the school was located. They took the children onboard their vehicle and were about to transport them to a safer place, when the military seized them in a checkpoint.</p> <p>The joint police and military initiated the filing of kidnapping, human trafficking and child abuse charges against former Congressman Ocampo and Congresswoman Castro, for having with them some minor Lumad students in their vehicle.</p> <p>The cases are reportedly still ongoing. #</p>
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CASE SUMMARY

Case No. 18	Illegal arrest and Detention; Trumped-up charges
Nature of the case	Trumped-up Charges
Victim/s	Atty. Kathy Panguban; Atty. Luz Perez, and Paralegal Paolo Colabres
Perpetrators	Philippine National Police
Brief Description of the Incident	<p>In November 2018, Atty. Katherine Panguban was charged before the Department of Justice with the non-bailable offense of kidnapping for assisting a mother in securing custody of her son, a minor who survived the massacre of farmers in Sagay, Negros Occidental.</p> <p>The Department of Justice dismissed the complaint, which was filed by the survivor’s estranged father upon the instigation of the local police, for lack of probable cause in June 2019. Panguban is the head of the Women and Children Committee of the National Union of Peoples’ Lawyers (NUPL).</p> <p>Meanwhile, in August 2020, the Quezon City Police District (QCPD) accused Sentra’s Atty. Luz Perez and paralegal Paolo Colabres of misrepresenting themselves when they claimed the cadaver of slain peasant leader Randall Echanis. Echanis, chairperson of Anakpawis and deputy secretary general of the Kilusang Magbubukid ng Pilipinas, was killed inside his house in Quezon City.</p> <p>Perez, an officer of the NUPL NCR chapter, was designated as attorney-in-fact by Echanis’s wife to claim his body. Erlinda Echanis had positively identify the body through a video call prior to its release to Perez and Colabres by the funeral parlor to where it was brought by the police.</p> <p>The police arrested Colabres and reclaimed the body of Echanis. Colabres was then charged with obstruction of justice. He was released after posting bail of Php36,000.</p> <p>Meanwhile, the QCPD claimed that Perez “eluded arrest” even when she has not made herself scarce and was always in the public eye through media interviews in relation to the case. Both cases are still pending. #</p>

CASE SUMMARY

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Case No. 25	Red-Tagging of Government Critics
Nature of the case	Filing of Disqualification Case against Gabriela Women's Party
Victim	Gabriela Women's Party
Perpetrators	National Task Force to End Local Communist Armed Conflict (NTF-ELCAC)
Brief Description of the Incident	<p>The NTF-ELCAC filed a case in 2019 against the Gabriela Women's Party before the Commission on Elections (COMELEC) and sought for its disqualification from participating in the upcoming Party-list elections. The NTF-ELCAC alleged that Gabriela Women's Party is engaged in activities that support the New People's Army and its advocacy of overthrowing the government.</p> <p>In December 2020, fake news circulated online that the COMELEC has already approved the petition of the NTF-ELCAC and as a result of which, Gabriela Women's Party is now disqualified to participate in the 2021 national polls.</p> <p>The current representative of Gabriela in the House of Representatives denounced such proliferation of fake news that intend to create confusion among the people and resulted in the disenfranchisement of women belonging to the marginalized sectors.</p> <p>Gabriela Women's Party belongs to the progressive Makabayan Bloc in the House of Representatives and particularly espouses women and children's rights in Congress. #</p>

CASE SUMMARY

Case No. 27	Threats/red-tagging
Nature of the case	Threats/red-tagging
Victim/s	Human rights workers and defenders – Karapatan
Perpetrators	President Duterte, NTF-ELCAC

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Brief Description of the Incident	<p>President Duterte, along with the National Task Force to End Local Communist Armed Conflict, had repeatedly targeted Karapatan and its members, calling it an aboveground organization of the CPP-NPA.</p> <p>Its leaders and members have been subjected to all types of attacks, from death threats to actual assassination. Atty. Ben Ramos, Zara Alvarez, and Ryan Hubilla are some of the casualties of the state-sponsored vilification. Cristina Palabay, its Secretary General received a call and several text messages on December 10, 2019 threatening to rape and kill her.</p> <p>Karapatan applied in May 2019 for the writ of amparo but the Court of Appeals in June 2019 denied their application after a summary 3-hour hearing without giving them full opportunity to present their evidence on a technicality.</p> <p>According to the Court, there was no unlawful act or omission that violated or threatened their rights. The case was appealed to the Supreme Court in July 2019 and is pending.</p> <p>Meanwhile, National Security Adviser Hermogenes Esperon filed perjury charges in July 2019 against Karapatan, Gabriela and Rural Missionaries of the Philippines for purported false attestations of their corporate registration. The cases against them were dismissed by the prosecutor except for an elderly RMP nun who is now facing trial in court.</p> <p>Karapatan also filed in December 2020 a case against National Security Adviser Hermogenes Esperon, General Antonio Parlade, Undersecretary Lorraine Badoy and Deputy Administrator Mocha Uson before the Office of the Ombudsman, accusing them of committing a crime against humanity through persecution. No information as to any action, if any, on the case has been received. #</p>
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INVESTIGATEPH

Case No. 28	Threats/Red-tagging
Nature of the case	Red-tagging
Victim/s	National Union of Peoples' Lawyers
Perpetrators	National Task Force to End Local Communist Armed Conflict and its local counterparts, the security sector of the Executive Department, among others.
Brief Description of the Incident	<p>The National Union of Peoples' Lawyers, its officers and members have been constant subjects of red-tagging and vilification through posters, tarpaulins, media interviews, posts in social media platforms, media columns and even in government legal pleadings. They have been branded as "communists" and "terrorists", or "front organizations" of the CPP and NPA.</p> <p>NUPL together with the Union of Peoples' Lawyers in Mindanao and Public Interest Law Center have been branded as "communist fronts" by the NTF-ELCAC during a briefing with the Integrated Bar of the Philippines in November 2019.</p> <p>NTF-ELCAC's spokespersons Undersecretary Lorraine Badoy and Lt. Gen. Antonio Parlade have relentlessly maligned NUPL, accusing it of deceiving lawyers and judges to become members, recruiting lawstudents to the NPA, funneling material support to the underground, misrepresenting itself as <i>pro bono</i>, lawyering only for the armed movement, and exploiting public interests issues.</p> <p>A petition for amparo filed in May 2019 was junked by the Court of Appeals in July. The case is still on appeal before the Supreme Court.</p> <p>In December 2020, the NUPL filed an administrative complaint before the Ombudsman against Parlade, Badoy and National Security Adviser Gen. Hermogenes Esperon Jr. for these continuing attacks. No information as to any action on the case is available to date.</p> <p>In January 2021, NTF-ELCAC witnesses repeated the vilifications before the Senate Committee looking into the issue of red-tagging.</p> <p>This February 2021, it was falsely accused by the Solicitor General, NTF-ELCAC, the NCIP, and by the Defense Department of deceiving, coercing and bribing its clients</p>

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	Aetas into signing a Petition in the Supreme Court questionin the Anti-Terrorism Act. #
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Case No.29	Threats/red-tagging
Nature of the case	False accusation in public fora, red-tagging through flyers, surveillance
Victim/s	Civil society organizations: Ibon Foundation, Cordillera Peoples' Alliance, Churches
Perpetrators	NTF-ELCAC, Sagada Municipal Police Station
Brief Description of the Incident	<p>Ibon Foundation, an independent think-tank, was called out by NTF-ELCAC Spokesperson Undersecretary Lorraine Badoy in a TV program. She claims that Ibon's critique of the government's Build-Build-Build program is "unsurprising" because Ibon is allegedly an above-ground organization of the CPP-NPA.</p> <p>During a town fiesta in Sagada, Mountain Province, flyers bearing the caption "Deceptive Recruitment of CPP-NPA Terrorists" were distributed. The flyers listed several organizations, including the Cordillera Peoples' Alliance, as alleged communist fronts.</p> <p>Religious organizations like the Iglesia Filipna Independiente and United Church of Christ in the Philippines were not exempt from red-tagging and threats.</p> <p>During a Congressional hearing, the military tagged the National Council of Churches in the Philippines (NCCP) as a front of the CPP-NPA. In February 2021, the NCCP reported men aboard a police mobile taking pictures and videos of their compound.</p> <p>Bishops and lay members of the UCCP have been falsely charged with various common crimes in relation to their providing sanctuary and assistance to displaced indigenous Lumads. The charges and cases are ongoing while some have been dismissed earlier. #</p>

INVESTIGATE^{PH}

Case No. 34	Human Right Violations During Pandemic
Nature of the case	Mass illegal arrest and detention; Threat, Harassment and Intimidation - Trumped-up charges
Victim/s	Piston 6
Perpetrators	Caloocan Philippine National Police
Brief Description of the Incident	<p>In June 2020, the Philippine government has shifted to looser health protocols, a less restrictive lockdown, and has allowed other forms of public transportation to resume operations. But the government has refused to allow jeepneys or public utility vehicle (PUV) to ply roads, three months since they were told to stop operating.</p> <p>On June 2, 2020, starving jeepney drivers and operators staged a protest in Caloocan City, Metro Manila, calling for the government to allow jeepneys back on the road and protested the government's jeepney modernization plan which would lead to their displacement and loss of livelihood.</p> <p>The police told them to stop their protest and the drivers and operators complied, but the police still brought six drivers to the Northern Police District after reassurances that it will only take a while.</p> <p>To the drivers' surprise, they were charged with violating city ordinances on social distancing and mass gatherings and for resistance and disobedience to persons in authority under the Revised Penal Code. The drivers denied resisting arrest and asserted that they were observing physical distancing rules and were wearing face masks. They were detained at a cramped custodial facility of Caloocan.</p> <p>On June 8, four of the six drivers were released on bail at P3,000 each upon the decision of the Caloocan Metropolitan Trial Court. The other two, 72-year old Elmer Cordero and Wilson Ranilla were initially not allowed bail but released on June 9 after posting bail. Their trial is still pending.</p> <p>Two of the six jeepney drivers, including Cordero, have tested positive for COVID-19 after their detention. #</p>

Case No. 35	Human Right Violations During Pandemic
Nature of the case	Mass illegal arrest and detention; Threat, Harassment and Intimidation - Trumped-up charges

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Victim/s	Activists, volunteers, and participants of Labor Day activities
Perpetrators	Philippine National Police
Brief Description of the Incident	<p>More than 50 labor and human rights activists all throughout the Philippines were arrested on May 1, 2020 as the country celebrated Labor Day.</p> <p>In Marikina City, 10 relief workers were arrested and detained by members of the PNP as they held a community feeding program and distributed food packs as part of their Labor Day activities. The relief volunteers brought placards calling for mass COVID-19 testing and were observing physical distancing when they conducted the program. They were charged with illegal assembly, resistance, and disobedience in relation to the law requiring reporting of notifiable diseases. The 10 volunteers were eventually released the next day May 2. The latter case was dismissed recently.</p> <p>Similarly, in Barangay Central, Quezon City, another group of volunteers conducted a community kitchen and distributed face shields to members of the community. Four of them were brought to the police precinct and together with 14 of the residents of the community, they were charged with illegal assembly and for violating the law on mandatory reporting of notifiable diseases. The four volunteers and 14 residents were released two days after on May 3.</p> <p>Meanwhile, two labor leaders were arrested by the police in a subdivision in Rodriguez, Rizal, just east of Manila, as they staged a protest with six other people.</p> <p>In Iloilo City, 460 km south of Manila, 42 people were arrested as they held a tribute protest in memory of activist Jory Porquia who was killed inside his home a few days prior. Charges against them remain pending.</p> <p>Labor rights groups also organized a virtually rally via Zoom and Facebook Live on May 1. After a while, police officers arrived and “invited” the group to the police station to explain the activity and to ask who instigated the online protest. They</p>
	were later released and no charges were filed against them. #

INVESTIGATEPH

Case No. 37	Human Right Violations During Pandemic
Nature of the case	Mass illegal arrest and detention; Threat, Harassment and Intimidation - Trumped-up charges
Victim/s	Cabuyao 11
Perpetrators	Cabuyao Philippine National Police
Brief Description of the Incident	<p>On July 4, 2020, 11 activists were arrested by combined elements of the Cabuyao City Police and the Philippine Army in Cabuyao, Laguna after several human rights groups conducted a peaceful protest against the enactment of the Anti-Terrorism Law, which was signed by President Rodrigo Duterte the day before.</p> <p>During the protest program, the Philippine Army's military truck also parked near the area where the protest was being conducted and blared out disinformation about progressive organizations, calling them fronts of the CPP-NPA.</p> <p>The activists were wearing face masks and were observing physical distancing during the program. Their protest program had already ended and they were already packing their streamers and sound system when the protesters were violently apprehended and dragged to the Cabuyao City Police Station. They suffered bruises and cuts on their arms and legs. The banners, placards, pamphlets, and speakers used in the protest were also confiscated by the police.</p> <p>On July 5, three of the arrested protesters who were minors were released. The rest were charged with violation of quarantine protocol, for conducting an illegal assembly, and resistance and disobedience to persons in authority. On July 6, the remaining activists were released on bail. The cases against them remain pending. #</p>

CASE SUMMARY

Case No. 40	Human Right Violations During Pandemic
Nature of the case	Illegal arrest; Threat, Harassment and Intimidation
Victim/s	Norman
Perpetrators	<i>Barangay</i> (village) police officers

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<p>Brief Description of the Incident</p>	<p>In one of the testimonies presented in a webinar organized by The Ecumenical Voice for Human Rights and Peace in the Philippines dated May 29, 2020, “Norman” shared in a short video the story of how he was humiliated and illegally arrested by the barangay police officers on April 28, 2020 due to a quarantine violation.</p> <p>“Norman” said that he was just visiting the market when he was stopped by the barangay police officers because the quarantine pass he carried belonged to his sister. The quarantine passes issued to each family by the local government unit were required from citizens if they wanted to go out of their homes amidst the government-imposed lockdown.</p> <p>He was later on allowed to pass through the market but when he was about to leave, 8 barangay police officers headlocked and dragged him to the barangay hall where he was punched in the head by one of the men.</p> <p>When “Norman” asked why he was being apprehended, the men said that it was because he was trying to escape. #</p>
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Annex 4: Cue Card Summaries of New Incidents

The following are the Cue Card Summaries for 15 additional cases that occurred during the writing of the report. Please note that these summaries are just preliminary sketches. They will be subjected to further vetting and elaboration. Note that some other cases, while still relevant, have not been included as they are still undergoing further verification.

CASE SUMMARY: A

ADDITIONAL	Frustrated Extrajudicial Killing; Threats/Red-tagging
Nature of the case	Frustrated Murder and Robbery; Red-tagging
Victim/s	Angelo Karlo Guillen, assistant vice president for the Visayas of the National Union of Peoples' Lawyers and secretary general of NUPL Panay
Perpetrators	Unknown assailants

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<p>Brief Description of the Incident</p>	<p>In the evening of 3 March 2021, two men wearing masks and bonnets mauled and stabbed Atty. Angelo Karlo Guillen multiple times in the back and in the head in Iloilo City. The assailants escaped on motorcycles driven by two other men, bringing the lawyer's bag containing his laptop and some documents but they did not get his other valuables like cellphone, watch and wallet. A screwdriver was left lodged in the left temple of the 33 year old lawyer. He is now in stable condition.</p> <p>Atty. Guillen serves as <i>pro bono</i> counsel in various public interest and human rights cases such as in one of the 37 petitions questioning the constitutionality of the AntiTerrorism Act of 2020. On Labor Day last year, he was arrested after responding to the illegal arrest of 42 activists who were protesting the extrajudicial killing of Bayan Muna Iloilo coordinator Jory Porquia.</p> <p>He also represents activists and human rights defenders facing trumped up charges in court including those arrested during the police raids in Bacolod City, Negros Occidental in October 2019 and the Tumandoks arrested in Panay in December 2020.</p> <p>Prior to the attempt on Atty. Guillen's life, one of the key witnesses in the 30 December 2020 Tumandok massacre was killed by two motorcycle-riding men in Tapaz town, Capiz. Village chief Julie Catamin accused the police of planting firearms and explosives during the raids.</p> <p>Members of the NUPL Panay, including Atty. Guillen, have been red-tagged and vilified by government. Atty. Guillen also observed suspicious persons have been surveilling him for the longest time.</p> <p>A day after the stabbing, an alleged former NPA member who works with the NTF-ELCAC red-tagged him and his</p>
	<p>colleagues in NUPL. Jeffrey Celiz claimed that Atty. Guillen and Atty. Pete Melliza are "known operatives in Panay Island" and "hiding inside the cover of NUPL."</p> <p>The police seems to be focusing on the robbery angle while the Justice Secretary said he would rather wait for Guillen to claim that the attack was work-related before he refers it to his Department's Task Force on EJK under Administrative Order 35. #</p>

INVESTIGATEPH

CASE SUMMARY: B

ADDITIONAL	Extrajudicial killing, illegal arrest and detention
Nature of the case	Extrajudicial killing, illegal arrest and detention
Victim/s	Activists from Rizal, Cavite, and Batangas
Perpetrators	Philippine police (CIDG) and army
Brief Description of the Incident	<p>On March 7, 2021 the police and military served a total of 24 search warrants at dawn in different provinces in CALABARZON, Southern Tagalog, in simultaneous operations which led to the deaths of nine and the arrest of six individuals, all unarmed activists. This occurred two days after President Duterte ordered the police and military to “kill” and “finish off” armed communist rebels and to “forget about human rights.”</p> <p>One of the fatalities is Emmanuel Asuncion, a labor leader in Cavite. He was formerly charged with murder and frustrated murder together with 71 other activists in Mindoro in 2007. He was killed in a labor assistance office away from his house which was the subject of the warrants.</p> <p>Two labor organizers and fisherfolk, Chai and Ariel Evangelista, were also killed in Batangas. Neighbors reported hearing gunshots, screams, and pleas from the couple’s house. Their bodies were later found dead at a funeral home. Their 10-year son reportedly hid under the bed and witnessed the killing and managed to escape.</p> <p>Also among the fatalities were members of an urban poor group in Rizal. In May last year, the NTF-ELCAC invited its members in a meeting because they were alleged to be sympathizers and members of the CPP-NPA.</p> <p>Among those arrested was a 61-year old Karapatan paralegal, Nimfa Lanzanas, who was with her three small grandchildren and is mother of a political prisoner. She was charged with illegal possession of firearms and explosives. The police said that the deaths were the result of an “armed encounter” when the individuals resisted arrest. AntiTerrorism Council Vice Chair Hermogenes Esperon Jr. said the activists might have been armed communists while PNP Chief Debold Sinas said it was a legitimate operation covered by search warrants issued by several judges outside the localities. These incidents occurred in provinces overseen by the Southern Luzon Command led by Lt. Gen. Antonio Parlade Jr., spokesperson of the NTF-ELCAC.</p> <p>As of this writing, security forces refuse to release the</p>

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	cadavers of Randy and Puroy dela Cruz, indigenous Dumagats from Rizal and are blocking the ingress and egress of the funeral parlor. #
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CASE SUMMARY: C

ADDITIONAL	Illegal arrest and detention, trumped-up charges
Nature of the case	Fabricated charge of Murder
Victim	Jackie Valencia
Perpetrators	Philippine National Police of Davao del Norte
Brief Description of the Incident	<p>Human rights defender Jackie Valencia of Cagayan Valley in northern Luzon was charged with murder for the killing of an indigenous Lumad leader in the southern Mindanao province of Davao del Norte, on the basis of an affidavit by a purported rebel returnee.</p> <p>A warrant of arrest was issued against her and 10 other activists, including Igorot leader Windel Bolinget and national officer of BAYAN, a multi-sectoral alliance of progressive organizations, Lutgardo “Boyet” Jurcales. It was alleged that they are members of the rebel NPA who supposedly planned and carried out the murder.</p> <p>The Prosecutor conducted the preliminary investigation of the murder charge without their participation. They were neither informed of the proceedings nor of the fact that a criminal complaint was filed against them.</p> <p>Jackie is a member of the national council of human rights watchdog KARAPATAN. Prior to the filing of this trumped up charge against Valencia, she was red-tagged by State forces in the region where she works as a full time human rights defender.</p> <p>On February 19, 2021, the Davao del Norte court granted their Motion for Reinvestigation because of issues of due process, suspended the proceedings for at least 30 days to give way to such reinvestigation, and recalled their arrest warrants meantime. #</p>

INVESTIGATEPH

CASE SUMMARY: D

ADDITIONAL	Trumped-up charges and Red-tagging and vilification
Nature of the case	Red-tagging
Victim/s	Bishop Hamuel Tequis and UCCP
Perpetrators	Davao City Police Office; Chief Kirby John Kraft
Brief Description of the Incident	<p>On 25 January 2020, the paramilitary group Alamara tried to break in and “rescue” Lumads who have been seeking refuge in the Haran Center of the United Church of Christ in the Philippines (UCCP) in Davao.</p> <p>This incident occurred after the Regional Peace and Order Council (RPOC) of Davao sought the immediate closure of the center, accusing the UCCP of violating rights of indigenous peoples, child abuse, and child trafficking. Davao del Norte Governor Edwin Jubahib claimed that the Lumad were being exploited by communist rebels. The UCCP flat out denied all allegations.</p> <p>On 10 February 2020, the UCCP announced that it is preparing charges against those behind the attacks of its sanctuary.</p> <p>Months later in August, posters were seen at the gate of Santa Ana Parish Church, tagging Bishop Tequis among others as human rights violators and “<i>berdugo at pumapatay ng tribu</i>” (killers who extinguish tribes).</p> <p>The various cases, including alleged violations of the domestic version of international humanitarian law and pandemic protocols, are still pending while some cases have already been dismissed.</p> <p>The planned countercharges have not been filed because they are still preoccupied with the multiplicity of cases against them even as they continue to be harassed and red-tagged by the NTF-ELCAC. #</p>

CASE SUMMARY: E

ADDITIONAL.	Trumped-Up Charges
Nature of the case	Fabricated charges of crimes against humanity and murder
Victim/s	Rogelio de Asis
Perpetrators	Philippine National Police; Brigadier General Romeo Caramat Jr., PNP Chief General Debold Sinas.
Brief Description of the Incident	<p>Rogelio de Asis is the leader of the progressive fisherfolk group Pamalakaya, which advocates for fishing rights and protection of coastal and marine resources.</p> <p>He was arrested on the basis of a warrant on February 11, 2021 in Agusan del Norte and charged of committing crimes against humanity and murder of Manobo tribesmen Zaldy Ybanez and Datu Bernardino Astudillo. His arrest follows the crackdown against activist in Mindanao.</p> <p>Police said that the deceased were former members of the NPA and de Asis murdered them to dissuade NPA members from leaving the organization and joining the Armed Forces of the Philippines. According to regional chief Brigadier General Romeo Caramat Jr. de Asis was arrested “in line with the marching orders of the chief”, referring to General Debold Sinas.</p> <p>De Asis was denied bail and remains in detention. #</p>

INVESTIGATE^{PH}

CASE SUMMARY: F

ADDITIONAL	Illegal arrest and detention, trumped up charges
Nature of the case	Fabricated charges of Kidnapping, Serious Illegal Detention and Qualified Trafficking in Persons
Victim	Lumad minor students and teachers of the “Bakwit” School in Cebu
Brief Description of the Incident	<p>After their schools were shut down by the Department of Education and their communities continued to be heavily militarized in Mindanao, Lumad students were forced to leave their residence. They continued their schooling in the “<i>bakwit</i>” (evacuees) school in Cebu City, under the Save Our Schools (SOS) Network since 2019. Their parents consented to this endeavor.</p> <p>On February 15, 2021, police officers barged into the retreat house of the University of San Carlos-Talamban campus (USC-TC) in Cebu City where the “<i>bakwit</i>” school is being held. They violently seized 26 individuals, composed of 22 Lumad students, 2 volunteer teachers and 2 tribal leaders.</p> <p>The police claimed that some of the parents of the Lumad students sought their assistance to retrieve the custody over their children who were brought to Cebu without their consent. They also claimed that the students were being taught the art of warfare against the government. This accusation was vehemently denied by the SOS Network and the USC-TC.</p> <p>According to news reports, two volunteer teachers, three adult Lumad students and two Lumad tribal leaders are detained and now facing charges of kidnapping, serious illegal detention and qualified trafficking in persons, as a result of the incident. #</p>

CASE SUMMARY: G

ADDITIONAL	Illegal Arrest and Detention; Trumped-up Charges
Nature of the case	<p>Illegal Arrest and Detention of pregnant and elderly women on charges of Anti-Terrorism Act and illegal possession of firearms and explosives; red-tagging</p>
Victim/s	<p>Elizabeth Estilon, nine-month pregnant woman Enriqueta Guelas, 62 year old lady</p>
Perpetrators	<p>Philippine Army</p>
Brief Description of the Incident	<p>On 27 December 2020, members of the Philippine Army arrested a pregnant woman and an elderly woman alleged to be members of the NPA in a violent raid in Bulusan town, Sorsogon province. Arrested were 41-year-old Elizabeth Estilon, who is now on her ninth month of pregnancy, and 62-year-old Enriqueta Guelas.</p> <p>In a report by the Philippine Daily Inquirer, the army claimed that the women were arrested while they were searching for NPA members led by one Winefredo Guyala Griego who fled after a skirmish with army personnel on patrol operations. The army claimed that they chanced upon Estilon and Guelas in a house where they found an improvised shotgun, explosives, and medical equipment. They later found out that Guelas is allegedly the wife of Griego.</p> <p>However, according to Karapatan, Estilon and Guelas were arrested in a raid conducted by members of the 31st and 22nd Infantry Battalions of the Philippine Army at their house in Barangay Lalod, Bulusan town. During the raid, soldiers rummaged through their belongings and ordered the household members to bring out their firearms. The soldiers had been accusing them to be supporters or members of the NPA.</p> <p>Guelas and Estilon are now facing charges for alleged violations of the Anti-Terrorism Act of 2020 and illegal possession of firearms and explosives. They are detained at the Sorsogon City District Jail. #</p>

INVESTIGATEPH

CASE SUMMARY: H

ADDITIONAL	Threats/Red-tagging
Nature of the case	Red-tagging; Violation of Press Freedom
Victim/s	Tetch Torres-Tupas, reporter of INQUIRER.net assigned to cover the Justice beat
Perpetrators	Lt. Gen. Antonio Parlade, spokesperson of the National Task Force to End Local Communist Armed Conflict
Brief Description of the Incident	<p>In February 2021, the spokesperson of the National Task Force to End Local Communist Armed Conflict threatened to sue an INQUIRER.net reporter after she wrote about the petition against the Anti-Terrorism Act of 2020 filed by two members of an indigenous peoples group before the Supreme Court. The two Aetas have been charged with violations of the Anti Terrorism Act in August 2020.</p> <p>Her news report was based on the Petition-in-Intervention that was officially filed and which was the same basis of similar reports by other journalists from other media outfits.</p> <p>On his Facebook page, Lt. Gen. Antonio Parlade accused journalist Tetch Tupas-Torres as being a “propagandista”. He said that Tupas-Torres, a Justice beat reporter and a law graduate, did “sloppy work” for failing to get the side of the Armed Forces of the Philippines (AFP) and the government. When someone asked him about filing charges against the journalists, Parlade replied: “Aiding the terrorists by spreading lies? <i>Puede</i> (Possible).”</p> <p>Parlade later claimed that the post was personal and not connected to the NTF-ELCAC, saying it was “citizen Parlade’s response to that careless report of this Inquirer reporter.” The AFP Chief of Staff Cirilito Sobejana announced that the provost marshal was asked to investigate whether the NTF-ELCAC approved of Parlade’s remark. #</p>

CASE SUMMARY: I

ADDITIONAL	Threats/Red-tagging
Nature of the case	Red-tagging; False charges of recruitment to the Communist Party of the Philippines and New People’s Army
Victim/s	National Union of Peoples’ Lawyers
Perpetrators	National Task Force to End Local Communist Armed Conflict and its local counterparts
Brief Description of the Incident	<p>The National Union of Peoples’ Lawyers has relentlessly been tagged as one of the front organizations of the Communist Party of the Philippines. In its statements, particularly by Underscretary Lorraine Badoy, the NTFELCAC accused it of recruiting law students into the NPA even without naming a single member to be allegedly so.</p> <p>The local counterparts of the NTF-ELCAC have likewise linked NUPL lawyers and its student members to NPA. For instance it learned just recently that in December 2019, two NUPL members were included by the PALAWAN ELCAC among persons with alleged links to the NPA.</p> <p>Atty. Jobert Pahilga, legal counsel of <i>Pinag-isang Lakas ng Okupante, Residente, Manggagawa, Magsasaka at Mang-ingisda</i> (PLLORM) was so tagged. Meanwhile, law student Kenneth Tabla was listed as the “NUPL provincial coordinator” and ws supposed to have cleared his name as an NPA.</p> <p>NUPL neither has any existing chapter nor any law student organization in the province of Palawan. The NUPL has not ever appointed or authorized a “provincial coordinator” in Palawan. #</p>

INVESTIGATEPH

CASE SUMMARY: J

ADDITIONAL	Threats/Red-tagging
Nature of the case	Red-tagging
Victim/s	Various alumni of the University of the Philippines
Perpetrators	Armed Forces of the Philippines
Brief Description of the Incident	<p>In January 2021, a list naming “SOME OF THE UP STUDENTS WHO BECAME NPA (DIED OR CAPTURED)” was posted on the Facebook page of the Armed Forces of the Philippines Information Exchange. The list was published as the University of the Philippines (UP) protested the unilateral termination by Defense Secretary Delfin Lorenzana of the decades-old UP-DND Accord disallowing the entry of military and police into the campus without prior coordination with university officials.</p> <p>The post shared a quote from Lorenza saying that “We just want to protect UP and its students.” According to the news organization Rappler, the list appeared on at least 12 Facebook pages linked to the military.</p> <p>A number of the named individuals are still alive and have denied having joined or captured as members of the NPA. Among them are journalists Roel Landingin and Roberto Coloma, lawyers Rafael Aquino, former Integrated Bar of the Philippines President and Congressman Roan Libarios, and former Chief of the Negotiating Panel of the government Alexander Padilla. Even prominent film director Behn Cervantes who died of natural causes was included.</p> <p>Amidst wide protests, the Armed Forces of the Philippines’ Civil-Military Operations Office apologized on January 24 for the post, saying that it is conducting an investigation into the publication of an inaccurate list. The article has since been immediately taken down or deleted while some top ranking officers were fired. #</p>

CASE SUMMARY: K

ADDITIONAL	Red-tagging
Nature of the case	False accusation against 18 universities
Victim	<p>Ateneo de Manila University</p> <p>Dela Salle University</p> <p>University of Sto. Tomas</p> <p>Adamson University</p> <p>Far Eastern University</p> <p>University of the Philippines Diliman</p> <p>University of the Philippines Manila</p> <p>University of the East (Recto)</p> <p>University of the East (Caloocan)</p> <p>Philippine Normal University</p> <p>University of Manila</p> <p>University of Caloocan</p> <p>University of Makati</p> <p>Lyceum of the Philippines University</p> <p>San Beda University</p> <p>Eulogio “Amang” Rodriguez Institute of Science and Technology</p> <p>Emilio Aguinaldo College</p> <p>Polytechnic University of the Philippines (Sta. Mesa, Manila)</p>
Perpetrators	Lt. Gen. Antonio Parlade, Jr. and the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC)

INVESTIGATEPH

<p>Brief Description of the Incident</p>	<p>According to news reports, Lt. Gen. Parlade, in his capacity as spokesperson of NTF-ELCAC, publicly claimed last January 23, 2021 that 18 universities are “recruitment centers” of the CPP and NPA. This came after the Department of National Defense unilaterally abrogated its accord with the University of the Philippines, which regulates police and military presence inside the campuses, as part of the exercise of academic freedom. Undersecretary Lorraine Badoy also of NTF-ELCAC later claimed in a Facebook post that in fact there are 35 such academic institutions without naming them.</p> <p>This was not the first time the NTF-ELCAC accused these universities as supposed hotbeds for CPP-NPA recruitment.</p> <p>The first incident was in October 2018, when Lt. Gen. Parlade claimed that students from these universities are involved in the planning for the ouster of the Duterte administration. No evidence was ever presented to support this claim. #</p>
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CASE SUMMARY: L

ADDITIONAL	Red-tagging/Vilification
Nature of the case	Militarization of universities; attack on academic freedom
Victim/s	University of the Philippines
Perpetrators	Department of National Defense
Brief Description of the Incident	<p>After multiple incidents of President Duterte branding the University of the Philippines (UP) systemt as a recruitment ground for the CPP-NPA, Defense Secretary Delfin Lorenzana unilaterally abrogated in January 15, 2021 the accord between UP and the Department of National Defense (UP-DND Accord).</p> <p>Lorenzana said that the accord was a hindrance in providing effective security, safety, and welfare to the students, faculty, and employees of the university. Various government officials including from the NTF-ELCAC professed that this abrogation will prevent such alleged recruitment.</p> <p>The UP-DND Accord was signed in 1989 and states that prior to entering any of the campuses of the UP, the military and police must give notice to university officials. UP has a commonly-held image of being a refuge of student activism and has long been vocal in protesting anti-people policies of the government. Because of the UP-DND Accord, the protesters were free to speak their mind without fear.</p> <p>Because of the abrogation, security forces can now openly enter the campus and conduct overt operations inside, without any safeguard nor oversight. #</p>

INVESTIGATEPH

CASE SUMMARY: M

ADDITIONAL	Redtagging
Nature of the case	Redtagging
Victim/s	Altermidya
Perpetrators	Philippine National Police
Brief Description of the Incident	<p>In a Facebook post on January 21, 2021, a provincial police station in Batac, Ilocos Norte posted an infographic on what can be considered as acts of terrorism under the AntiTerrorism Act of 2020 including donating or helping relief drives that are not government or state-recognized, participating in a rally that can cause a “serious risk to public safety” and posting, writing sharing and/or retweeting posts (even memes) related to terrorist activities.</p> <p>However, the infographic was actually created and originally posted by progressive media outfit AlterMidya on March 2020 as part of its information drive campaign to highlight how even harmless acts can be considered as acts of terrorism because of the vague definition of terrorism under the new law. The police neither cited the source of the infographic they posted nor asked for permission from AlterMidya.</p> <p>The post has been deleted after online criticisms and the police apologized for what they called “misleading information” regarding the law. They also called AlterMidya’s infographic “fake news.”</p> <p>In December 2020, the NTF-ELCAC publicly accused AlterMidya in a Senate hearing of being part of the propaganda movement of the CPP despite having no credible, competent and admissible evidence to back up its allegations. #</p>

CASE SUMMARY: N

ADDITIONAL	HRV During Pandemic
Nature of the case	Cruel and Degrading punishment
Victim/s	Carbon Market porter (anonymous but created an account on Facebook with a tag of Aiko Ylara)
Perpetrators	Carbon (Cebu) Police Station 5; Police Colonel Josefino Ligan
Brief Description of the Incident	<p>A porter from the Carbon Market in Cebu reported that on February 8, 2021 while he was resting from carrying various types of load in the market, he was arrested for not wearing a face mask. While he was in the police station, he was asked to pay 1,000 pesos as a fine. As he did not have money to pay, he was paddled three times by the police officers, resulting in a huge bruise on the back of his thighs, rendering him unable to work for two days.</p> <p>According to him, at least 10 other individuals were paddled by the police, but are afraid to complain because they also violated the health protocols. Aside from them, an ambulant vendor also experienced a similar beating in the same police station.</p> <p>The Cebu City Police Office said that they are investigating these allegations. To this day, the results of the investigation have yet to be released. Meanwhile, the unidentified policeman was reportedly relieved by his superiors. #</p>

INVESTIGATEPH

CASE SUMMARY: O

ADDITIONAL	Human Right Violations During Pandemic
Nature of the case	Illegal arrest and detention; Threat, Harassment and Intimidation
Victim/s	Quarantine violators in Silay, Negros
Perpetrators	Philippine National Police
Brief Description of the Incident	<p>On February 6, 2021, the police chief of Silay City in Negros Occidental province ordered 39 people supposedly caught breaking COVID-19 health protocols to march on a road with their arms raised forward, following a police patrol car. At the end of the march was a seminar on the dangers of COVID19 featuring an empty coffin as a prop.</p> <p>This is just one of the examples of the punishments devised by the police for quarantine violations. They also exposed residents to the sun's heat for several hours, ordered them to exercise and do physical labor, and brought them to the cemetery.</p> <p>The Commission of Human Rights said that they have been investigating the more than 200 reports they received of human rights abuses during the quarantine period. #</p>

CASE SUMMARY: P

ADDITIONAL	Ineffectiveness of Domestic Remedies
Nature of the case	Trumped-up charges
Victim/s	Nona Espinosa and her baby
Perpetrators	Philippine National Police and the Philippine Army
Brief Description of the Incident	<p>Baby Carlen, the one-month old child of political prisoner Nona Espinosa, died on February 14, 2021 after she was separated from her mother 3 days after birth.</p> <p>The pregnant Espinosa and her partner were arrested on September 20, 2020, along with seven other peasant activists during a joint law enforcement operation by the police and the Philippine Army in Negros Oriental. They were accused of being high-ranking officials of the Communist Party of the Philippines.</p> <p>Espinosa received minimal prenatal care when she was detained. She gave birth at a hospital in Negros Oriental the first week of January. Baby Carlen was born with a cleft palate and had breathing problems.</p> <p>Three days after, Espinosa was brought back to the Guihulngan City Police Office jail in Negros Oriental while the newborn baby was left to the care of the Espinosa family.</p> <p>Baby Carlen was later hospitalized for a few days because of low hemoglobin count and died due to an infection in the lungs and blood.</p> <p>Members of the progressive Makabayan (Patriotic) bloc have filed House Resolution No. 1600 calling for an investigation into the death of baby Carlen.</p> <p>The group of the families of political prisoners <i>Kapatid</i> also called on the Commission on Human Rights to investigate the incident, to look into the conditions of pregnant prisoners, and to check the government's compliance with the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders. #</p>

Annex 5: References

The following references are for the 36 vetted fact sheets provided in Annex 2.

INITIAL REFERENCES for 36 FACT SHEETS

A. EXTRAJUDICIAL KILLINGS

Case No. 1: Randall Echanis

- a. Fact sheet prepared by Karapatan dated 19 August 2020
- b. Rambo Talabong, “Police ‘forcibly takes’ Randy Echanis’ body from funeral home”, RAPPER, 11 August 2020, *at* <https://www.rappler.com/nation/policeforcibly-takes-randy-echanis-body-funeral-home>
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- a. Virtual Testimony, Cristina Palabay, Plenary Hearing with Sub-Commissioners, 16 February 2021
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- f. Interview of human rights lawyer VJ Topacio, ABS-CBN NEWS, 08 December 2020, at <https://news.abs-cbn.com/news/12/08/20/brutal-murder-of-elderlypeace-consultants-condemned>
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Case No. 6: Dr. Mary Rose Sancelan & Edwin Sancelan

- a. Fact Sheet of Karapatan National
- b. Senate Committee Report No. 33 on the spate of killings in Negros Island, at <https://legacy.senate.gov.ph/lisdata/3216729011!.pdf>; See also, “Report: Investigate vigilante groups in Negros killings”, Senate, 27 January 2020, at http://legacy.senate.gov.ph/press_release/2020/0127_prib1.asp
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Case No. 8: Elena Tijamo

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C. TORTURE

Case No. 9: Jay “Jepoy” Garung and Junior Ramos (Aetas)

- a. Virtual Testimony, Gia Clemente, Plenary Hearing with Sub-Commissioners, 16 February 2021
- a. Petition in Intervention filed by Japer Gurung and Junior Ramos before the Supreme Court of the Philippines filed on February 2, 2021.

D. ILLEGAL ARREST AND DETENTION, TRUMPED UP CHARGES

Case No. 10: Manila 5

- a. Virtual Testimony, Marites Asis, Plenary Hearing with Sub-Commissioners, 16 February 2021
- b. Virtual Testimony, Fides Lim, Plenary Hearing with Sub-Commissioners, 19 February 2021
- c. Petition for Certiorari filed before the Court of Appeals by Ram Carlo Bautista, Reina Mae Nasino and Alma Moran on September 24, 2020
- d. Supplemental Petition for Certiorari filed before the Court of Appeals by Bautista, Nasino and Moran on January 11, 2021
- e. Urgent Omnibus Motion to Quash Search Warrant, Suppress Evidence and Issue Subpoena Duces Tecum for the records of the application for the Search Warrants filed by Cora Agovida before the trial court on January 24, 2020.

Case No. 11: 54 activists in Negros

- a. (unsigned and undated) Affidavit of John Milton M. Lozande
- b. Initial Fact Sheets prepared by Karapatan National on the following:
 - i. Raid of the Bayan Muna
 - ii. Raid of the Gabriela Office
 - iii. Raid of the NSFW Office
 - iv. Raid of the Bito-on residence
 - v. Raids in Escalante City
- c. Informations
 - i. Criminal Case No. 19-50517, People vs. Karina Mae Dela Cerna and Cheryl Catalogo
 - ii. Criminal Case No. 19-50512 & 50513, People vs. Mary Anne Krueger
- d. Comments filed by the public prosecution to the Motion to Quash the

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Search Warrants and Suppress Evidence with Motion for Issuance of Subpoena Duces Tucem in the cases of:

- i. Danilo Tabura
 - ii. Karina Mae Dela Cerna and Cherryl Catalogo
 - iii. Mary Anne Krueger
- e. Court documents related to the criminal cases of MaryAnne Krueger including
- i. Order of Release dated 12 November 2019 for Crim. Case No. 19-50512
 - ii. Order dated 29 November 2019, in relation to arraignment for Crim. Case No. 19-50512
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- f. Search Warrant No. 5953(19) issued by QC RTC executive judge against Krueger, et. al and the corresponding Return by PCMS Ramiro Gocotano
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- m. Resolution dated 18 February 2021 issued by Judge Ana Celeste P. Bernad of the Regionat Trial Court in Iloilo, Branch 42

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Case No. 13: HRD 7

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- b. Initial Fact Sheets prepared by KARAPATAN Metro Manila
- c. Order dated 5 February 2021 of Judge Monique Quisumbing-Ignacio, Regional Trial Court of Mandaluyong, Branch 209
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Case No. 14: Amanda Echanis

- a. Fact sheet prepared by AMIHAN and Kilusang Magbubukid ng Pilipinas dated 10 December 2020

Case No. 17: Kabataan Rep. Sarah Elago, Neri Colmenares et. al.

- a. Counter-Affidavit of Sarah Elago dated 10 September 2019 in the complaint for violations of the Anti-Trafficking in Person Act, RA 11188, and RA 7610.
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F. VIOLATION OF FREEDOM OF ASSEMBLY

Case No. 21: Indigenous community in Kasibu

- a. Complaint-Communication filed by Kalikasan PNE, ANVIK and individual victims from the province of Nueva Vizcaya before UN Special Rapporteurs dated December 7, 2018
- b. Police Dismantle Human Barricade at <https://www.manilatimes.net/2020/04/08/news/regions/police-dismantle-humanbarricade/711197/>

G. VIOLATION OF PRESS FREEDOM

Case No. 22: Altermidya et. al.

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- b. Complaint-affidavit of Altermidya et al submitted before the Office of the Ombudsman, dated December 2020
- c. Complaint of Altermidya et. al. before the Regional Trial Court, dated 27 March 2019
- d. Letter of Rhea Padilla to Hon. Jose Luis Martin Gascon, dated 30 July 2020
- e. Notarized affidavit of Rhea Padilla (National Coordinator of Altermidya) dated 30 July 2020
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- b. Verified complaint-affidavit of Rep. Carlos Zarate filed before the Office of the Ombudsman dated June 3, 2020
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Case No. 31: Norzagaray

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- k. Mike Navallo, "Going out without travel, quarantine pass not prohibited under RA 11332 - Bulacan court", ABS-CBN NEWS, 10 June 2020, at <https://news.abscbn.com/news/06/10/20/going-out-without-travel-quarantine-pass-not-prohibited-under-ra-11332-bulacan-court>

Case No. 32: San Roque 21

- a. Fact Sheet prepared by Karapatan-National Capital Region dated 2 April 2020
- b. Information of the criminal charges against the arrested residents dated 2 April 2020
- c. Petition for Writ of Habeas Corpus filed by relatives of the arrested residents against the police dated 3 April 2020

Case No. 33: Pride 20

- a. Joint-Counter Affidavit of the arrested protesters
- b. Fiscal resolution dated 2 December 2020

Case No. 36: Cebu 8

- a. Fact Sheet prepared by Karapatan-Central Visayas on June 2020
- b. Counter Judicial Affidavits of the arrested protesters

Case No. 38: Maria Victoria Beltran

- a. Ryan Macasero, "Cebu film writer arrested over Facebook post about coronavirus in Sitio Zapatera," RAPPLER, 19 April 2020, at <https://www.rappler.com/nation/cebu-film-writer-arrested-coronavirus-facebookpost-sitio-zapatera>
- b. Ryan Macasero, "Taken after midnight, cuffed to a chair: The arrest of Cebuana artist Bambi Beltran," RAPPLER, 22 May 2020, at

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<https://www.rappler.com/newsbreak/in-depth/taken-midnight-cuffed-chaircebuana-artist-bambi-beltran>

- c. Ryan Macasero, "Cebu artist Bambi Beltran to sue Labella for violating her rights," *RAPPLER*, 21 April 2020, at <https://www.rappler.com/nation/cebu-artistsbambi-beltran-sue-labella-violating-rights-arrest>
- d. Delta Dyrecka Letigio, "Cebu City court dismisses charges against Bambi Beltran," *CEBU DAILY NEWS*, 15 September 2020, at <https://cebudailynews.inquirer.net/340002/cebu-city-court-dismisses-charge-sagainst-bambi-beltran>

Case No. 39: Ronnel Mas

- a. Mike Navallo, "Court drops inciting to sedition rap vs teacher over anti-Duterte post," *ABS-CBN NEWS*, 25 June 2020, at <https://news.abs-cbn.com/news/06/25/20/ronnel-mas-sedition-charge-dropped-duterte-threat>
- b. Mike Navallo, "Prosecutor junks second sedition rap vs teacher over Duterte bounty tweet," *ABS CBN NEWS*, 20 February 2021, at <https://news.abs-cbn.com/news/02/20/21/prosecutor-junks-second-sedition-rap-vs-teacher-overduterte-bounty-tweet>
- c. Lian Buan, "DOJ okays warrantless arrest of teacher who posted about 'killing Duterte'," *RAPPLER*, 14 May, 2020, at <https://www.rappler.com/nation/doj-okayswarrantless-arrest-ronnel-mas-teacher-reward-kill-duterte>

K. INEFFECTIVENESS OF DOMESTIC REMEDIES

Case No. 41: Margarita Valle

- a. Complaint Affidavit filed before the Office of the Ombudsman dated
- b. Resolution of the Ombudsman dated August 10, 2020 for the Administrative complaint
- c. Resolution of the Ombudsman dated August 10, 2020 for the Criminal complaint

Case No. 42: Karapatan & NUPL amparo petitions

- a. Virtual Testimony, Cristina Palabay, Plenary Hearing with Sub-Commissioners, February 2021
- b. KARAPATAN verified petition for writ of amparo and habeas data filed before the Supreme Court on July 29, 2019
- c. NUPL verified petition for writ of amparo and habeas data filed before the Supreme Court on April 15, 2019
- d. Court of Appeals Manila decision promulgated last 28 June 2019 denying the petition for writ of amparo filed by Karapatan, Rural Missionaries of the Philippines, and Gabriela
- e. Lian Buan, "Rights groups fail to get court protection from army harassment," *RAPPLER*, 29 July 2019, at <https://www.rappler.com/nation/court-of-appealsdenies-writ-of-amparo-human-rights-groups>
- f. "CA's denial of NUPL's amparo and habeas data petitions further endangers lawyers in PH," *KARAPATAN*, 30 July 2019, at <https://www.karapatan.org/CA%E2%80%99s+denial+of+NUPL%E2%80%99s+amparo+and+habeas+data+petitions+further+endangers+lawyers+in+PH>
- g. Lian Buan, "Remember Zara Alvarez? Group urges SC to review protection order for rights activists," 1 September 2020, at <https://www.rappler.com/nation/karapatan-manifestation-supreme-court-writamparo>

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Case No. 43: Almonte et. al.

- a. Virtual Testimony, Fides Lim, Plenary Hearing with Sub-Commissioners, 19 February 2021
- b. Petition for the Urgent Release of Prisoners on Humanitarian Grounds in the Midst of the Covid-19 Pandemic dated 6 April 2020
- c. Decision of the Supreme Court dated 28 July 2020, at <https://sc.judiciary.gov.ph/14045/>
- d. Mike Navallo, "After 4 months and in 300 pages, SC says it couldn't act on prisoners' plea for release during pandemic", ABS-CBN NEWS, 12 October 2020, at <https://news.abs-cbn.com/news/10/12/20/after-4-months-and-in-300pages-sc-says-it-couldnt-act-on-prisoners-plea-for-release-during-pandemic>
- e. Lian Buan, "After 5 months, SC redirects vulnerable prisoners to lower courts for release petitions", RAPPLER.COM, 10 September 2020, at <https://www.rappler.com/nation/supreme-court-redirects-prisoners-lower-courts-release-petitions-september-2020>

Case No. 44. Reina Mae Nasino

- a. Virtual Testimony, Marites Asis, Plenary Hearing with Sub-Commissioners, 16 February 2021
- b. Petition for Certiorari filed before the Court of Appeals dated October 12, 2020
- c. Order of the Court of Appeals dismissing the case on being moot and academic dated October 20, 2020

Case No. 45. Laxamana

- a. Virtual Testimony, Christine Pascual, Plenary Hearing with Sub-Commissioners, 19 February 2021
- b. Complaint- affidavit of Christine Pascual filed before the Ombudsman on February 7, 2019
- c. Resolution of the Ombudsman dated February 4, 2020
- d. Petition for Certiorari filed before the Supreme Court
- e. Resolution of the Supreme Court dated November 16, 2020

Case No. 46: Micah Ulpina

- a. Complaint-affidavit of Lydjay Acopio filed before the Ombudsman on October 17, 2019
- b. Resolution of the Ombudsman dated January 23, 2020

Case No. 47: Bonifacio

- a. Motion for Reconsideration filed by Complainant on October 23, 2020

Case No. 48: Lopez

- a. Order of the Office of the Ombudsman dated August 13, 2018.

Case No. 49: Alex Pacalda

- a. Petition for Habeas Corpus filed by the father of Alexandra Pacalda, with its annexes including the:
 - i. Handwritten letter dated 17 September of Pacalda denying her voluntary surrender
 - ii. Letter dated 18 September by Pacalda's father to the 201st Infantry

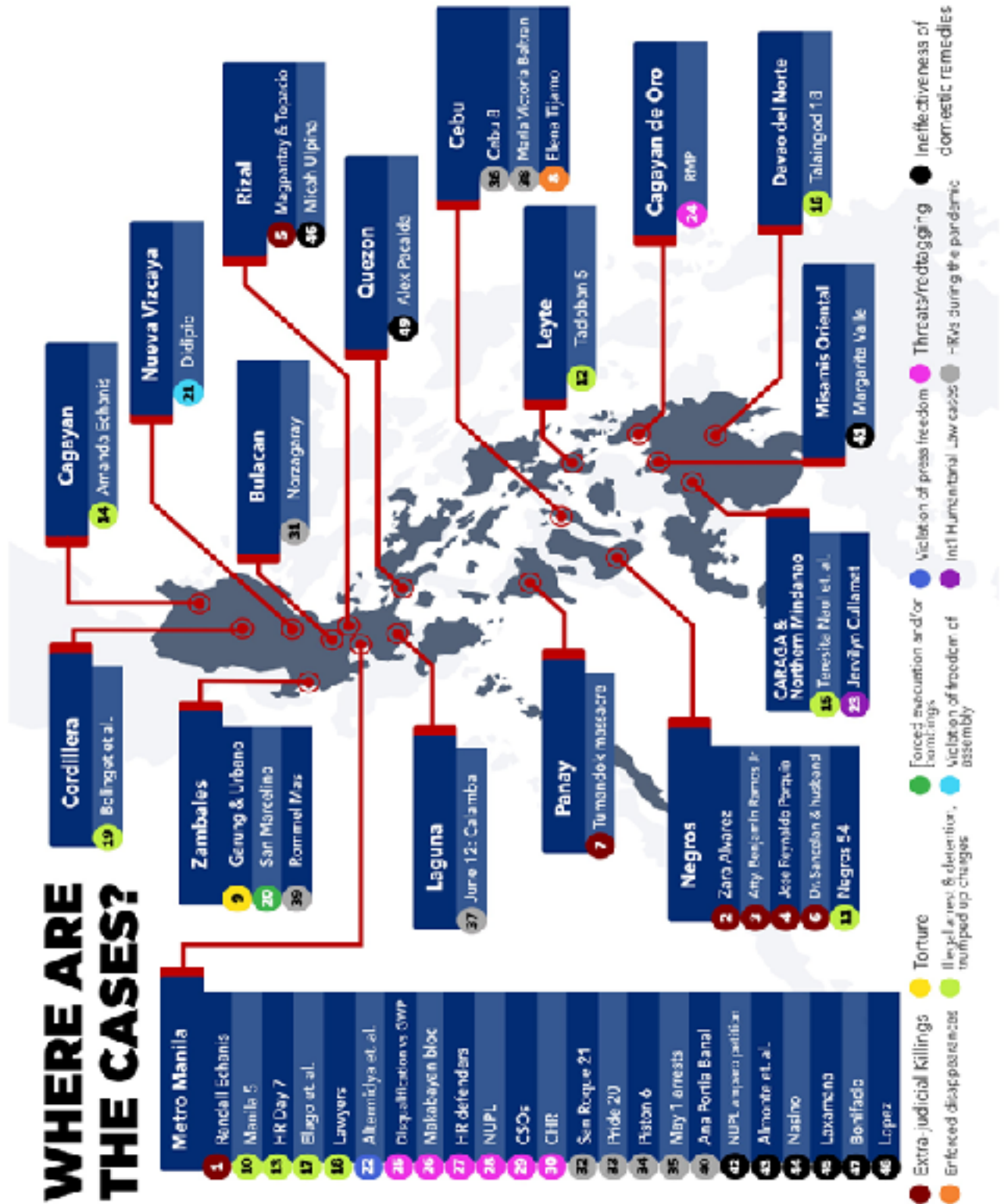
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Brigade authorities

- iii. Commission on Human Rights' letter dated 18 September informing 201st IB that the case of Alexandra Pacalda is under investigation
- b. Notice of Order dated 02 October 2019 by the Supreme Court
- c. Notice dated 09 October 2019 by the Court of Appeals
- d. Return of Writ dated 10 October 2019 submitted by the Office of the Solicitor General
- e. Memorandum dated 21 October 2019 by the OSG

Annex 6: Map

This map shows the location of the 49 illustrative cases.



Annex 7: Photos

RED-TAGGING POSTERS AND SOCIAL MEDIA POSTS FROM 2018 ONWARD





EAGSAMI! ANO SIYANG ANIBERGARYO SA TERRORISTA PARTIDO KOMUNISTA NG PILIPINAS NEW PEOPLES ARMY

Mga miyembro, supporter, tig-organisa, tig-pangilad ug tig pakalat sa makamatay, maka-daot, berdugo nga Ideolohiya sa sa Terrorista Communist Party of the Philippines-National Democratic Front- New Peoples Army CPP/NPA/NDF sa Northern Mindanao Region - NMR

Beverly S. Bessel - Party Member CPP/NPA/NDF - NPA/UPM Employee NIRC - ID	Bishop Antonio Makin - Party Member CPP/NPA/NDF - NPA Communist Faction - CREED MINDO	Bishop Felaberto Catang - Party Member CPP/NPA/NDF - NPA Communist Faction - NCMRC	Adham Yano - Party Member CPP/NPA/NDF - NPA Communist Faction - Regional Urban Com	Ian De La Rama - Secretary Sub-Regional Com 2 (SRC), NCMRC, CPP/NPA/NDF	
Neil - Party Member NPA/NDF - NIRC - Lanson	Amy Corraza - Party Member CPP/NPA/NDF - NPA Employee NIRC - ID	Gerry San Nicolas, Party Member, CPP/NPA/NDF - NPA Employee of NIRC/ID/NDP	Chel Escal - Party Member, CPP/NPA/NDF - Lanson Department Counsel, Tongue Rd	Gaspar Santos - Party Member, CPP/NPA/NDF - NPA Employee, Day de Oro City Street	Ricardo Santos Party Member, CPP/NPA/NDF - NPA KASANG-Balabalan
Regala - Party Member, NPA/NDF - Employee Cagayan City	Reynier Mergado - Party Member, CPP/NPA/NDF - NPA Employee No. 2, Pinal Com	Lo Agana - Party Member, CPP/NPA/NDF - Employee NPA N. Juan (Communist Faction)	Ardena Barro - Party Member, CPP/NPA/NDF - NPA Resident, Agusan, ID	Ben Bryan Agustin - Party Member, CPP/NPA/NDF - NPA Resident, Agusan, ID	Ben Bryan Agustin - Party Member, CPP/NPA/NDF - NPA Commander Faction

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facebook.com



303rd Infantry Brigade

19 hrs · 🌐

MGA CPP-NPA-NDF VIRUS NA DAPAT IWASAN KASAMA NG COVID-19

Sama-sama nating labanan ang mga terorista!
Ibagsak ang CPP-NPA-NDF!

#NPASalot!

#VirusNaSumisiraSaMamamayan!

#TerroristaProblemaNgLipunan!



33 Likes



303rd Infantry Brigade

Today at 8:42 AM · 🌐

National Task Force to End Local Communist Armed Conflict added a new photo.

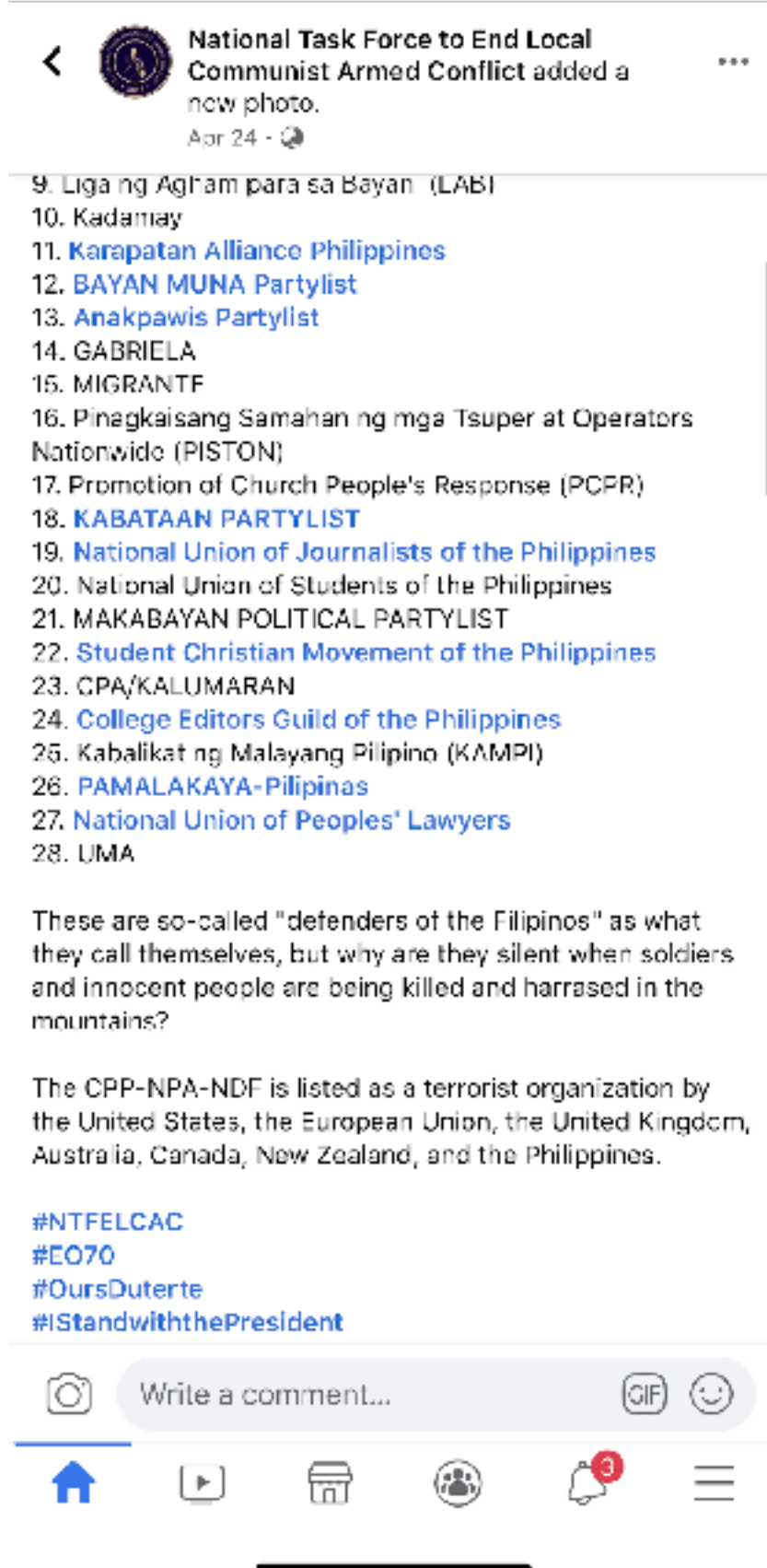
Apr 24 · 🌐

President Rodrigo Roa Duterte on April 24, 2020, said that the New People's Army, the armed wing of the Communist Party of the Philippines, has legal fronts in every sector of the society supporting them in their atrocities such as:

(Incomplete list)

1. Bagong Alyansang Makabayan (Bayan)
2. [Kilusang Mayo Uno](#)
3. Kilusang Magbubukid ng Pilipinas (KMP, Peasant Movement of the Philippines)
4. Anakbayan
5. League of Filipino Students
6. Courage
7. [Alliance of Concerned Teachers-Philippines](#)
8. Alliance of Health Workers (AHW)
9. Liga ng Agham para sa Bayan (LAB)
10. Kadamay
11. [Karapatan Alliance Philippines](#)
12. [BAYAN MUNA Partylist](#)
13. [Anakpawis Partylist](#)
14. GABRIELA
15. MIGRANTE
16. Pinagkaisang Samahan ng mga Tsuper at Operators Nationwide (PISTON)
17. Promotion of Church People's Response (PCPR)
18. [KABATAAN PARTYLIST](#)
19. [National Union of Journalists of the Philippines](#)
20. National Union of Students of the Philippines
21. MAKABAYAN POLITICAL PARTYLIST
22. [Student Christian Movement of the Philippines](#)
23. CPA/KALUMARAN
24. [College Editors Guild of the Philippines](#)
25. Kabalikat ng Malayang Pilipino (KAMPI)
26. [PAMALAKAYA-Pilipinas](#)
27. [National Union of Peoples' Lawyers](#)

Write a comment...



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Source: <https://www.facebook.com/PoliceRegionalOffice3/posts/1174020182982377>

ABS-CBN Journalist, Konektado sa mga Teroristang CPP-NPA-NDF!!



ABS-CBN

*INAY KINIKILINGAN, INAY PINUPROTEKTAHAN,
SERBISYONG PURO KASINTUNGALINGAN,
PAMAHALAAN LAGI KINAKALABAN!!*



Inday Espina Varona

Contributing Editor/Writer

ABS CBN Integrated News & Current Affairs

Malayang nakapagpapalawak ng kanilang koneksyon ang Teroristang CPP-NPA-NDF sa loob ng ABS-CBN dahil sa journalist na ito. Hindi na dapat i-renew ang franchise ng network na ito kung ang mga nagtatrabaho dito ay kasapi at tagasuporta ng TERORISTA!

#YesToShutDownABSCBN

10:35

← →

Home Posts Reviews Videos Photos

Malaybalay City Police Station 1d •

#TeamPNP
#weserve&Protect
#PNPKakampiMo

PAPATULAN LAHAT NG ISYU,
BASTA LABAN SA GOBYERNO

Malalaman
mong sila ay
para sa
TERORISMO,
Papatulan
lahat ng isyu,
Basta laban sa
GOBYERNO

No to rebellion
No to terrorism

#PNPKakampimo **#TeamPNP** **#WeServe&Protect**

Malaybalay City Police Station Malaybalay CPS PCAD Section Malaybalay CPS 085-819-0780 (Landline)
 Malaybalay CPS 999-598-6852 (Smart) 2020-823-8881 (Globe)
 Malaybalay CPS PCAD SEC Malaybalay.cpsnp@gmail.com

A FRIENDLY REMINDER FROM MALAYBALAY CITY POLICE STATION

BISTADO KA NA GHURL!

Pahuya-huya ka sa mga kabataan!

PEKE NGA MEDIA!

Ginababoy mo ang Press Freedom!

#NotoCCP-NPA
#SalotsaLipunan
#MatuodngaButigon

JOHN IAN ALENCIAGA

Ang matuod nga Tagapamaba sang NPA sa Panay

FIGHT BACK!
ALTERMIDYA PANAY

31D slams NPA for attacking soldiers amid COVID-19 info. drive

John Allen
Yesterday at 7:35 pm · 🌐

Tang ina.. you are the one that must be held liable for making your military men still do operations despite your own SOMO. You are definitely violating the president's order. If you are serious in the fight against COVID-19, you have already pulled out your troops back to your barracks.

NPA KA RIN BA?

CALL FOR DONATIONS FOR THE BAIL OF ILOILO 42



Source:

<https://www.rappler.com/newsbreak/fact-check/list-dead-captured-former-up-students-npa>



Red-tagging of NUPL-Panay including AK Guillen ca. 2018

MGA KILALANG KAMPON NI KADILIMAN... MAKABAYAN BLOC!



**MARAMI NG NALOKO, NAGAMIT
AT NAPATAY. HUWAG NANG
MAGING BIKTIMA NG
TERORISTANG CPP-NPA-NDF!**





FOLLOW US ON FACEBOOK
Global Public
FOR THE COMMON PEOPLE
SEARCH FOR TRUTH
SEARCH FOR JUSTICE

BEHIND THE LIES:
THE IMAGE OF A
COMMUNIST TERRORIST
RECRUITER

SARAH ELAGO
Ensures that the New People's Army
does not run out of youth fighters

#JUNKTERRORISTS#HANDSOFFOURCHILDREN

ETO YUNG REPRESENTATIVE NG
ACT TEACHER PARTYLIST AY ISANG KRIMINAL 🙄🙄



ACT PARTYLIST is known as ALLIANCE
OF COMMUNISTS TERRORIST partylist.

OTHER PHOTOS

Bayan Muna solon's daughter killed in NPA encounter



Jevilyn Cullamat

Source:

https://mindanaodailymirror.ph/Main/full_article/bayan-muna-solon-s-daughter-kill ed-in-npa-encounter12842



Activist arrested

Source:

<https://mb.com.ph/wp-content/uploads/subs/news/uploads/2020/05/Activ-istArrested.jpg>



Attorney Angelo Karlo Guillen stabbed

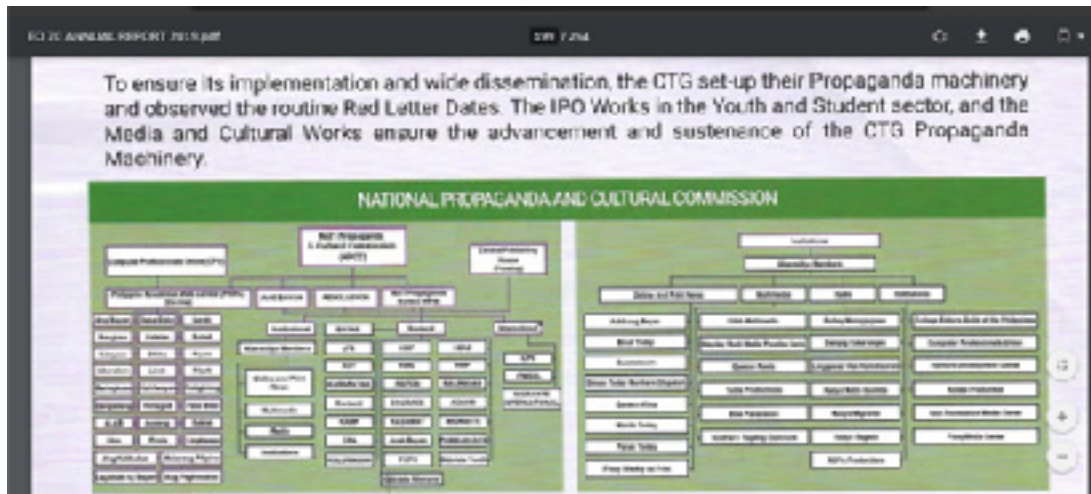
Source: <https://mb.com.ph/wp-content/uploads/2021/03/Evj72Z3VIAQG2C1.jpeg>

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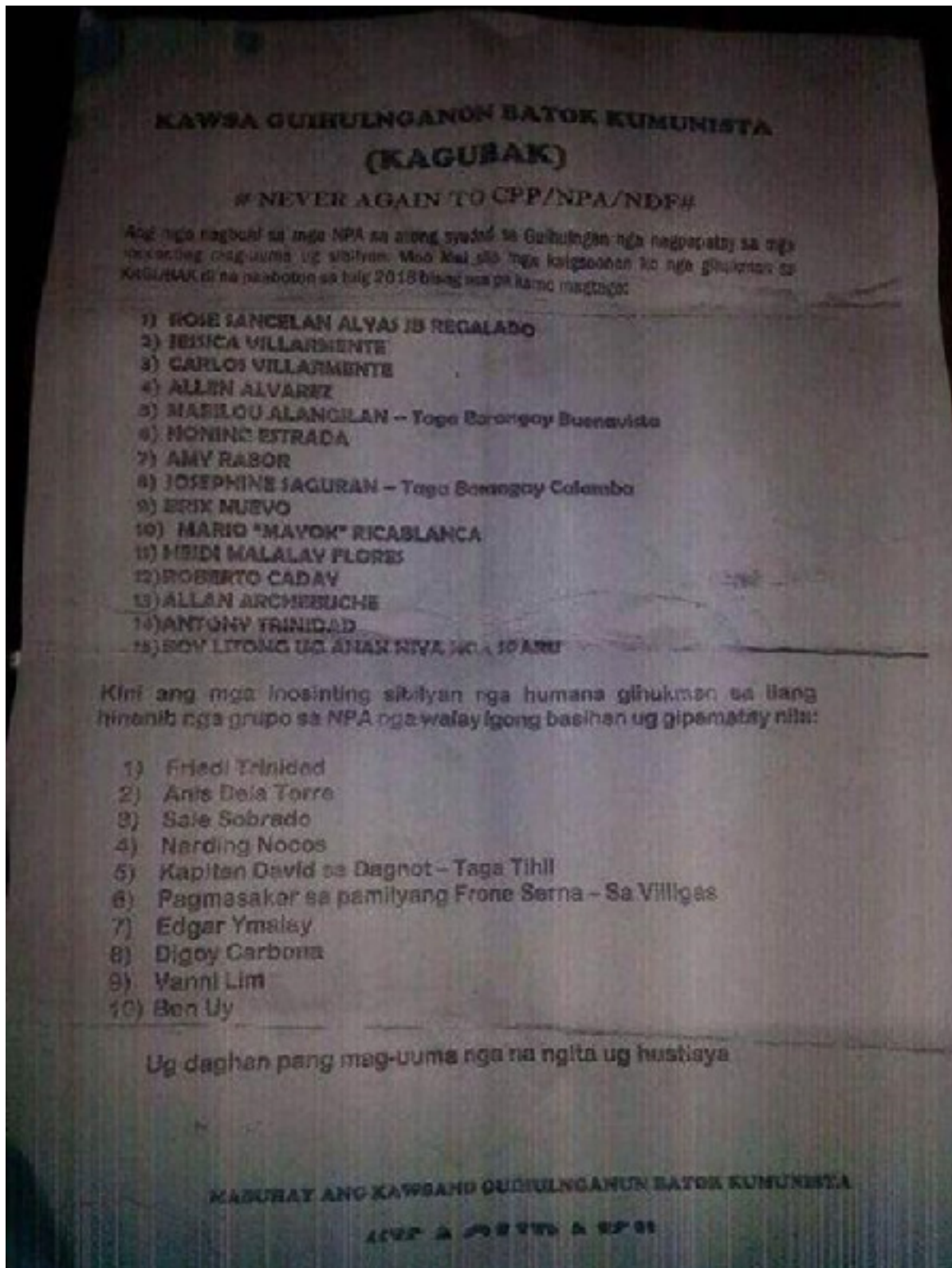


Source:

<https://mb.com.ph/2021/02/06/covid-violators-forced-to-walk-like-zombies-in-negros/>



NTF-ELCAC Annual Report



Sancelan and Ramos - KAGUBAK hitlist



Republic of the Philippines
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE
POLICE REGIONAL OFFICE 8
SAMAR POLICE PROVINCIAL OFFICE
CALBAYOG CITY POLICE STATION
Calbayog City, Samar
calbayog_cps@yahoo.com



March 12, 2021

OFFICE OF THE CLERK OF COURT
HALL OF JUSTICE
Brgy. Capococan, Calbayog City

MAR 12 2021

1 15:20 AM

Good day!

This pertains to the compliance from higher PNP offices regarding of lawyers who represents Communist Terrorist Group (CTG) personalities in the court.

In this regard, the undersigned would humbly request list of lawyers represent CTG personalities in the court. Attach herewith is the table being requested for your reference.

We fervently pray and hope for your favorable consideration on this request for subsequent submission to PNP higher offices.

Thank you and God bless!


FERNANDO G CALABRIA JR
Police Lieutenant
Chief Intel/SDEU

Letter from Lt. Calabria regarding lawyers



Republic of the Philippines
REGIONAL LAW ENFORCEMENT COORDINATING COMMITTEE
POLICE REGIONAL OFFICE CORDILLERA
Camp Major Bado Dangwa, La Trinidad, Benguet

RLECC-CAR RESOLUTION No. 04 s. 2021

A RESOLUTION ENJOINING THE MEMBERS OF LAW ENFORCEMENT AGENCIES TOGETHER WITH REPRESENTATIVES OF LGUs TO CONDUCT TOKHANG TO KNOWN LEFT-LEANING PERSONALITIES IN THE GOVERNMENT, MEDIA AND OTHER ENTITIES

WHEREAS, EO 70 series of 2016, which seeks to institutionalize the Whole-of-Nation Approach to pave the way for collective participation and action in harmonizing government development efforts and services to support, facilitate and pursue the country's peace agenda created the National Task Force to End Local Communist Armed Conflict;

WHEREAS, in furtherance of one of the priority thrusts of the current administration in addressing the insurgency problem in the country, a concerted effort amongst all the member agencies of RLECC and stakeholders is needed to address the insurgency problem in the region;

WHEREAS, insurgency problem remains to be a formidable threat to Philippine Security, Economy and to the Filipino People, it being around for more than five (5) decades in the country;

WHEREAS, a strategy is needed in addressing the insurgency problem of the Cordillera Region. This could be by way of the "Oplan Tokhang" strategy being used in the government's war on drugs by visiting/knocking on their residences and plea for them to stop dealing and using drugs. The same concept is envisioned to known left leaning personalities by visiting/knocking on their respective residences and plea or dissuade them from further supporting, or being active members of the CPP-NPA-NDF or any of its known Front Organizations.

WHEREAS, to build trust on this undertaking, and to remove the fear brought by some instances of "Oplan Tokhang" on illegal drugs that went wrong, a composite of the members of the local PNP, church, NGO and barangay officials will team up for the said "Oplan Tokhang" concept.



WHEREFORE, RESOLVED AS IT IS HEREBY RESOLVED that OPLAN TOKHANG will also be employed to convince left leaning personalities to return to the folds of the government and dissuade them from further supporting the Marxist-Maoist inspired rebellion, and its known front organizations;

RESOLVED FURTHER, that this resolution be elevated to the Regional Peace and Order Council (RPOC) for their concurrence and adoption and convince LGUs to support this and be brought to the attention of all Governors and Mayors in the Cordillera Region.

[Handwritten signatures and initials in blue ink are present on the right side and bottom of the document, including a large signature at the top right and several smaller ones below.]

RLECC Resolution No. 04 s. 2021

Initial Report | March 2021

 **Republic of the Philippines**
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE
POLICE REGIONAL OFFICE CORDILLERA
Camp Major Bado-Bangwa, La Trinidad, Benguet 

MEMORANDUM

FOR : All PDs, PPO and CD, BCPO
(PNS, C, PCADU and C, CCADU)

FROM : Regional Director

SUBJECT : Cordillera People's Alliance (CPA) and Left Leaning Organizations

DATE : February 9, 2021

1. Reference: Memo from this unit dated January 26, 2021 with subject Resolution Declaring CPA and other Allied Organizations as Persons Non Grata of the LGUs.

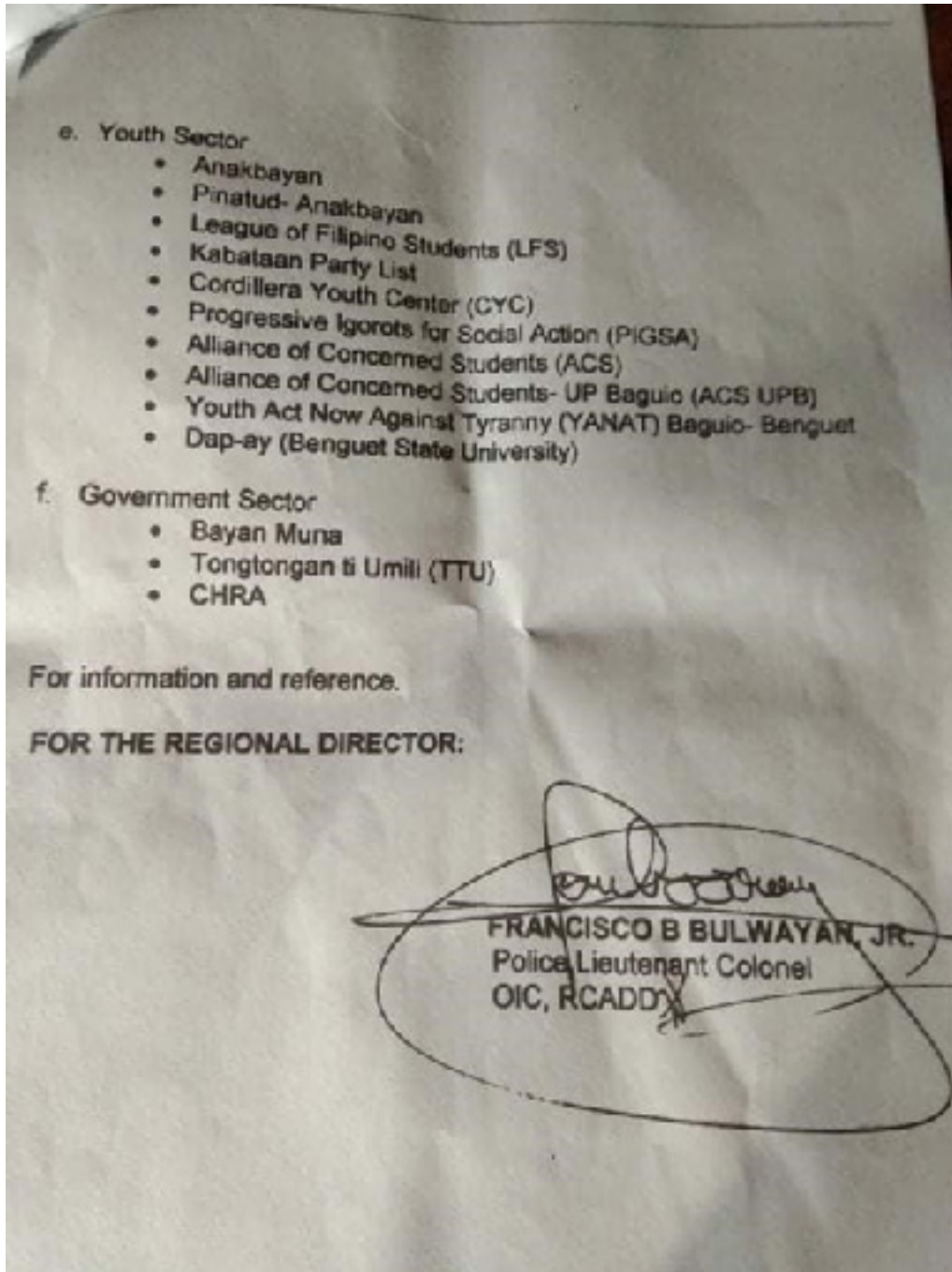
2. This pertains to the Verbal instruction of the Regional Director to encourage your respective LGUs to pass a resolution declaring the CPA, and other left leaning Organizations who are supporting the CPP-NPA within the region.

3. In this regard, the following are the CPO's operating in the Cordillera which may be used by respective units for their resolutions:

- a. Cordillera Peoples Alliance
- b. Pudo Indigenous People's Association (Natonin, Mt. Province)
- c. Labor Sector
 - Alliance of Concerned Teachers
 - Movement for the Advancement of Inter-tribal Unity and Development (MAITUD)
 - Amianan Salakniban
 - Dap-ayan ti Kultura iti Kondiyera (DKK)
 - Katribu/ Katribu-buday
 - Kilusang Mayo Uno (KMU)
- d. Womens Sector
 - INNABUYOG- Gabriela
 - Gabriela- Women's Partylist
 - INNABUYOG CORDILLERA- Alliance of Women Organization in the Cordillera
 - INNABUYOG- Alliance of Womens Against Tyranny

Cordillera Tokhang List (page 1)

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Cordillera Tokhang List (page 2)

Second Report

July 2021

Annex 1. List of Abbreviations (in alphabetical order)

ACT - Alliance of Concerned Teachers
AFP - Armed Forces of the Philippines
AHW - Alliance of Health Workers
AMLAC - Anti-Money Laundering Council
ASEAN - Association of Southeast Asian Nations
ATA - Anti-Terrorism Act
BADAC - Barangay Anti-Drug Abuse Council
BIFF - Bangsamoro Islamic Freedom Fighters
CALABARZON - Region IV- in Southern Tagalog composed of the provinces of Cavite, Laguna, Batangas, Rizal, Quezon
CARHRIHL - Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law
CCTV - Closed-Circuit Television
CHR - Commission on Human Rights
COIN - Counterinsurgency
COURAGE - Confederation for Unity, Recognition and Advancement of Government Employees
CPA - Cordillera People's Alliance
CPP - Communist Party of the Philippines
CTG - Communist Terrorist Groups
DDB - Dangerous Drugs Board
DepEd - Department of Education
DILG - Department of the Interior and Local Government
DND - Department of National Defense
DOJ - Department of Justice
EO - Executive Order
IAS - Internal Affairs Service
ICC - International Criminal Court
ICHRP - International Coalition for Human Rights in the Philippines
IDP - Internally Displaced Person
IFI - Iglesia Filipina Independiente
IFMA - Industrial Forest Management Agreement
IHL - International Humanitarian Law
ILO - International Labor Organization
INVESTIGATE PH - The Independent International Commission of Investigation into Human Rights Violations in the Philippines
JASIG - Joint Agreement on Safety and Immunity Guarantees
Karapatan - Alliance for the Advancement of People's Rights
LGC - Local Government Code
MAPUSU - Malahutayong Pakigbisog Alang sa Sumusunod
MC - Memorandum Circular
MILF - Moro Islamic Liberation Front
MNLF - Moro National Liberation Front
NAMASAJO - Nagkahiusang Mag-uuma sa San Jose
NCCP - National Council of Churches in the Philippines

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NCR - National Capital Region
NDF or NDFP - National Democratic Front of the Philippines
NICA - National Intelligence Coordinating Agency
NPA - New People's Army
NTF-ELCAC - National Task Force to End Local Communist Armed Conflict
NUPL - National Union of Peoples' Lawyers
OHCHR - Office of the High Commissioner for Human Rights
PCPR - Promotion of Church People's Response
PDEA - Philippine Drug Enforcement Agency
PGH - Philippine General Hospital
PHRA - Philippines Human Rights Act
PNP - Philippine National Police
PNP-SAF - Philippine National Police Special Action Force
R.A. - Republic Act
Rise Up - Rise Up for Life and for Rights
RLECCC - Regional Law Enforcement Coordinating Committee-Cordillera
RMP - Rural Missionaries of the Philippines
UCCP - United Church of Christ in the Philippines
UN - United Nations
UNDRIP - United Nations Declaration on the Rights of Indigenous Peoples
UNHRC - United Nations Human Rights Council
UP - University of the Philippines

Annex 2. Supplemenatry Documents Referenced in the Report (in the order they appear in the text)

Note that these supplementary documents include case summaries vetted by a team of collators, transcripts of testimonies, statements and powerpoint slides shared during the INVESTIGATE PH hearings, and additional photos, legal and medical documents provided by expert witnesses.

Section 1: Duterte's War on Poor People in the Guise of a War on Drugs

Document 1: Transcript of Llore Benedicto Basco testimony

*Llore Benedicto Pasco, Volunteer and Core Leader of Rise Up for Life and Rights, May 18, 2021.
Translated to English.*

In 2016, when the government planned tokhang, seriously I told my children to go to the barangay to list down their names for their protection. But unfortunately they escaped because of the victims slain by that time.

In 2017, May 11, they were lost. First Crisanto left the house early in the morning to get his security guard licence renewed, Later we know that Juan Carlos is not in the house. When we asked his friends they were not found. We went to the police station to bring their printed pictures to report them lost. They told us to wait 24 hours before they know their whereabouts.

On the following day, before lunch, I told my other son to view the TV news, we were surprised that he heard and saw the news that there was a person killed at Quezon City near our place, and he saw his brother already dead lying down with another man that we did not know. We also knew that they were brought to a funeral home and we went there immediately. To our knowledge this is owned by a retired police. And it's almost a week before I saw my son because they charged us with a big amount and we don't have that amount, and we seek the help of Rise Up and they were the ones who negotiate the funeral parlour. So that was the time that we agreed I would get my son. But they brought my son to another faraway morgue. It is very difficult for me because you are already a victim and you will be victimised again in another way.

That was the time too that I heard that the police had a quota of how many people they were about to kill. And there is something which I heard from our neighbours that some are happy that my son is already dead. For me, as a mother, it is very difficult, it hurt me so much when I heard that. I am very sad because some of the tokhang victims in the wake there are no people aside from their relatives who are attending the wake. But my son, because he had so many friends, there are plenty of people who attended the wake, including my relatives.

Besides they were already dead for a couple of years, there were still people who were in civilian clothes who are looking for them. In happened in 2019 and again in 2020, with barangay police and baranagay officer also, asking the name of my son. And this year 2021, a purok leader came to the house of my eldest son and asked the name of my youngest son. Then when my daughter-in-law asked them why, they told her that they would issue a certificate of "drug-free".

INVESTIGATEPH

So it hurts me so much because they were already lost for years, but they are still looked for by some persons.

Until now I am still having hardships supporting my grandchildren, especially financial support. Because of this pandemic and long lockdown I cannot work properly. So how much I wanted to help, I cannot do it.

This situation of extrajudicial killings really created problems for the Filipino people, especially the poor. That's why we parents of the victims, relatives, husbands wives, are asking your help. We are asking the help of the international community to help us to have an independent investigation here in the Philippines so that they themselves will see and prove what is really happening in the Philippines. Thankyou very much for giving us the opportunity to speak and tell you about our experience here in the Philippines, and also all the victims of this war on drugs of the Duterte administration.

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Document 2: Rise Up for Rights and Life “Communication and Complaint by Rise Up for Life and for Rights: Situation in the Philippines,” August 27, 2018, pp. 35-38, on the term “neutralization” (see below).

*Communication and Complaint by Rise Up for Life and for Rights
Situation in the Philippines*

“That, at the instance, our team took cover and introduce ourselves as Police Officers, and one of them shouted “Hindi kami papahuling buhay” (translation: “we will not allow ourselves to be arrested alive”).

“With no recourse, our team retaliated which resulted in the NEUTRALIZATION of the said suspects on the process causing the instantaneous deaths of Marcelo Daa and three of his cohorts.”⁹²

23.4. The term neutralization was again mentioned to refer to killing during the cross examination of the accused PO3 Formilleza during the hearing of the case filed against him on October 10, 2017, as shown in the Court Transcripts, to wit:

Prosecutor Kho: So you mentioned that the three men apparently were neutralized

PO3 Allan Formilleza: Yes Sir⁹³

23.5. Police reports on “*tokhang*” operations are as illustrative.⁹⁴ In a survey of police reports by the Manila Police District (MPD) between August to December 2016, the use of the term is synonymous to fatal shooting:

a) Spot Report of the Manila Police District (MPD) dated August 12, 2016, on the shooting of Arnold D. Malinao and Romano E. Mangundayao by the District Anti-Illegal Drugs (DAID) unit and the District Police Intelligence Operatives unit (DPIOU):

“Until both met their tragic (sic) when they fought with combined elements of SAID MPD and DPIOU in a buy bust operation wherein the two suspects was (sic) neutralized that resulted to their death (sic).”

b) Spot Report of the MPD dated September 13, 2016, on the shooting of Lauro B. Sisaldo by Police Station-1:

“At this time, PO1 Obillo who was seated at the driver’s side sensed that the life of his comrades (sic) in danger instinctively draws his service firearm and shot P-2 to neutralized (sic) the latter. Immediately they rushed P-2 at Tondo Medical Center for medical intervention but was declared dead-on-arrival”.

c) Spot Report of the MPD dated October 7, 2016, on the shooting of Macabato Mohd Faiz Alimbaracat and a certain “Malik” by the Regional Public Safety Battalion:

⁹² *Id.*

⁹³ *Id.*

⁹⁴ Attached as Annex 1 is a compendium of police reports from the MPD and QCPD, reflecting the term “neutralize”.

INVESTIGATEPH

*Communication and Complaint by Rise Up for Life and for Rights
Situation in the Philippines*

"Sensing that his life was in imminent danger having no choice PO3 Panganiban fire (sic) back as a result was able to neutralize the suspect."

d) Spot Report of the MPD dated October 14, 2016, on the "police operation which resulted to an armed encounter" and with four unidentified persons dead on the spot:

"At that juncture, responding policemen upon sensing that their lives were in imminent dangers (sic) had no other choice but to retaliate and defend themselves and to neutralize all suspects."

e) Spot Report of the MPD dated December 15, 2016, on the shooting of Jay-R D. Estreller by the Police Station-6, Station Anti-Illegal Drugs (SAID) unit:

"Sensing imminent and actual danger on their lives, the lawmen had no other recourse but to shoot to neutralize their armed aggressors. When the smoke of the gun fires (sic) subsided P1 and P2 lay mortally wounded in the pavement."

f) Spot Report of the MPD dated December 17, 2016, on the shooting of Delfin S. Sicson by the Police Station-6, SAID unit:

"Sensing imminent and actual danger on his life the police officer has no other recourse but to shoot to neutralize his armed aggressor. Immediately thereafter, PI-1 was rushed to the Sta. Ana hospital for medical treatment but (sic) declared expired thereat by attending physician."

23.6. Comparatively, a survey of police reports by the Quezon City Police District (QCPD) between June to July 2016 shows that neutralization means the same in a different part of the metropolis:

a) Spot Report of the QCPD dated June 21, 2016, on the shooting of Asnawe M. Ala and Khalid M. Amintao led by the regional Criminal Investigation and Detection (CIDG) unit:

"Investigation further disclosed that after a brief chase and at stated TDPO, exchanged (sic) of fire was (sic) ensued between policemen and the said suspects. As a result of which, same suspects were cornered and subsequently neutralized by the responding police officers. Immediately, the wounded suspects were rushed to East Avenue Medical Center by PO3 Basa and PO1 Mendez of City Hall Detachment but both were declared dead on arrival at around 4:05 AM...."

b) Spot Report of the QCPD dated June 25, 2016, on the shooting of Darwin Moralla, a certain "Verge/Rigor", and an unidentified person by the DAID unit:

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*Communication and Complaint by Rise Up for Life and for Rights
Situation in the Philippines*

"As a result hereof, an exchange of gunfire ensued that resulted in the neutralization of the three (3) male suspects in the process while their five (5) other companions managed to escape and eluded arrest."

c) Spot Report of the QCPD dated July 5, 2016, on the conduct of "Oplan Tokhang" and shooting of Artemio B. Aclan by the SAID unit:

"Then and there, suspect for reason of his own (sic) took his handgun and fired directly towards the pursuing lawmen prompting them to retaliate. As a result thereof, the suspect was neutralized in the process."

d) Spot Report of the QCPD dated July 6, 2016, on the encounter with two unidentified males by Police Station 5 personnel:

"However, both suspect abruptly drew their respective firearms and fired directly towards the pursuing lawmen prompting them to retaliate. As a result thereof, one of the suspects was neutralized in the process while his cohort was able to escape and eventually eluded arrest."

e) Spot Report of the QCPD dated July 8, 2016, on the shooting of a certain "Ver" by the Police Station 6, SAID unit:

"However, upon sensing the presence of policemen, suspect suddenly drew his firearm and fired directly towards the police operatives, prompting them to retaliate and neutralized the suspect causing his instantaneous death on the spot."

24. The anguish caused by these deaths have had great impact on the lives of the surviving families, most especially the women. After the killing of Salvador Dacumos, his wife Purisima has to fend for herself, her children, and her grandchildren.⁹⁵ After the killing of Djustin Lopez, his mother Normita Lopez and other family members have experienced threats and intimidation.⁹⁶ Commonly, they have sentiments of helplessness, paranoia, and fear for their lives and liberties.

25. Other than the killings, thousands were visited in their homes, illegally arrested, and many were reported tortured in detention.

25.1. The following facts were admitted by the police during the period of July 1, 2016 to January 31, 2017:

Total number of houses "visited"	: 7,000,067 houses,
Total number of persons arrested	: 52,877
Total number of surrenderees	: 1,177,817 ⁹⁷

⁹⁵ See the affidavit of P. Dacumos in Annex "E".

⁹⁶ See affidavit of N. Lopez in Annex "E".

⁹⁷ Joseph Tristan Roxas, *PNP: Number of houses visited in anti-drug campaign tops 7 million*, GMA News, January 29, 2017, available at: <http://www.gmanetwork.com/news/news/nation/597489/pnp-number-of-houses-visited-in-anti-drug-campaign-tops-7-million/story/>. Last accessed on August 26, 2018.

25.2. The number above substantially increased in 2018. In most of these thousands of operations, the police were not armed with a warrant or any judicial authority, much less a valid one - to conduct the searches, the arrests, and the drug testing.

26. Of the more than a million supposedly arrested by the PNP, many were arrested without warrant in violation of the Constitutional prohibition against invalid warrantless arrests.

27. Many of those arrested were not committing a crime, in *delicto*, which means they could not be proper subject of a warrantless arrest.

28. Furthermore, many of those arrested were not read their Miranda rights, or apprised of the basic rights to remain silent or to counsel.

29. Many of those arrested languished in jails for days or even weeks without charges in violation of their constitutional rights under Republic Act 7438 on the "Rights of Persons Arrested, Detained or under Custodial Investigation" as well as the Revised Penal Code of the Philippines

30. Such heinous human rights abuses are suffered by thousands arrested by the police on mere suspicion or for non-existent crimes.

31. Many of those arrested are minors as even admitted by the police who declared in their PNP Report that Oplan Double Barrel and Tokhang netted many minors who "surrendered".

32. The arbitrary drug testing they imposed on people in urban poor communities are not only a violation of their constitutional rights, but are persecutory in nature as they are mainly focused on the poor.

32.1. The National Union of People's Lawyers (NUPL), a national association of human rights lawyers representing residents, filed a Petition in court to declare the house visitation, census⁹⁸, and drug testing in Payatas, an urban poor shovel in Quezon City, as unconstitutional.⁹⁹ The Quezon City police chief admitted that the actions of the police were "overzealous". Thereafter, police announced that they are suspending said drug testing.¹⁰⁰

⁹⁸ A copy of the survey form required by the Quezon City police, specifically by Police Station 6, is attached as Annex "J".

⁹⁹ Docketed as Civil Case No. Civil Case No. R-QZN-17-10157CV at the Regional Trial Court of Quezon City Branch 100. The petition argues that the house visitations and community drug testing violate the right to privacy and right against unreasonable searches and seizure, as well as the right against self-incrimination and presumption of innocence, as guaranteed by the 1987 Philippine Constitution.

¹⁰⁰ Manuel Mogato, *PNP halts drug tests after QC residents petition court*, Reuters, September 11, 2017, available at: <https://www.reuters.com/article/us-philippines-drugs/philippine-police-halt-drug-tests-after-residents-petition-court-idUSKCN1BN0FP>. Last accessed on August 26, 2018.

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Document 3: Photos from Vincent Go (Warning: Graphic Content)









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Document 4: Vincent Go Case Summary

Vincent Go and his photos of the victims of Duterte's Anti-Drug Campaign

Vincent Go is a local photographer for the Union of Catholic Asian News, a media outfit that is based in Hong Kong. He has been documenting cases of drug-related killings, together with other photo-journalists who have been collectively tagged as the “Night Crawlers”, since the Duterte administration started its anti-drug campaign in 2016. One of the photographs that he took was featured online in Time.com with the following description made by Vincent himself:

“Estimated to be about 15 years old, this boy on a mortuary table in September 2016 is another life lost among the thousands killed in the government’s campaign against illegal narcotics. Witnesses say he ran when the police came to their slum community in Tondo, a district in Manila, and that police opened fire.

He survived the volley of bullets but died on the operating table a few hours later. Nobody came to the hospital to claim and identify the boy.

To me, he represents the thousands who have been killed. He came from the poor sector, maybe with no or little education. He was faceless, voiceless and would not complain of his rights when being violated.

He is just another statistic, another number, another accomplishment report for authorities that claim to be just doing their job.”

Reference:

Andrew Katz, “I Am Seeing My Countrymen Die: Local Photographers on the Frontline of Duterte’s Reflect on the Images that Moved Them Most.” Available from <https://time.com/philippines-rodrido-duterte-drug-war-local-photographers/>.

Document 5: Dr. Raquel Fortun Case Summary

Forensic Pathologist Dr. Raquel Fortun and her independent autopsies on the bodies of the victims of the anti-drug campaign of President Duterte

Dr. Raquel Fortun, the forensic pathologist in the Philippines, had conducted several independent autopsies on the bodies of the victims of drug-related killings under the Duterte administration. Among her observations, notable are as follows:

1. On the contents of the police reports about the killings

Dr. Fortun describes the same as “... so consistent, it’s a script. In fact, when you see the report, it looks like a template ... and they just change the dates, the names ... Equally problematic, how come it’s a ‘buy-bust’ and then somebody ends up dead? ... You do a sting operation, you are police officers, you should be prepared ... And the cases I see and the others I have not, they sustain multiple gunshot wounds, clearly more than enough to subdue, to disable ... So, what are you talking about in terms of you shot them because they ‘fought back?’”

2. On the conduct of police investigations about the killings:

Dr. Fortun observes that “there’s nobody really sitting down to reconstruct shootings. Because in the first place, they already have a conclusion, it was a ‘buy-bust.’ This was a bad person. He deserved to die ... basically, you’ve got killers investigating themselves. I say that over and over again. There is no independence when it comes to investigators here.”

Reference:

Amnesty International, “THEY JUST KILL: Ongoing Extrajudicial Executions and Other Violations in the Philippines’ War on Drugs.” Available from <http://www.amnesty.org.ph/wp-content/uploads/2019/07/They-Just-Kill-FullReportLoRes.pdf>.

Documents 6 - Images of death certificates from Dr. Raquel Fortun's presentation

Municipal Form No. 103 (Revised August 2016)

Republic of the Philippines
OFFICE OF THE CIVIL REGISTRAR GENERAL
CERTIFICATE OF DEATH

Province NETRO MANILA Registry No. 2017-14828
City/Municipality QUEZON CITY

1. NAME (First Middle Last) SEX (Male/Female)
RANDY TAX IGNACIO MALE

3. DATE OF DEATH (Day, Month, Year) 4. DATE OF BIRTH (Day, Month, Year) 5. AGE AT THE TIME OF DEATH (If less than 1 year, specify in months, days, hours, and minutes)
22 AUGUST 2017 FEB 22 1978 39

6. PLACE OF DEATH (Name of Hospital/Clinic/Institution/House No., St., Barangay, City/Municipality, Province) 7. CIVIL STATUS (Single/Married/Widow/Widower/Annulled/Divorced)
KAINGIN II BRGY PANSOL QC SINGLE

8. RELIGION/RELIGIOUS SECT 9. CITIZENSHIP 10. RESIDENCE (House No., St., Barangay, City/Municipality, Province, Country)
R.C FILIPINO 358 BALIBUT ST XPT'S SA LINDAS

11. OCCUPATION 12. NAME OF FATHER (First, Middle, Last) 13. MARDEN NAME OF MOTHER (First, Middle, Last)
N/A PEPITO IGNACIO SIO KIM IGNACIO

MEDICAL CERTIFICATE
(For ages 0 to 7 days, accomplish items 14-19a at the back)

19b. CAUSES OF DEATH (If the deceased is aged 8 days and over) Interval Between Onset and Death
I. Immediate cause : a. SHOOTING
Antecedent cause : b. SEE AT THE BACK.
Underlying cause : c. _____
II. Other significant conditions contributing to death: _____

19c. MATERNAL CONDITION (If the deceased is female aged 15-49 years old)
a. pregnant, in labour b. pregnant, not in labour c. less than 42 days after delivery d. 42 days to 1 year after delivery e. None of the choices

19d. DEATH BY EXTERNAL CAUSES
a. Manner of death (Homicide, Suicide, Accident, Legal intervention, etc.) b. Place of Occurrence of External Cause (e.g. home, farm, factory, street, sea, etc.)
20. AUTOPSY (Yes / No)
YES

21a. ATTENDANT
1. Name (First, Middle, Last) 2. Place (Physician, Nurse, Midwife, Dentist, Other) 3. Signature
[Signature] Physician

22. CERTIFICATION OF DEATH
I HEREBY CERTIFY that the foregoing particulars are correct as near as I can be ascertained and I have carefully read and have explained to the next of kin the cause of death and the date of death. (To be signed by the Registrar or his/her duly authorized representative)
Signature [Signature] Title/Designation REGISTRAR
Name DR. RUSY GRACE D. BASIMO-DIANGSON, MD, DLS Address QCPC Crime Laboratory Office
Date August 24, 2017 City Quezon City

DEATH
CERTIFICATE

20. AUTOPSY (Yes / No)
YES

POSTMORTEM CERTIFICATE OF DEATH
I HEREBY CERTIFY that I have performed an autopsy upon the body of the deceased and that the cause of death was
gunshot wounds, head and trunk.

Signature [Signature] Title/Designation Medico-Legal Officer
Name DR. RUSY GRACE D. BASIMO-DIANGSON, MD, DLS Address QCPC Crime Laboratory Office
Date August 24, 2017 City Quezon City

Municipal Form No. 103 (Revised August 2016)

Republic of the Philippines
OFFICE OF THE CIVIL REGISTRAR GENERAL
CERTIFICATE OF DEATH

Province NCR Registry No. 707, 5907
City/Municipality CALOOCAN

1. NAME (First Middle Last) SEX (Male/Female)
ANGELO LUKA ALARCON BISUNA Male

3. DATE OF DEATH (Day, Month, Year) 4. DATE OF BIRTH (Day, Month, Year) 5. AGE AT THE TIME OF DEATH (If less than 1 year, specify in months, days, hours, and minutes)
9 October 2017 29 June 1979 38

6. PLACE OF DEATH (Name of Hospital/Clinic/Institution/House No., St., Barangay, City/Municipality, Province) 7. CIVIL STATUS (Single/Married/Widow/Widower/Annulled/Divorced)
DOA-CALOOCAN CITY MEDICAL CENTER/Armin St., Caloocan City Married

8. RELIGION/RELIGIOUS SECT 9. CITIZENSHIP 10. RESIDENCE (House No., St., Barangay, City/Municipality, Province, Country)
Catholic Filipino Station Detention Unit, Caloocan City

11. OCCUPATION 12. NAME OF FATHER (First, Middle, Last) 13. MARDEN NAME OF MOTHER (First, Middle, Last)
Technician JUD BASUNA JUDITH BASUNA

MEDICAL CERTIFICATE
(For ages 0 to 7 days, accomplish items 14-19a at the back)

19b. CAUSES OF DEATH (If the deceased is aged 8 days and over) Interval Between Onset and Death
I. Immediate cause : a. SHOOTING
Antecedent cause : b. SEE AT THE BACK.
Underlying cause : c. _____
II. Other significant conditions contributing to death: _____

19c. MATERNAL CONDITION (If the deceased is female aged 15-49 years old)
a. pregnant, in labour b. pregnant, not in labour c. less than 42 days after delivery d. 42 days to 1 year after delivery e. None of the choices

19d. DEATH BY EXTERNAL CAUSES
a. Manner of death (Homicide, Suicide, Accident, Legal intervention, etc.) b. Place of Occurrence of External Cause (e.g. home, farm, factory, street, sea, etc.)
20. AUTOPSY (Yes / No)
YES

20. AUTOPSY (Yes / No)
YES

POSTMORTEM CERTIFICATE OF DEATH
I HEREBY CERTIFY that I have performed an autopsy upon the body of the deceased and that the cause of death was
*****ACUTE MYOCARDIAL INFARCTION*****

Signature [Signature] Title/Designation MEDICO LEGAL OFFICER
Name in Print PCI JOCELYN P. CRUZ MD. Address NPDCLO-Samson Rd., Sangandaan
Date October 11, 2017 City Caloocan City

Municipal Form No. 103
(Revised January 2007)

Republic of the Philippines
OFFICE OF THE CIVIL REGISTRAR GENERAL
CERTIFICATE OF DEATH

Province **PANGASINAN**
City/Municipality **ROSALES**

2 SEX **Male**

1 NAME **JOSUA FRANCISCO JACINTO**

3 DATE OF DEATH **14 SEPTEMBER 2018** AGE AT THE TIME OF DEATH **27**

4 PLACE OF DEATH **Block 3, Hospital**

5 RELIGION **Catholic** NATIONALITY **Filipino** CIVIL STATUS **Single**

6 OCCUPATION **Student** **JUDGE MATALENAS** **DEPOSITIVE DEPAZ PASCAL**

MEDICAL CERTIFICATE
(For ages 0 to 7 days, annotation items 13 take effect the day of the death)

19b. CAUSES OF DEATH (if the deceased is aged 8 days and over)

I. Immediate cause **a. MULTIPLE GUNSHOT WOUNDS TO THE CHEST.**

II. Other significant conditions contributing to death

19c. MATERNAL CONDITION (if the deceased is female aged 15-49 years old)

a. pregnant not in labor b. pregnant less than 42 days after delivery c. 42 days to 1 year after delivery d. None of the above

19d. DEATH BY EXTERNAL CAUSES

a. Manner of death (Homicide, Suicide, Accident, Legal intervention, etc.)

b. Place of Occurrence of External Cause (e.g. home, farm, factory, street, sea, etc.)

20. AUTOPSY (Yes/No) **Yes**

21a. ATTENDANT **2 Public**

21b. if attended, state duration (minutes)

Republic of the Philippines
OFFICE OF THE CIVIL REGISTRAR GENERAL
CERTIFICATE OF DEATH

Province **PANGASINAN**
City/Municipality **ROSALES**

2 SEX **Male**

1 NAME **JOSUA FRANCISCO JACINTO**

3 DATE OF DEATH **14 SEPTEMBER 2018** AGE AT THE TIME OF DEATH **27**

4 PLACE OF DEATH **Block 3, Hospital**

5 RELIGION **Catholic** NATIONALITY **Filipino** CIVIL STATUS **Single**

6 OCCUPATION **Student** **JUDGE MATALENAS** **DEPOSITIVE DEPAZ PASCAL**

MEDICAL CERTIFICATE
(For ages 0 to 7 days, annotation items 13 take effect the day of the death)

19b. CAUSES OF DEATH (if the deceased is aged 8 days and over)

I. Immediate cause **a. MULTIPLE GUNSHOT WOUNDS TO THE CHEST.**

II. Other significant conditions contributing to death

19c. MATERNAL CONDITION (if the deceased is female aged 15-49 years old)

a. pregnant not in labor b. pregnant less than 42 days after delivery c. 42 days to 1 year after delivery d. None of the above

19d. DEATH BY EXTERNAL CAUSES

a. Manner of death (Homicide, Suicide, Accident, Legal intervention, etc.)

b. Place of Occurrence of External Cause (e.g. home, farm, factory, street, sea, etc.)

20. AUTOPSY (Yes/No) **Yes**

21a. ATTENDANT **2 Public**

21b. if attended, state duration (minutes)

POST-MORTEM CERTIFICATE OF DEATH

I HEREBY CERTIFY that I have performed an autopsy upon the body of the deceased and that the cause of death was

--Jaraon Odsinaga Sta Rita --

Cause of death: **Gunshot Wounds, Thorax and left upper extremity.**

Signature **[Signature]** Title/Designation **Medico Legal Officer**

Name in Print **PCI Baitha B. Martinez MD** Address **PALO Camp Alejo Santos City of Malolos Bulacan**

Date **Nov. 16, 2018**

20 AUTOPSY
YES

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Municipal Form No. 103 (Revised August 2016)		(To be accomplished in quadruplicate using black ink)	
Republic of the Philippines OFFICE OF THE CIVIL REGISTRAR GENERAL CERTIFICATE OF DEATH			
Province Rizal		Registry No. 209-790	
City/Municipality Rodriguez Rizal			
1. NAME (First Middle Last) KATELEEN MYCA ACOPIO ULPINA		2. SEX (Male/Female) Female	
3. DATE OF DEATH (Day, Month, Year) 29 June 2019		5. AGE AT THE TIME OF DEATH (Fill in below accord. to age category) a. 1 YEAR OR ABOVE (Completed year) 3 b. IF UNDER 1 YEAR (Months) 3 c. IF UNDER 24 HRS. (Hours) 3	
4. DATE OF BIRTH (Day) (Month) (Year) 31 July 2015		7. CIVIL STATUS (Single/Married/Widow/ Widower/Annulled/Divorced) Single	
6. PLACE OF DEATH (Name of Hospital/Clinic/Institution/House No., St., Barangay, City/Municipality, Province) Along Pines St. Metro Manila Hills Subd., Brgy. San Jose Rodriguez Rizal		10. RESIDENCE (House No., St., Barangay, City/Municipality, Province, Country) 537 C Ayuson St. Saba Rodriguez Rizal Philippines	
8. RELIGION/RELIGIOUS SECT Catholic		9. CITIZENSHIP Filipino	
11. OCCUPATION Not Applicable		12. NAME OF FATHER (First, Middle, Last) Renate Ulpina	
		13. MOTHER NAME OF MOTHER (First, Middle, Last) Lydjay Acopio	
MEDICAL CERTIFICATE (For ages 0 to 7 days, accomplish items 14-19a at the back)			
19b. CAUSES OF DEATH (if the deceased is aged 8 days and over)			
I. Immediate cause : a. _____		Interval Between Onset and Death	
Antecedent cause : b. Medico Legal			
Underlying cause : c. _____			
II. Other significant conditions contributing to death:			
19c. MATERNAL CONDITION (if the deceased is female aged 15-49 years old)			
a. pregnant, not in labour		b. pregnant, in labour	
c. less than 42 days after delivery		d. 42 days to 1 year after delivery	
e. None of the choices			
19d. DEATH BY EXTERNAL CAUSES a. Manner of death (Homicide, Suicide, Accident, Legal intervention, etc.)			20. AUTOPSY (Yes/No)
b. Place of Occurrence of External Cause (e.g. home, farm, factory, street, sea, etc.)			Yes
21a. ATTENDANT			

POSTMORTEM CERTIFICATE OF DEATH I HEREBY CERTIFY that I have performed an autopsy upon the body of the deceased and that the cause of death was	
Brain injury secondary to gunshot wound, nape (POE). XXX	
Signature _____	Title/Designation _____
Name in Print _____	Address _____
Date _____	
PMAJ SHANNE LORE A DETTABALI, MD 30 June 2019	
Medico-Legal Officer Rizal Provincial Crime Laboratory Hiltop, Tikling, Taytay, Rizal	

Document 7: Transcript of Amy Jane Lee testimony

Translated to English

I am Amy Jane Lee, 38 years old, with three (3) children, widowed last March 2017, as I lost my husband.

A lot of questions cross my mind, most of all, how do I make a living for my three children, who are still minors. Especially ever since my husband and I got together, he is the one who is working and providing for our needs, while I stayed at home.

Doing nothing for my family is not an option. I got a job as a food vendor inside the school. I supported my children through that. I spend most of my time working, just to give them a better life. If I could supervise them the whole time before, now it is totally different situation because I have to spend more time working. It is very difficult to be a mother and a father at the same time, because you have to balance yourself. I have to spend less time with them, because I have to provide for them.

When my husband was still alive we were able to buy all their needs in school, we can pay the rent, I can monitor my children's studies. When he died we had to seek shelter to other homes, there were times when my children were bullied in their schools, because they learned that their father's death is due to tokhang. Because when you mention tokhang, it is like a really shameful reason to die. So with this experience my child lost interest in attending school. My youngest child is also bullied by his playmates because they are saying that his father was gunned down. If only I could transfer to a land far away from where my husband was killed by a riding in tandem, I will do so. But we do not have that capacity right now, because we are poor.

We have a very simple life before, but we are content and happy because we are complete. If only I could bring that life back, if they did not killed my husband, then we would not have to suffer this much. I make do with my meagre earnings as a vendor, just to have my children continue going to school.

Our life became harder when I lost my job due to the pandemic. I can't continuously pay for the room we are renting. We also have less compared to what we need. I become really emotional when I talk about livelihood because I really feel how hard our life is right now, especially that my kids have to adjust.

I can't help but pity the situation we are in, because we already lost someone, I lost my job, and now I am uncertain when most of us can get a job back. Also we are in fear, because up until now there are people still being executed in our area. Before you can fell safe when you see a police, but now we fear them. We can't get the trauma off, even as years have passed by.

That's why I am thankful to all of you, for giving us the chance to speak because the effect of losing our loved one is not simple, most especially if you lose the breadwinner. It is harder to move, especially if there are a lot of eyes looking at us with judgement because of the way that they were killed.

In the four years that has passed, the government has done nothing to help solo parents like

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us. There are no programs for the likes of us that are supporting our family by ourselves. At the same time, our children who were so young, who get to experience this kind of tragedy.

The fear that the families of the victims are experiencing has increased because recently I have personally witnessed that the police are still visiting the houses of the victims to ask if we will be filing a case. This causes fear among us because even after four years they are asking if we are going to file a case or not. Is this a way to scare us into not filing a case against what happened to our loved ones? I am calling to all the families of victims like me that we should not stay quiet and do nothing because the life is a very important right that has been taken away from us. We should not let this feeling happen to other parents or spouses. We should not let this feeling from that tragedy caused by the government be experienced by other parents and spouses.

The killings should stop and we should not lose hope that some day the perpetrators will be punished, and we will achieve the justice that we have long wanted for the families of the victims of the war on drugs.

Document 8: Rubilyn Litao statement on behalf of Rise Up

Impunity Under President Duterte's bloody War on Drugs

In his campaign run, more than five years ago, Rodrigo R. Duterte presented his “kamay na bakal” (iron fist) against illicit drugs, crime, and criminality. Upon his election and even before his assumption of office, stories of drug-related killings began to run in dailies and showed on the evening news. As we are entering his sixth (and hopefully last) year as president, what are the impacts of Duterte’s so-called “war on drugs”?

As human rights defenders, negative results are obvious and glaring.

Most devastating would be the extra-judicial killings of thousands of Filipinos. On June 4, 2020, the Office of the High Commissioner on Human Rights (OHCHR) reported that based on official figures, at least 8,663 individuals have been killed since the Duterte administration started its campaign against illegal drugs in 2016. But some human rights groups claim that the figure is at least 30,000. The number of deaths has continued to climb. Under the Philippine Drug Enforcement Agency statistics, there was a 50% increase in drug-related killings under police operations in April-July 2020, during the first months of the pandemic versus the four months previous (December 2019-March 2020).^[i] The control of people’s movement under the pandemic lockdowns and curfews, not only made police operations easier, but it has also made documentation and even media coverage of these killings more difficult. It is also worth noting that so-called “vigilante” killings continued and these occurred mainly sans witnesses, especially in the night.

It is also glaring that families who have lost loved ones to drug-related killings have been greatly impacted. Working with these families has been the main focus of Rise-Up for Life and for Rights since its formation in October of 2016. Upholding that the right to life must be respected, we began working with ‘families left behind’ to document the killings and to enjoin them to help us ‘stop the killings.’ We have had an intimate look at the impacts on family life. They have suffered greatly. Loss of income, psychological strain and prolonged bereavement, marginalization in the community, and an acute desire for justice have marked their journeys. As much as many Rise Up to struggle for justice, we have seen the devastation wrought by these drug-related killings on the families affected by them.

In light of the thousands of killings and even more arrests,^[ii] a most devastating impact of this “War on Drugs” is the even more entrenched CLIMATE AND CULTURE OF IMPUNITY. The simplest definition for us of impunity is that the perpetrators get away with their transgressions, the violations of human rights, with no accountability whatsoever. The feelings of despair are real, when the prospects of attaining justice through the Philippines courts appear ‘slim to none.’ But at the same time, a desire for justice is strong. The help of human rights lawyers and a common belief that injustice must not prevail, allows us to push for accountability to break the prevailing climate of Impunity.

To this end, the National Union of People’s Lawyers (NUPL) has assisted Rise Up families in filing six cases at the Office of the Ombudsman. Of these six cases, two were dismissed by the Ombudsman; after motions for reconsideration, these were again dismissed.

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Specifically, the cases filed include:

1. Bonifacio – father and son killed in 2016 – filed in March 2017
2. Lopez filed in September 2017
3. David filed in September 2017
4. Laxamana filed in February 2019
5. Sta. Rita filed in September 2019
6. Ulpina filed October 2019

Though we have documented nearly 200 drug-related killings, we have only filed six cases for which the evidence was strong, including police reports and witness testimonies. Sadly, the prospects of filing at the courts lessened as the procurement of police reports became more difficult, even to the extent that the Supreme Court ordered the submission of police reports on drug-related killings.

Thus, seeing no positive results from available domestic remedies, Rise Up and NUPL also facilitated the filing of complaint-submission and supplemental pleadings before the International Criminal Court on the human rights violations committed under the pretext of Duterte’s “War on Drugs.” Five cases were included in the initial complaint-submission with an additional one added in the second supplemental complaint against President Rodrigo Duterte for his crime against humanity.

- August 2018 - 5 families as the complainants - David, Lopez, Locasia, Lozano, Sabangan; Rise Up as an organization/network of families and advocates
- October 2018 - first supplemental complaint
- October 2019 - second supplemental complaint (included the case of Joshua Laxamana)
- January 2021 – third supplemental complaint

We hope that these efforts before the International Criminal Court bear fruit. Because even our efforts to cooperate with the Philippine Investigation by the United Nations Office of the High Commissioner for Human Rights, in 2019 to 2020, did not result in our desired UN independent investigation. Instead, a UNHRC resolution was passed on “technical cooperation and capacity-building for the promotion and protection of human rights in the Philippines.”^[iii] We still hope we can maximize whatever opportunities this resolution can provide, but it has been months already and the violations continue.

At the time of the UNHRC “technical cooperation” Resolution, Department of Justice (DoJ) Secretary Menardo Guevarra announced the creation of an inter-agency panel on the drug war killings to be external to the Philippine National Police. A panel review would re-evaluate the cases and examine the “propriety of reinvestigating them or filing appropriate charges against erring law enforcement officers.”^[iv] On February 14, 2021, Guevara reported to the UNHRC that the panel review yielded a result that in more than half of the cases where suspects were killed while resisting arrest, the Philippine police did not follow protocol in coordination with other agencies or processing the crime scene.^[v] While we welcome these efforts by the DOJ, we hope that they are sincere and not a mere diversionary tactics to take off the pressure from the United Nations. Our skepticism stems from the fact that our efforts to get justice through Philippine courts have been frustrating, to say the least, because for years now people in gov-

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ernment have not investigated these killings. In fact, the only body with which we regularly coordinate is the Philippine Commission on Human Rights, both in regards to our documentation and possible assistance for the victims' families.

COVID-19 pandemic and lockdowns/quarantines have only further worsened the realities in the urban poor communities. Quarantines have further militarized communities and worsened economic conditions. Instead of alleviating the suffering of those already victimized by poverty and discrimination, it has reinforced a police-militaristic approach that aggravates fear and threats as well as seeks to silence the voices of protest, resistance, and complaint. Impunity and repression intensify and continue.

In the face of all these, we persist! Rise Up continues to work with families despite our limited resources and the restrictions on our movements. Our call for an independent investigation into the human rights violations in the Philippines remains clear. This government is not addressing the culture and climate of impunity that both supports and fuels extra-judicial killings and other human rights violations. We appeal to the international community to extend solidarity and engage actions that can address the human rights crisis in the Philippines, especially joining us in the calls for an independent investigation into the human rights violations in the country and for holding Duterte and his government accountable for the thousands of extra-judicial, drug-related killings.

Stop The Killings! End Impunity!

Rubylin G. Litao

Coordinator

Rise Up for Life and for Rights

^[i] [hrw.org/news/2020/09/08/killings-philippines-50-percent-during-pandemic](https://www.hrw.org/news/2020/09/08/killings-philippines-50-percent-during-pandemic)

^[ii] Note: Arrests also follow a pattern of planting evidence on the arrested; Rise Up does not have available resources to respond and simply refers those arrested to the Public Attorney's Office.


^[iii] <http://undocs.org/A/HRC/43/L.38>

^[iv] <https://theworldnews.net/ph-news/to-avoid-icc-duterte-admin-forms-panel-to-probe-deaths-in-police-operations>

^[v] <https://www.rappler.com/nation/doj-drug-war-review-pnp-did-not-follow-rules-nanla-ban-cases>

Document 9: Regional Law Enforcement Coordinating Committee - Cordillera Region Resolution, February 24, 2021

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Republic of the Philippines
REGIONAL LAW ENFORCEMENT COORDINATING COMMITTEE
POLICE REGIONAL OFFICE CORDILLERA
Camp Major Bado Dangwa, La Trinidad, Benguet

RLECC-CAR RESOLUTION No. 04 s. 2021

A RESOLUTION ENJOINING THE MEMBERS OF LAW ENFORCEMENT AGENCIES TOGETHER WITH REPRESENTATIVES OF LGUs TO CONDUCT TOKHANG TO KNOWN LEFT-LEANING PERSONALITIES IN THE GOVERNMENT, MEDIA AND OTHER ENTITIES

WHEREAS, EO 70 series of 2018, which seeks to institutionalize the Whole-of-Nation Approach to pave the way for collective participation and action in harmonizing government development efforts and services to support, facilitate and pursue the country's peace agenda created the National Task Force to End Local Communist Armed Conflict;

WHEREAS, in furtherance of one of the priority thrusts of the current administration in addressing the insurgency problem in the country, a concerted effort amongst all the member agencies of RLECC and stakeholders is needed to address the insurgency problem in the region;

WHEREAS, insurgency problem remains to be a formidable threat to Philippine Security, Economy and to the Filipino People, it being around for more than five (5) decades in the country;

WHEREAS, a strategy is needed in addressing the insurgency problem of the Cordillera Region. This could be by way of the "Oplan Tokhang" strategy being used in the government's war on drugs by visiting/knocking on their residences and plea for them to stop dealing and using drugs. The same concept is envisioned to known left leaning personalities by visiting/knocking on their respective residences and plea or dissuade them from further supporting, or being active members of the CPP-NPA-NDF or any of its known Front Organizations.

WHEREAS, to build trust on this undertaking, and to remove the fear brought by some instances of "Oplan Tokhang" on illegal drugs that went wrong, a composite of the members of the local PNP, church, NGO and barangay officials will team up for the said "Oplan Tokhang" concept.

WHEREFORE, RESOLVED AS IT IS HEREBY RESOLVED that OPLAN TOKHANG will also be employed to convince left leaning personalities to return to the folds of the government and dissuade them from further supporting the Marxist-Maoist inspired rebellion, and its known front organizations;

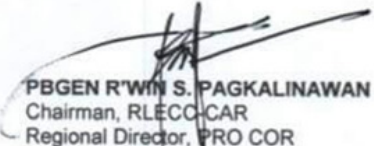
RESOLVED FURTHER, that this resolution be elevated to the Regional Peace and Order Council (RPOC) for their concurrence and adoption and convince LGUs to support this and be brought to the attention of all Governors and Mayors in the Cordillera Region.

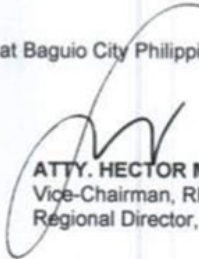
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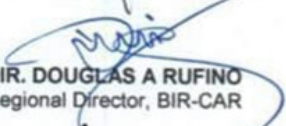
(The document contains numerous handwritten signatures and initials in blue ink, primarily on the right side and bottom.)


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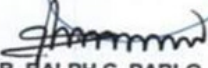
APPROVED this _____ at Baguio City Philippines.



PBGEN R'WIN S. PAGKALINAWAN
Chairman, RLECC-CAR
Regional Director, PRO COR

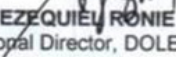

ATTY. HECTOR M. GEOLOGO
Vice-Chairman, RLECC-CAR
Regional Director, NBI-CAR

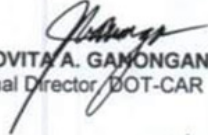

DIR. DOUGLAS A RUFINO
Regional Director, BIR-CAR



DR. RUBY C. CONSTANTINO
Regional Director, DOH-CAR


ENGR. RALPH C. PABLO
Regional Executive Director, DENR-CAR



DIR. THEODORE V. PASCUAL
Alien Control Officer, BI-CAR



DIR. EZEQUIEL RONIE A. GUZMAN
Regional Director, DOLE-CAR


MS. JOVITA A. GAMONGAN
Regional Director, DOT-CAR



ATTY. MARLON P. BOSANTOG
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DIR. GIL CESARIO P. CASTRO
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Regional Director, PIA-CAR


DIR. EDITHA S. PUDDOC
RD, NAPOLCOM-CAR


DIR. ALDEN JUAN C. MASAGCA
Regional Director, NICA-CAR


PROS. CONRADO CATRAL
City Prosecutor, DOJ-CAR

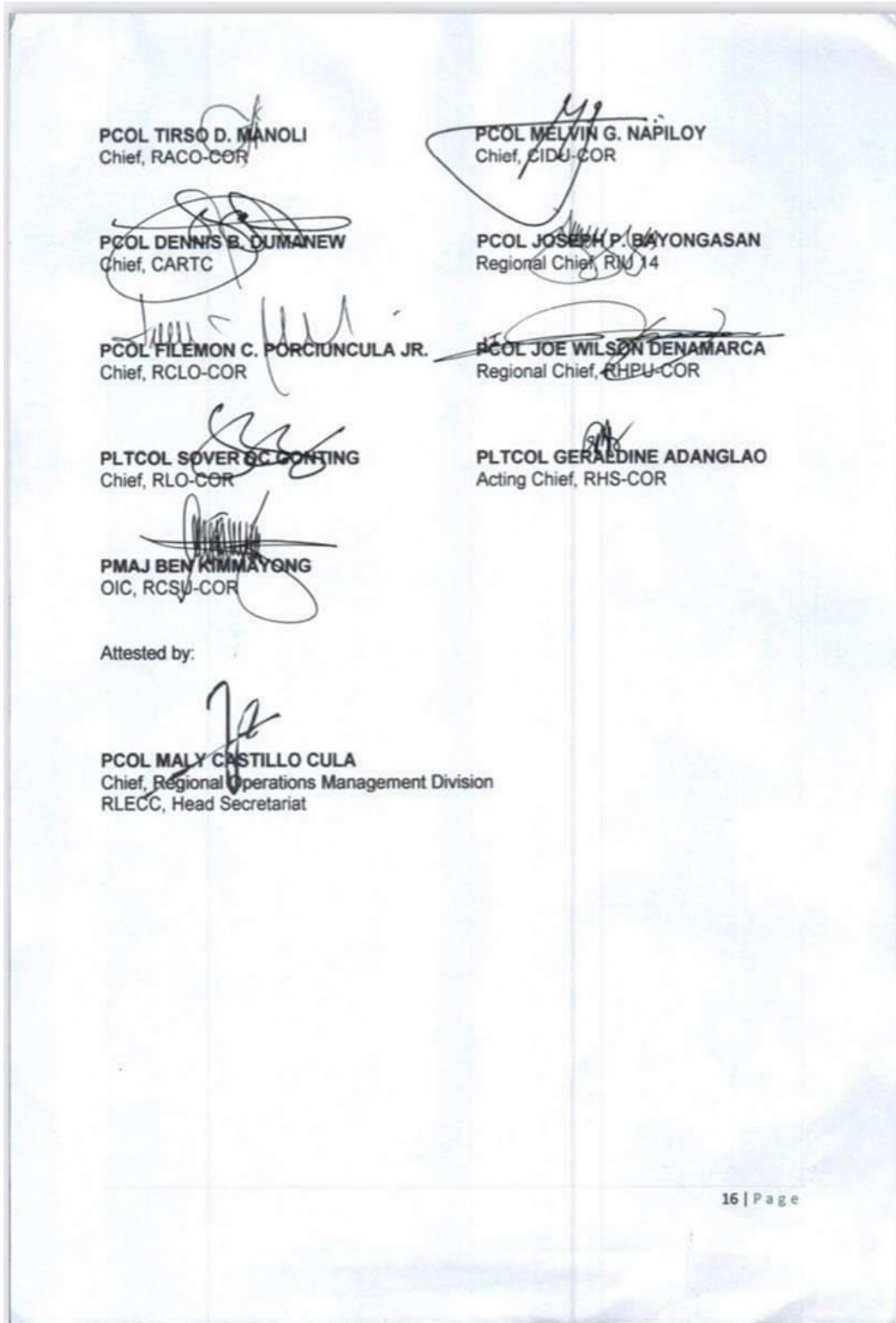

DIR. ARACELI A. SAN JOSE
OIC RD, DILG-CAR




DIR. LILIBETH L. SIGNEY
Regional Director, BFAR-CAR



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Document 10: Memorandum by regional director of the PNP in Cordillera to local police departments, February 9, 2021



 Republic of the Philippines
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE
POLICE REGIONAL OFFICE CORDILLERA
Camp Major Bado Dangwa, La Trinidad, Benguet 

MEMORANDUM

FOR : All PDs, PPO and CD, BCPO
(Attn: C. PCADU and C. CCADU)

FROM : Regional Director

SUBJECT : Cordillera People's Alliance (CPA) and Left Leaning Organizations

DATE : February 9, 2021

1. Reference: Memo from this unit dated January 26, 2021 with subject Resolution Declaring CPA and other Allied Organizations as Persona Non Grata of the LGUs.

2. This pertains to the Verbal Instruction of the Regional Director to encourage your respective LGUs to pass a resolution declaring the CPA and other left leaning Organizations who are supporting the CPP-NPA within the region.

3. In this regard, the following are the CFO's operating in the Cordillera which may be used by respective units for their resolutions:

- a. Cordillera Peoples Alliance
- b. Pudo Indigenous People's Association (Natonin, Mt. Province)
- c. Labor Sector
 - Alliance of Concerned Teachers
 - Movement for the Advancement of Inter-tribal Unity and Development (MAITUD)
 - Amianan Salakniban
 - Dap-ayan ti Kultura iti Kordilyera (DKK)
 - Katribu/ Katribu-buday
 - Kilusang Mayo Uno (KMU)
- d. Womens Sector
 - INNABUYOG- Gabriela
 - Gabriela- Women's Partylist
 - INNABUYOG CORDILLERA- Alliance of Women Organization in the Cordillera
 - INNABUYOG- Alliance of Womens Against Tyranny

Document 11: Chai and Ariel Evangelista (Bloody Sunday) Case Summary

Chai and Ariel Evangelista Case (Bloody Sunday)

At dawn on March 7, 2021 the police and military served a total of 24 search warrants at in different provinces in CALABARZON, Southern Tagalog, in simultaneous operations which led to the deaths of nine and the arrest of six individuals, all unarmed activists. This occurred two days after President Duterte ordered the police and military to “kill” and “finish off” armed communist rebels and to “forget about human rights.”

Among the fatalities are two labor organizers and fisherfolk, Chai and Ariel Evangelista, who were killed in Batangas. Neighbors and relatives reported hearing gunshots, screams, and pleas from the couple’s house. Their bodies were later found dead at a funeral home by their relatives. Their 10-year son managed to escape from the killings as he reportedly hid in a small space close to the ceiling. He witnessed his father being hit on his face by the police with their rifle, before he was dragged out of their house. He saw his mother went out of the house and heard her shout for help. Thereafter, the child saw his mother came back for her father and embraced him before they were both dragged out of their house. It was likewise reported that a search warrant for illegal possession of explosives was issued by a Manila trial court against the couple.

References:

- Karapatan Southern Tagalog Fact Sheet
- Maricar Cinco. “Bloody Sunday’ as seen from a boy’s hiding place.” March 13, 2021. <https://newsinfo.inquirer.net/1406378/bloody-sunday-as-seen-from-a-boys-hiding-place>.

Supplementary documents (the following documents are not cited directly in the report, but were a part of this investigation).

Document 12: Rise Up summary of war on drugs

When President Duterte assumed office on July 1, 2016, he publicly promised death to those involved in drugs and crimes: These sons of bitches are destroying our children. I warn you, don't go into that, even if you're a policeman, because I will really kill you ... If you know of any addicts, go ahead and kill them yourself as getting their parents to do it would be too painful.^[1]

The killings of thousands of civilians, who were alleged to be drug addicts, pushers, and others related to the trade, has been widely and publicly documented. On June 4, 2020, the Office of the High Commissioner on Human Rights (OHCHR) reported that based on official figures, at least 8,663 individuals, or at least 30,000 as claimed by some human rights groups, have been killed since the Duterte administration started its campaign against illegal drugs in 2016.

Complaint Before the Office of the Prosecutor (International Criminal Court)

Families of the victims of drug-related killings in the Philippines and their human rights organization, Rise Up for Life and for Rights^[2] (Rise Up), filed a complaint before the Office of the Prosecutor in the International Criminal Court. They assert that President Duterte is guilty of Crimes against Humanity, specifically murder and other inhumane acts constituted by:

1. Widespread and systematic attacks against civilians in the form of murder of thousands of civilians proscribed under Article 7, paragraph (a) of the Rome Statute through his publicly-pronounced policy against drug suspects, through police directives Oplan Double Barrel, Oplan Tokhang, Oplan Double Barrel Alpha, and Oplan Double Barrel Reloaded, resulting in the death of at thousands of civilians; and
2. Widespread and systematic attacks against civilians in the form of inhumane acts intentionally causing great suffering, or serious injury to body or mental or physical health proscribed under Article 7, paragraph (k) of the Rome Statute under his anti-drug policy and anti-criminality campaign including Oplan Double Barrel and its permutations, and Oplan Tokhang.

Complainants add that the Philippine justice system is unable to prosecute President Duterte because presidents are expressly immune from suit under the Philippine justice system. This essentially affords impunity for the State perpetrators.

SOCIO-ECONOMIC IMPACT OF THE DRUG RELATED KILLINGS TO THE VICTIMS' FAMILIES

Rise Up has gathered information pertaining to the socio-economic impact of these drug-related killings to the victims' families. Notably, it appears that many of those who were killed in Duterte's anti-drug campaign were breadwinners of the poor families that they belong to. Most of the families of the victims, who are members of Rise Up, earn income from informal, occasional, and daily wage-earner work. Their families have gained income from work as

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garbage recyclers/scavengers, street sweepers, canteen workers, pedicab and tricycle drivers, house-helpers, insurance sales, washing laundry, ambulant vending, massage, manicures and haircutting, low-wage contractual fabrication and construction. The widest differences were noted in households whose economic situation has worsened significantly, after a “breadwinner” in the household was the one killed in the anti-drug policy of the government. The overall poverty in the communities of the victims was seen to be the same or worse. Most families are struggling to eat two or three times a day. Many of them do receive government financial assistance, but it is not enough to provide even their basic needs.

At the beginning of the implementation of the Duterte’s anti-drug campaign, many were afraid of the local government watch lists and police operations. In more recent years, there is less worry about the lists as they are not referenced and flaunted as they had been. However, killings in police operations do continue. As killings by motorcycle-riding men have also continued, community members do worry as these men are also carrying guns. The families of the victims have a negative analysis of the police in general, as many expressed that they believe the police are involved in questionable or criminal money transactions and that their policing of the community is motivated more by power and financial gains, rather than criminality or order in the community. Under the pandemic lockdowns, the police have been able to increase control and limit movement in urban poor communities. The police are seen to be more powerful than ever.

Amidst all these challenges, many of the families are determined to seek justice. However, they are not the most representative norm for their communities. They see the dangers around them, but they are determined to pursue and struggle for justice. Since they have to cope with their difficult realities, they are more focused on how pursue justice and stop the killings. Even as they can identify ways that they have experienced stigmatization and marginalization from others in their community, they have overcome these by asserting that no one should lose their lives to drug-related killings under Duterte’s anti-drug campaign. In fact, they are advocates that elucidate that the War on Drugs robs people of the opportunity to be rehabilitated. Finally, even though the courts in the Philippines have also not afforded them justice for the killings of their loved ones, they will continue this advocacy until they can find justice, even if it comes from outside the Philippines.

References:

- Rise Up for Life and for Rights, et.al. vs. Rodrigo Duterte (Communication and Complaint Situation in the Philippines dated August 27, 2018 and filed before the Office of the Prosecutor for the International Criminal Court)
- Rise Up for Life and for Rights, et.al. vs. Rodrigo Duterte (Motion to Admit Supplemental Pleading dated October 7, 2018, October 3, 2019 and January 21, 2021 and filed before the Office of the Prosecutor for the International Criminal Court)

^[1] Philippines President Rodrigo Duterte urges peoples to kill drug addicts, The Guardian, July 1, 2016. available at: <https://www.theguardian.com/world/2016/jul/01/philippines-president-rodrigo-duterteurges-people-to-kill-drug-addicts>.

^[2] It is a network of church people, human rights advocates and the victims and families of the affected communities in the Philippines working in defense of life and protection of human rights particularly against drug-related killings.

Document 13: Summary of CHR investigation into war on drugs

Commission on Human Rights and its investigation on drug-related extra-judicial killings

In March 2021, the Commission on Human Rights of the Philippines (CHR) announced that majority of the killings investigated involved victims who allegedly fought back during police operations. CHR is the independent national human rights institution created under the 1987 Philippine Constitution.

CHR said that some records with available information on the victims' injuries revealed perpetrators' possible abuse of strength and intent to kill. Irregularities in police operations were also noted in some CHR investigations through witness statements.

CHR mentioned difficulty in accessing police records. It said, "access to police records is a recurring obstacle in CHR's investigations as part of its mandate as an independent national human rights institution. This restriction makes it difficult to ascertain the veracity of police claims, as well as the extent of effort extended in investigating deaths said to be not related to law enforcement operations."

CHR observed that the police's investigation reports affirmed legitimacy of police operations. CHR added that, "recommend that participating operatives be absolved from criminal or administrative liability and, at times, even recommended to be awarded, rewarded, or recognized despite the occurrence of deaths."

Reference:

Statement of the CHR Commissioner, Gwendolyn Ll. Pimentel-Gana, on the brazen and brutal drug-related killings and need for genuine government investigations, <https://chr.gov.ph/statement-of-chr-commissioner-gwen-pimentel-gana-on-the-brazen-and-brutal-drug-related-killings-and-the-need-for-genuine-government-investigations/>

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Document 14: Norma Dollaga Testimony on behalf of Promotion of Church Peoples' Response (PCPR)



What is the economic impact of War on Drugs?

Answer: We have gone from the worst to even further miseries and marginalization.

Let me tell how HER SISTER felt the loss of their brother- KIM RAMOS

“My brother could have enrolled in college. His company was willing to provide a scholarship for his education. This had elated his heart, because my brother dreamt of sending us, his younger siblings, to school as well. He helped my father in the construction site to earn, so that we younger siblings could go to school and so we would have our daily food. But all these dreams and daily support were gone at the strike of bullets that killed my brother. He is neither a user nor a peddler of drugs. He is an active church youth and very much loved by community members and classmates. He was gunned down as he and his childhood friend were going to an eatery after playing basketball.”

Nanay Gretchen, a mother, in her grieving told us, “He is the one who was helping me in selling vegetables. He carried the load of veggies as we sold them around the community. Now that he is gone, I can only carry a little harvested vegetable. It affected my already small income into meager earnings. I want to ask God, why was my son killed?”

There is no stand-alone story. The tragedy of one is connected to another. This very murderous attack against the poor by the Duterte government, embodied by the ‘war on drugs,’ begets more hurtful and vicious strikes on their lives. After all, it is still the accountability of the State to ensure peace and order. Instead of busying itself with how to kill the poor, the government should be at the core of its business—the delivery of social justice that has been most awaited by the masses.

Let me tell you about a woman whose face traces no mournful hints of the sting of pain and violence. I shall call her Aurora, a woman who dares to see the breaking of dawn in the midst of pain and unspeakable suffering. She was 36-years-old when her husband was brutally murdered in Duterte’s ‘war on drugs.’ They have seven children, with the youngest being seven and the oldest 20.

Her construction worker and jeepney dispatcher husband was a user of methamphetamines, known as ‘shabu,’ for a year. In dire need, he was forced to sell drugs to survive and to pay the debt incurred by his surgery.

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One would not be surprised if the poor would resort to this “illegal” activity, with the shoddy health services we have. The Philippines has a ratio of 1 doctor for every 33,000 frontline health workers.^[1]

In 2016 the health spending of Filipino, per capita, was P4,406.00 or P12.00 per day.^[2]

The inadequate universal health package through Philhealth means that the poor spend 50% out-of-pocket on any hospital bill.

Aurora’s husband decided to stop selling drugs and planned to “surrender.” Time was not on his side. While fixing a wooden bed at home, police operatives barged into their house. Aurora was forced out. Little did she know, that tragedy was moments away. Her husband was dragged out of his house. His brother was in hiding and witnessed how he pled while on his knees, with hands behind his head. After a first shot, a policeman shouted loudly, “Lum-alaban!” (He is resisting.) Then, he was shot twice on the head, with two more added to his shoulder and heart.

She is resolved. She has to be strong for her family to survive. She has no idle time. She works as a laundry woman on weekdays and weekends. In the early morning, she serves as an overseer of a canteen in Cubao. She earns about P300.00 a day. While her husband’s earnings were still short compared to the daily minimum wage (that was P481.00 in 2016), the daily living wage for a family to survive was very far at P 1,119.00. There is no time to rest. Her exhausting work in laundry and manual labor are the fibers of oppression and exploitation. Her income was not sufficient for the family. Finally, she decided to work in the Middle East as a housemaid, but there she was not allowed to use even use a cellphone to call or text home.

Aurora’s life epitomizes the many stories of an estimated 2.2 million (2016).^[3] Filipinos who risk going abroad in order for the family left behind to survive. There is no way one could say that she is an irresponsible mother or one who is materialistic or undermines family values. The truth is that she dared to work in a strange land, so her children would be able to eat and spend a little for schooling. Not only did Aurora provide for her family, but her labor contributed to the monetary funds of government, in a form of remittances. Overseas Filipino Worker’s (OFWs) contributed P20.7B in personal remittances in the first eight months of 2017.^[4]

On Aurora’s 8th month of her stay in the Middle East, she was outside at her employer’s *estraha/istirihata* (a villa/holiday space where family and friends gather). She was dragged from behind and forced into a car, where she was raped. Aurora could not complain to her employers, as she was too afraid that they would not believe her. She was also hesitant to file for an investigation, as she had heard of a Filipina who was imprisoned because she could not prove her case of rape.

Aurora managed to communicate to her family in the Philippines through the help of a Filipino couple. She managed to get her written messages out by writing on pieces of paper and leaving them in a toilet within the building where she stayed and where the Filipino couple also worked.

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Aurora was finally able to go home with the unwritten agreement that she would come back and repay in services a debt of P180,000. Her agency gave P3,000.00 as she was coming home. She used the money to repair their shanty.

“The child in my womb now is four months. I have to explain to my children that no matter how terrible life is, we still have to carry on,” Aurora said.

“Masaklap ang nangyari sa asawa ko, masaklap pa itong nangyari sa akin. Ni hindi ko pa nga lubusang naipagluksa ang asawa ko, pero ganito naman ang nangyari sa akin.” (What happened to my husband was horrible. What happened to me is more horrible. I had not mourned yet for my husband, and then this is what happened to me.)

“I am not begging for charity. If I had my way I want to work and do any menial or odd job. But, I have also to take care of my children,” said Aurora.

The burdens on Aurora’s shoulders are heavy. When the State privatizes services like health, education and housing, the poor suffer the most. There is something wrong with a State that exports its own people to be slaves in another land, in order to boost its economy. A State that kills and murders people in a ‘war on drugs’ is evil, especially when it misses to provide social justice to its people. The strings and strands of violence did not start when a poor person became attracted to ‘shabu.’ They started when the State failed to provide the people with the basic and social services and denied their human rights, while it allows the plunder of the nation’s resources to local elites and foreign, big businesses as well as loots the people’s taxes. Aurora did not shed a tear, as she tells her story. She says that she wishes she could just forget. She wishes that she could just bury those tragic events forever.

The State must be held accountable for every death and the misery of the poor denied of a life of dignity. For every tear shed and the tears that refuse to flow, a day of reckoning is waiting--- because the people’s movement will never forget. In the deep, dark night, people are not all asleep. They will rise like the sun, unbreakable and unconquerable.

Without doubt, the poor families of victims of the ‘war on drugs,’ belong to the 75% poorest families (18,6 million families) whose vulnerabilities were further exposed by pandemic. They are in most stressful situations, which have been compounded by lockdowns and the inability to get jobs and work to support their family needs. ^[5]

Norma P. Dollaga
Rise Up May 16, 2021

The families of Rise Up, strongly believe that they were attacked because they were poor. Poor families and kin that have seen their loved ones killed in brutal ways find it hard to attain justice. Grinding poverty already grips their daily survival. So-called addicts and small-time runners as well as non-addicts struggling to survive as batilyos, coconut vendors, vegetable ped-

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dlers, messengers, sales barkers, and scavengers, who compete with dogs and cats for mounds of garbage, hope to earn at least P100 a day to feed themselves and their families. Theirs is not an option to be poor; theirs is a predicament bequeathed upon them by a conspiracy of injustice and violence.

From access to basic and social services to the right to grieve, weep and hold a decent burial, poverty has denied the poor of everything. There have even been times when a family could not seal the grave, because they had not paid yet the bill. And this is where the work of Rise Up is essential, so that at the very least, a loved one could have his final rest.

Killings after killings have not proven successful in addressing illegal drugs in the Philippines; and yet, the President would want to kill more. His words on killing the poor spurred this mass-murder approach to the problem.

Denied social justice, many are left with rags and filth. They are looked down upon on the basis of their class status, the shade of their skin, and their address/lack of land security.

Drug addiction must be addressed from a human rights framework and social justice approach. It should not be so easy to murder the poor. The children being orphaned and left without economic and social security should concern us.

We should be gravely worried for the young who have been direct witnesses of the violent killings of their parent/s or neighbor/s. The traumatic experiences, the psychological and mental strains would surely impact their growing-up years; and if these are not addressed, it may result in a continuing cycle of suffering and violence.

Killings and more killings of the poor will not solve our nation's drug problem. They will not remove drug lords from the streets. The extrajudicial and drug-related killings and human rights violations only succeed in further inflicting and even multiplying the suffering of the poor, creating an even bigger and more complex mess.

^[1] <http://www.gmanetwork.com/news/news/nation/580294/doh-to-need-4-times-more-funds-to-match-cuba-s-healthcare-expenditure-ubial/story/>.

^[2] <https://psa.gov.ph/national-health-accounts-press-releases>.

^[3] <https://psa.gov.ph/statistics/survey/labor-force/sof-index>.

^[4] <http://business.inquirer.net/238730/economy-growth-ofw-remittances-strong-august-2017>.

^[5] <https://www.ibon.org/a-year-after-lockdown-18-6-million-poor-and-low-income-families-in-distress/>.

Document 15: Danilo Dacumos Case Summary

Danilo Dacumos Case

Danilo was inside his house together with his wife, Purisima, daughter, and three grandchildren on August 3, 2017. Police came barging into the residential compound and shouted at Purisima, the women and children to leave the one-room house.

Purisima recognized them, as Danilo had earlier been arrested for gambling by the same persons three months before. The Chief told them, “Lumabas kayo.” (Leave)

Danilo was left inside. Purisima and the others were standing outside their house near the door when she suddenly saw the Chief raised his long firearm and shoot three times. One other policeman, poised by the doorway, shot in the direction of the house as well. At this point, Purisima went outside their gate and hid in one of their neighbor’s house.

At the time of the incident, one of their children, Dexter and his wife, were staying at the apartment room above theirs. They were prevented by the police from coming near their father who was lying lifeless on the floor of their room. One of the police officers remarked “sana pinatak-as niyo na lang ang tatay niyo kasi utos ni Duterte na patayin ang mga adik.” (You should have just let your father escape because this is the order of Duterte to kill all these addicts.)

Reference:

Rise Up for Life and for Rights, et.al. vs. Rodrigo Duterte (Communication and Complaint Situation in the Philippines dated August 27, 2018 and filed before the Office of the Prosecutor for the International Criminal Court)

Document 16: Michael Lee Case Summary

Michael Lee Case

Michael Lee, 34 years old, was killed by motorcycle riding in tandem on March 20, 2017. He was a jeepney barker. At the time of the incident, Michael was calling for passengers at the corner of a road in Barangay 176, Bagong Silang, Caloocan, when two men on a motorcycle arrived and shot him at close range. He instantly died on the spot after sustaining fatal gunshot wounds.

He left his wife, Amy Jane Lee, and three young children. After Michael's untimely demise, Jane and her children suffered from the trauma of losing a loved one in a brutal manner. It was likewise reported that police operatives continue to visit their community in Bagong Silang, Caloocan, to ask for information about so-called drug personalities supposedly living there.

As Jane grieves for her husband and persists on seeking accountability for his killing, she has to raise her children all by herself. She has a very difficult time making both ends meet for her and her children. The COVID-19 pandemic and the lockdowns imposed make it doubly hard for her to fend for her children's needs.

Reference:

- Rise Up for Life and for Rights, Profile of Families for Financial Assistance submitted to the Commission on Human Rights.
- Personal letter submitted by Amy Jane Lee to the Commission on Human Rights dated April 28, 2020.

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Document 17: Crisanto Lozano and Juan Carlos Lozano Case Summary

Crisanto Lozano and Juan Carlos Lozano Case

Brothers Crisanto and Juan Carlos Lozano had history of drug use. Crisanto was included in the police and barangay watch list for drug users in their community. He was required to report to the barangay once a month since January 2017 to which he did religiously. Apart from the drug use, the brothers had been involved in theft and had been in and out of jail because of this.

On May 11, 2017, the brothers left their house to go to their uncle's place in Paranaque, as the latter promised to help them comply with the requirements needed for Crisanto's application as a security guard. However, the brothers never returned to their house in Quezon City and neither did they ever reached Paranaque.

On May 12, 2017, news broke out that the brothers were killed in a police operation for an alleged incident of theft along Commonwealth Avenue. When their mother and relatives went to the police in Camp Karingal to ask what happened and where the bodies are, they were informed that there was an alleged encounter between the police of Police Station 9 Quezon City Police District on or about 12:50am on May 12, 2017 and a group of alleged robbers, who stole the personal belongings of a certain Arnel Cruz. These robbers allegedly fled and the police were forced to chase them.

When asked where the bodies are of the alleged 2 robbers, the police gave conflicting versions to the mother of the Lozano brothers. After some probing, the police told them to go to Lights Funeral Homes.

When they went there, Lights Funeral Homes practically withheld the cadavers and forced the family to pay for the alleged services they had done: embalming and restoring the bodies, which initially amounted to Php 112,000.00. Being an accredited funeral home of the police, Lights Funeral claimed that they are the only one allowed to get hold of the bodies after autopsy was done on them at the instance of the police.

Eventually, the amount payable to the funeral parlor went from Php112,000 down to 75,000 over several days of hard bargaining. Strapped for cash, the family agreed to pay Php50,000 just so the bodies could be released and set up for the wake. Thereafter, Lights Funeral refused to release the death certificates required for the burial until the remainder of Php25,000 was paid. The family scraped up the money while the brothers lay in state. Lights Funeral offered to apply the case for subsidy by the city vice mayor. Suspicious of the liability waivers, the Lozanos however declined. It felt like a hostage situation with the funeral parlor, and then they wanted to get away with it.

It was also reported that there were police officers, barangay officials and some unidentified persons who have been asking the whereabouts of the Lozano brothers and their residence in the years following their killings.

Reference:

Rise Up for Life and for Rights, et.al. vs. Rodrigo Duterte (Communication and Complaint Situation in the Philippines dated August 27, 2018 and filed before the Office of the Prosecutor for the International Criminal Court)

Section 2: Duterte's war on dissent

Document 1: Renato Reyes statement on behalf of BAYAN (see below)

Peace, counter-insurgency and the escalating attacks on human rights defenders

The Philippine government's attitude towards human rights is shaped primarily by the pronouncements, declarations, proclamations and issuances of President Rodrigo Duterte. The President is ultimately responsible for the deteriorating human rights situation in the country today.

The dire situation can be traced to the current counter-insurgency campaign of the Duterte regime, one that draws heavily from the US counter-insurgency doctrine and is a continuation of past counter-insurgency programs.

In 2016, the revival of the peace talks between the GRP and the NDFP ushered in a period of hope that the roots of the armed conflict would be addressed. Several political prisoners were released. Activists were even invited inside Malacanang Palace to meet the President after his inauguration.¹

There was, to some extent, openings or spaces to struggle and put forward pro-people proposals and programs while the peace talks were ongoing and while a fragile ceasefire was in place. But even during those times of relative "peace", there were already disturbing signs that the regime would violate human rights en masse. The drug war was already in full swing with hundreds killed in the first few months of the administration. It would only be a matter of time before the guns that were used on alleged drug dealers would also be trained on social activists and human rights defenders.

Things took a turn for the worse when the peace talks were terminated multiple times by Duterte. Presidential Proclamation 360 terminating the peace talks² was followed by Proclamation 374³ declaring the CPP-NPA as terrorist organizations subject to the proper court proceedings under the Human Security Act.

The declaration and repeated extensions of Martial Law in Mindanao as a result of the Marawi Siege, also provided added pressure on legal democratic organizations, as they were constantly linked by the State with the underground armed groups.

After repeatedly rejecting efforts to revive the peace talks, the Duterte regime issued Executive Order 70⁴ which called for a whole-of-nation approach to the armed conflict. This is a page right out of the US counter-insurgency guide. The National Task Force to End Local Armed Conflict chaired by the President became the coordinating center of

¹ <https://www.rappler.com/move-ph/138174-bayan-meets-duterte-inauguration>

² <https://www.officialgazette.gov.ph/2017/11/23/proclamation-no-360-s-2017/>

³ <https://www.officialgazette.gov.ph/2017/12/05/proclamation-no-374-s-2017/>

⁴ <https://www.officialgazette.gov.ph/2018/12/04/executive-order-no-70-s-2018/>

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government's counter-insurgency drive. The vice-chair of the NTF-ELCAC is the National Security Adviser, General Hermogenes Esperon.

EO 70 systematized and organized the counter-insurgency objectives of the regime. Under this issuance, the entire civilian bureaucracy was militarized, weaponized and engaged in the counter-insurgency drive. All agencies of government are given a role in counter-insurgency campaign. EO 70 is de facto martial law through its militarization of civilian agencies. With former generals heading these agencies, the Philippine was under a de facto military junta.

To justify its termination of the peace talks, the Duterte government labeled the CPP-NPA as terrorist organizations that needed to be destroyed. Government blamed the CPP-NPA for the existence of armed conflict in the Philippines.

The problem with this view is that it reduces the armed conflict to a mere problem caused by organizations that recruit people, and not as a result of historical, socio-economic and political conditions. To end the armed conflict, the regime primarily employs a militarist approach combined with mass deception aimed at degrading the capacity of the targeted organizations, without actually having to address the socio-economic and political roots of the armed struggle.

The implication of the militarist approach and "terrorist" labelling of the CPP-NPA is that the roots of the armed conflict are themselves delegitimized and altogether set aside. Any demand for land reform, national industrialization, social justice, human rights and national sovereignty is deemed aligned with the objectives of the CPP-NPA and therefore considered invalid. Legitimate expressions of dissent, if done by the alleged "legal fronts", are also considered to be in furtherance of armed struggle and thus are also not valid.

To destroy the CPP-NPA, the Duterte government believes that the so-called "legal fronts" should also be destroyed⁵ because these allegedly provide recruitment and support for rebel groups. The Duterte government then casts a wide net that targets all dissenters in the legal democratic movement. Every act and advocacy undertaken by these so-called "legal fronts" are henceforth considered in the service of the armed struggle and the cause of the NPA.

The past two years have seen a rise in incidents of "red-tagging", where State forces accuse legal activists, journalists, lawmakers, artists and just about anyone, of having ties with the CPP-NPA and of being engaged in illegal acts, absent any evidence that can be admissible in court.

This is familiar to human rights defenders because these are the very same tactics employed by notorious Philippine general and now convict Jovito Palparan. These

⁵ <https://cnnphilippines.com/news/2018/12/23/Rodrigo-Duterte-CPP-NPA-NDFF-destroy-legal-fronts.html>

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resulted in a spike in the extrajudicial killings and enforced disappearances of hundreds of activists. This counter-insurgency drive makes no distinction between armed combatants and unarmed activists.

For example in October 2018, groups that were organizing a rally commemorating the declaration of Marcos' Martial Law were branded as destabilizers⁶ aligned with "communist terrorists". School fora, discussions, film showings and other actions were described by the AFP as part of the "NPA recruitment" and destabilization. The massacre of farmers in Sagay⁷ in Negros was also absurdly blamed on the NPA; that the NPA "killed its own" to incite a negative public reaction that would cause the downfall of the Duterte regime.

During a Senate hearing of the Committee on Public Order and Safety chaired by Senator Ronald Dela Rosa, activist student organizations were branded as "NPA recruiters" implicated in an alleged case of "missing minors". During the hearings, it was pointed out that protest actions, educational discussions and other school activities were already considered part of the process of "NPA recruitment". Teachers allowing their students to join rallies were threatened with administrative sanctions. There were proposals to militarize schools and allow the police to counter the activities of activist groups on campus.

Less than two years after this hearing, the Department of Defense would terminate a long-standing agreement with the University of the Philippines that provided protection for academic freedom against military intervention.

The objective of the widespread and coordinated red-tagging is to delegitimize, isolate and eventually criminalize dissent using instruments such the current "terror law", trumped-up charges. This also includes the mass intimidation of all dissenters and activists in order to stem the rise of any significant opposition to the regime. The NTF-ELCAC believes that by engaging in a full-court press against activists, the underground revolutionary forces will lose an important source of support.

The position of the Secretary of Defense that legal organizations should first denounce the NPA for red-tagging to stop⁸ goes against the fundamental rule that the accuser bears the burden of proof. If we are to follow the logic of Secretary Delfin Lorenzana, all legal Left-wing organizations are presumed as fronts of the CPP-NPA unless they prove otherwise by denouncing the armed struggle. This is a very dangerous mindset that

⁶ <https://news.abs-cbn.com/news/10/03/18/afp-bares-metro-manila-schools-linked-to-red-october>

⁷ <https://www.philstar.com/headlines/2018/10/24/1862809/afp-links-sagay-massacre-red-october-plot>

⁸ <https://news.abs-cbn.com/news/08/18/19/lorenzana-backs-proposal-to-ban-npa-front-organizations>

has very serious security implications for those tagged as part of the “CPP-NPA infrastructure”.

Implications of the counter-insurgency program

Let me cite the issues we raised before the Philippine Supreme Court just last week. The Duterte regime’s counter-insurgency drive has resulted in the following very alarming developments.

1.The systematic use of government resources in virtually all known platforms to red-tag and demonize activists and progressive organizations. — This violates the constitutional right to due process and presumption of innocence. All forms of media, including social media, are being abused by the NTF-ELCAC, state security institutions and their proxies, assets or supporters to propagate disinformation in labeling activists and progressive organizations as “communist fronts” and “communist terrorists. Even official proceedings, like the Senate probe on red-tagging last November and December 2020 as well as the Supreme Court oral arguments, are being used by the military as platforms to assert deliberate falsehoods against activists and their organizations.

2.The systematic profiling of different sectors based on mere association with groups deemed as “communist fronts” or “communist terrorists.”— The profiling encroaches upon the right to privacy and curtails freedom of association and freedom of expression, among other civil liberties. In government offices and public schools, employees and teachers associated with progressive unions are being maligned and urged to disaffiliate and renounce their membership. Urban and rural poor are being asked to denounce membership in Kalipunan ng Damayang Mahihirap (KADAMAY) and other organizations under pain of being branded as active members of the NPA.

3.The use of search warrants as a weapon to harass, arrest and kill activists. — Over the past two years, we have seen a disturbing trend of serial applications and approvals of search warrants against activists, often in courts not having territorial jurisdiction over the place to be searched. The service of these search warrants has not only given cover to the planting of false evidence, but has also resulted in the summary killings and arbitrary arrests and detention of their subjects. The applications, mostly based on the same set of evidence and suspiciously similar narratives from shady informants, were approved but valid questions on whether the rigorous requirements for their issuance were faithfully observed persist. Thus, serious concerns have been raised about the existence of so-called “warrant factories” in the ranks of the Judiciary and the weaponization of the judicial process against citizens.

4.The filing of criminal cases against activists without their knowledge in far off places. — The respondents in certain complaints for common crimes being attributed by the military to the NPA were not duly notified of the proceedings because the subpoenas were sent to wrong, false or even fictitious addresses.

Hence, they were not able to participate in the preliminary investigation and were denied their constitutional right to due process. Arrest warrants then were issued against them by courts in remote cities or provinces where the cases were eventually filed. Many have been arrested not knowing that they were facing charges in these courts, much less were they aware or duly notified of complaints at the prosecutors' level.

5. Massive militarization of communities that often lead to the staging of the arrest of individuals as surrenders of former rebels. — In a number of instances, activists who were abducted or arrested by virtue of arrest warrants were misrepresented before the media as members of the NPA who are laying down their arms or returning to the fold of the law. Needless to state, this is violative of the rights of arrested and detained persons.

The role of foreign military aid

As a backward, pre-industrial economy, the Philippines relies heavily on foreign military aid to carry out its counter-insurgency objectives. Countries providing military aid to the Duterte regime are complicit in the worsening human rights situation in the country.

According to the US embassy in Manila, "the Philippines is by far the largest recipient of U.S. military assistance in the Indo-Pacific region. Since 2015, the United States has delivered more than Php33 billion (\$650 million) worth of planes, ships, armored vehicles, small arms, and other military equipment to the Philippines."

In 2020, acting US Defense Secretary Christopher Miller announced the recent transfer of Php1.4 billion (\$29.3 million) in defense articles, including sniper and anti-IED equipment to Philippine officials.

In February this year, Nikkei Asia reported that there are "no restrictions" on arms sales to Manila despite the horrible human rights record of the Duterte government. Duterte has leveraged the termination of the Visiting Forces Agreement to secure more aid from Washington. He calculates that the US needs the VFA to counter the rise of China in the South China Sea, and thus would agree to an increase in military assistance if only to maintain the VFA.

Countries like Israel have also extended military assistance to the Philippines in the form of counter-insurgency and counter-terror training. The Philippine Air Force plans to procure millions of dollars worth of Israeli-made Rafael Advanced Defense Systems' medium-range, surface-to-air SPYDER missiles and Hermes medium-altitude, long-endurance drones.

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Document 2: Screenshots of red-tagging of Cristina Palabay by Chief of NICA, May 8, 2021

Appendix B. Second image



"What are the rights that Karapatan Alliance Philippines and its Secretary-General Cristina Palabay fight for? To recruit the youth to join the New People's Army."

(below Ms. Palabay's face: "Approve!!!")

Link https://www.facebook.com/permalink.php?story_fbid=3756537461124761&id=100003056314669

Image posted directly onto the personal Facebook account of Alex Monteagudo on May 8 2021, 10:13AM EST, with a privacy setting of "public" which means that anyone with or without a Facebook account can see it, regardless of whether they are "Facebook friends" with Mongeagudo.

12 people have reacted, and 9 people have shared it including to public Facebook groups with thousands of members.

Document 3: Slide from Joanna Cariño's presentation on behalf of the Cordillera People's Alliance (CPA)


RED-TAGGING, TERRORIST-LABELING,
POLITICAL VILIFICATION

- Social media posts by military controlled facebook accounts, spreading lies, sowing intrigue, destroying reputation of good standing citizens
- April – November: At least **234** original Facebook posts against CPA leaders including accounts of **2 Regional Police offices, 8 Provincial police offices, 91 Municipal Police Stations, 15 FB pages of the AFP, 36 fictitious accounts**, which have generated widespread comments threatening the life and security of CPA leaders
- Tarpaulins, posters, placards, leaflets
- Death threats through text, phone calls, mail




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Document 4: "Request" for list of lawyers who "represent CTG personalities" by local intelligence chief, March 12, 2021 (see below)



Republic of the Philippines
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE
 POLICE REGIONAL OFFICE 8
SAMAR POLICE PROVINCIAL OFFICE
CALBAYOG CITY POLICE STATION
 Calbayog City, Samar
 calbayog_cps@yahoo.com



March 12, 2021

OFFICE OF THE CLERK OF COURT
 HALL OF JUSTICE
 Brgy. Capooacan, Calbayog City


Good day!

This pertains to the compliance from higher PNP offices regarding of lawyers who represents Communist Terrorist Group (CTG) personalities in the court.

In this regard, the undersigned would humbly request list of lawyers represent CTG personalities in the court. Attach herewith is the table being requested for your reference.

We fervently pray and hope for your favorable consideration on this request for subsequent submission to PNP higher offices.

Thank you and God bless!


FERNANDO G CALABRIA JR
 Police Lieutenant
 Chief Intel/SDEU

MAR 12 2021

16:20 AM

Legal Personality	Affiliations	Client(CTG Personality)	Mode of Neutralization	Case Filed	Status

Document 5: Slides from Atty Melanie Pinlac's presentation on behalf of NUPL

BY THE NUMBERS

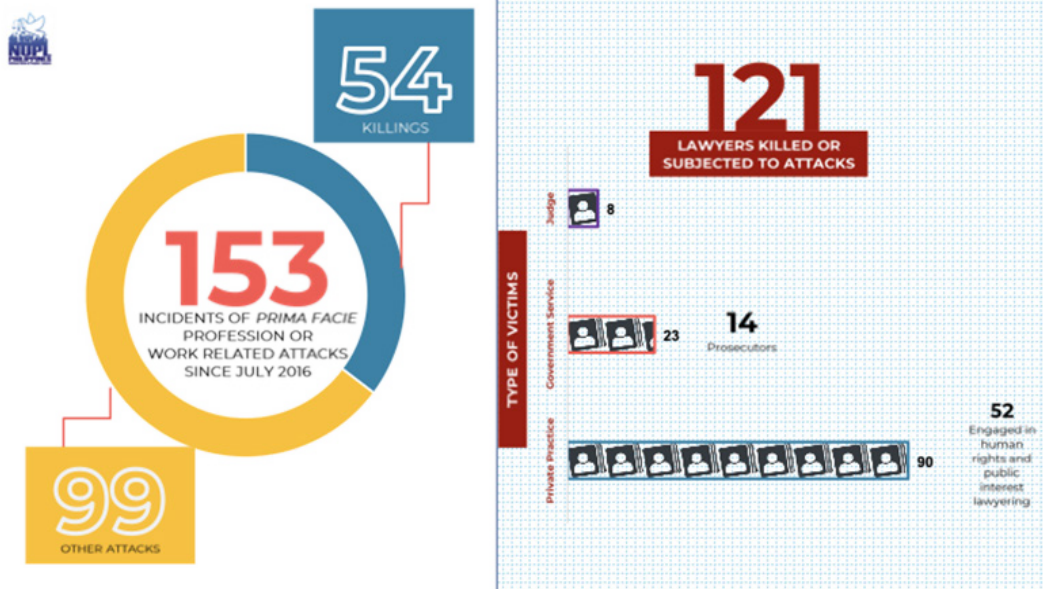
PRIMA FACIE* PROFESSION OR WORK RELATED ATTACKS ON LAWYERS & JUDGES IN THE PHILIPPINES FROM JULY 2016 TO PRESENT

*i.e. if the incident appears to be by reason of, incident with, or related to, the performance or exercise of one's profession or work as a lawyer, prosecutor or judge

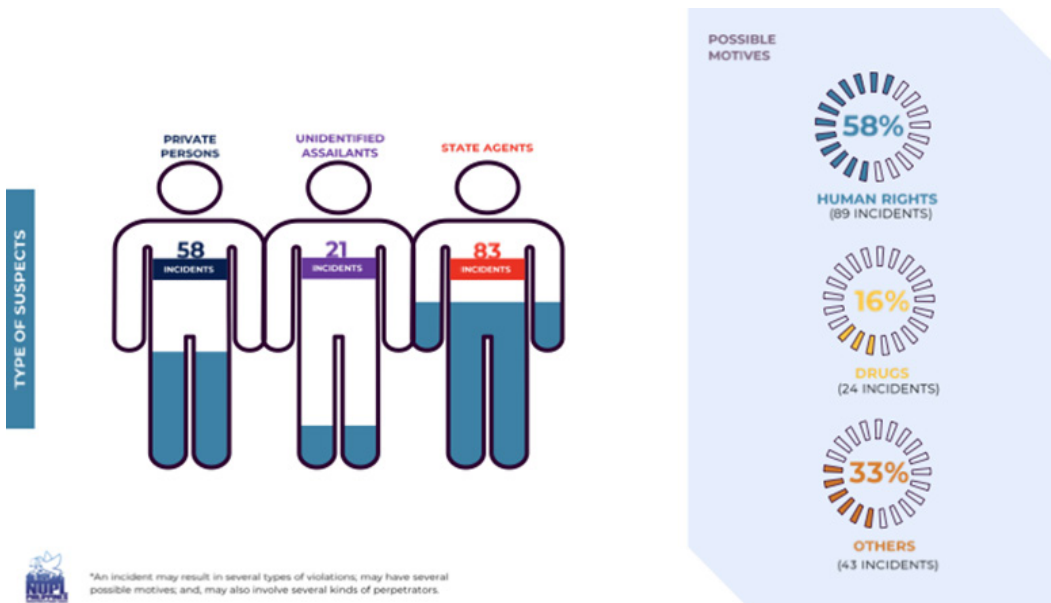
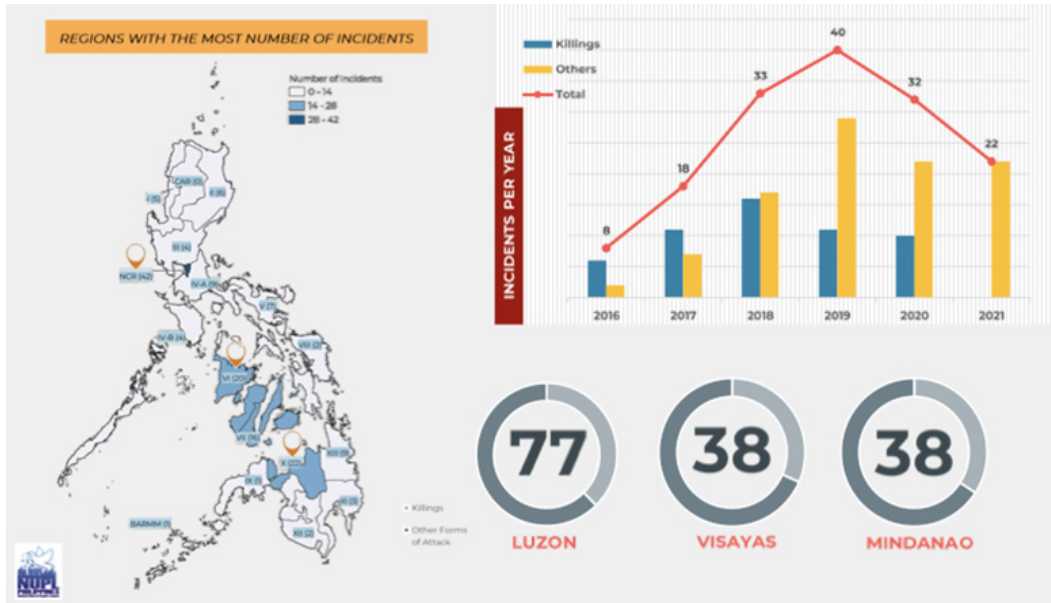


nuphilippines
@nuphilippines

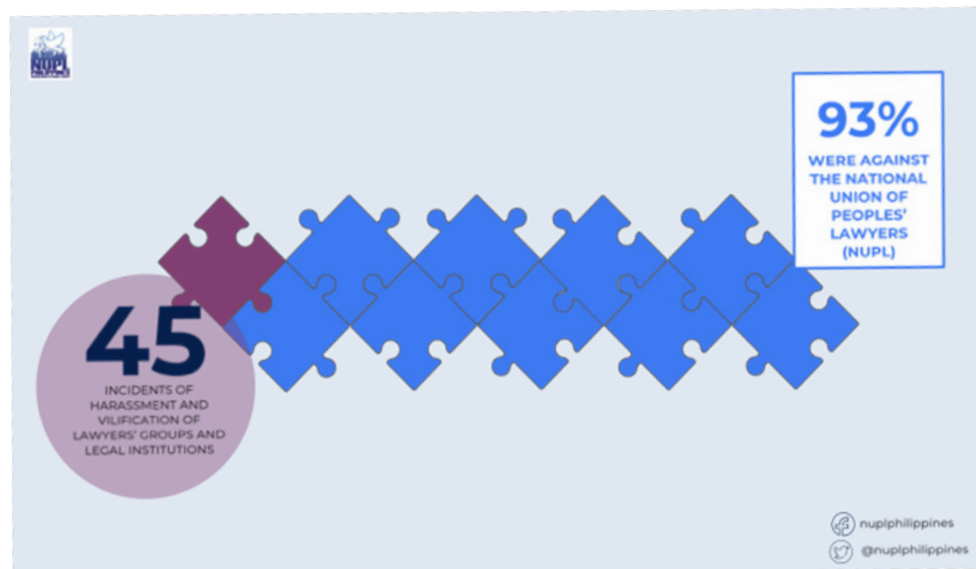
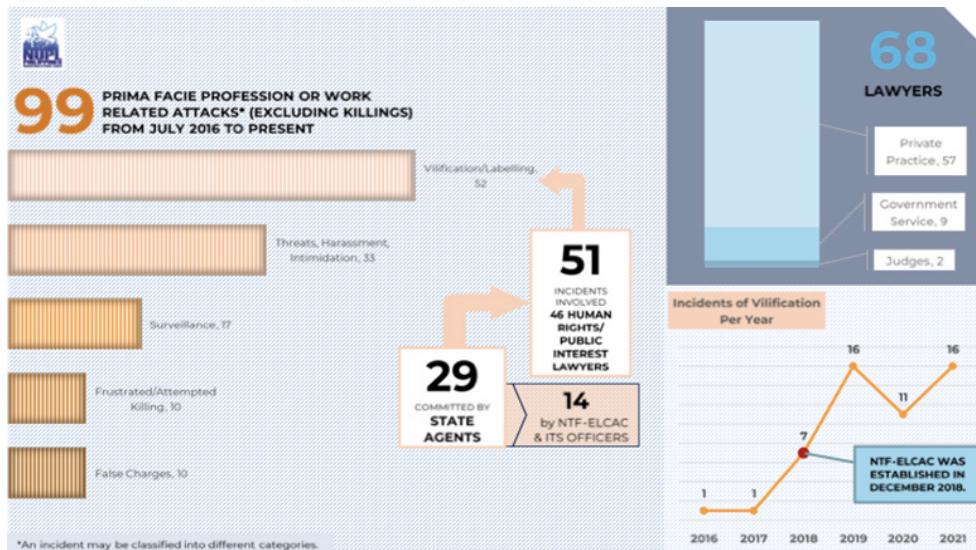
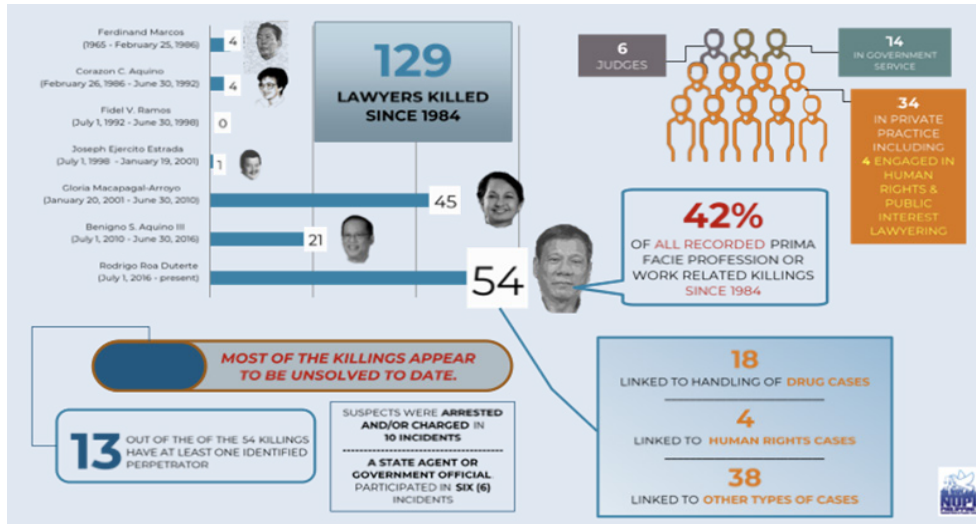
DISCLAIMER: All information received or monitored by NUPL are subjected to periodic review and further vetting. Thus, changes in statistics may occur when updates are available.



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Document 6: Attacks on Lawyers during the Duterte administration Case Summary

Attacks on Lawyers during the Duterte administration

In the last five years, the National Union of Peoples' Lawyers (NUPL) noted an alarming increase in the attacks on lawyers, prosecutors, and judges. The NUPL has recorded at least 152 prima facie profession or work-related attacks against 120 lawyers, prosecutors, and judges in the Philippines since July 1, 2016. This number includes the killing of 54 lawyers, including NUPL founding member and human rights lawyer Benjamin Ramos Jr.

The NUPL noted that 56 lawyers engaged in public interest and human rights cases have been killed or attacked in 90 incidents. Fifty (50) out of the 90 incidents involved vilification, red-tagging, and labelling of human rights and public interest lawyers. There were three attempted killing of human rights lawyers since July 2016, including the 03 March 2021 attack on NUPL Panay Secretary General and NUPL Assistant Vice President for Visayas Angelo Karlo Guillen.

The continuing attacks have caused alarm within the legal profession. In a 22 December 2020 letter to the Chief Justice, several lawyers called on the Supreme Court to put a stop to the killings and violence against legal professionals. The lawyers asked the Supreme Court, among others, to “take appropriate steps to ensure a thorough, prompt, impartial, and independent investigation into all the killings of lawyers.”

On 23 March 2021, in an unprecedented move, the Supreme Court en banc called on state authorities, lawyers, non-governmental organizations, and the public to submit vetted information about threats or killings of lawyers and judges in the last 10 years. In compliance with this call, the NUPL submitted its observations on 23 April 2021 along with vetted information on attacks on its members and the organization.

Sources:

- <https://sc.judiciary.gov.ph/17874/>
- <https://www.rappler.com/nation/supreme-court-looks-institutional-change-protect-lawyers-after-pressure>
- <https://www.reuters.com/article/us-philippines-rights-idUSKBN2BF1J1>
- https://cnnphilippines.com/news/2020/12/22/lawyers-ask-Supreme-Court-stop-killings.html?fbclid=IwAR3C9RiJKRmto0_7xcoGT3PGidc7v6rCuqyRKKDqks2WFrEWjYxMUWP-S2eI

Document 7: Atty. Edre Olalia's paper on judicial failures

**WEAPONIZATION OF THE LAW AND INEFFECTIVE DOMESTIC REMEDIES:
RIDING IN TANDEM TO SHOOT DOWN DISSENT^[1]**

Edre U. Olalia^[2]

President, National Union of Peoples' Lawyers (NUPL)

Transitional President, International Association of Democratic Lawyers (IADL)

25 May 2021

The Philippine government's rehashed counter-insurgency programs seem to be patterned or inspired by the US government's dirty wars against groups engaged in different kinds of resistance, whether of the armed underground or of the legal mass movement.

The prevailing official mindset or bias is against dissent, activism, criticism and proposals of the opposition, progressive activists, the militant organizations and the underground Left, treating them all alike as "enemies of the state"

This bias is aggravated by an erroneous or wrong notion, understanding and narrative of the concept of human rights: who guarantees it, who is responsible for them, and who can commit violations?

WEAPONIZATION OF THE LAW, PROCESSES AND INSTITUTIONS

First we define terms. This is necessary at the first instance because we have seen the "hijacking" of basic concepts as part of the distortion and disinformation to justify violations of rights.

^[3]

What is "weaponization of the law" and who "weaponizes" it before we go into how are they so weaponized?

It is using, circumventing, reinterpreting, or reinventing the law to justify or legitimize State action or repression or what really amounts to various violations of basic rights.

It is the whole State apparatus that defines, legislates, executes and interprets what is the law, how to implement them, and how and for whom it resolves its conflicts.

It is, therefore, the State that weaponizes the law, processes and institutions and not the people it governs.

The most concrete way the State weaponizes the law is through false or trumped-up charges like murder, kidnapping and other common crimes by using legal hocus pocus and shortcuts which are systematically done and thereby illegal arrests are made through disingenuous means.^[4]

Scores of activists have been arrested, unaware or not having been previously notified of complaints and thus without knowing that charges have already been lodged in the courts in

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distant places they have never been. Some of those arrested are even misrepresented to have surrendered as rebels.

Also, the usual and routinary charges filed against activists is illegal possession of firearms and explosives.^[5]

There are various reasons for these, among which are:

- search warrants may be procured as a legal cover even by a perfunctory process;
- it is easy to plant such manufactured “evidence”;
- the police enjoy the legal presumption of regularity in the performance of official duty;
- possession of explosives is normally a non-bailable offense; and
- it is easier to arrest and convict on mere testimonial evidence that is rehearsed.

And of course, the public labeling and profiling of activists and legal organizations as “communist fronts” or “communist-terrorist groups” also called red-tagging, with counter-terrorism as another pretext for the suppression of dissent and civil liberties. This is simply guilt by association without any credible, competent and admissible proof which violates the right to due process and is contrary to the international humanitarian law principle of distinction between armed combatants and civilians.

Such demonization and the spread of disinformation provide the political justification for further hostile attacks or punitive action, let alone the stigma and discrimination it foments, under the guise of counterinsurgency and counter-terrorism or under the cover of police operations against “criminality.”

The State has marshalled in an orchestrated fashion supposedly non-partisan agencies like the Office of the Solicitor General, the Anti Money Laundering Council, the National Commission on Indigenous Peoples, the Department of Social Work and Development, Department of Education, the Commission on Elections, and even the Securities and Exchange Commission in these weaponization.

Of late, the Anti-Terrorism Council has designated as “terrorists” many publicly-known political consultants who participated in the peace negotiations with the government, without any transparent proof or basis and with no effective means to contest it.

It has utilized the National Task Force and an army of “disinformants” in multimedia to viciously propagate its narratives.

Over the years, apart from the “usual suspects,” or to be more precise, “usual victims” like activists, journalists, religious, and lawyers, we have seen the Philippine government silencing through “legal means” by filing cases and complaints against very vocal critics, like a former Chief Justice, Senators, and opposition Congressmen, the latest of which was the failed impeachment complaint against a Senior Associate Justice who has been a consistent dissenter.

By way of overview, based on abundant experience, some of the indicators of weaponization of the law against dissent and the criminalization of legitimate political activity or advocacy include:

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- Formal legalization of illegal process leading to violations (e.g. roving search warrants, abuse of generic Does, filing of trumped-up common crimes)
- Criminalization of political advocacy by the filing of multiple charges of common crimes rather than political offenses
- Circumvention of legal procedure (e.g. filing charges in distant venues to simulate service of subpoenas in routinary preliminary investigations)
- Use of repressive laws and jurisprudence (Anti-Terrorism Act, Cybercrime Law, 1985 Ilagan vs. Enrile doctrine that renders a habeas corpus petition moot and thereby prevents any recourse to question the legality of one's arrest by the mere subsequent filing of charges, Public Assembly Act or BP 880; Illegal Possession of Firearms and Explosives or PD 1866 as amended)
- Reinvention and hijacking of the law and legal principles (e.g. unorthodox application of quo warranto proceedings, reinterpreting the concept of void ab initio, expanding warrantless arrests, misreading the bases for martial law, invoking "free speech", peddling "truth-tagging" as a euphemism for red-tagging)
- Peddling of false narratives of "terrorism," "terrorist-financing" through money laundering, "gun-running syndicates", involvement in armed encounters, "nanlaban" or "fought back" script in the implementation of dubious searches and arrests against activists, recklessly labelling progressive party-lists and legal organizations as "fronts" of communists or terrorists

INEFFECTIVENESS OF DOMESTIC LEGAL REMEDIES

Despite the apparent recent slow stream of legal and metalegal victories, which are few and far between and which are exceptions rather than the general rule, there are various badges of how and why domestic legal remedies are unavailable, or if available, are ineffective and even illusory to seek justice for the violations.

Hence, by and large, there is no immediate, speedy, meaningful and effective justice to all victims of human rights violations including adequate compensation, indemnification, restitution and rehabilitation and establishing mechanisms for this purpose.

These badges which interlock include:

- Slow, cumbersome, tedious, protracted and complicated legal procedure that is usually inaccessible to or biased against the poor, that is why justice is elusive or very much delayed, if at all attained
- Lack, inadequate, absent or skewed investigation or tokenistic investigation and prosecution of official abuses
- Police investigation is sloppy, and unprofessional in human rights cases or is used for cover-up and to pass off the blame to the victims themselves
- Evidence in court is testimony-dependent and not scientific
- High-level condonation and public inducement of acts and actors of violations (where top-ranking military and police officials that are facing serious and credible charges of human rights violations have been routinely promoted or merely reassigned despite opposition from victims, families and human rights defenders)
- Legal presumptions or fiction in favor of State actors (e.g. regularity in performance of official duties, dismissal on technicalities of habeas corpus, amparo cases, deferment or

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non-preference of pre-detention and pre-trial remedies, unequal sub judice rules or blanket “gag orders”)

- Legal and judicial remedies are diluted, circumvented and not immediate, decisive, and effective (e.g. habeas corpus, amparo, habeas data, RA 7438 on the rights of arrested and detained persons, Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law), have many loopholes, and are mocked or corrupted by State security forces
- Presidential immunity from suit which forecloses any immediate recourse at accountability
- Elegantly-worded constitutional rights and social justice provisions and pro-human rights provisions in some laws are mere paper rights in reality and routinely violated
- Repressive laws and jurisprudence remain in force (some dating back to the Marcos dictatorship) and legislative, administrative, executive and judicial acts that either openly violate human rights, disguise their violations, or merely formally recognize protection or promotion of human rights, but in practice actually contribute to the engenderment of such violations continue
- International human rights and humanitarian law instruments to which the Philippines is a party or signatory are just given lip service
- Multiple standards of justice are applied between and among the poor and rich, powerful and/or influential
- Subjective and extraneous factors in decision-making (pressure, promotion, partisanship) like endemic corruption, influence, and ties that bind (all forms of personal, professional, political, cultural or social ties – palakasan and lakaran or favoritism and influence-peddling) also lead to unfair legal processes and implementation.

CONCLUSION

All these indicators, badges and realities, among others, perpetuate and engender human rights violations and the impunity for such against members, leaders and organizations or movements dissenting or seeking fundamental changes in society.

It does not help that even human rights workers, human rights lawyers and other human rights defenders are themselves victims of labeling, threats, harassments, intimidation, false charges and even killings, disappearances and other various forms of violations as reprisals or to silence them.

The ineffectiveness and even lack of domestic legal remedies to seek justice for violations of human rights (and of international humanitarian law) as well as the dysfunctional justice system which is skewed against the victims, on the one hand, are closely intertwined with the weaponization by the State of the law, processes and institutions to target the opposition and resistance to the Duterte administration’s policies, on the other hand.

The clear objective and net effect is to silence dissent and resistance from democratic forces, ensuring and enabling generally or practically no accountability for the perpetrators, using “counter-insurgency” or “counter-terrorism” as another excuse for authoritarian rule.

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^[1] Paper prepared for the Investigate.PH, extracts of which were delivered during the virtual hearing with its global Commissioners on even date.

^[2] Where am I coming from as an invited resource person on the so-called “war on dissent” with focus on weaponization of the law and ineffectiveness of domestic legal remedies?

I bring with me 30 years of practice of law, advocacy and leadership and of lobbying, organizing and coordinating on cases and issues involving human rights and public interest in national courts in all levels, executive agencies, legislatures, international rights procedures, mechanisms and bodies as well as in advocacy groups, international peoples’ tribunals and fact-finding missions, national and international lawyers organizations and multimedia.

I am also involved for more than two decades as a legal consultant in the peace negotiations with the Philippine government, directly contributing to the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law, among others.

The clientele I represent pro bono and pro deo are marginalized sectors, activists, political prisoners, peace advocates, social movements and civil society organizations.

Among my “bragging rights” are having led the private prosecutors team which successfully put to jail Gen. Jovito Palparan, probably the highest ranking military officer ever been criminally convicted for acts which amount to human rights violations (for the torture and disappearance of two female university student activists); as lead private counsel which saved from the gallows at the last-minute in Indonesia Filipina trafficking victim Mary Jane Veloso; and earlier, in the successful complaints before the UN Human Rights Committee for violations of the International Covenant on Civil and Political Rights for the extrajudicial killings of human rights workers.

I am also part of the legal team representing the families of the victims of the “drug war” before the International Criminal Court against President Duterte for crimes against humanity.

I and my main organization of human rights lawyers have been the subject of relentless and orchestrated disinformation, vilification and hate speech from the State and its agents for the longest time.

This is the perspective where I am coming from.

^[3] Thus we see the twisting or misappropriation of the concepts of the “rule of law,” free speech and even of community pantries by government spokespersons to justify their red-tagging of just about anybody that they perceive as enemies.

For instance, one cannot invoke freedom of speech when one red-tags innocent people without basis that will stand in court (i.e. without competent, credible and admissible evidence) in order to discourage, endanger or punish the latter’s freedom of speech (and other rights like association, presumption of innocence, due process, against self-incrimination, fair trial). In short, one cannot invoke freedom of speech to kill freedom of speech. Besides, red-tagging is hate speech which is not legally protected (like slander, libel, pornography).

More fundamentally, freedom of speech is a guarantee by the State to its citizens. It is the State’s duty and obligation to protect, promote and defend freedom of speech of the people.

So it is anomalous and even absurd that the State and its agents to invoke “freedom of speech” in red-tagging individuals and groups (notwithstanding disclaimers that these are “personal” or “non-official” statements). That is adding insult to injury, if not turning rudimentary legal and constitutional principles and concepts on their heads.

^[4] Concretely, these are some of the ways by which the State fixes the irregularity or illegality of criminal charges and arrests warrants:

1. by mere mechanical substitution of names of generic “John Does” and “Jane Does” in the formal charges with

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- the real names of those arrested;
2. by mere allegation in the police report or affidavit of arrest that Person A is also Person B;
 3. by concocted statements of professional witnesses that are filed or produced after the filing of previous ones to include new names (“remembering by installment”);
 4. by claims that those being charged have unknown addresses or by the use of false or even fictitious addresses to prevent them from receiving notice to be able to defend themselves; and
 5. by mechanical insertion or intercalation of a real name into a list of names of those previously charged.

^[5] Why Illegal Possession of Firearms and Explosives is the Usual Charge Against Activists:

1. Search warrants can be procured by going through the motions and by mere representation even under oath of supposed witnesses from the authorities to claim that such materiel is supposedly in the possession of those to be arrested.
2. It is easy to plant this materiel whose possession are monopolized by the police and military especially if done at dawn or night and when the arrested persons are first segregated, controlled or neutralized and have no chance to prevent or witness such anomaly.
3. The routinary legal presumption of regularity in the performance of official duty is always invoked against serious claims that the subject materiel is planted and contaminated.
4. Possession of explosives is normally a non-bailable offense so you rot in jail meantime and you need to go through a rigorous process over an indefinite time to prove that the evidence of your guilt is not strong for you to avail of bail, that is if you are lucky that your petition will be granted at all.
5. The authorities have no case against activists and it is easier to arrest and convict on mere testimonial evidence that is rehearsed and developed over the years to “prove” mere possession of a thing and its “chain of custody.”
6. It fits into the false political narrative of the State that legal activists have links with the armed underground movement and are, therefore, “terrorists.”
7. It demonizes legal activists as plain criminals who are armed and dangerous and not fighting for a legitimate cause and for issues of public interest through non-armed means and fora.
8. It sends a clear message of threat and intimidation that you can always be next any time.
9. The authorities want to parade that - with all the arsenal of various firearms, explosives and ammunitions supposedly going around and purportedly being kept by open, legal and visible activists - they are incompetent, inutile and ineffective to keep “peace and order” with all its vast powers, draconian laws and measures and the strictures of the present pandemic.
10. The authorities don’t care because they believe they are invincible and so they do it with impunity as they almost always get away with it.

Document 8: Message from Senator Leila M. De Lima

*Attacking the Opposition Means Attacking Democracy:
The Case of Red Tagging and Disinformation
Against the Political Opposition in the Philippines*

MESSAGE

HON. LEILA M. DE LIMA
Senator

Presentation to the #InvestigatePH Online Hearing

27 May 2021

Political Dissenters at Risk

In a 2019 study, the Inter-Parliamentary Union (IPU) reported that there were 533 members of parliament (MPs) who fell victims of human rights violations, with Asia as the second most dangerous region. In the Philippines, for almost half a decade now, opposition lawmakers have been the target of innumerable rights abuses under an increasingly authoritarian regime that attempts incessantly to stifle dissent to achieve unchecked political power.

Philippine authorities, most notably President Rodrigo Duterte himself, have been employing a range of tactics to harass and intimidate the political opposition, particularly incumbent lawmakers. These include the filing of trumped-up charges and politically motivated cases, arrests, incarceration, threats, online attacks and campaigns of disinformation. Female opposition leaders also suffer from the added burdens of slut-shaming and sexist vilification.

These reprisals against the political opposition run parallel with the broader repression of human rights defenders, independent media, and cause-oriented groups and individuals in civil society. There are added dimensions however in the case of attacking the political opposition, as it has important consequences not only to the individual or group targets, but to the society as a whole. The attacks against the opposition evidently aims to restrict civic space and constrict democratic representation. Opposition leaders themselves refer to a chilling effect that has made some of them think twice about raising certain topics and criticizing government policies, such as those related to the anti-drug campaign and the pandemic response. The practice of judicial harassment through what I call “lawfare” (weaponization of the law and legal process to suppress dissent and other freedoms) that leads to arrests and filing of cases is a clear tactic to smear the public image of the opposition, to drain them of their resources, and to distract them from their role as lawmakers, fiscalizers and public servants. And, in the case of “red tagged” opposition leaders, their very lives and safety have become imperiled, while their public reputation suffers. Oftentimes, the impacts are likewise shared by their families, friends and colleagues.

Red Tagging the Opposition

Members of the political opposition have been attacked simply for peacefully and legitimately doing their work and expressing their contrarian views. As earlier mentioned, there is a menu of reprisals against them: arrest, detention, filing of cases, threats and surveillance, online disinformation, fake news, slut-shaming, red tagging and many others. The patterns of abuse against the opposition are similar to those utilized against journalists, human rights defenders, and other pro-democracy activists. They all fit within a broader rubric in the government's obvious attempt at muzzling critical voices and silencing political dissent.

In this presentation, I am assigned to dwell on the phenomena of “red tagging” and disinformation against the political opposition, and their impact on the overall human rights situation in the Philippines. Let me then start my discussion about the heightened practice of red tagging of certain prominent members of the political opposition.

In the Philippines, “red tagging” has been used for a long time by authorities to vilify politicians, the religious, media practitioners, community leaders, and human rights workers who are labeled as threats to the country or “enemies of the people” by accusing them as Communists or communist sympathizers. As aptly put by the UN High Commissioner for Human Rights: “[f]or decades red-tagging ... has been a persistent and powerful threat to civil society and freedom of expression.”

In a study released in December 2020, the ASEAN Parliamentarians for Human Rights (APHR) found all six lawmakers from the left-wing Makabayan bloc have been red-tagged, with some of them even admitting that they experience it “almost everyday.” Red-tagging are happening online and offline, including on social media, in reports, public statements and news articles.

These opposition lawmakers' complaints mostly stem from the actions and pronouncements of state security forces, including and more prominently the National Task Force on Ending Local Communist Armed Conflict (NTF-ELCAC), and in some cases by government spokespersons. Congressman Carlos Zarate of Bayan Muna (a member party of Makabayan bloc) traced the intensification of red tagging efforts to President Duterte's issuance of Executive Order No. 70, which set up the NTF-ELCAC in December 2018. In 2019, several complaints were filed by Zarate and the Makabayan bloc with the Commission on Elections (COMELEC) and the Office of the Ombudsman against ranking military officials who labeled them as “legal fronts” of Communist groups. In the same year, Kabataan partylist Congresswoman Sarah Elago also submitted complaints and requests for investigation with the Commission on Human Rights (CHR) and the National Bureau of Investigation (NBI) about the red-tagging and disinformation from the police and army. Until now, no public information is available to confirm that official actions have been taken on all these complaints and requests for investigation.

The opposition legislators from the Makabayan bloc believe that they have been targeted due to their opposition against the policies of the Duterte administration, as well as their unwavering stand on various human rights issues pertaining to indigenous people, workers, women, and other disadvantaged groups.

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In the Philippines, red-tagging is not just a threat, as some activists and lawyers who have been so labeled have been physically attacked and even killed. Congressman Zarate gave the example of his political party's coordinator in Iloilo City, who has been called a terrorist, and shot dead in April 2020. As Zarate has put it: "That is the pattern that has been established here: labeling, red-tagging, terrorist tagging at some point will lead to killing."

Reacting to another bout of red-tagging of Makabayan bloc lawmakers by President Duterte in early December last year, I issued Dispatch from Crame No. 985 dated 2 December 2020, wherein I called as a mere diversionary tactic the red-tagging rampage to cover up for his government's incompetence. I pointed out that:

"Duterte's blabbering is an everyday reminder of this administration's failed pandemic response. The only thing he is capable of doing is to create distractions to mask his ineptitude. But even these have failed to persuade the people that he is a decisive and competent leader."

Disinformation Campaign against the Opposition

While "red-tagging" has been the recent weapon of choice of Duterte and his cohorts in attacking members of the left-leaning Makabayan bloc lawmakers, the "all-time favorite" and consistently used tool of the government against all members of the opposition, including myself, is the widespread and unrelenting campaign of disinformation.

Particularly in my case -- aside from my arrest and my continued detention for more than four years now based on trumped-up charges -- there has been a massive and persistent vilification and disinformation campaign that has been waged against me within and outside government, and also online and offline. No less than President Duterte, presidential spokespersons Harry Roque and Sal Panelo, and their political allies, along with operators and Duterte fanatics in the mainstream and social medias, have been targeting me as objects of misogynistic, utterly foul, and, sometimes, even non-sensical remarks and tirades. Fake news, fake videos, and other sources of false information or disinformation have been circulating with no let-up.

Just last month, Duterte was mouthing false information that I was rejoicing over rumors that he was in bad shape, and then proceeded, as before, with his fake accusation that I was selling drugs at the national penitentiary. I immediately reacted that Duterte was merely using me again as another diversionary tactic to cover up for his failure of leadership.

In the same 2020 study by the APhR, it was found that entities directly related to government authorities have been linked to organized campaigns against opposition politicians and human rights defenders, showing a clear motivation to use the internet and fake information to undermine and threaten the opposition. It may be recalled that in 2019, Facebook announced that it had removed at least 200 pages of coordinated inauthentic behavior that were linked to a network organized by the social media manager of President's electoral campaign. In 2018, an analysis by VERA Files also revealed that the most frequent targets of "fake news" include opposition politician Vice President Leni Robredo, and Senators Risa Hontiveros, Antonio Trillanes and myself. There were also several fake news about Congresswoman Sarah Elago falsely claiming that she was calling for people power in response to Duterte's curfew order and that she was falsely reported as having been arrested for recruited communist rebels. Independent news outlet Rappler found the disinformation and online harassment against

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Elago to be part of “coordinated behavior” by the authorities to share disinformation against government opponents.

In a March 2020 news article in the website of Yale Law School, internationally recognized journalist Maria Ressa (this year’s winner of UNESCO’s World Press Freedom Prize) has called social media and digital networks as “enablers” of authoritarian styles of government. Ressa pointed out that:

“Authoritarian populist style leaders have used technology to make lies laced with anger and hate spread faster than facts. Without facts, you can’t have the truth; without the truth, you can’t have trust. Without any of these, democracy as we know it is dead.”

Impacts on Democracy and Human Rights

Red tagging, disinformation and other forms of harassment, threats and intimidation against the political opposition have significant consequences to the individuals themselves and to the society at large. As earlier stated, they have psychological and reputational impacts on the members of the opposition and their parties or groups. They drain resources and distract the focus of their work.

In the Philippines today, my ongoing detention for more than four years as a result of my staunch criticism of Duterte’s anti-human rights policies has definitely led some members of the political opposition to think twice before criticizing the failed leadership of the President. This attitude has engendered an environment of self-censorship within the opposition.

Ultimately, reprisals have bigger repercussions on democratic representation and the quality of dialogue and debate that definitely impacts on policy making and governance. Instilling a climate of fear and intimidation among the political opposition weakens parliament’s representativeness and deliberative nature and stifles the crucial oversight role that the legislature plays over the executive. Consequently, the system of checks and balance in government collapses, while fundamental freedoms of the people are being seriously undermined.

Call to Action

In this light, I commend all initiatives, local and abroad, to promote full respect of human rights and the restoration of democracy in the Philippines. I commend you in #InvestigatePH for your work in pushing for truth and justice behind the too many cases of gross human rights abuses in the country today. You are doing an immense service to the Filipino people and humanity by keeping alive the Philippine human rights situation in the agenda of the UN Human Rights Council (UNHRC) and other important inter-government bodies.

I am with you in calling for the immediate setting up of an UN-sanctioned independent international investigation of rights abuses in the Philippines. In fact, you may recall that I first suggested the idea of UNHRC-backed commission of inquiry in my message during the 2017 International Human Rights Day. I have been making repeated calls in this regard in my letters and publicized appeals to the members of the UNHRC during its sessions in September 2018, June 2019, June 2020, and September 2020.

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Incidentally, let me take this opportunity to make an appeal to the international community to join me in making the following calls to improve the situation of the political opposition in our country:

- Immediately end all forms of politically-motivated harassment of the opposition, including the use of lawfare, the filing of charges, arbitrary arrest and detention, threats, disinformation and other forms of harassment and intimidation against the opposition;
- Immediately drop all politically-motivated charges and investigations against members of the opposition;
- Ensure the speedy, impartial, thorough and effective investigations into allegations of such threats and harassment and hold the perpetrators to account;
- End all use of sexist and misogynistic language, including threatening rhetoric, against the opposition; and
- Condemn disinformation campaigns targeting the opposition and its members;
- Initiate law reforms to improve the promotion and defense of rights to freedom of expression, association and peaceful assembly with the aim of aligning them with international human rights law and standards.

Finally, let me share a portion of my short memoirs which was read just this month during the PEN Congress in Manila, thus:

“We have all been given only one life to live; one country to love and defend; and one humanity that we all belong to and must respect and protect. And those are exactly what I will continue to do for as long as I have breath, and how I hope my life so far and going forward will be defined: Live, Love, Defend, Respect and Protect. For Life. For Country. For Humanity.”

Thank you for this opportunity. Mabuhay!

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Document 9: Attacks Against the Opposition Case Summary

Attacks Against the Opposition

Members of Congress have not been spared from red-tagging and public vilification. Members of the Makabayan bloc in the House of Representatives have been tagged by the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) and by President Duterte, himself, on several occasions, as front organizations of the Communist Party of the Philippines and the New People's Army.

Senator Leila de Lima, a vocal critic of the Duterte Administration, has earned the ire of the present administration reportedly for initiating the investigation in the Justice and Human Rights Committee in the Senate of the Philippines on the purported summary killings committed by "death squads" in Davao City, where Duterte previously served as the local government head for several years. Senator de Lima became the subject of misogynistic tirades by President Duterte as well on several instances.

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Document 10: DILG Memo Profiling ACT and COURAGE Case Summary

DILG Memo Profiling ACT and COURAGE

In a Memorandum Circular dated 10 March 2021, the Department of the Interior and Local Government (DILG) ordered its officers to list members of progressive groups Alliance of Concerned Teachers (ACT) and the Confederation for Unity, Recognition, and Advancement of Government Employees (COURAGE). ACT, a government-accredited teachers' union, advocates for rights of teachers while COURAGE campaigns for the right of government workers. The DILG tagged the groups as "Communist Terrorist Group (CTG) front organizations" but such designation is unsubstantiated as no cases have been filed in court that prove their links to communist groups. The DILG also said in the memorandum that the employees' association or organizations in the DILG should be discouraged from affiliating with "known CTG Organization."

House lawmaker Representative Ferdinand Gaité, who was also COURAGE's former president, denounced the DILG for its memorandum and called it "an unwarranted act of harassment and intimidation."

The representative of ACT, France Castro, called for the recall of the memorandum and stop the profiling of its teachers and government employees, pointing out that they're a group registered with the Securities and Exchange Commission and its unions recognized by the Civil Service Commission and the Department of Labor and Employment. Another group pointed out that DILG's memorandum is tantamount to union busting by the government.

This is not the first time that ACT members have been subject of intelligence gathering operations as the Philippine Police have also tried to profile ACT members last January 2019 by visiting public elementary and high schools in several cities and provinces and "requested" for a list of faculty members who are part of ACT as part of its campaign to end communist insurgency.

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Document 11: Raymond Basilio statement on behalf of ACT (see below)

Filipino Educators: Underpaid, Overworked and Under Attack

The Alliance of Concerned Teacher is a legitimate trade union organization and instrumental to the formation of ACT Teachers Partylist, which holds representation in the Philippine Congress.

Founded on 26 June 1982, the Alliance of Concerned Teachers Philippines (ACT) is the largest and broadest non-traditional organization of teachers and education workers in the country, with 180,000 members present in all regions. It also has sub-sector formations such as, among others, ACT Private Schools, ACT State Universities and Colleges, and ACT Education Students. ACT Philippines is an affiliate of Education International, a global union federation that represents organizations of teachers and other education employees.

As a militant and progressive organization, ACT represents teachers and other education workers in various advocacies for rights and welfare, including decent salaries, benefits, and humane working conditions. It is a member-organization of the Bagong Alyansang Makabayan (BAYAN), which participates in the national discourse and struggles for national sovereignty, social justice, and human rights.

ACT spearheaded the unionism of public school teachers. It was instrumental to the issuance in 2011 by the Public Sector Labor-Management Council of the long-pending rules for the accreditation and registration of unions of public school teachers in the regional level. To date, ACT regional unions hold the sole and exclusive negotiating agent status in the National Capital Region, Bicol, Negros, Cebu and Davao; and are duly registered with the Civil Service Commission in eleven more regions.

Following the issuance of Executive Order No. 70, "Institutionalizing the Whole-of-Nation Approach in Attaining Inclusive and Sustainable Peace" in 4 December 2018, ACT soon felt its adverse effects on the organization and its members. The order, which created the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), and directed the adoption of the National Peace Framework, unleashed the government's witch-hunt of suspected communist members and supporters, which targeted even legal and legitimate organizations such as ACT Philippines.

To date, ACT Philippines has received reports and has documented 46 cases of illegal profiling; at least 18 incidents of death threats/intimidation/harassment against its leaders; 11 incidents of state agents' interference in certification election for public school teachers' SENA; at least 17 incidents of red-tagging, terrorist-tagging, and/or *prima facie* act of designation; two (2) events where state forces conducted a campaign for disaffiliation from ACT; and, most alarmingly, 11 cases fabricated charges and/or arrests. Furthermore, ACT members have also been subjected to unjust interference in the performance of their duties.

ACT continues to receive alarming attacks against teachers and unionists.

Reports of profiling of ACT members by the PNP reached the national and local offices of ACT starting early January 2019, but the first incidents of police officers inquiring into its leaders and members actually began in the last days of 2018. Police officers made rounds in public schools, requesting for lists of ACT members, asking who among the faculty are ACT members, and even inquiring into specific individuals in some incidents.

The orders to conduct the profiling came from top level officials of the PNP, as proven by the leaked "confidential" memoranda to and from several PNP units, all similarly titled—*Inventory of All Public and Private School Teachers Who are Members of or Aligned with Alliance of*

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Concerned Teachers (ACT)—and worded—“You are directed to conduct an inventory of all public and private school teachers who are members of or aligned with the ACT...” These secret orders all refer to a memorandum from the PNP’s Directorate for Intelligence—“DRN DI3C1-1812-2326 dated December 10, 2018 pertaining to the above subject [inventory of teachers who are members of or aligned with ACT].”

PNP’s conduct of profiling were closely followed by surveillance, threats, harassment, and intimidation of ACT’s national and local officers, and several officers and staff of the Regional Unions, all of whom received threatening text messages and calls and/or had personal encounters with suspected State agents.

Several reports include violations committed by members of the Armed Forces of the Philippines (AFP) and persons suspected to be state agents.

In a statement issued on January 7, 2019, the Department of Education (DepEd) said that it had not received a request from the Philippine National Police for information about ACT members, and that it had not issued endorsements of any PNP directive to conduct profiling on ACT members, contrary to reports. The statement maintained that only one schools division office (SDO), through an acting division superintendent, had forwarded “a purported memorandum from a PNP unit,” but that the DepEd had directed the recall of the abovementioned letter.

The Commission on Human Rights also issued a statement, proclaiming the profiling as unlawful, unconstitutional, and discriminatory.

The Philippine government, through the national and several local heads of the PNP and the spokesperson of President Rodrigo Duterte, denied ordering the profiling, but, in the same breath, accused ACT of being a “front organization” of the Communist Party of the Philippines (CPP) and justified intelligence gathering as part of their operations against crime and terrorism suspects. This red-tagging of ACT Philippines, along with the vilification of other militant people’s organizations, individuals, and critics of the government, continues until the present.

On 10 March 2021, the Department of Interior and Local Government (DILG) issued a memorandum to its regional directors, regional secretaries, and BARMM with the subject “MEMBERSHIP OF EMPLOYEES OF THE DEPARTMENT IN THE CONFEDERATION FOR UNITY RECOGNITION ADVANCEMENT OF GOVERNMENT EMPLOYEES (COURAGE),” where ACT was wantonly tagged as a “known communist terrorist group (CTG) front” that has supposedly infiltrated “private and public schools and DEPED.” The said memorandum, signed by Assistant Secretary for Public Safety and Security Alexander L. Macario, ordered for an investigation on government employees’ membership to COURAGE in particular and to “fend off and discourage existing employees association or organization ... to affiliate with the known CTG organization.” Despite receiving backlash from public and private school teachers and other government employees, DILG continued to defend the said memorandum and further tag as terrorists both COURAGE and ACT. The agency also used as proof for the groups’ alleged links to the CPP and its military arm—the New People’s Army (NPA)—an old and spliced video of Professor Jose Ma. Sison where he discussed and clearly differentiated armed groups from legal democratic forces and progressive organizations like ACT and BAYAN.

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As more groups denounced the DILG order, NTF-ELCAC spokesperson and Presidential Communications Operations Office (PCOO) Undersecretary Lorraine Badoy stepped in to further tag ACT, COURAGE, and the Alliance for Health Workers (AHW) as the “Unholy Trinity of the CPP-NPA-NDF (National Democratic Front of the Philippines)” in her April 7 *From Where I Sit* column in the Philippine News Agency (PNA)—the official news agency of the Philippine government. Without presenting any evidence to support her claims, the official accused that these three public sector unions were created by the CPP-NPA-NDF “precisely to weaken government from within by infiltrating the bureaucracy and USING rank and file employees as cover while they go about in the destruction of our country by first destroying government.”

Another spokesperson of the anti-communist task force, Lieutenant General Antonio Parlade Jr., who is also the Southern Luzon Command of the Armed Forces of the Philippines (AFP), has also been professing the same litany of unfounded allegations against ACT since 2019. In his Manila Times column and in several other media reports, Lt. Gen. Parlade has called ACT a front of the CPP-NPA-NDF or the so-called CTG without a modicum of proof.

Several leaders of ACT has been included in posters plastered across their localities, outside their schools and offices since 2019, where they are alleged as “communist recruiters.” The most recent case of which happened on the eve of labor day this year, where photos of ACT Secretary General Raymond Basilio, ACT NCR Union President Vladimer Quetua, and ACT Teachers Partylist Representative France Castro were posted in various sites in Quezon City. The posters branded ACT and the three leaders as “ALYADO NG TERORISTANG CPP-NPA-NDF” and “MANLOLOKO AT RECRUITER NG ATING MGA TEACHERS.”

The NTF-ELCAC and its regional formations have likewise been co-organizing with local DepEd offices several seminars and fora supposedly on national security where ACT is red-tagged. Hundreds of public school teachers are ordered to attend these events either virtually or physically. ACT has recorded the conduct of the said activities in NCR, Region I, Region IV-B, and Caraga Region.

On 17 March 2021—just a week after the issuance of the above-mentioned DILG order—ACT Region XIII (Caraga) Union Secretary and Assistant Vice Principal of San Vicente National High School Rosanilla Consad was arrested on a fabricated charge of attempted homicide. Consad has been a victim of tailing, harassment from military and police officers, and relentless red-tagging since 2019. During her detention, she was subjected to interrogations without her legal counsel and was presented before a press conference as a “high ranking CPP-NPA official.” Consad was the second ACT member arrested in the year 2021; the first being the school principal of Rosario National Highschool in Northern Samar Nestor Ada who remains in detention to this day for a trumped-up case of illegal possession of firearms and explosives. Ada was a victim of the notorious *tanim-ebidensya* (planting of evidences) modus operandi of the PNP. He was arrested in his sleeping quarters at the said school at around 12 midnight on 28 January 2021 by a composite team of provincial police and intelligence units.

On 17 April 2021, ACT became a target of another profiling operation—this time led by the central office of DepEd. The national office of ACT received reports from its union leaders in regions I, III, IV-A, IV-B, VI, X, XI, XIII, and CAR that DepEd division officials are requesting for the number of ACT members in their locality as per order of Undersecretary Revsee Escobedo without citing any valid reason for the collection and processing of such information.

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When asked by media, DepEd Secretary Leonor Briones and Undersecretary Escobedo issued conflicting and untenable justification for the profiling operation. Usec. Nepomuceno Malaluan said that it was for them to know whom to consult on policies. Secretary Briones on the other hand said that it was done for them to facilitate the collection of membership dues. Both reasons were clear alibis. As prescribed under the Public Sector Labor Management Council, the agency is mandated to conduct consultation in matters of policies and operations the duly accredited employees' union, in DepEd's case, it is the ACT NCR Union. DepEd is in no position to determine whom to consult for it is under the mandate of the PSLMC to determine the sole and exclusive negotiating/representing agent of the employees. Secretary Briones' alibi is also doubtful as the DepEd Accounting Office in each region implements the payroll deduction of members for their monthly dues based on the Authority to Deduct Forms duly submitted by the Union to them. Clearly, there is no need for any profiling for them to conduct consultation nor to implement payroll deduction for the payment of monthly membership dues.

Military personnel have also initiated a campaign for disaffiliation from ACT among public school teachers. ACT leaders have been visited in their homes and schools and asked to sign a document that declared their withdrawal of membership from ACT. In Butuan City, 604 teachers who were made to attend a convergence organized by the RTF-ELCAC and DepEd-Caraga were made to take a 'pledge of loyalty' to the government and sign a tarpaulin to signify their disaffiliation from ACT. ACT leaders also reported being threatened with inclusion of their names in "the next set of warrants" to be released against activists in the locale.

ACT Philippines lodged complaints against the Government of the Republic of the Philippines before appropriate bodies concerning the infringement of the rights to association, assembly, and self-organization. It initiated various cases before the Commission on Human Rights, the Ombudsman, the Court of Appeals, and the Supreme Court. It also submitted a report on the human rights situation in the Philippines to the UN High Commissioner for Human Rights Michelle Bachelet, in accordance to the UN Human Rights Council Resolution 41/2 adopted during the UN HRC 41st Session in July 2019. The sworn complaints were supported with affidavits of teachers, school personnel, and local leaders of ACT Philippines attesting to the incidents. It also sought the attention of the National Privacy Commission and plans to initiate proceedings for violation of the Data Privacy Act.

The state-sanctioned, large-scale, and wanton profiling, surveillance, grave threats, and intimidation as well as the trumped-up charges and arrests of its leaders and members have caused public and private school teachers to fear for their liberty and safety, especially since their unions and organizations are branded, without legal and factual basis, as "rebels," "communists," and "terrorists", or fronts of such—and thus "enemies of the state." These violations cast a chilling effect among teachers and infringe on their right to form and join unions, along with its attached rights of collective bargaining/negotiation, assembly, and others. These also amount to governmental interference in trade union activities, discrimination and repression due to organization and/or union affiliation and activities.

These violations are clear infringements of a number of rights protected by the Universal Declaration of Human Rights; the ILO Constitution; the ILO Declaration on Fundamental Principles and Rights at Work (1998); the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87); and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98). The assailed acts constitute wanton and flagrant violations of ACT's fundamental right to freedom of expression and free association as guaranteed by the 1987 Philippine Constitution.

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I. Illegal Profiling, arranged according to incident date

1. On October 11, 2018, **Maria Cristina Borbe** heard in a meeting of teachers in her school (Sto. Nino Elementary School, Calapan City, Mindoro) that the school principal reported that School District Supervisor (SDS) Susana Bautista had asked them to list down teachers who are ACT members. On January 10, 2019, Ms. Borbe asked their supervisor why the SDS is asking for the list of ACT members. The supervisor said that the SDS' son, a police officer, was the one asking for the list. (Source: affidavit of Ms. Borbe)
2. On November 14, 2018, *four unidentified men suspected to be military elements arrived at Navotas National High School at 10 am. They asked teachers at the gates about teachers organizations at the school apart from the faculty club. The teachers mentioned their union and its accreditation, dropping the name of their chapter president in the process. Upon hearing the chapter president's name, the four men demanded his photo from the teachers, who refused to give it to them.*
3. On November 26, 2018, **Mary Jane Apatan**, a teacher in Escalante National High School and former Area 1 coordinator of ACT Negros received a message from the Division Supervisor that the 62nd Infantry Battalion on the AFP wrote a letter to the Schools Division Office to inform them about an intelligence report of the 62nd Infantry Battalion that Apatan participated in the fact-finding mission on an alleged encounter between the military and the New People's Army (NPA) conducted on November 16, 2018 at Brgy. Washington, Escalante City, Negros Occidental. (Source: affidavit of Ms. Apatan)
4. The principal of Ms. **Mary Jane Apatan's** school told Ms. Apatan in January 2019 that in late 2018, military personnel approached the principal, asking for a list of all teachers in her school. The principal refused to comply, as the said military agents could not show any official order. (Source: Affidavit of Ms. Mary Jane Apatan)
5. In the third week of December 2018, in Agusan del Sur, a police officer approached Mr. **Antero Atad**, school head of Talacogon District, asking for the names of members of ACT. Mr Atad denied the request and asked for the purpose of the query. The police officer said that it is for the inventory being conducted by the PNP. (Source: Affidavit of DepEd teacher and ACT Region XIII Coordinator Ms. Rosanilla Consad)
6. On December 27, 2018, Sorsogon teacher **Oliver Lucenario** was approached by a police officer, Eric Pelota, at the public market and asked whether the latter had a list of the ACT members in his municipality, and whether police should direct their inquiries at school heads. When Mr. Lucenario asked why he was being accosted, PO Pelota said that he received his orders according to a memorandum "from higher up." Mr. Lucenario told the officer that his request was improper, and that the police should write a formal letter to ACT or the CSC should they wish to request information. PO Pelota informed Mr. Lucenario that their conversation would be reported to "higher up." (Source: affidavit of Mr. Lucenario)
7. On January 3, 2019, two police officers asked Mr. **Alberto Matira**, faculty president of Cecilio Apostol Elementary School in Manila for a list of ACT members in his school. Mr. Matira refused to give them the information after the police officers made him read a faxed memorandum authorizing their actions. (Source: Affidavit of Mr. Matira; Copy of Manila Police District memo; Copy of DepEd Manila endorsement of MPD memo)
8. Police officers have made inquiries and similar forays into at least four schools in Manila, namely **Del Pilar Elementary School, Calderon Elementary School, Avanceña Elementary School, and E. Remigio Elementary School**. At Avanceña, police came to the school and talked to the principal to ask for a list of ACT members. The principal said she does not know and asked for what purpose. Police answered, "*para yata sa eleksyon.*" Principal refused to give information without order from the Division office. ACT registers these as four separate incidents of profiling. (Source: Copy of Manila Police District memo; copy of DepEd Manila endorsement of MPD memo)

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9. On January 3, officers of the Malabon police inquired after ACT members at **Maysilo Elementary School** in Malabon. The officers brandished a document which they did not allow the principal to read. The principal told them that she will not give any names and advised them to just bring their matter to the DepEd Malabon Division Office. The police officers then left.
10. On the same day, January 3, in Malabon, at **Muzon Elementary School**, police intelligence officers talked to the principal, asking who the ACT leader in the school is. They bore a letter marked “confidential,” which they did not let the principal read, but showed the latter the document’s attachment—a separate sheet where the names, addresses, and birthdays of ACT members are supposed to be indicated.
11. On January 3, at 1:00 pm, two police officers from Antipolo, Rizal asked Mr. **Manolito Resaba**, faculty federation president of Juan Sumulong Elementary School for a list of ACT members at the said school. Mr. Resaba refused to comply with their request since all they had as authorization was a copy saved in a cellphone of a PNP memorandum that ordered an inventory of ACT members. (Source: Affidavit of DepEd teacher and faculty club president Manolito Resaba; copy of Antipolo PNP Letter; Copy of Rizal PNP Memo)
12. On January 4, police officers came to **Las Piñas National High School** and asked the principal for a list of ACT members, showing the memo of the chief of police regarding the matter. They were looking for the ACT leaders in school but since the teacher concerned was not around, they said that they would come back on January 8.
13. On January 4, on Caramoan, Camarines Sur, a certain PO1 Vincent Velasco came looking for Mr. **Juan Banaria**, at the school where the latter teaches, reportedly to ask for a list of ACT members at this school. Out of fear, Mr. Banaria decided not to show up at school and face the officer.
14. On January 7, police officers returned to Mr. **Manolito Resaba**’s school in Antipolo and showed him a physical copy of a letter signed by Peter C. Aquino, police chief inspector, and dated January 7, 2019, ordering all PCP commanders to compile a list of public and private school personnel who are “members of, or aligned with” ACT. Mr. Resaba told the officers that he had been receiving calls from ABS-CBN reporters asking about PNP profiling on ACT, and the officers left his office without the information they had asked for.
15. On January 7, two police officers in plainclothes came to **San Juan National High School** and talked to the principal, asking for names of teachers who are ACT members. The principal gave the name of the Ansel Garabiles, the president of San Juan teachers’ federation.
16. On January 7, police officers conducted inquiries at **Maysan Elementary School** in Valenzuela.
17. Police officers also inquired after ACT members at **Sitio Sto. Rosario Elementary School**, Valenzuela.
18. On January 7, police went around **Muntinlupa City**, to obtain lists of ACT members. ACT got a copy of the relevant PNP memo. (Source: Copy of Muntinlupa PNP Memo)
19. On January 7, at 4:00 pm, at **Tayabas East Central School** in Quezon, four police officers were seen by school personnel pointing to, and taking photos of an ACT tarpaulin hanging by the school gate. Two of the school personnel called the attention of an ACT member teacher about the incident.
20. On January 7, the Angono Municipal Police Station, through its Acting Chief Police Superintendent Glenn C. Magsino, issued a letter to the **Angono National High School** requesting a list of faculty who are members of ACT. Two uniformed policemen looked for the faculty federation president but as he was conducting a class, the police gave the letter to the principal, Mrs. Elena V. Bernardo, requesting a list of ACT members in the school. The two policemen said they would come back later, but failed to materialize again. (Source: Angono PNP letter)
21. On January 8, at 10 am, **Pinagbuhatan High School** in Pasig was visited by two uniformed policemen, who identified themselves as elements of the Eastern Police District. The police wanted a list of teachers who were members of ACT.

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22. On January 8, P01 Vincent Velasco returned to Mr. **Juan Banaria's** school, and the latter mustered the courage to face him. Mr. Banaria showed P01 Velasco the DepEd statement on PNP profiling of ACT, and the policeman informed Mr. Banaria that the latter is just acting upon orders of the PNP chief inspector of Naga City.
23. On January 8, 2019, a uniformed female police officer accompanied by a man in civilian clothes brought a letter signed by the police station 2 commander to Pinsao Elementary School principal **Ligaya Annawi** and asked the latter to affix her signature to a receiving copy of the aforementioned letter. The letter asked the school to furnish the police with the names of all ACT members among the faculty, purportedly in relation to the midterm elections. When Ms. Annawi asked what ACT membership had to do with the elections, the police officer responded that she was "just following orders." Incensed, Ms. Annawi informed the officer that their actions were an intrusion into the teachers' privacy and a blatant violation of the Data Privacy Act.
24. On January 8, in Angeles City, Pampanga, unidentified policemen are known to have visited at least four schools in the area, namely **EPZA Elementary School, EPZA High School, Sto. Domingo Elementary School, and Salapungan Elementary School**, bringing with them the names of teachers whose identities and membership with ACT they sought to verify with school principals. The principals told them that none of the listed teachers were faculty members of their schools. The principals immediately reported the unwelcome police visits to the Angeles City Division Superintendent. As a result, the Schools Division Superintendent (SDS) instructed all 53 school principals in the city not to release any information about their teachers and instead direct inquiries from police to the DepEd Region and DepEd Central Office. The principals were also advised to demand from inquiring police an official order from DepEd allowing the release of the lists should they be subjected to such requests. (Source: Affidavit of DepEd teacher and ACT Region III Union Secretary General Matthew Santiago)
25. On January 10, in Urbiztondo, Pangasinan, ACT received from a source a copy of a PNP internal memorandum ordering the conduct of a discreet neighborhood check/partial background check on Ms. **Vangeline Erfelo** of Galarin National High School. The memo ordered a check on her morality, integrity, loyalty, discretion, character, reputation, family background, and possible organizational affiliations.
26. On January 14, a police intelligence officer visited ACT Pangasinan I president **Marjohn Sante's** school, Dante Maramba National High School, looking for Mr. Sante and asking for his personal details and information on his activities as a teacher-leader. The man showed his principal and administrative officer an alleged written directive from the Director of the Pangasinan Provincial Police Office. When the principal related Mr. Sante's activities as an ACT officer, the officer asked for documents about him. The principal refused, telling the latter that the police must first secure permission from DepEd before the school can release information about any of its teachers. The intelligence officer said that he has already conducted a background investigation on Mr. Sante within the community.
27. The next day, January 15, a co-teacher called **Mr. Sante** to inform him that two policemen, one in plainclothes, were looking for him. Mr. Sante spoke with the policemen in the presence of the school's administrative officer. The policemen asked for his personal information (birthday). Mr. Sante refused to answer and pressed the officer about the purpose of their inquiry. The latter told him that they proceeded from orders from their superiors. When Mr. Sante asked if his interrogation was but one of the many incidents of police profiling of teachers, the officers denied any knowledge of police profiling and feigned ignorance of the nature and character of ACT. (Source: Mr. Marjohn Sante's affidavit)
28. On January 14, Cagayan de Oro City Police issued a letter that asked for the inventory of ACT members, signed by SPO3 Marvin Bolanio, PS-2 Chief Intel. PO2 Erwin Llagas and company gave Assistant Principal **Virginia Mendoza of Camaman-an National High School** a copy of the letter. (Source: Affidavit of DepEd teacher and ACT Region X President Ophelia Tabacon; CDO Police Office Station 2 letter).
29. On January 21, **Nora Ayban**, teacher of Talifugo Elementary School was asked by two persons in plainclothes, known to her as police officers in the locality, to identify the

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ACT members in her school. She questioned their intentions, saying that the teachers are not interfering with their agency. The police said that even if ACT is a legal organization, there is something behind it. Ms. Ayban thinks this is related to her having invited the teachers to a February 2 Forum in Malama where ACT CAR Coordinator Jeanette Ribaya would be speaking. She told the police that they (teachers) will go and listen and if they see that ACT is good, then they will become members.

30. In **Sipocot, Camarines Sur**, a police officer went to the house of an ACT member and discussed an internal memorandum on the inventory of ACT members. The teacher immediately reported the incident to ACT.
31. In **Zambales**, the Zambales PNP issued a memorandum regarding the conduct of profiling on ACT members. ACT was able to obtain a copy of the memo. (Source: Copy of Zambales PNP memo)
32. Since 17 April 2021, ACT national office received reports from regional ACT leaders that local DepEd officials are gathering the number of ACT members in their area. A total of **10 (ten)** regions—namely Regions I, III, IV-A, IV-B, VI, VII, X, XI, XIII, and CAR—have reported profiling incidents initiated by DepEd.

II. Surveillance/ Harassment/Intimidation/Threat/Violence arranged according to incident date, 2018-2019

1. In November 2018, a certain Henry Epifanio identified as belonging to CAFGU was reported to have been hunting for information about ACT Region V Union Regional Council Member and a teacher in Tinaldukan Elementary School in Jubillar District, Albay **Krisnah Iglesia**. The barangay secretary informed Ms. Iglesia's husband that Epifanio inquired about the former's full name and the school where she teaches. On January 2019, her husband met Epifanio in a gathering and asked the latter why he is gathering information about the former's wife. Epifanio said that his activity proceeded from a three-month program based on an order by their higher officials. Epifanio made mention that the inquiries were made because Iglesia is a long-time activist. (Source: affidavit of Krisnah Iglesia)
2. On January 11, 2019, ACT Secretary General **Raymond Basilio** received a call on his mobile phone at 1:20 pm, in the middle of an ACT press conference in Baguio, from mobile number, 0967-2275384, a number unknown to him. The caller introduced himself as "Gary," and told Basilio that he knows of his personal details, enumerating his home address, and details about his economic background, and family background. The caller said that he has sent men to hunt down Basilio in Quezon City and kill him. (Source: video documentation of incident)
3. On the same day, January 11, **Aurora Santiago**, ACT Region III Coordinator, received a call from an anonymous caller, who said he was from "CID." When pressed for his identity, he said that he was the "provincial commander of NPA Bulacan." When Santiago said that he might be mistaken about the person he is calling, the caller identified her name and her designation as ACT Central Luzon coordinator. The caller then said that if she did not cooperate, he can have her house burned or have her killed. (Source: Affidavit of Mr. Matthew Santiago; screenshot of call)
4. On January 24, as ACT Secretary General **Raymond Basilio** was alighting from a cab along North Avenue, Quezon City, an unidentified man approached him from behind and whispered, "*Susunod ka na.*" ("You're next").
5. On January 28, Monday morning, ACT Negros member **Mary Jane Apatan** discovered that her classroom had been ransacked. Her valuables were not taken but her planner, which contained her schedules and her transcript of records, was missing.
6. On February 1, as ACT Secretary General **Raymond Basilio** left his house at 9:30 pm, his driver observed that tandem-riding motorcycle was tailing their vehicle.
7. On February 15, **Romly Clemente**, ACT Region III President and a teacher in F.G. Calderon High School in Angeles City, received a call from the mobile number 0936-

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7900930. The caller identified himself as “Henry Pimentel from Davao” and informed Ms. Clemente that her life was in danger. (Source: screenshot of call)
8. On February 15, ACT Region III Secretary **Matthew Santiago** and a teacher in Cristo Ray High School in Capas, Talac received a call from the same number as Ms. Clemente above (“Henry Pimentel from Davao” using mobile number 0936-7900930). At around 9:34 pm, “Henry” called Mr. **Santiago issuing threats against his life and his family and telling him he has one hour to pay 6,000 for each family member. The caller instructed Mr. Gutan to send the money to a certain Juvy V. Canete with phone number 0949-5628576.** (Source: [Recording of phone conversation](#))
 9. On February 15, ACT Secretary **Raymond Basilio** received a call from mobile number 0936-7900930 (same number as that which called Ms. Clemente and Mr. Gutan). This time, the caller identified himself as “Lt. Guerrero” from Davao. He told Basilio: “Handa ka na” (“Be ready”).
 10. On the same day, February 15, the same number (0936-7900930) made its second call to Ms. **Aurora Santiago** at 10 pm. The caller, “Henry Pimentel,” made threats against her and her family. (Source: screenshot of call)
 11. On April 25, ACT Region X Union president and a teacher in Camaman-an Elementary School in Cagayan de Oro **Ophelia Gallardo** received a message on Facebook from a user named “Ashley Mendoza,” at 8:35 pm. Through Facebook Messenger, the user told Ms. Gallardo: “*Nasa watch list kna 4 kamatayan*” (You’re already on the watchlist for death.) (Source: screenshot of message)
 12. In addition, Ms. Gallardo was implicated in a subpoena on an NPA raid in Sibagat, Agusan del Sur.
 13. On September 12, 2019, Ms. **Gallardo** experienced harassment through delivered flowers, photos, and messages in the venue of the ACT Region X 2019 Regional Leadership Training and Seminar.
 14. On October 4, 2019, teacher **Oliver Lucenario** perceived threats against himself when he received an envelope containing photos of him and of his family and a message from an anonymous source asking him to cooperate.
 15. Ms. **Digna Mateo**, ACT Bulacan Coordinator, observed that she was being followed by two men on a motorcycle, and subjected to surveillance before her illegal arrest on October 16, 2019.
 16. On May 16 or 17, a man who introduced himself as an agent from the Criminal Investigation and Detection Group (CIDG) of Quezon City went to the ACT office looking for ACT Secretary General **Raymond Basilio**, who was not present. Talking to ACT staff, the former explained that his purpose there was to investigate the complaint made by Basilio against the Philippine National Police (PNP) upon orders from his superiors, and to bring the latter to Camp Karingal for investigation. The agent also made mention of an “investigation by Malacañang” directed at ACT. This unidentified man did not disclose his name, and was seen by ACT staff to be carrying a gun in his bag. He told the staff that he would return to talk to Mr. Basilio.
 17. On June 3, two females in plainclothes who identified themselves as personnel from CIDG-Caringal, appeared at the ACT office and spoke to Mr. **Raymond Basilio**. Their purpose, according to them, was to invite the latter to go with them to Camp Karingal for questioning about the complaint he filed (ACT has filed suits against the PNP with the Ombudsman and Court of Appeals). They insisted they were responding from an “order from the Office of the President.” The two women, despite being unable to provide a warrant or a copy of the alleged “order,” pressured Mr. Basilio to go with them, saying that his failure to do so would result in the non-processing of his complaint. The only documentation they could furnish, at the insistence of Mr. Basilio, was a document bearing the letterhead of the Office of the President; however, the contents of said document were not revealed to the latter. Upon Mr. Basilio’s refusal to acquiesce to their demands, they asked for his phone number and said they would come back the next day. (Source: photos)

III. Interference in conduct of certification election (CE) for SENA in Region III

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Arranged by date of incident

In December 2018, the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) was created under Executive Order 70 (EO70). Packaged as a supposedly necessary measure for attaining “inclusive and sustainable peace,” EO 70 employs a “whole-of-nation” approach to counter-insurgency, utilizing all sectors of the government for auxiliary support to its armed agencies. Under EO 70, government agencies whose mandates essentially do not include the maintenance of peace and order should now lend their resources to legal and extra-legal offensives against suspected personalities and organizations. This has resulted in the weaponization of all government agencies, including the Commission on Higher Education, Technical Education and Skills Authority (TESDA), and the Department of Education, in the crackdown against dissenters and protesters.

In doing so, the state has set its sights on sectors who are legally mobilizing to claim their rights, such as teachers and unionists, as well as legitimate people’s organizations. ACT is at the cross-hairs of this alarming crackdown, as shown in the following incidents, where the National Intelligence Coordinating Agency (NICA) is liberally conducting training and orientations across government agencies and purposely and specifically red-tagging various progressive personalities and organizations, including ACT. Through a public smear campaign, agencies empowered by EO 70 are boldly and baselessly accusing teachers of being members or supporters of the NPA through sheer association with ACT. Unsurprisingly, organized public teachers all over the country are now fearing repercussions for their legal affiliation with ACT.

1. On August 21, 2019, NICA Director Asuncion met with **Aurora** local organizations and red-tagged ACT.
2. DOLE Region III Arbiter shared in a CE conference details about a tripartite meeting in **Bulacan** with the NICA director wherein the latter red-tagged ACT.
3. On September 10, **Ace Cervantes**, ACT Coordinator in Tarlac was questioned by a PNP officer in a cancelled ACT activity about his affiliation with ACT. The officer asked to take Mr. Cervantes’s photo.
4. In Aurora, Tarlac, Bataan, Pampanga, Bulacan, Nueva Ecija, Zambales, NICA organized meetings with regional, division, school heads, and faculty club presidents about EO 70 and red-tagged ACT.
5. On September 11, the faculty president of Mayor Cesario National Highschool in Aurora told the ACT campaign team that the former had heard at a meeting he/she attended at the Division Office that ACT is a front organization of CPP-NPA-NDF.
6. On September 16, at the DepEd Aurora Division Office, the sister of ACT Coordinator Aurora Santiago shared that NICA red-tagged ACT in a meeting of all principals in the division.
7. In Aurora, ACT Aurora coordinator was told by her principal to dissociate from ACT or she can be removed from service.
8. In Aurora, after the meeting with principals, are tarps are hung in Aurora schools, which read: “*Ang ACT ay Alliance of Communist Teachers*,” and bearing the call: “No to Union tayo.”
9. In a seminar at Don Honorio Ventura State University where NICA Director Asuncion was a speaker, he identified ACT Coordinator Aurora Santiago and others as NPA members.
10. In Tarlac, Matthew Santiago, ACT Region 3 Secretary, was subjected by NICA and OPAPP to harassment.
11. On October 2, ACT Bulacan Coordinator Digna Mateo was tailed by tandem-riding motorbikers. She was able to corner the riders who then left the motorcycle. When she was bringing the motorcycle to the barangay hall, a third person claiming ownership of the motorcycle emerged. She requested to have an entry made in the barangay blotter then proceeded to the police station to report

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the case. In the middle of the interview, the police told Ms. Mateo that they cannot issue a report on the matter as they have learned that the incident is a legitimate operation of state security forces.

IV. Red-tagging, terrorist-tagging; *prima facie* act of designation

1. In **February 2018**, ACT CAR Regional Coordinator Jeannette Cawiding was included in the Department of Justice's Proscription list along with some 600 others. In June 2019, she was among the more than 600 individuals whose names were ordered removed from the said list. However, from **June 2019 onwards**, Cawiding continued to be red-tagged by RTF-ELCAC officials in the region and by trolls on social media.
2. From **May to June of 2020**, ACT Central Luzon Regional Coordinator Maria Aurora Santiago was branded as a sympathizer and organizer of armed group NPA in several flyers, posters, tarpaulins, and social media posts which included her name and photos.
3. On **22 July 2020**, ACT Davao Region Secretary Pilar Barredo was included in several "WANTED" posters plastered across Davao City where she along with eight (8) other activists were tagged as "terrorist recruiters."
4. On **18 February 2021**, the NTF-ELCAC, National Intelligence Coordinating Agency (NICA), and DepEd jointly held a virtual seminar titled "DIVISION ORIENTATION FOR PARENTS, TEACHERS, AND SCHOOL PRINCIPALS ON INFILTRATION OF SCHOOLS AND RECRUITMENT OF YOUTH AND STUDENTS BY THE CPP-NDF-NPA," where ACT was listed as among the CPP front organizations in the country. The seminar held via zoom was attended by a total of 166 participants composed of DepEd division officials, school principals, parent-teacher association presidents, and school faculty association presidents **in Pasig City, Metro Manila**.
5. On **10 March 2021**, the DILG released a memorandum where ACT was identified as a "known communist terrorist group front." ACT and COURAGE jointly filed a manifestation to the Supreme Court reiterating their prayer for a Temporary Restraining Order on the contested Anti-Terrorism Law of 2020 following what it called the DILG's *prima facie* designation of their organizations as terrorists.
6. On 24 March 2021, the NTF-ELCAC held a virtual seminar for public school teachers in Region IV-B (MIMAROPA) where ACT was tagged as a front of the CPP-NPA-NDF.
7. On **March 26 & 28, 2021**, a facebook post claiming ACT as a communist front circulated on the social media platform, particularly in a facebook group called "MAGTUTUDLONG BISAYA (ISSUES & CONCERNS)" with around 8,500 members.
8. On **07 April 2021**, NTF-ELCAC and PCOO Undersecretary Lorraine Badoy released an article on her PNA column *From Where I Sit* tagging ACT together with COURAGE and AHW as communist infiltrators who are out to destroy the government from within.
9. **Last April 30, 2021**, several posters were posted in Quezon City containing the faces of ACT Secretary-General Raymond Basilio, ACT NCR Union President Vladimer Quetua, and ACT Teachers Partylist Representative France Castro where they were identified to be leaders of a CTG front organization.
10. Since 2019, Lt. Gen. Parlade has publicly branded ACT as a front of the CPP-NPA-NDF and a member of what it calls a "UGMO" called Katipunan ng Gurong Makabayan (KAGUMA) in at least **eight (8)** of his Manila Times column articles. Parlade claims that communists through ACT's nearly 200,000 members have infiltrated DepEd—the latter allegedly being the "most heavily infiltrated" government agency.
11. **Last May 17, 2021**, via online, the NTF - ELCAC and DepED Division of La Union conducted a webinar on Peace and Order and ACT was again identified as

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CTG front organization. In the said webinar, ACT activities like Leadership Training Seminar and street protest were cited as an example of terrorist activities.

V. Disaffiliation campaign

1. On 06 May 2021, 604 public school teachers from the Butuan City division were made to attend the "SEMINAR ON NATIONAL SECURITY CONCERN AND DISAFFILIATION FROM ACT" co-organized by the NTF-ELCAC and DepEd-Caraga. At the event of the program, teachers in attendance were made to sign a tarpaulin to signify their disaffiliation from ACT and to take an oath pledging their loyalty to the government.
2. From May 15 to May 23, 2021, military conducted home and school visits to ACT Region IV-B's officers and coordinators and made them sign a document which indicates that they are officially resigning from ACT and that they will no longer participate in any of its activities.

VI. Detention and trumped-up charges

Where circumstances allow, state forces have resorted to fabricating legal cases to detain members of ACT. Many of these false charges are made to be of the serious, non-bailable kind, the better to exhaust and frustrate the legal means of the arrested individuals. The organization is monitoring eleven (11) trumped-up charges made against eight of its leaders and members, namely:

1. The arrest and continuing detention of teacher Jolita Tolino of CLANS Lumad School in Sultan Kudarat.
2. Rep. France Castro on the trumped-up charge of child abuse when she responded to the request of teachers and students of a lumad school in Talaingod, Davao del Sur to be rescued from the imminent danger of attack from paramilitary groups.
3. The filing of a case for robbery and intimidation and destructive arson against Camaman-an Elementary School Cagayan de Oro public school teacher and ACT Region X Union President **Ophelia Tabacon**. In her counter-affidavit, Ms. Tabacon denounces as "utterly false and fabricated" the allegations of "kidnapping, serious illegal detention, grave threat, grave coercion, and robbery that she allegedly committed against police operatives from December 19 to February 14, 2019 in Agusan del Sur—a period during which she has strong evidence of her activities and public appearances that refute the allegations against her. (Source: Ophelia Tabacon judicial counter-affidavit)
4. The arrest and detention of ACT Bulacan provincial coordinator **Digna Mateo** on October 16, 2019. Ms. Mateo was arrested by police and intelligence units of the AFP on October 16 in Bulacan and slapped with a murder charge. Prior to her arrest, Ms. Mateo had already been subjected to surveillance and harassment, which she reported to ACT (detailed in previous sections). Ms. Mateo's release from prison in December 2019, following the court's conditional dismissal of the case, proves the lack of sufficient basis for her arrest and that such is just part and parcel of the moves to harass her and the organization.
5. The continuing detention of ACT Negros organizer **Mermalyn Bito-on** on charges of illegal possession of firearms and illegal explosives. Ms. Bito-on was among 57 arrested on October 31 raids across Bacolod city on the offices of progressive groups and homes of their leaders. The arrested persons maintain that the recovered weapons were planted by police, a longtime practice in politically motivated police raids. The case against Ms. Bito-on has been dismissed by the court but the state operatives were quick to file new trumped-up charges against her to prevent her release from prison.
6. Ms. Analyn Tantoy, a teacher from Agusan High School and member of the Regional Council of ACT Caraga Union faced the false charges child abuse, human trafficking and violation of international humanitarian law due to her alleged participation in the recruitment of child warriors. The case was dismissed.

7. The arrest and detention of Mr. Nestor Ada, principal of Sto. Rosario National High School in Eastern Samar due to cases of illegal possession of firearms and explosives last January 27, 20221.
8. The continuing legal harassment against Ms. Rosanilla Consad, assistant principal of San Vicente National High School in Butuan City, Caraga Region. Last March 17, 2021 she was arrested on a charge of attempted homicide. This is the 4th case filed against her since 2019. The three cases were all dismissed by the courts already.

The activities of state agents against organized teachers is a violation of their human rights

The 1987 Constitution protects the people's right to association and free expression. The foregoing rights are likewise enshrined in international law as fundamental freedoms.¹ The Constitution only sets one (1) limitation to the right to association: if the exercise of such right is contrary to law. The Supreme Court clarified such should be interpreted to mean that **"unless an association or society could be shown to create an imminent danger to public safety, there is no justification for abridging the right to form association or societies."**²

Thus, States must refrain from unduly obstructing the exercise of the right to freedom of association, and respect the privacy of associations. While certain restrictions may be placed on the right to freedom of association, such measures must be prescribed by law and "necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others."³

ACT's militant orientation and affinity with progressive groups do not constitute acts contrary to law. Neither do its salutary advocacies warrant any state infringement and curtailment of their right to freely associate. All that ACT have done are in furtherance of the rights and interests of teachers who have long been a marginalized and oppressed sector in the Philippines.

Instead of being recognized for their civic contributions, ACT members have been subjected to red-baiting in a manner taken out of the page of McCarthy's book. ACT, have been falsely and maliciously tagged as "communist fronts" or "terrorists" on account of their political beliefs and dissension to the current administration.

Asked in a press conference what particular crime the teachers were being monitored for, Presidential Spokesperson Salvador Panelo only has this to say, *"What do the rebels want but to topple the government?"*⁴ This line was echoed by some of the officials of the PNP in their public pronouncements, without, however, substantiating their gratuitous and dangerous remarks as to why ACT's members must be identified and thereafter subjected to state intrusion. Panelo and the PNP leadership are one in flaunting the *"walang dapat ikatakot kung walang ginagawang masama"* line as justification for the profiling. But again, the Philippine Constitution and local and international laws do not allow them to decide, unilaterally and without due process, that ACT and its members are indeed committing wrongs.

¹ See generally the United Nations Declaration on Human Rights and the International Covenant on Civil and Political Rights.

² *Id.*

³ *"What are the rights of freedom of assembly and association?"* <http://freeassembly.net/about/freedoms/>. Last accessed January 16, 2019.

⁴ <https://www.philstar.com/headlines/2019/01/08/1883319/inventory-act-members-similar-red-tagging-says-chr> last accessed on 15 January 2019.

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Thus, the assailed acts of PNP/DILG fail to meet the strict test of necessity and proportionality that restrictions on the right to freedom of association must hurdle in order to be valid.

Worse, these politically motivated acts of massive illegal information-gathering committed against ACT members have and will force or dissuade both current and prospective members of the latter to withdraw membership or join for fear of breaches not only of right to be let alone in their political beliefs, but also of their very right to live.

This profiling will certainly give way to a host of other rights violations against ACT members.

While the PNP memoranda expressly target ACT and members of or those affiliated with ACT, the acts of PNP officers in school and house visits, their interrogation of individuals, their very presence in schools, and their vilification of unions and mass organization implicitly target public and private school teachers and school personnel in general. For these reasons, it is clear the assailed acts flagrantly violate the constitutional right of ACT members to freedom of association.

Hard-earned lessons from our country's history have taught us that violations of fundamental freedoms are inextricably linked, such that a breach of one may adversely affect another.

Freedom of expression, as enshrined in Article III, Section 4 of the 1987 Constitution, is essential to a true democracy and just society such that it is widely given, as in this jurisdiction, a preferred status higher than economic freedom or other liberties.⁵

The chilling effect of the implementation of profiling and illegal gathering of personal information of ACT members is evident. In some chapters of ACT, not a few members have already expressed their fears of being publicly known as ACT members and as such expressing their critical views of the current regime.

It should be noted that ACT, along with other progressive organizations, engage in various forms of collective actions to highlight and forward their sectoral and national advocacies, from fora, dialogue and lobbying with agencies, teach-ins, film showings and other activities inside and outside schools, "sit-down strikes," to protest rallies. All these, while recognized as consistent and fully protected by our Constitution and national and international laws, are almost always labelled as "rebellious" especially in recent times, such as the flopped "Red October" scare publicized by the PNP last year. Even unionized academicians are not spared from these illegal acts such as the case of academician-researcher-writer Prof. Arnold Alamon of Mindanao State University, who was publicly red-tagged this year.

Police officers descending in schools have cast a shadow of fear upon law-abiding teachers, principals, other school personnel, even children, especially in light of communities' bad experience with PNP's Tokhang operations, which also employ listing of individuals and profiling as initial stages. In this context, the "*walang dapat ikatakot kung walang ginagawang masama*" line — itself a malicious act of red-tagging — holds no truth nowadays. For anyone, whether activists, unionists, or mere members or supporters, the reverse could even be true: "*Wala kaming ginagawang masama, kaya kami natatakot.*"

Being the sole bargaining agent of teachers and other academic personnel in various regions nationwide, the assailed acts likewise violate the teachers' right to self-organization.

⁵ Chavez vs Gonzales, G.R. No. 168338, February 15, 2008.

The people's right to association are enshrined in the Article III Section 8 of the 1987 Constitution and Article 3 of PD 442, as amended, otherwise known as the Labor Code of the Philippines. Article 246 (now 252) likewise provides for the non-abridgement of the right to self-organization.

It should be stressed that the right to form a union or association or to self-organization have two (2) notions: **(1) the liberty or freedom, that is, the absence of restraint which guarantees that the employee may act for himself without being prevented by law; and (2) the power, by virtue of which an employee may, as he pleases, join or refrain from joining an association.**⁶

In particular respect to public school teachers, their right to self organization is protected by Chapter 6 of Executive Order 292 or the Administrative Code of 1987. Republic Act 4670 or the Magna Carta for Public School Teachers likewise upholds the teachers' freedom to organize and protects them against discrimination. Executive Order No. 180 (Providing Guidance for the Exercise of the Right to Organize of Government Employees, Creating a Public Sector Labor-Management Council, and for Other Purposes) echoes and expounds on such right.

In the international scene, the rights safeguarded by these laws are also protected. The 1966 UNESCO-ILO Recommendation Concerning the Status of Teachers, under which, practically every aspect of the practice of the teaching profession must be implemented with due regard to and in consultation with teachers' organizations.

ACT acts as the sole bargaining agent of teachers and other academic personnel in various regions such as Bicol, Iloilo-Negros, Cebu, Davao and the National Capital Region (NCR). Henceforth, any profiling or surveillance in whatever form will have a chilling effect on the right of teachers and academic personnel to self-organize or to form associations for the purpose of conducting activities for their mutual aid and protection.

While the threats are directed specifically against ACT, the effects of the same are also consequently directed against all other teachers' unions, whether accredited or registered or not, and whether under ACT or not. The PNP profiling amounts to union busting in a large, sweeping, and dangerous scale. As seen in the case of All UP Academic Employees Union – Iloilo Chapter and UP Academic Employees Union's Dr. Phoebe Sta. Maria.

The resulting fear cast upon ACT by the PNP's illegal profiling are myriad—fear of joining ACT or any other union or organization, fear of speaking up and fighting with whatever weapon the Constitution and the laws allow them such as petition-signing to armband wearing to rallies, fear of calling upon government to protect their rights and welfare, to name a few.

The profiling of ACT members is illegal under the Data Privacy Act of 2012.

Republic Act 10173 or the Data Privacy Act of 2012 was enacted for the purpose of safeguarding "the fundamental human right of every individual to privacy" by adopting "generally accepted international principles and standards for personal data protection."

The act of PNP demanding a list of names of members of ACT from different schools nationwide, including their names and other pertinent personal information without any prior

⁶ *Samahan ng Manggagawa sa Hanjin Shipyard vs. Bureau of Labor Relations*, G.R. No. 211145, October 14, 2015.

⁷ Section 2, Rule I, RA 10173.

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consent from any of the said subjects and without any clear lawful and legal purpose constitutes a clear violation of the Data Privacy Act.

The Data Privacy Act differentiates different types of information. Two (2) of which include: personal information (any information, whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual⁸); and sensitive personal information (“an individual’s race, ethnic origin, marital status, age, color and religious, philosophical, **or political affiliations.**”⁹)

The law is very clear: the processing¹⁰ of personal data¹¹ shall only be allowed if it adheres to the principles of transparency (consent from data subject prior to collection), legitimate purpose (specified purpose which must not be contrary to law, morals or public policy) and proportionality.¹²

In this case, considering that the information being demanded by the PNP Memoranda pertain to both personal and sensitive information (to the extent that membership in an organization, in varying degrees, reflects the political beliefs and stand or individuals), the requirements of consent and legitimacy of the purpose are obviously not complied with.

Petitioners and their members did not give their consent to the gathering or processing of any information. In fact, as borne by the facts and circumstances of this case, many of these teachers were surprised and alarmed that police personnel were approaching school authorities asking for such information. The assertions by PNP officials themselves of the “confidentiality” of the subject memoranda and the profiling itself, indicate that the profiling was intended in the first place to be executed stealthily.

Whether the data sought in the PNP profiling is personal information or sensitive personal information, it is clear that the PNP violated the law. The data subjects (the teachers and ACT) were not informed, as well as the data controller (the DepEd). As they were not informed, the data subjects could not effectively exercise their right to object. The PNP failed to discharge its duty and obligation to satisfy with the DepEd the requirements of transparency, specified and legitimate purposes, and others.

More importantly, PNP failed to comply with the requirement of legitimacy as to the purpose of such information processing. As already discussed in the preceding paragraphs, the profiling of ACT members grossly infringes on their constitutionally protected freedoms.

While it is true that the Data Privacy Act does not apply to information which are necessary to carry out functions of public authority in their constitutionally or statutorily mandated law enforcement or regulatory function,¹³ it is an established principle that the presumption of regularity cannot be applied when there is a clear violation of a constitutional right.

Clearly, the PNP are in grave violation of the provisions of the Data Privacy Act, specifically, the unauthorized processing of personal information and sensitive personal information¹⁴ and

⁸ Section 3(l), Rule I, *id.*

⁹ Section 3 (t)(1), *id.*

¹⁰ Section 3(o) Rule I. “Processing” refers to any operation or any set of operations performed upon personal data including, but not limited to, the collection, recording, organization, storage, updating, or modification, retrieval, consultation, use, consolidation, blocking, erasure or destruction of data. Processing may be performed through automated means, or manual processing, if the personal data are contained or intended to be contained in a filing system.

¹¹ Section 3(j) Rule I. “Personal data” refers to all types of personal information.

¹² Section 18, Rule IV, *id.*

¹³ Section 3(d), Rule II, *id.*

¹⁴ Section 25, *id.*

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processing of personal information and sensitive personal information for unauthorized purposes¹⁵ aggravated by the fact that it is done in large-scale¹⁶ and committed by public officers.¹⁷

Appropriate procedures against the Philippine government must be lodged.

On February 4, 2019, the 11th Division of the Court of Appeals dismissed ACT's Petition for Prohibition With Urgent Prayer for the Issuance of Temporary Restraining Order and/or Writ of Preliminary Injunction based on technical infirmities. ACT filed a motion for reconsideration but was denied by the CA last July 24, 2019. A Motion for Review was filed in the Supreme Court last August 20, 2019 but the high court upheld the CA decision last July 24, 2019.

ACT believes that with the courts' denial of its petition on mere technicalities, 200,000 teachers nationwide were denied of relief from and protection against illegal surveillance and harassment perpetrated by the PNP. This also emboldened the PNP to continue with its acts as seen in its persisting surveillance and threats against the organization and its members.

While a few of ACT's petition lodged before concerned bodies await resolution, the intercession of the concerned agencies is sought in pursuit of relief from and justice for the attacks perpetrated against ACT as an organization, its leaders and members, and the teachers and education workers as a whole.

¹⁵ Section 28, *id.*

¹⁶ Section 35, *id.*

¹⁷ Section 36, *id.*

Document 12: Bishop Hamuel Tequis and UCCP Haran Case Summary

Bishop Hamuel Tequis and the United Church of Christ in the Philippines-South East Mindanao Jurisdiction HARAN Center Case

Bishop Hamuel Tequis is the Bishop of the UCCP South East Mindanao Jurisdiction and has been in charge of UCCP-South East Mindanao Home and Altar for Renewal, Action and Nurture (HARAN) Mission Center. The HARAN Mission Center has been a Peace Sanctuary for those who were deprived of their civil, political, social and economic and cultural rights. The center has been catering to hundreds of displaced and dispossessed Lumad in Mindanao and has been operating since 1994, when the first of a series of internal displacements happened in the country side in the province of Davao.

Over the years, the UCCP Haran Center has been historically desecrated by the authorities, and those that were seeking sanctuary at the center were continually harassed, including the leaders and administrators of Haran Center.

The most recent account of the judicial harassment against Haran's leadership was the freezing of its bank deposit account by the Anti-Money Laundering Council (AMLC), through a resolution dated March 12, 2021.

The AMLC sought to freeze UCCP Haran's bank deposits amounting to Php 600,000, and assets, such as property under the name of Brokenshire Integrated Health Ministries for violating Philippine Republic Act 10168, also known as The Terrorism Financing and Suppression Act.

Reports coming from the Government through the Philippine News Agency (PNA) said that government authorities claimed that the Lumad were indoctrinated in the guise of formal education. Based on malicious allegations, they said that the UCCP used to 'finance terrorism' and have allegedly harboring indigenous peoples in the compound for the purpose of instructing them with 'communist ideals' and be recruited to join the armed group- or the New People's Army.

Another recent harassment against Bishop Hamuel Tequis was his inclusion in an arrest warrant that was issued by the Davao City Regional Trial Court Branch 12 along with five other respondents: Rev. Daniel Palicte, Ephraim Malazarte, Jong Monzon, secretary-general of Pasaka Confederation of Lumad Organizations in Southern Mindanao (Pasaka-SMR), Lindy Trenilla, and Grace Avila, alleging Child Abuse (RA 7610) and other infractions.

According to Bishop Tequis, since 2014, around 600 Talaingod and Kapalong Manobo have sought the Church's Sanctuary after their schools and community were under attack during the government's anti-insurgency drive.

The UCCP Haran's establishment is a living testament of the UCCP's prophetic ministry and commitment to peace, and that all places and sanctuaries belonging to the UCCP are declared as properties and sanctuaries of peace, carrying out the mission of the church to serve the most marginalized and afflicted.

Document 13: Antique 7 Case Summary

Antique 7 Case

A few minutes after midnight on August 15, 2018, seven (7) individuals were killed by joint forces of the police and military in Purok 7 Antique Province. These individuals were Karen Cerv-alvo, Liziel Bandiola, Felix Salditos, Peter Mecnas, Eldie Labinghisa, Jason Talibo and Jayson Sanchez.

The police alleged that they were supposed to be arrested but Salditos and his companions resisted and fired shots at the arresting team. The arresting team claimed that these individuals were high-ranking officials of the New People's Army and were engaged in extortion activities in the Panay region. A submachine gun and other firearms were allegedly found in the possession of those who were killed.

The bodies of the seven (7) victims were later brought to St. Peter Chapels, San Jose Antique. The cadavers had gunshot wounds on their chests and faces.

Meanwhile, the National Democratic Front of the Philippines (NDFP) in Panay claimed that the seven (7) slain were its members assigned in the education and propaganda committee. They were non-combatants who were brutally massacred by the police and the military.

International law has long granted the right of the people to self- determination including the right to revolt against invaders and repressive governments. The Filipino people have the right to oppose US imperialism. The fact that Felix Salditos became part of the National Democratic Front of the Philippines is an exercise of such right to self- determination. His exercise of this right does not deprive him of his human rights. The fact that he was unarmed and was killed even when he was already arrested by the military is in contravention not only of human rights and international humanitarian law, but also of the peoples' right to self-determination.

Reference:

Karapatan National Fact Sheet

Document 14: Manifestation with Motion to Admit Affidavit from Doctor Jimenez

Republic of the Philippines
OFFICE OF THE OMBUDSMAN
Office of the Deputy Ombudsman for the Military
and Other Law Enforcement Offices (MOLEO)
3rd Floor Ombudsman Bldg., Agham Road
1101 Diliman, Quezon City

RUTH FE S. SALDITOS, ET AL.

Complainants,

-versus-

Case No. OMB-P-C-20-0009

For: Murder, Violation of R.A. No. 9851

Case No. OMB-P-A-20-0011

For: Grave Misconduct

P/COL. LEO IRWIN D. AGPANGAN, ET AL.

Respondents.

X- - - - -X

**MANIFESTATION with MOTION TO ADMIT AFFIDAVIT OF
FORENSIC PATHOLOGIST**

COMPLAINANTS, pro se and unto this Honorable Office, most respectfully state that:

1. The complaint in the above-entitled case was filed on August 6, 2019. Among the documents attached thereto are six (6) **Autopsy Reports**^[567] containing the results of the autopsy examinations conducted by the Commission on Human Rights Forensic Center on the bodies of 6 out of the 7 victims of the August 15, 2018 killings.
2. Complainants are submitting herewith the AFFIDAVIT of DR. JOSEPH ANDREW D. JIMENEZ, M.D. dated April 29, 2021, the Chief of the CHR Forensic Center and the head of the Forensic Team that conducted the aforementioned autopsy examinations. It is prayed that said affidavit be admitted into the records of this case.
3. Dr. Jimenez's sworn statement inter alia confirms the findings of the autopsy reports including the following facts:
 - a. Dr. Jimenez personally examined the bodies of Jayson E. Talibo, Felix V. Salditos, and Peter M. Mecenias;^[568]

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- b. The aforementioned deceased individuals sustained other injuries not caused by and unrelated to gunshot wounds;^[569]
 - c. These injuries – described in the affidavit and in the autopsy reports – include hematomas, contusions, abrasions, and lacerations on various parts of the bodies caused by blunt force trauma, not by bullets;^[570]
 - d. These injuries indicate that the said deceased individuals were struck by blunt objects;^[571] and
 - e. The nature of these injuries further indicate that these were sustained while the said individuals were still alive.^[572]
4. The affidavit also confirms Dr. Jimenez’s willingness to testify and elaborate on the conduct and findings of the autopsy examinations, including the reports thereon, in appropriate proceedings.^[573]
 5. The quarantine restrictions in place since 2020 have made it very difficult for the complainants, who are residents of Iloilo, to coordinate with the CHR Forensic Center and secure the affidavit of Dr. Jimenez as chief of the said office, which is based in Quezon City, with communication being done by mail.
 6. The affidavit attached hereto does not change or add to the charges nor does it modify the theory of the complaint. Moreover, the matters discussed therein are based on documents previously submitted by the complainants and already forming part of the records of this case.
 7. It is humbly submitted that Dr. Jimenez’s affidavit will help simplify the issues, assist in the speedy disposition of the case, and serve the higher interest of justice.
 8. This pleading / motion is being filed solely for the foregoing reasons and not to delay these proceedings.

WHEREFORE, the foregoing premises considered, it is most respectfully prayed that the Affidavit of Dr. Joseph Andrew D. Jimenez, M.D., originals of which are attached hereto, be ADMITTED into the case records.

Iloilo City for Quezon City, Philippines. May 14, 2021

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RUTH FE S. SALDITOS

Complainant

Sitio Manue, Brgy. Tagbac Sur
Oton, Iloilo

CRIMSON T. LABINGHISA

Complainant

Brgy. Zone 2, Rodriguez St.
Sta. Barbara, Iloilo

The Hearing Officer

Ombudsman – MOLEO

Diliman, Quezon City

P/Col. Leo Irwin Agpangan

Greenville Subdivision 3

Brgy. Villamonte

Bacolod City

P/LtCol. Mark Anthony Darroca

San Jose Municipal Police Station

San Jose De Buenavista

Antique

P/Maj. Francisco Paguia

Antique Provincial Mobile Force Company

Antique Provincial Police Office

San Jose Street, San Jose de Buenavista

Antique

Cpt. Joseph L. Labrador

301st Brigade Intelligence Task Group

3rd Infantry Division, Philippine Army

Camp Delgado

Iloilo City

Greetings:

Kindly submit the foregoing for the consideration of this Honorable Office immediately upon receipt hereof.

RUTH FE S. SALDITOS

Complainant

CRIMSON T. LABINGHISA

Complainant

Copy furnished

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P/LTCOL. MARK ANTHONY DARROCA

San Jose Municipal Police Station

San Jose de Buenavista

Antique

Registry Receipt No. _____

Date _____

P/COL. LEO IRWIN AGPANGAN

Greenville Subdivision 3

Brgy. Villamonte

Bacolod City

Registry Receipt No. _____

Date _____

P/MAJ. FRANCISCO PAGUIA

Antique Provincial Mobile Force Company

Antique Provincial Police Office

San Jose Street, San Jose de Buenavista

Antique

Registry Receipt No. _____

Date _____

CPT. JOSEPH L. LABRADOR

301st Brigade Intelligence Task Group

3rd Infantry Division, Philippine Army

Camp Delgado

Iloilo City

Registry Receipt No. _____

Date _____

EXPLANATION

This pleading is being served/filed via registered mail and private courier, personal service being impracticable on account of the distance between the office of the undersigned and the office/residence of opposing counsel/party and/or the Court/Commission.

RUTH FE S. SALDITOS

Complainant

CRIMSON T. LABINGHISA

Complainant

Document 15: Eugenia Magpantay and Agaton Topacio Case Summary

International Humanitarian Law Violation

Eugenia Magpantay and Agaton Topacio Case

On 25 November 2020, at around 3:00 a.m., police operatives killed elderly couple Agaton Topacio and Eugenia Magpantay during a raid in Angono town, Rizal province. Topacio and Magpantay were retired peace consultants of the underground National Democratic Front of the Philippines.

The Philippine National Police (PNP) claimed that the senior citizens resisted arrest and tried to escape. Magpantay and Topacio also supposedly fired upon the PNP officers serving search and arrest warrants. The PNP allegedly found a Colt M-16 automatic rifle, a caliber .45 Rock Island pistol, a caliber .45 Federal pistol, two MK2 grenades, various gun magazines, and bullets during the search.

During a 3 December 2020 interview with media outfit ABS-CBN, PNP chief General Debold Sinas justified the pre-dawn operation as a precaution from being spotted by the subjects and their alleged community contacts. Sinas added that the couple's advanced age does not matter as there are elderly people who still can kill. He then said that the PNP's Internal Affairs Service will investigate the deaths.

In a 5 December 2020 Facebook post, the couple's son, human rights lawyer VJ Topacio of the Pro-Labor Assistance Center (PLACE) and the National Union of Peoples' Lawyers (NUPL), doubted the likelihood of his parents' fighting back against the police as they were both 68 years old and ailing. He likewise questioned the number of PNP personnel deployed to conduct the search as there were more or less 50 officers who conducted the operation.

VJ also revealed the difficulties his family experienced in retrieving the cadavers of his parents. From 26 November 2020, they had been tossed around by PNP personnel without getting a clear answer where the couple's bodies were taken. They were forced to visit multiple camps and stations. His sibling eventually found their parents at the Antipolo Memorial Homes.

Even after having found the bodies, the police made the release arduous by requiring proofs of the couple's identities. Police also failed to provide the family any report or document about the death of the couple.

Magpantay and Topacio had been subjects of intense police manhunt, which even resulted in the October 2014 wrongful arrest of Lourdes Quioc and Reynaldo Ingal. The police mistook Quioc and Ingal as the couple. Quioc and Ingal were released after spending 17 months in jail.

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Document 16: Neri Colmenares' paper on possible violations on IHL by Duterte

LEGAL OPINION ON THE POSSIBLE VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW (IHL) BY PRES. RODRIGO DUTERTE

Online Testimony as a Resource Person for Investigate PH

May 27, 2021

Atty. Neri Colmenares

Introduction

The undersigned was invited to give his legal opinion on whether or not the government of Pres. Rodrigo Duterte, who has shown disdain and disregard for international human rights principles and conventions, is also guilty of violating international humanitarian law. This legal study concludes in the affirmative—Pres. Duterte and the Government of the Philippines (GPH) are guilty and accountable for serious violations of International Humanitarian Law (IHL) in the conduct of their counter insurgency operations.

Due to time constraints, this paper will only give a general overview of the aforementioned legal analysis and mainly cite illustrative cases mentioned in the course of the hearings. Due to the same time limitation, this paper will mainly discuss two counts of violations of IHL:

1. State sponsored attacks directed against civilians; and
2. Attack against members of the CPP/NPA/NDF who were taking no active part in the hostilities or have been rendered hors de combat.

The laws from which the accountability was based were the Geneva Conventions and its Additional Protocols, the Rome Statute of the International Criminal Court, and Republic Act 9851 (An Act Defining and Penalizing Crimes against International Humanitarian Law, Genocide and other Crimes against Humanity) requiring respect for the principles of distinction, proportionality and necessity and prohibiting attacks against those taking no direct part in the hostilities.

It must be noted that while Pres. Duterte announced his intention to withdraw the Philippines from the ICC on March 17, 2018 this withdrawal only became effective on March 18, 2019 (as provided under Article 127 of the Rome Statute). Therefore, all violations of the Rome Statute committed before that date are still within the jurisdiction of the ICC to investigate and sanction.

In any case, despite the withdrawal of the Philippines from the ICC, there is a law (RA 9851) passed in 2009 that practically implements the Rome Statute. Pres. Duterte and his subordinates can still be prosecuted under RA 9851 for any violation committed before and after the withdrawal from the ICC became effective. This is the basis why this paper used RA 9851 as a source of Pres. Duterte's obligation and accountability without prejudice to the use of the Rome Statute and other IHL conventions as complementary and supplementary ground for accountability.

The sources used for the study are government documents, reports of human rights organizations, media reports, and the writers personal experience as a human rights lawyer having interacted with the victims of these violations.

It must be stressed that the justice system in the Philippines is heavily compromised in favor of human rights violators. While there may be legal liability on the part of Pres. Duterte, there is no guarantee that he will be prosecuted in the Philippines under the current justice system. Additionally, he claims presidential immunity during his term as President.

Discussion

I. Laws that consider State sponsored attacks directed against civilians as violations of International Humanitarian Law (IHL)

Attacks against civilians^[1] in relation to war crimes and IHL are expressly prohibited by the Rome Statute, the Geneva Conventions and Republic Act 9851.

Attack directed against any civilian population is defined under Section 3 (e) of RA 9851 as “a course of conduct involving the multiple commission of acts referred to in Section 6 of this Act [i.e. murder, extermination, forcible transfer of civilian population, severe deprivation of liberty, torture, persecution, enforced disappearance or other inhumane acts of similar character] against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack”.

Sec. 4 (b) Republic Act 9851 proscribes violence, degrading treatment or any similar form of attacks against persons taking no active part in the hostilities. These are similarly prohibited under Article 8 (2) (c) and (e) of the Rome Statute on War Crimes which prohibits intentionally directing attacks against civilian objects or population or against individual civilians not taking direct part in hostilities. Both RA 9851 and IHL also prohibit bombardment, ordering the displacement of civilian population and many other indiscriminate attacks on protected persons, to wit:

Section 4. War Crimes. - For the purpose of this Act, “war crimes” or “crimes against International Human Humanitarian Law” means:

a) “In case of a non-international armed conflict, serious violations of common Article 3 to the four (4) Geneva Conventions of 12 August 1949, namely, any of the following acts committed against persons taking no active part in the hostilities, including member of the armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause;

(1) Violence to life and person, in particular, willful killings, mutilation, cruel treatment and torture;

(2) Committing outrages upon personal dignity, in particular, humiliating and degrading treatment; x x x”

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This is similarly prohibited under Article 8 (2) (c) of the Rome Statute on War Crimes related to non-international armed conflict. This prohibition is further amplified by Sec. 4 (c) of RA 9851, the relevant provisions of which, inter alia, provides that:

“(c) Other serious violations of the laws and customs applicable in armed conflict, within the established framework of international law, namely:

- Internationally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;
- Intentionally directing attacks against civilian objects, that is, object which are not military objectives;
- Launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be excessive in relation to the concrete and direct military advantage anticipated;
- Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives, or making non-defended localities or demilitarized zones the object of attack;
- Killing or wounding a person in the knowledge that he/she is hors de combat, including a combatant who, having laid down his/her arms or no longer having means of defense, has surrendered at discretion;
- Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives. In case of doubt whether such building or place has been used to make an effective contribution to military action, it shall be presumed not to be so used;
- Killing, wounding or capturing an adversary by resort to perfidy;
- Destroying or seizing the enemy’s property unless such destruction or seizure is imperatively demanded by the necessities of war;
- Pillaging a town or place, even when taken by assault;
- Ordering the displacements of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;

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- Committing outrages upon personal dignity, in particular, humiliating and degrading treatments;
- Utilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations;
- Intentionally using starvation of civilians as a method of warfare by depriving them of objects indispensable to their survival, including willfully impeding relief supplies as provided for under the Geneva Conventions and their Additional Protocols;”

These provisions are similar in many instances with the provision under Article 8 (2) (e) of the Rome Statute on War Crimes.

Persecution is defined under Sec. 3 (p) of RA 9851 as “the intentional and severe deprivation of fundamental rights contrary to international law by reason of identity of the group or collectivity”. The persecution of many activists and dissenters by reason of their political beliefs is definitely a violation of human rights. Under RA 9851 persecution becomes a violation of IHL if it is committed in the conduct of counter insurgency operations “against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, sexual orientation or other grounds, that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime defined in this Act”.

Enforced Disappearance is defined under RA 10353 while Torture is defined RA 9745. This writer, who authored the Anti-Enforced Disappearance Law and the Anti-Torture Law together with other legislators, consider these crimes as IHL violations if committed in the course of anti-insurgency operations.

The basis for the conclusion that the attacks and extra judicial killings are state sponsored killings and attacks, stems from two evidentiary basis.

a) **Direct Evidence** of violations of IHL by state security forces through testimonial accounts of families of the victims and other eyewitnesses, and other direct evidences such as forensics or photos and videos showing the police, military and other state security forces committing the crime.

b) **Pattern of evidence** which creates a strong circumstantial evidence of state sponsored killings namely the following pattern:

b.1 Public vilification (or red tagging) of the victim by the State (from Pres. Duterte down to military and civilian government officials). In criminal law this provides the motive.

b.2 The attacks were committed with brazenness and impunity showing the perpetrators lack of concern or fear of being accosted by the police or held to account by the government.

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The widespread (national in scope) and systematic attack (similar modus operandi and system of operations) proves the existence of a powerful force with more than sufficient resources to execute these attacks and killings all over the country. This is evidence to prove that the government is the lone entity equipped to implement such massive operations nationwide with such brazenness. This widespread and systematic attack essentially proves policy and opportunity.

b.3 Lack of interest to seriously investigate and prosecute the attacks and the perpetrators. This infrastructure of impunity is not only deemed an accessory to the crime, but a violation of the government's responsibility to protect and prosecute under international law (*aut dedere, aut judicare*).

II. Violations of IHL in the implementation of counter insurgency operations

a. Attacks directed against the civilian population

If attacks against civilians were committed in the course of counter insurgency operations, these falls within the ambit of IHL.

The Philippine National Internal Security Plan (NISP) is the Philippine government's plan to destroy and counter the insurgency in the country. Since the previous NISPs failed to destroy the CPP/NPA, succeeding Philippine presidents and administrations formulate a new NISP in lieu of the previous NISP by giving said NISP a new name (i.e. Oplan Katatagan, Oplan Lambat Bitag, Oplan Bantay Laya, Oplan Bayanihan etc.).

The current Duterte NISP "Oplan Kapanatagan" uses the term "whole of nation" in its NISP approach probably aimed at differentiating said NISP from the previous counter insurgency programs which used the terms "holistic approach"^[2] or "comprehensive approach".

Pres. Duterte's NISP^[3] promulgated by Executive Order 16 (April 4, 2017) is implemented through various documents such as the National Security Strategy^[4], Executive Order 70 (s 2018)^[5] and many other executive orders. This "whole of nation" approach in the various counter-insurgency documents^[6] basically marshals the entire government machinery and encompasses the whole gamut of government infrastructure (including its civilian agencies and bodies) to simultaneously launch attacks and counter insurgency operations to destroy the whole revolutionary movement and its members, without distinction whether these are the armed or unarmed component. In fact, this counter insurgency plan does not distinguish whether one is actually a member or not of the CPP/NPA, as long as one is deemed associated with the insurgency or whose actions are perceived to be "aligned" with the insurgents for being critical of government policies and actions.

This comprehensive counter insurgency framework rests on the "five pillars" or at times termed by the government as "5 offensives" namely "political, legal, strategic communications, economic and military offensives". These counter insurgency documents practically contained the plans and components that will eventually result in red tagging (termed as "information to counter radicalism"), warrant factories, trumped charges and weaponizing the law (i.e un-

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der “Political and Legal”) and “Legislation” (i.e. amending the Anti Terror Law etc.), intense surveillance, and neutralization of enemies of the state (through illegal arrest, enforced disappearance and ultimately, state sponsored killings or EJK).

These counter insurgency operations, therefore, could employ the term “strategic communications offensive” when it actually means red tagging, or “legal offensive” which results in the filing of trumped-up cases or SLAPP cases or “military or security offensives” which also includes state sponsored killings (SSK). It is clear, therefore, that government attacks against critics or perceived/suspected members of the CPP/NPA form part of the government’s counter insurgency operations.

Red tagging is mainly committed by the National Task Force to End Local Communist Armed Conflict (NTF ELCAC). The fact that the task force name and objective are to “end local communist armed conflict” immediately admits that their red tagging and other attacks were committed in the conduct of counter insurgency operations and, therefore, accountable under international humanitarian law.

The victims of red tagging are so diverse—international NGOs like Oxfam, Bread for the World, church groups like Caritas Belgium, Caritas Kalibo, bishops and priests, relief agencies like Swedish Red Cross, civil society delivering relief to the people during the pandemic, and even community pantries, youth groups and universities, celebrities including movie stars who voice their critical sentiments, human rights defenders including human rights lawyers who defend critics, political opposition such as the Liberal Party who were charged with conspiring with the “CPP/NPA” to oust Pres. Duterte in the “Red October Plot”, members of the Otso Deretso during the 2019 elections, the Makabayan Bloc and ordinary people who voice out their opinions against Pres. Duterte’s pro-China policy, his incompetent pandemic response and the economic hardships under his presidency. So diverse, but with one common denominator—they are dissenters or perceived to “CPP-NPA” because they are critical of Pres. Duterte and his government.

Many victims of red tagging such as human rights defender Zara Alvarez, members of Gabriela, KMU, and indigenous people’s groups like the Lumads have fallen victims to extra-judicial killings. Atty. Anthony Trinidad, who was not even a member of any activist organization or civil society group, was killed after he was red tagged by a local anti-communist group in Negros for providing legal services to human rights violations victims. The extra judicial killing of Chai and Ariel Evangelista and other victims of red tagged labor and farmers’ organizations are illustrative cases of such indiscriminate use of counter insurgency operations against civilians.

The abduction of Bayan Muna and Anakpawis members Deodicta Minosa, Cesar Carreon, and Joey Torres by suspected members of the military, also violate the Rome Statute on enforced disappearance as well as Article 5 of Protocol II on rights under detention.

The bombing of Marawi, Lumad and other IP communities illustrate violations of IHL provisions proscribing the bombing of civilian population, destruction of civilian properties and religious buildings and forced evacuation. Until now, many of the evacuees have not re-

turned to their homes and are in extreme hardship living in makeshift shelters in violation of the government's IHL obligation to provide for the needs of Internally Displaced Persons (IDPs).

Attacks against human rights defenders like Karapatan and human rights lawyers for providing legal services to critics, activists and suspected NPAs violates IHL provisions such as Art. 72 of Geneva Convention IV, guaranteeing right of detainees to legal and other support.

b. the execution of or attacks against unarmed members of the CPP or alleged members of the NPA who have been immobilized or rendered hors d combat by state security forces are violations of IHL.

The government has constantly violated the IHL protection given to combatants who are sick, wounded, detained as prisoners or have been immobilized. The case of the seven members of the National Democratic Front (NDF) in Antique who were reportedly executed even if they were already under the control and custody of the military is an illustrative example of an attack against a person rendered hors de combat. The case of Kalayaan Three and Jevilyn Cullamat shows the government's disregard of IHL principles prohibiting outrages against combatants reportedly killed during counter insurgency operations.

The killing of peace consultants of the National Democratic Front (NDF) during the peace process such as Agaton Topacio and Eugenia Magpantay not only violate IHL but was also an attempt to derail any efforts at achieving a just and lasting peace in the country. Both Agaton and Eugenia were old, sickly and defenseless when they were executed during a raid in their house.

Conclusion

Common Article 3 of the Geneva Conventions regulates the conduct of war in a non-international armed conflict—mainly providing protection to those taking no active part in the hostilities. The principles enshrined therein formed the basis for the succeeding IHL principles and provisions under the Additional Protocols, the Rome Statute and RA 9851.

Despite these regulations, Pres. Duterte continues to willfully and continuously violate these IHL provisions by launching indiscriminate attacks against civilians through his counter insurgency operations. One reason for this is his complete disdain for human rights and IHL principles, as well as his complete disregard of even the most basic principles of decency to be tolerant of the opinion of others.

The more important reason, however, is Pres. Duterte's obsession to crush all forms of opposition or dissent whether armed or unarmed in contravention of the rules governing the conduct of war, for the purpose of further entrenching his tyrannical rule in the country and ensuring the perpetuation of his dynasty.

Pres. Duterte is accountable for violations of international humanitarian law and for trampling on the rights of the people in pursuit of an obsession to ensure his power and the system that has oppressed and exploited the Filipino people. From the foregoing, this paper

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concludes that Pres. Rodrigo Duterte is not only guilty of crimes against humanity, but also, guilty of war crimes against the Filipino people.

^[1] Civilian as defined under Art. 50 of Protocol I.

^[2] EO 21 (s 2001)

^[3] The National Security Policy (2017-2022) <https://www.officialgazette.gov.ph/downloads/2018/08aug/20180802-national-security-strategy.pdf> sighted May 26, 2021.

^[4] The National Security Strategy (2018) <https://www.officialgazette.gov.ph/downloads/2018/08aug/20180802-national-security-strategy.pdf> sighted May 26, 2021.

^[5] Executive Order 70 Institutionalizing the Whole of Nation Approach and Creating the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), December 10, 2018 <https://www.officialgazette.gov.ph/2018/12/04/executive-order-no-70-s-2018/> sighted May 26, 2021.

^[6] Documents related to the governments counter insurgency plan such as (i) The National Security Policy (2017-2022) <https://www.officialgazette.gov.ph/downloads/2018/08aug/20180802-national-security-strategy.pdf> , sighted May 26, 2021;

(ii) The National Security Strategy (2018) <https://www.officialgazette.gov.ph/downloads/2018/08aug/20180802-national-security-strategy.pdf> sighted May 26, 2021; and

(iii) Executive Order 70 Institutionalizing the Whole of Nation Approach and Creating the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), December 10, 2018 <https://www.officialgazette.gov.ph/2018/12/04/executive-order-no-70-s-2018/> sighted May 26, 2021.

Supplementary documents (the following documents are not cited directly in the report, but were a part of this investigation)

Document 17: Dr. Edita Burgos testimony on behalf of Karapatan (see below)

I am Edita Burgos, a mother and a human rights worker. I have been with a National Council member-at-large of Karapatan since 2018 — but I have been part of Karapatan’s journey since they supported my quest in seeking the whereabouts of my son, Jonas, who was abducted in 2007 and still missing to this day. Years have passed since then, but one thing has remained unchanged: the urgent work of defending and advancing people’s rights in the Philippines is a perilous — even deadly — work. Systemic attacks particularly from State forces have put and continue to put our lives, liberties, and security at the risk of reprisals, violence, and other forms of attacks.

From the previous administrations of Gloria Macapagal-Arroyo to Benigno Aquino III, human rights workers from Karapatan have faced various forms of threats and attacks — and they have only escalated to an alarming degree under President Rodrigo Duterte, whose administration had shown an open disregard and contempt for human rights, rule of law, and democratic values.

These escalating threats have compelled us officers of Karapatan to seek the Supreme Court’s protection by filing our petitions for the writs of amparo and habeas data two years ago, on May 6, 2019. We cited incidents of attacks such as the judicial harassment, death threats, public vilification, and extrajudicial killings of our human rights workers from the previous administrations up to the present, especially red-tagging pronouncements from military officials, particularly those from the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) and those from no less than President Duterte himself.

The Court of Appeals, however, arbitrarily dismissed our plea in a June 28, 2019 decision, alleging that the “there is no evidence of extrajudicial killings, enforced disappearances, arbitrary arrests, malicious prosecutions and defamations” against us without even hearing our testimonies and allowing us to submit judicial affidavits and additional documentary evidence of such threats. To this day, our appeal to reverse the Court of Appeals’ dismissal of our petition is still pending before the Supreme Court — but the attacks against us have not relented. In fact, as if the dismissal were not enough, a series of reprisals swiftly came our way for seeking the protection of the Supreme Court.

On July 2, 2019, National Security Adviser and NTF-ELCAC Vice Chairperson Hermogenes Esperon Jr. slapped us with perjury charges in retaliation to being named as one of the respondents in our petitions. A month later, President Duterte himself would call Karapatan in a speech as an “organization of demons” and even brazenly red-tagged us as a “communist front.”

Amid mounting domestic and international criticism of the Duterte administration’s gross human rights violations and crimes against the Filipino people, the Philippine government was literally demonizing human rights defenders, particularly Karapatan. The fact that this smear campaign came from the highest echelons of State bureaucracy only meant one thing: red-tagging and attacks on human rights defenders is a State policy — not to mention a deadly one — and President Duterte’s pronouncements could only be seen as a marching order for all State forces to vilify, discredit, and even kill us through all possible means, and these attacks have only been institutionalized with the creation of the NTF-ELCAC.

While the perjury charge against Karapatan’s officers were dismissed in a November 8, 2019 resolution for “lack of probable cause and/or insufficiency of evidence,” Esperon revived the charges by filing a motion for reconsideration on December 18, 2019, and his motion was granted on February 27, 2020. The NTF-ELCAC paraded this case as a victory for their legal offensives against Karapatan. We have

already posted bail and the trial for the charge is still ongoing, and we continue to assert that this is clearly nothing more than a trumped-up reprisal charge against us.

Nonetheless, it is also one of the many charges currently filed against human rights workers from Karapatan and other activists and dissenters who are being increasingly being targeted by the Duterte administration. Troubling patterns emerging from these cases illustrate the perilous reality that the law and our courts are being now being openly weaponized to orchestrate various forms of devilish legal machinations from trumped-up charges to bogus search warrants to raid our homes and offices — and many of our human rights workers have either been killed, behind bars, or are now facing these utterly absurd charges which are clearly meant to discredit us and silence us from doing our work.

What often prelude these attacks is the harassment of human rights workers through red-tagging — and with the NTF-ELCAC in place, government resources are now virtually being systematically used to vilify activists and progressive organizations by labelling us as “communist fronts” or even outright calling us “communist terrorists.” This is being done in a massive scale not only in the form of hanged tarpaulins and posters in social media containing our names and faces, but even official proceedings such as the Senate hearing on red-tagging and the recently concluded oral arguments on the Anti-Terrorism Act before the Supreme Court are being used to peddle these lies against us.

We also experience escalating forms of harassment and death threats through text messages and calls telling us that we are “next.” In July 2019, our public information desk number received a death threat against our paralegal Zara Alvarez. She was killed last year following a series of threats against her, and our public information desk number continues to receive text messages listing the names of her colleagues in Negros in what could only be described as virtual hitlists for arrests and trumped-up charges, if not for killings. Merely days after President Duterte called us an “organization of demons” in August 2019, our National Chairperson Elisa “Tita” Lubi received threats of arrests through text messages. Right after the International Human Rights Day protests that year, Karapatan Secretary General Cristina Palabay received not only death but rape threats in a call.

In the provinces, our regional chapters and leaders are being **subjected to surprise and unwanted visits by State forces in their homes and offices**, with some of them being threatened to “surrender” or else. Some of them have also reported suspicious men asking their neighbors about them and their whereabouts and affiliations, being summoned by police and military officials to their village chief’s office, as well as being tailed by cars or men riding motorcycles among other forms of never-ending surveillance and profiling.

Charges against us are also being filed in far off places without our knowledge, and many of these are complaints for common crimes being attributed by the military to the New People’s Army (NPA). Tita Lubi and Karapatan – Southern Mindanao Region Secretary General Jayvee Apiag are currently facing an attempted murder charge regarding an alleged May 20, 2018 armed encounter between elements of the NPA and the Philippine in Davao City. Reviewing the details of the complaint, however, only prove that the implicating Lubi and Apiag is pure hogwash: both of them were simply not physically present in the place where the alleged encounter took place. Even more absurd is the fact that Lubi — who was 75 turning 76 years old during that alleged encounter and suffering from the usual conditions ailing people of such advanced age such as being overweight, hypertension, and arthritis — is accused of engaging soldiers in a firefight in the mountains. How ridiculous!

Lubi and Apiag were also not duly notified of the proceedings. They did not receive copies of the subpoenas which were sent to wrong, false, or even fictitious addresses, hence, they were not able to participate in the preliminary investigations to assert their innocence and avail of the appropriate remedies for the case's dismissal — denying them of their constitutional right to due process. **Arrest warrants then were issued against them by courts in remote cities or provinces where the cases were eventually filed, arbitrarily branding them as criminals on the loose** and giving law enforcement officials to license to conduct a manhunt to apprehend them.

A similar predicament was faced by our National Council member Daisy "Jacky" Valencia of Cagayan Valley, who together with indigenous people's leader Windel Bolinget of the Cordillera Peoples Alliance, Bagong Alyansang Makabayan leader Lutgardo "Boyette" Jurcales Jr., peasant leader Reynaldo Gameng, and Makabayan coordinator Agnes Mesina, are facing fabricated murder charges in Davao del Norte. An arrest warrant was issued against them on September 25, 2020, but she only recently made aware of the charges through a reliable source and has also not received any formal notice from the court that issued the warrant. In a February 19, 2021 order, a Davao del Norte court order the recall of the arrest warrants as they granted Valencia's motion for reinvestigation and suspension of the arrest warrants issued against them.

Many have of our human rights workers were arrested not knowing that they were facing charges in these courts, much less were they aware or duly notified of complaints at the prosecutors' level. National Council member Teresita Naul of Northern Mindanao is currently detained at the Agusan del Sur Provincial Jail on trumped-up charges of kidnapping, destructive arson and serious illegal detention after she was arrested in Lala, Lanao del Norte on March 15, 2020, just as the Philippines was starting to impose COVID-19 lockdowns and restrictions. On March 21, 2021, Karapatan – Caraga paralegal Renalyn Tejero was arrested in Lapasan, Cagayan de Oro City for murder and attempted murder charges.

Over the past two years, this modus operandi of serial applications, approvals, and use of search warrants has also been increasingly and disturbingly used as a legal cover to illegally intrude and search homes and offices. Many of these search warrants have been subsequently voided by some courts as trials exposed how police officers who applied for these warrants use so-called informants who do not have any personal knowledge on the individuals being targeted nor on the allegations which serve as bases of the warrants. The service of these search warrants has not only given cover to the tokhang-style tactic of planting of false evidence such as firearms and explosives to implicate and arbitrarily arrests activists and support the lie that we are terrorists, but it has also resulted in summary killings through the "nanlaban" narrative or because the subjects supposed resisted arrest.

National Council member Philip Abinguna of Eastern Visayas, who is currently detained at the Palo, Leyte police station together with journalist Frenchie Mae Cumpio and development worker Mariel Domequil from the Rural Missionaries of the Philippines, are currently facing fabricated charges of illegal possession of firearms and explosives following their arrests during Gestapo-like police raids on the offices of NGOs in Tacloban City on February 7, 2020, where the police served search warrants and allegedly recovered two guns, a machine gun, and materials for an improvised explosive device.

Certain judges such as the notorious Executive Judge Cecilyn Burgos-Villavert have churned out search warrants that facilitated the arrests of at least 76 individuals since 2018 — among them peace consultants, human rights defenders, unionists, peasant organizers, and journalists. The Philippine National Police applied for a staggering total of 72 search warrants in Manila and Antipolo courts on

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March 1, 2021, of which 46 were granted and served simultaneously during the Bloody Sunday police and military raids in the Southern Tagalog region last March 7, 2021. 61-year-old Karapatan – Southern Tagalog paralegal Nimfa Lanzas was arrested in her family’s home in Calamba, Laguna, where the police allegedly recovered three guns, ammunitions, and a grenade which we assert were planted during the raids.

Gleaning through the records of the applications, one can see that they are mostly based on the same set of evidence and suspiciously similar narratives from shady informants. The approval of these applications therefore raises valid and urgent questions on the courts that issued these warrants. After all, how were the judges able rigorously evaluate the testimonies of the applicants and their so-called witnesses in a matter of just two days?

This matter is of serious concern that should be addressed by our courts, especially when the Bloody Sunday raids are hardly the first of their kind — and a similar pattern can be clearly seen in raids and mass arrests in Negros, Metro Manila, Central Luzon, Bicol, and Eastern Visayas, raising concerns about the existence of “search warrant factories” in the ranks of the judiciary and the weaponization of courts and judicial processes against activists and dissenters through fabricated testimonies, non-existent witnesses, and systematic planting of evidence.

It is with deep concern that we raise alarm these disconcerting patterns of attacks and judicial harassment against human rights workers from Karapatan and human rights defenders in the Philippines in general. We are being put in the crosshairs of the Duterte administration’s war on dissent — and the laws and the judiciary are now being actively weaponized to concoct the NTF-ELCAC’s legal offensives against Karapatan and the democratic mass movement as part of its counterinsurgency campaign by turning courts into factories of search warrants and trumped-up charges.

Thank you for this opportunity to discuss this with you today and we hope you continue supporting our struggle for human rights, justice, and peace in the Philippines.

Document 18: Ruby Roselle L. Tugade Paper on red-tagging Case Summary

A Summary of “The Modern Scarlet Letter: Red-Tagging of Civilians as Violation of the Principle of Distinction in International Humanitarian Law” By Ruby Rosselle L. Tugade

The long-standing conflict between the Philippine government and the Communist Party of the Philippines-New People’s Army-National Democratic Front of the Philippines (CPP-NPA-NDF) is considered a non-international armed conflict (NIAC) and thus, International Humanitarian law (IHL) principles apply. This includes the principle of distinction in the conduct of hostilities which requires distinguishing between civilian population and armed combatants. Red-tagging, the act of labelling individuals or groups as communists or front organizations for the CPP-NPA-NDF, violates the principle of distinction in IHL by conflating directing participation in the armed rebel movement with ideological leanings.

The communist insurgency in the Philippines meets the threshold laid down in determining the existence of a non-international armed conflict which would trigger the application of international humanitarian law. There is protracted armed violence between the government (Philippine government) and a non-state organized armed group (CPP-NPA-NDF). Being thus classified as a NIAC, Common Article 3 of the Geneva Conventions apply pertaining to the protection of persons taking no active part in the hostilities. The principle of distinction, ensuring the safety of the civilian population and individual civilians from dangers arising from military operations, is one of the pillars of IHL. It’s articulated even outside the Geneva Conventions and its customary status confirmed by jurisprudence of the International Court of Justice (ICJ). Principle of distinction has already attained the status of a jus cogens norm and with its status as customary law, it has already been included in the body of “generally accepted principles of international law” which is part of the Philippines’ law of the land pursuant to Sec. 2, Art. II of the 1987 Philippine Constitution. The act of intentionally targeting civilians and civilian objects, in violation of the principle of distinction, is punishable as a war crime under Articles 8(2)(b)(i) and (ii) Rome Statute of the International Criminal Court (ICC). This violation has also been codified in a municipal law through the enactment of Republic Act No. 9851 (Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity).

Atty. Tugade then moved to her discussion of red-tagging as a violation of the principle of distinction in IHL. Red-tagging within the context of the Philippines is the act of labelling individuals or groups as communists or terrorists affiliated to the CPP-NPA-NDF. It’s a method employed by state armed forces conflating membership in an organizing fighting force with, at best, ideological affinity with the CPP-NPA-NDF. Moreover, it flips the presumption of civilian status without any basis.

Atty. Tugade cited instances of state-sanctioned red-tagging. One of which was the proscription case filed by the Department of Justice (DOJ) under the Human Security Act containing 600 names to be declared as terrorists. Included on the list is human rights activist Zara Alvarez who was later on brutally killed in August 2020. The deadly consequences of red-tagging in the Philippines is not mere conjecture.

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Red-tagging is a violation not only of IHL but also of general human rights laws enshrined in our Constitution and the International Covenant on Civil and Political Rights (ICCPR) to which the Philippines is a state party. The right to life, liberty, and security, rights which are found in the Bill of Rights, are threatened by red-tagging practices of state agents. Right to security includes the freedom from fear or threat and a guarantee of bodily and psychological integrity or security. Violations to this right arise from red-tagging: harassment, intimidation, or coercion resulting from being publicly labelled as enemies of the state degrade the quality of the person's sense of security.

Document 19: Petitions on the constitutionality of the ATL Case Summary

Petitions before the Supreme Court of the Philippines on the Constitutionality of the Anti-Terrorism Law (Republic Act No. 11479)

On 3 July 2020, President Duterte signed Republic Act 11479 or the Anti-Terrorism Act of 2020, repealing the Human Security Act. Congress passed the law in the middle of the pandemic by after being certified as urgent by the President.

In an unprecedented show of opposition, thirty-seven petitions were filed by individuals and groups from all over the Philippines, contesting the constitutionality of the law. After multiple attempts by the Office of the Solicitor General to postpone and even abort the oral arguments in its entirety, the Supreme Court started hearing the case in 2 February 2021.

The law was widely criticized due to its expanded definition of terrorism, which punishes mere intent. Seeing as intent is a state of mind which is not easily discernable, petitioners argued that the section is void for being vague. Punishing mere intent allows the state to penalize any and all forms of dissent, putting activists and other vocal critics in more danger.

The Anti-Terror Law also provides for the concept of “designation”, which is a new mode of identifying terrorists. The difference between designation and proscription is the authority which wields the power; in the former, it is the Anti-Terror Council. In the latter, it is exercised by the Courts. The Anti-Terror Council, which is composed of presidential appointees, is given the power to designate people or groups as terrorist based only on its own hearings. According to the Implementing Rules and Regulations, there is an option for application for delisting; however, such process is not found in the law itself.

Another striking change from the old Human Security Act is the provision on surveillance. In the Anti-Terror Law, even ‘designated’ terrorists can be surveilled. This surveillance can last up to 60 days. It is argued that this violates the constitutional rights against unreasonable searches and seizures, as well as the constitutional right to privacy of communication.

According to the Penal Code, the maximum time that law enforcers are allowed to keep arrested individuals without charge is 36 hours, depending on the gravity of the offense committed. Under the Philippine Constitution, the period can be extended up to 3 days, but only if the country is under martial law and the privilege of the writ of habeas corpus is suspended. The Anti-Terror law is thus contentious as it authorizes the arrest and detention of suspects for as long as 24 days, even without a court warrant, contrary to the Revised Penal Code and the Philippine Constitution itself.

As of writing, the oral arguments are still underway. During the State’s opening statement, the Solicitor General attacked the petition for procedural defects ranging from unnumbered paragraphs in the petitions to the lack of locus standi by the petitioners.

The State also argued that the passage of the Anti-Terror Law constitutes a political question which does not fall within the ambit of the Court. Aside from that, the State also justified the law by citing the Philippines’ international economic obligations to pass an anti-terror law so

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that the country may avoid being greylisted and blacklisted by the Financial Action Task Force (FATF).

The administration has tried to assure the people by saying that only terrorists should be afraid of the law. Despite this, the assurance did not inspire confidence as the President and his alter egos continued to vilify and red-tag critics and dissenters. Gen. Parlade of the National Task Force to End Local Communism and Armed Conflict (NTF-ELCAC) even said that if it were not for the oral arguments regarding the Anti-Terror Law before the Supreme Court, they would have utilized the law to file cases against all “front organizations” already. In an interview, Gen. Parlade divulged that they would go “full blast” on legal offensives after the oral arguments have concluded.

References:

- Lian Buan, Cheat sheet: Supreme Court anti-terror law oral arguments, RAPPLER, 19 Jan 2021, at: <https://www.rappler.com/nation/summary-petitions-anti-terror-law-oral-arguments>
- Pia Ranada, NTF-ELCAC to go ‘full blast’ on legal offensives after anti-terror law oral arguments, RAPPLER, 8 May 2021, at: <https://www.rappler.com/nation/ntf-elcac-go-full-blast-legal-offensives-after-anti-terror-law-oral-arguments>.

Document 20: NTF-ELCAC Background Case Summary

National Task Force to End Local Communist Armed Conflict (NTF-ELCAC)

On 4 December 2018, President Rodrigo Duterte signed the Executive Order (EO) No. 70 which institutionalized a “whole-of-nation approach” in ending the 50-year-old communist rebellion in the Philippines at the local level and which created the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC). The EO seeks to improve the quality of life in areas experiencing or are vulnerable to clashes with communist rebels by prioritizing the delivery of basic services and social development packages in these areas. The NTF-ELCAC’s task is to supervise the delivery of such services and crafting plans to address the root causes of insurgencies and conflicts.

To do its functions, the Congress has allowed NTF-ELCAC a P19-billion (\$397-million) budget for 2021, with P16.4 billion of it used as incentive for barangays that have cleared their areas of communists under the Barangay Development Program (BDP). The region of Davao and Davao City in Mindanao, where President Rodrigo Duterte and many of his most trusted officials hail from, was set to receive P4.3 billion (\$90 million). The program has been criticized by budget experts and lawmakers as akin to giving pork barrel to generals of the Philippine Army as the barangay-recipients of the budget were chosen by the NTF-ELCAC, which are composed of military men. It has also been criticized by activists as incentivizing cracking down on dissenters of the administration as the members of NTF-ELCAC often conflated communism with dissent.

Aside from the BDP, the NTF-ELCAC has been engaged in a massive propaganda war by red-tagging perceived and known communist supporters and sympathizers. The NTF-ELCAC aims to root out rebel presence in all areas of society, hence it sees red in any sentiment that is against the government or President Duterte. In January 23 earlier this year, Lieutenant General Antonio Parlade Jr., spokesperson for NTF-ELCAC named at least 18 colleges and universities, including the University of the Philippines, that he believes are hotbeds of communist recruitment. This has been objected by four of the universities listed and emphasized that the public accusation was made without proof.

In October last year, Parlade also red-tagged actresses Liza Soberano, Angel Locsin, and Miss Universe 2018 Catriona Gray and warned them not to support women’s rights groups Gabriela and other progressive groups. Liza was red-tagged after she appeared as a guest speaker at a Gabriella Youth webinar where she encouraged women to speak out for women’s and children’s rights. Catriona is a known advocate for youth and LGBTQ+ rights while Angel has been vocal on social issues and has devoted herself to various philanthropic activities.

Parlade likewise red-tagged the Maginhawa community pantry initiative as it inspired similar efforts of donating food supplies and other needs to help fellow citizens in other parts of the country. Parlade likened Ana Patricia Non, organizer of the Maginhawa community pantry, to Satan claiming that she was deceiving the supporters of and those who patronized the initiative and attributed the rapid spread of the initiative to other parts of the country to links with communist groups.

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Parlade and Lorraine Marie Badoy, a member of the NTF-ELCAC and Presidential Communications Operations Office Undersecretary have also been red-tagging rights groups like the National Union of People's Lawyers (NUPL), Ibon, Karapatan, Gabriella, BAYAN, BAYAN MUNA, and Kilusang Mayo Uno, villifying and calling them communist fronts. Several administrative complaints have been filed against the two with the Office of the Ombudsman but the Ombudsman has remained idle on the complaint.

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- <https://www.rappler.com/nation/top-philippine-universities-denounce-red-tagging-schools>
- <https://news.abs-cbn.com/news/12/09/20/red-tagged-lawyers-hit-back-ask-for-dismissal-of-esperon-parlade-badoy>
- <https://www.ibon.org/ombudsman-sitting-on-ibon-red-tagging-complaint-for-a-year/>

Document 21: Red-tagging Community Pantries Case Summary

Red-tagging of Community Pantries

On 14 April 2021, Ana Patricia Non placed a small bamboo cart on a pavement in a Quezon City village, stocking it with simple food items: canned food, vegetables, packs of rice, and noodles. Two handwritten cardboard signs were attached in a lamppost near it reading “Maginhawa Community Pantry”, after the name of the street and with the simple guideline written in Tagalog: “Give what you can. Take what you need.” Non said that she launched the project due to the government’s mishandling of the pandemic and she’s tired of inaction.

Photos of this initiative were posted in social media and help soon poured in. People sent their donations and volunteered to do grocery runs. Farmers from Paniqui, Tarlac, tens of miles north, sent sacks of sweet potatoes while fishermen from the south donated kilos of tilapia. And within 2 weeks, 400 of these community pantries sprang up in Manila and in various cities and provinces in the country.

However, on April 20, the original community pantry along Maginhawa Street had to halt its operations amid fears of organizer Non for her volunteers’ safety. This is after the Quezon City police and National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), the task force established by President Duterte to end the communist insurgency, red-tagged them on social media. They reposted a post insinuating that the community pantry was an effort to recruit people to the armed communist movement and to generate funds for it. The post is also shared by at least 8 other Facebook pages and profiles allegedly linked to the police.

Several armed policemen were also found in the vicinity of the pantry and according to Non, three policemen approached her and the volunteers and repeatedly asked which organization they belong to. Non shared that other community pantries encountered the same problems with the police. The QC Police insisted that they have already withdrawn the armed policemen but nevertheless deployed unarmed personnel under the guise of enforcing health protocols.

NTF-ELCAC spokesperson Lt. General Antonio Parlade, who has a history of indiscriminate red-tagging, admitted that they have profiled the organizers of community pantries in the country. He even compared Non with Satan saying that Non initiating the community pantry is like Satan giving the apple to Eve. He pointed to the sudden emergence of the community pantries all throughout the country as if it was part of a strategy or scheme.

On 25 April 2021, a gag order was imposed on Parlade by National Security Adviser Hermogenes Espero Jr. to bar them from making further comments on the community pantries. This comes after lawmakers from both the Senate and the House of Representatives sought to defund the NTF-ELCAC for red-tagging the community pantry organizers. However, Esperon himself admitted in a press conference on April 21 that the government was still looking at possible links of community pantry organizers with the underground rebel movement.

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- <https://mb.com.ph/2021/04/21/parlade-likens-community-pantry-to-satans-apple/>
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- <https://www.rappler.com/nation/maginhawa-community-pantry-temporary-shut-down-due-red-tagging-april-20-2021>
- <https://www.rappler.com/nation/quezon-city-matatag-community-pantry-organizer-complains-alleged-police-monitoring>

Document 22: Cordillera Attacks Case Summary

Attacks Against Indigenous Peoples' Communities in the Cordilleras

Members of Cordillera Peoples' Alliance (CPA) have fallen victims red-tagging by government officials. The CPA, since its establishment in 1984, has long been in the frontlines of advancing and promoting indigenous peoples' rights, particularly that of their right to self-determination.

In the recent months, the alliance has been red-tagged and publicly vilified in several occasions both by national and local government officials. Posters vilifying the alliance and its prominent leaders have circulated both online and offline.

In December 2020, the Department of Interior and Local Government of Mt. Province even went as far as requesting the Sagada municipal mayor to declare CPA as persona non grata in their municipality. This came after the alliance was tagged as a front organization of the Communist Party of the Philippines-New Peoples' Army.

In January 2021, Cordillera police chief R'win Pagkalinawan issued a "shoot-to-kill" order against the chairperson of the CPA, Windel Bolinget. This order came after a trumped up charge for murder was lodged against Bolinget and other human rights activists in relation to the killing of an indigenous leader in Davao del Norte in 2018.

References:

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- <https://www.sunstar.com.ph/article/1879636/Baguio/Local-News/Cordillera-Peoples-Alliance-calls-out-Mt-Province-DILG>

Document 23: HRVs under US-Duterte COIN Case Summary

Human Rights Violations under the US-Duterte Counter-Insurgency Program

One of the ways that the war on public dissent waged by the Duterte administration is exhibited is through the restriction or dispersal of mass actions, public assemblies and gatherings. Since July 2016 up to December 2020, Karapatan reported 4,125 cases of these restrictions or dispersals. War on public dissent is likewise evident in the plethora of illegal arrests and searches and seizures. According to Karapatan, there are 2,635 cases of illegal arrests (without detention) and 1,040 (with detention). Meanwhile, the number of cases for illegal search and seizure is at 1,037. Some of these arrests are political in nature, and out of the 680 political prisoners in detention, 451 of them or 66% were arrested during the Duterte administration.

Karapatan has also recorded 103,843 cases of threats, harassments, and intimidation across the country. The victims are members of civil society who are vocal in their dissent. They are cases where they approached by state agents and are threatened into ceasing their work or harassed into providing information about their organizations and the activities they undertake. Sometimes, unknown men would be found lurking around their homes and places of business.

Karapatan's data ranging from July 2016 to December 2020 showed that under the Duterte administration, there has been 488 cases of frustrated extrajudicial killings and 376 cases of consummated extrajudicial killings. More than half of those killed were peasants (297 cases). Also, out of the 376 cases of extrajudicial killings, 196 of those killed were rights defenders.

Out of the 18 cases of enforced disappearances, 8 were women. Most of the victims were also peasants.

Reference:

- KARAPATAN, Year-End Report on the Human Rights Situation in the Philippines (2020)

Document 24: Atty. Angelo Karlo Guillen Case Summary

Atty. Angelo Karlo Guillen Case

In the evening of 3 March 2021, two men wearing masks and bonnets mauled and stabbed Atty. Angelo Karlo Guillen multiple times in the back and in the head in Iloilo City. Atty. Guillen is the assistant vice president for the Visayas of the National Union of Peoples' Lawyers (NUPL) and secretary general of NUPL Panay.

The assailants escaped on motorcycles driven by two other men, bringing the lawyer's bag containing his laptop and some documents but they did not get his other valuables like cell-phone, watch and wallet. A screwdriver was left lodged in the left temple of the 33-year-old lawyer.

Atty. Guillen was returning to his rented room at an apartment building in Aurora Subdivision when the attack happened. He temporarily transferred to Aurora Subdivision due to threats to his life and security in connection to his work as a NUPL member. Atty. Guillen also observed suspicious persons have been surveilling him for the longest time.

Atty. Guillen serves as pro bono counsel in various public interest and human rights cases such as in one of the 37 petitions questioning the constitutionality of the Anti-Terrorism Act of 2020. On Labor Day last year, he was arrested after responding to the illegal arrest of 42 activists who were protesting the extrajudicial killing of Bayan Muna Iloilo coordinator Jory Porquia. He also represents activists and human rights defenders facing trumped up charges in court including those arrested during the police raids in Bacolod City, Negros Occidental in October 2019 and the Tumandoks arrested in Panay in December 2020.

Prior to the attempt on Atty. Guillen's life, one of the key witnesses in the 30 December 2020 Tumandok massacre was killed by two motorcycle-riding men in Tapaz town, Capiz. Village chief Julie Catamin accused the police of planting firearms and explosives during the raids. Members of the NUPL Panay, including Atty. Guillen, have been red-tagged and vilified by government. A day after the stabbing, an alleged former NPA member who works with the National Task Force to End Local Communist Armed Conflict red-tagged Atty. Guillen and his colleagues in NUPL. Jeffrey Celiz claimed that Atty. Guillen and Atty. Pete Melliza are "known operatives in Panay Island" and "hiding inside the cover of NUPL."

In a recent forum, Atty. Guillen said that the police were quick to look at the attack as a botched robbery rather than a work-related incident. Meanwhile, the Justice Secretary said he would rather wait for Guillen to claim that the attack was work-related before he refers it to his Department's Task Force on EJK under Administrative Order 35.

References:

- Red-tagged: <https://www.facebook.com/100703468633496/posts/130705448966631/?d=n> Affidavit of Atty. Angelo Karlo Guillen.
- Factsheet prepared by Karapatan dated March 4, 2021.
- Factsheet prepared by NUPL as submitted to the Supreme Court on April 23, 2021.
- Statement during the panel hosted by NUPL as part of the Rule of Law webathon, May 5, 2021.

Document 25: Dandy Miguel Case Summary

Dandy Miguel Case

Dandy Miguel, 35, married, was the president of the labor organization, Lakas ng Nagkakaisang Manggagawa ng Fuji Electric - OLALIA-KMU and the vice-chairperson of Pagkakaisa ng Manggagawa sa Timog Katagalugan (Pamantik-KMU), a labor center.

On March 28, 2021, at about 8:45 P.M., while Dandy Miguel was on his way home, he was shot several times by unknown assailants. Miguel was brought to a hospital but was later declared dead. He sustained 8 gunshot wounds.

Prior to his killing, Miguel was an active proponent of the protection and promotion of labor rights across the Southern Tagalog region, especially with the wage increase. He helped push for the P750 national minimum wage increase, and for the additional P100 across the board wage hike for Luzon workers. Miguel also helped farmers in Hacienda Yulo in 2020.

A week after the Bloody Sunday incident where labor rights advocates were among those who were summarily killed, Miguel represented PAMANTIK-KMU in a press conference at the Commission on Human Rights, to condemn the killings and illegal arrests last March 7, 2021, in Batangas, Laguna, Rizal, and Cavite.

On March 26, 2021, Miguel went home after a month of staying at friends' and other organization's houses and offices. Members of Pamantik-KMU recalled that Miguel stayed at the Pamantik Office on March 25 and went home the following day. He also stayed at the office where Elizabeth Camoral was arrested. Camoral was among those who were illegally arrested during the Bloody Sunday incident.

Nearby residents from the place where Miguel was killed, attested to hearing several gunshots. Afterwards, they saw him lying bloodied on the ground.

Reference:

- Karapatan Southern Tagalog Fact Sheet

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Document 26: Alyansa ng Manggagawa sa Engklabo (AMEN) and Marites David Case Summary

Alyansa ng Manggagawa sa Engklabo (AMEN) and Marites David Case

Elements of the Philippine National Police conducted a search operation at the office of labor alliance, Alyansa ng Manggagawa sa Engklabo (AMEN) in Barangay Market Area, Santa Rosa, Laguna, on March 30, 2021. The police officers claimed to have found firearms and explosives therein.

According to police reports, joint elements from CIDG National Capital Region, CID Region 4A, PNP Regional Mobile Force Battalion 4A, RACU4A, and PNP Santa Rosa implemented a search warrant for Marites Santos David. The report identified David as a member of AMEN, as well as labor federation Organized Labor Associations in Line Industries and Agriculture (OLALIA-KMU) and labor center Pagkakaisa ng Manggagawa sa Timog Katagalugan (PAMANTIK-KMU). The report also labeled David as a member of the revolutionary organization Revolutionary Council of Trade Unions (RCTU), one of the organizations comprising the National Democratic Front of the Philippines. David is a member of AMEN, as well as labor federation Organized Labor Associations in Line Industries and Agriculture (OLALIA-KMU) and labor center Pagkakaisa ng Manggagawa sa Timog Katagalugan (PAMANTIK-KMU).

The PNP claimed to have retrieved at least five rifles, three pistols, nine explosives, 14 landmines, and other accessories. They asserted that the office was used as a “firearms depot” for “members who will join the armed group in red areas and those who will stage violent actions against government troops.”

According to AMEN, the said office has not been used for over a year, since the first declaration of a lockdown in Luzon. After the killing of Dandy Miguel, union members temporarily used the office for meetings and vacated it before the incident happened.

OLALIA-KMU also stressed that Marites David is not a terrorist. Teacher Laly, as David is fondly called, is a member of OLALIA-KMU’s education and research staff. The group also asserted that she is not in possession of any firearm, much less an entire armory’s worth of it.

Reference:

- Karapatan Southern Tagalog Fact Sheet

Document 27: “Kalayaan 3” Case Summary

International Humanitarian Law Violation

“Kalayaan 3” Case

On August 4, 2020, an encounter allegedly ensued between members of the New People’s Army (NPA) and the Philippine National Police Regional Mobile Force Battalion IV-A (PNP-RMFB) in Sitio Balatkahoy, Brgy. San Antonio, Kalayaan, Laguna. As a result, the NPA sustained three (3) casualties: Dioscoro Cello, Reynaldo Macinas and Alex Perdeguerra.

The following day, the quick reaction team (QRT) from KARAPATAN Southern Tagalog (KARAPATAN-ST) learned that the 3 cadavers were brought to Greenlawn Memorial Services in Calamba, Laguna. The funeral parlor was informed by the relatives of the three cadavers, with the assistance of KARAPATAN-ST, that they would be claiming the bodies and take them home for a decent burial. However, the PNP Region IV-A took the bodies from the funeral parlor on August 6, 2020.

On August 7, 2020, Reveleen Cello, daughter of Dioscoro Cello went to Greenlawn Memorial Services to claim the body of her father. She was accompanied by the QRT. Reveleen was told by a certain “Josie”, who is the operations manager of the funeral parlor to coordinate with PNP Region IV-A because the bodies were already taken by them.

The next day, Reveleen and the QRT went to Camp Vicente Lim to facilitate the release of the body of her father. However, the police did not release to them the remains of Dioscoro despite providing his birth certificate. The police questioned the authenticity of the birth certificate that was provided by Reveleen because the same was not accompanied by an official receipt from the Philippine Statistics Authority.

On August 10, 2020, they saw a Facebook post by the PNP-RMFB showing that they were burying the remains of the three who were killed in the August 4 encounter. The post did not identify where the bodies were interred.

Three (3) days after, the relatives of Macinas informed Reveleen and the QRT that they were able to exhume the body of Reynaldo from a cemetery in Antipolo. They were able to do this with the assistance of their distant relative who made the coordination with the PNP. They also told the QRT that the body of Reynaldo was not embalmed and he was merely covered in a blanket and a clear plastic.

The following day, August 14, the QRT coordinated with the local government and the Diocese of Antipolo to exhume the remains of Alex Perdeguerra in the same cemetery where Macinas was likewise buried. They knew that it was Perdeguerra who was buried beside Macinas because the site was labeled “KA OMAR.” It was only on August 20 that the remains of Perdeguerra were exhumed and was brought in a crematorium.

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As for Cello, his family learned that he was buried by the PNP in a public cemetery somewhere in Brgy. Magahis, Tuy, Batangas. It was only on August 21, 2020 that the family was able to retrieve the remains of Cello.

The relatives and the QRT had a hard time in retrieving the bodies of the three casualties in the August 4 incident in Kalayaan, Laguna. While all of these were happening, KARAPATAN-ST was likewise red-tagged for the assistance that its members extended to the relatives of the three casualties. They likewise noticed that in all of their communications and coordination with the local government unit and different government agencies, they were always advised to seek the approval first of the PNP in order for them to retrieve the bodies of Dioscoro, Reynaldo and Alex.

Reference:

- Karapatan Southern Tagalog Fact Sheet

Document 28: John Salbon Heredia Case Summary

John Salbon Heredia Case

At around 2 pm on 2 May 2021, John Heredia, the Municipal Administrator of Pilar, Capiz and also a former Provincial Chairperson of the National Union of Journalists in the Philippines (Capiz), was shot six times by an unidentified assailant.

The victim is also a cultural activist and through music and other cultural means, got involved in issues of environmental protection, human rights, and other advocacies.

This was not the first time the victim or his family was attacked. In 2019, his wife Atty. Criselda (a member of the National Union of Peoples' Lawyers in Panay) and their daughter survived an ambush, wherein an unknown assailant riddled their car with bullets.

Justice Secretary Menardo Guevarra referred the probe into the killing to the Presidential Task Force on Media Security for investigation and case build-up.

References:

- Fact Sheet, Karapatan, dated May 3, 2021
- CNN Philippines, DOJ refers probe into death of ex-NUJP nat'l director to presidential task force on media, May 3, 2021, access: <https://www.cnnphilippines.com/news/2021/5/3/DOJ-recommend-probe-John-Heredia-death-presidential-task-force.html>

Section 3: Duterte's war on the Moro people

Document 1: Cosain Naga Jr. statement on behalf of Suara Bangsamoro

Asalaamu Alaykum Warahmatullah. Good morning, everyone!

I am Cosain Naga Jr., from Suara Bangsamoro. Suara Bangsamoro, which translates to “voice of the Moro people”, is a progressive organization of Moro people from Mindanao fighting for self-determination, just and lasting peace.

We are honored to be part of the program and grateful to Investigate PH for giving us a platform to share our plight and struggle as a people, and as a minority group.

My topic will start off with a brief introduction on who we are as a people and our long history of struggle for land and independence. We will also see the grave impacts of the government's all-out war, Martial Law and the pervasive peace crisis in Muslim Mindanao. The state-sponsored terrorism in our already impoverished communities has forced us Bangsamoro to organize and collectively defend our people's land, rights and way of life.

Who are the Moro people?

The Bangsamoro are the 13 ethnolinguistic groups in the Philippines which had embraced Islam and fiercely resisted Spanish and American colonialism. We are the Tausugs, Maguindanaos, Maranaos, Yakans, Iranuns, Kalibugans, Badjaos, Kalagans, Samals, Sangils, Palawanis, Molbogs and Jama Mapuns.

We comprise 5.1 percent of the more than 100 million Philippine populations, and can be found mainly in Central Mindanao, Basilan, Sulu and Tawi-Tawi.

Our Islamic faith serves as foundation of our distinct character and the context in which we assert our right to self-determination. To us Muslims, Islam is not just a religion, but a way of life, setting a standard of living according to the teachings of the Qur'an and Hadiths.

We Moros have successfully resisted Spanish colonialism. We have established the most advanced society among Philippine indigenous groups with 500 years of political history that reached the Sultanate system.

Historical and systematic plunder of Moro ancestral domain

After the Spaniards left, the Moro-American War erupted in 1901, and the we Moros valiantly fought the invading US forces. But the brutal pacification campaign of American colonizers led to the massacre of the Moros by the thousands.

Under the US colonial rule, several laws were passed that declared Mindanao's vast tracts of lands as public domain. Immediately, majority of the original inhabitants of the island, the Moros and Lumads, lost their birth right to their ancestral lands. The colonial US government imposed the Torrens Titling system requiring all landowners to apply for legal title for their

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claimed land properties. But discrimination is profound in the Torrens Titling system as Filipino settlers and multinational companies were allowed to apply and own large hectares of lands but the Moros and the Lumads were not.

Colonial land policies and laws legalized the US multinational companies' land grabbing of Moro ancestral homeland. One of the most prominent colonial land laws is the Land Registration Act of 1902 which provides that all lands claimed by any individual should be registered or reported to American authorities. Unregistered lands are considered property of the US government. Many Moro landowners did not register their lands because they refused to recognize the authority of the US invader over Mindanao and the Moro people.

Poverty and plunder of natural resources

Our homeland is fertile and rich in mineral resources. Yet, we Moro people suffer from hunger and abject poverty in the midst of plenty. Majority of us are poor and landless peasants. 6 of the 10 poorest provinces are from Mindanao. 19.2 % of families in Mindanao are food poor.

Large tracts of arable lands are owned and concentrated to a few Moro elite or ruling class. In partnership with multinational agribusiness companies, like the Unifruitti Group of Companies, Del Monte Philippines, the big Moro landlords use thousands of hectares of prime agricultural lands for plantations of high value cash crops such as – cavendish bananas, pineapple, oil palm and rubber.

Rampant militarization under the Duterte regime

Today, under the Duterte administration, our aspiration for a peaceful and productive life and struggle for the right to self-determination faces tough challenges due to:

1. Duterte's US-backed counterterrorism campaign; and
2. local terrorist groups adhering and promoting US CIA-created ISIS ideology.

The militarized situation and sham “war on terror” campaign in many of our communities has not changed since Duterte assumed the presidency. He is continuing the then president BS Aquino's national security plan, the infamous US counterinsurgency -designed Oplan Bayanihan in the form of Oplan Kapayapaan and now Oplan Kapanatagan.

Duterte also continues the US ‘war on terror’, now dubbed as Operation Pacific Eagle, resulting in terror tagging, Islamophobia and human rights violation against us Moro people.

Duterte has 51 battalions deployed all over the Bangsamoro Autonomous Region in Mindanao. Under Oplan Kapayapaan, military encampments are installed in civilian communities, barangay halls and school grounds, several APCs (armored personnel carrier) and mortars are parked and installed within these military encampments; military and police checkpoints dot the highways; and there are sustained military operations through ground assaults and aerial bombings.

The heightened militarization sends chilling effects and terrorizes the residents in the interior municipalities and barangays of Maguindanao, Lanao del Sur, Basilan and Sulu. It has also resulted to massive forced evacuation due to military airstrikes and bombardment, series of killings and massacres and the promotion of corporate land-grabbing.

Militarization and All-out War: unjust wars against the poor Moro masses

The rampant human rights abuses brought forth by Oplan Kapayapaan's all-out war in the Bangsamoro are most visible in the massive number of bakwits or the local term for IDPs or forced evacuees, economic dislocation, ravaged lands and disruption of children's education.

Duterte's martial law in Mindanao has unjustly affected half a million of Mindanawans, with 300,000 of them Moros who are victims of both martial law and the all-out war campaign.

Despite the coronavirus pandemic, the military attacks against our communities wage on. As of March 23, 2021, about 10,000 families have been displaced in Maguindanao due to military operation. They continue to endure the hardship of living conditions in 44 evacuation centers.

Until today, families from the 24 barangays in the most affected areas in Marawi are not permitted to return to their ancestral homes. Worst, the government is establishing a big military camp in Marawi that will host a regiment unit of 3,000 military troops.

The militaristic approach of the Duterte government has led to a string of massacres of innocent Moro civilians:

- Sulu Massacre- On September 14, 2018, seven farmers were shot dead by the military while they were harvesting crops in Patikul, Sulu.
- In Polomolok, a total of 26 civilians were killed. In one massacre incident in Polomolok on August 8, 2020, four civilians were killed when more than 50 elements of Philippine National Police Special Action Force (PNP-SAF), the Armed Forces of the Philippines (AFP) and the National Intelligence Coordinating Agency (NICA) conducted a joint raid against suspected ISIS elements in Purok Maguindanao, Bgy. Lumakil, Polomolok, South Cotabato. Not finding the suspects, they questioned and then shot and killed the father of one of the suspects and then killed three more residents.
- Kabacan Massacre- State authority openly fired at the nine farmers on August 29, 2020 at the roadside inside the state-run University of Southern Mindanao campus in Kabakan, North Cotabato.
- Two children were killed due to military airstrikes in Maguindanao. On May 24, 2020, two girls were killed and 14 of their relatives were wounded as four 81 mm mortar hit the houses of a family in Brgy. Kitango, Datu Saudi Ampatuan town in Maguindanao

The primacy of military solution – all-out war and Martial Law -- to the decades-old peace crisis in Muslim Mindanao is wrong and must be scrapped. It has been tried and used by past administrations and it failed. Not even the dictator Marcos' Martial Law in the 1970s was able to stop the growth and advance of the Moro rebellion.

The Duterte administration's deployment of 51 battalions in Muslim Mindanao to wage an all-out war against the Abu Sayyaf Group and other emerging extremist groups did not bring about peace, but destruction, pervasive poverty of the already impoverished Moro masses and wide spread peace crisis situation.

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In the final analysis, it is a war against the poor, oppressed and marginalized Moro masses because they are the ones bearing the brunt of all-out war, of intense militarization as shown by the large number of bakwits, who lost their homes, livelihood including their barest properties; disrupted their children's education and affect their health. It is state terrorism against the Moro masses. Justice and peace remain elusive for the Bangsamoro.

As the state perpetuates the launching of offensives against us, we, the Moro people draw strength from our rich heritage of valiant struggle against local and foreign oppressors and plunderers-- from the resistance waged by Sultan Kudarat against Spanish colonization, Datu Ali of Maguindanao against US colonizers, to the Moro National Liberation Front, Moro Islamic Liberation Front, Bangsamoro Islamic Freedom Fighters and other armed groups of the Moro people.

We will stand together in defending our families and ancestral lands against Duterte's dark reign of terror and tyranny. Onwards with the Bangsamoro struggle for land, religion and full liberation!

As I close my speech, we weep and shake in anger at the escalating attacks against the Palestinians. With fists raised high, we unite in solidarity with our Muslim brothers and sisters in Palestine and support their struggle for national liberation and self-determination against the US-supported Zionist Israel government. We strongly condemn the Israel's illegal occupation and the genocide of the Palestinians in Gaza. We uphold the Palestinian resistance, liberation and return to their stolen homeland.

We pray for our brothers and sisters in Palestine.

May Allah help and protect us. May Allah grant us nothing but victory. Amen.

From Philippines to the Palestine, down with the US-backed fascist regimes!
Struggle for the right to return!
Let the Meranaw people return from their ancestral land in Marawi!
Stop the All-out War against the Bangsamoro people!

Thank you so much to each and every one. Shukran, Wasalaam!

Document 2: Sultan Atar's statement

Testimony to International Independent Commission of Investigation into human Rights Violations in Marawi

By: Sultan Abdul Hamidullah Atar, IDP Leader in Marawi

The Marawi Siege of May 23, 2017 is the most humbling event that drastically changed the whole City of Marawi—destroying the physical, biological and environmental components resulting to the loss of lives of innocent people, destruction of properties, and significantly traumatizing the residents and other nearby communities. The militant young group engaged the government forces resulting into massive violence that followed sowed terror among the civilian inhabitants of Marawi City that eventually caused massive displacement of more than 300,000 thousand individuals and the destruction of the most affected areas in Marawi City both private and public facilities.

Marawi City is the only Islamic City in the Philippines with 69% of people are living with poverty before the siege and drastically increase after the siege despite of its abundant and rich resources. Further, Marawi is the component City of Lanao del Sur which is situated in the Southern Philippines which identified by the National Statistic Office in 2020 as the poorest province in the Philippines.

Historically, the peace loving people of Marawi City had been suffered from the impact of colonizations since the time of Spanish period followed by the American and Japanese subjugation. Our people suffered from various resistance until now. The incorporation of Bangsamoro communities to the Philippine Republic creates marginalization, oppression, instability, division and conflicts which resulted to the formation of various Moro fronts demanding the right for self-governance. This is the basis of the extremist young people who fought in Marawi of whom had been experience violence during the all-out war in Mindanao of President Erap Estrada in 2000, 2003 and 2008 due to the failure of peace negotiation between the Government and the Moro Islamic Liberation Front. The decade of conflicts in Mindanao implanted hatred, discrimination, and bigotry among these young extremist as former victims of conflicts.

Thus, the issue in Marawi is not only on the issue of violent extremism but also an issue of historical injustice, marginalization, oppression, poverty, discrimination, inequality, poor governance and structural violence prevailing in our communities. These young militant group believed that the government in the Philippines never become sincere to facilitate the genuine peace in Mindanao in quest for justice and the right of self-determination for the Moro communities.

More than 4-years after the liberation of Marawi from the young extremist group, the ground zero in Marawi is still in vague. Various sentiments, perceptions, propositions, and opinions regarding what, how, and when of rebuilding Marawi City, especially ground zero that comprising 24 barangay with 124,000 individual residents who left their home until now. The comprehensive plan for Marawi rehabilitation never become inclusive, culturally insensitive, and disrespectful on the rights and dignity of the IDP victims. A number of challenges and issues remains for the post conflict recovery and rehabilitation phase.

1. RIGHT TO KNOW

MARTIAL LAW in Mindanao was declared on May 24, 2017 while President Rodrigo Duterte was in Russia. Marawi residents were advised to leave the city in 6 hours. More than three hundred thousand people. All of them commanded by the security sectors to leave. Others opted to be left while most moved in diaspora. That included the sick, the aged, children, women, and men either in uncomfortable transport or were walking and scampering by the streets with their bundles. It was heartbreaking. The Martial law ruled by the military deprived the local leaders including the religious and traditional leaders to create space for dialogue and negotiation in order to convince the young militant to leave the city as populated areas. The people in Marawi demanding an answer why the government declared Martial law without consulting first the home-grown leaders and why the security sectors intensively bombarded the city excessively and indiscriminately a day after the declaration of Martial law that cause for devastation.

The security sectors used EXCESSIVE POWER indiscriminately through aerial strikes, cannon and other similar weapons that devastated our properties, cultural sites, schools, business areas and killings lives of many civilians. The government never accepted that there was a failure of intelligence for the occupation of the extremist militant group inside the city. More than 4-years after Marawi liberation, the government never attempt to create INDEPENDENT COMMISSION TO INVESTIGATE MARAWI SIEGE IN AID OF LEGISLATION in order to clarify various issues the suppose preventable siege and to guarantee the non-occurrence of the conflict in the future. Mr. Chairman, it is our basic rights as displaced individual to know the truth as pathways for healing and closure on the post conflict in Marawi.

2. SAFE AND DIGNIFIED RETURN OF RESIDENCE

Most of the displaced families who stay in shelters outside Marawi City face DISCRIMINATION, ACCUSATIONS, as well as DEATH THREATS. They also feel as if they are being discriminated by their leaders. Either they are treated as beggars, given false promises, or are ignored. They feel as if their situation is only being taken advantage of during election time. One example of a form of discrimination they face; according to some IDPs is that None Meranao Survivors of the siege received around Php 200,000 from the government, while even those who have lost relatives still receive nothing. Further, the IDPs living in the temporary shelters less supports to medical assistance and other basic services from the government. Mr. Chairman, more than 1,300 days since the liberation of the city, there are still 17,000 displaced families who were deprived their rights to repair and visits their properties openly without restriction. Ironically, our properties left in the ground zero treated as BOOTY OF WAR. Massive looting during and after the siege were happening. It is our right to say that the state is accountable for the MASSIVE LOOTING in our properties. Worst, the government is planning to construct military camp inside ground zero in which most of the residence strongly oppose the MILITARIZATION in our city because this is not solution to the problems. On the other hand, ILLEGAL DEMOLITION to the partially damaged houses inside ground zero had been done by the government to claimed the budget allocation. Even the debris from our houses were also stolen without the consent of the home owners. Our right to return in our birthplace safely with dignity has been deprived from us for 4-years already.

3. TRANSPARENCY AND ACCOUNTABILITY

The issue in Marawi is not solely issue by the people in Marawi. This is an issue of everyone who respect human rights and the rule of law. 4-years after the siege, there is no clear direction on the program of the government to the victims. The IDP live with misery and suffering. We believed that only 30% or less of the infrastructure project for public utilities have been constructed after 4-years. According to Inquirer, at least 350 billion pesos or 7 billion dollars from foreign Aid and 22 billion pesos from the government coffer from 2017-2021 poured to the rehabilitation in Marawi but the lives of the IDPs in the temporary shelters and home based communities is become more complicated than expected. We need to know and clarify where all these resources spent in the past 4-years. Marawi became the milking cow of some politicians both local and national. We demand accountability for the misuse of funds that is intended to our people.

4. RIGHTS OF MISSING AND THE DEAD

There were hundreds if not thousand who lost both parents or lost a sibling. Many IDPs have family and relatives who died during the siege or are still unaccounted for. Despite the fact that it has been four years since the siege, and the siege is considered an extraordinary circumstance, the IDPs always expressed their frustration at how the City Health Officer refuses to sign Death Certificates which hinders them from obtaining assistance or closure. The families of the missing and dead persons have the right to identify and secure descent burial of their dead relatives as civilians. More than 6 month period after Marawi liberation where the government allows the civilians to visit once to their respective properties. Most of the body of the civilians killed inside ground zero were decomposted. It is very heart breaking that after 4-years, no concrete program for the left families of the dead and missing persons brought by the siege. Mr. Radia for instance, is one among victims. His parents is still missing and considered dead. But the government disregarded his call and battle cry for justice because he has no match for the DNA testing done by the security sectors.

5. COMPENSATION AND REPARATION FOR THE IDP VICTIMS

One of the important intervention for the total recovery and rehabilitation in Marawi is to compensate the victims in Marawi. It need to deploy the principle of Transitional Justice designed to make sure that the people's lives will return back to normalcy such as the right to know, the right to justice, the right to reparation, and the guarantee for the non-occurrence of violence. In the previous years, the civil society and other major stakeholders in Marawi submitted the reparation/compensation bill in the House of Congress as priority demand by the people from ground zero in order to rebuild again their destroyed houses brought about by the siege. Unfortunately, the government did not prioritize the bill for many reasons. Our people deserve more than compensation of what they been experienced from the siege.

CONCLUSION:

The current situation of the displaced families in Marawi is very similar to the situation of Palestinian refugees whose right to live peacefully was deprived from them. The truest desire of every IDPs in Marawi is to return. More than aid, money, food, water, or electricity, every IDP wishes to return to their homeland and birthplace. After 4-years of being homeless, we felt anger and frustration. We felt as if we could no longer turn to our leaders.

The people in Marawi continuously experiencing the trauma especially the occurrence of Pandemic. We have been lock down for almost 2 years since the siege begun and continue the military rule amidst the pandemic. Curfew, No Sunday Movement, lock down and plenty of check points before entering to Marawi. Combine the Siege and the Pandemic for the past 4-years is devastating and horrible experience among the IDPs in Marawi.

The Philippine government are now focusing merely on physical infrastructure and disregarded the social cohesion and human rights issues committed against the civilians. During 2016 National campaign, President Duterte promised us, "CHANGE IS COMING" without anticipating that this change is about giving horrible, miserable and fear situation among our people. The new Anti Terrorism Law in the Philippines is intended to silence the human rights advocates who speak about human rights issues in the Philippines including the untold stories of IDPs. By experience, I personally harassed by the security sectors in participating peaceful rally and forum like this.

President Rodrigo Duterte mentioned many times that there was no human rights committed by the security sectors against the civilian during the height of the Marawi siege. He did not know that declaring Martial law itself is already committing human rights. If the lives of Black people in US matter, much more the lives of IDPs matter. We therefore pray that this forum will serve as a path ways to our MORAL AND LEGAL demand for JUSTICE and ACCOUNTABILITY for what happened to the people in Marawi due the siege. At the end, I wish to thank everyone in behalf of the IDP in Marawi for this opportunity.

THANK YOU VERY MUCH.

Document 3: Ustadz Utto Case Summary

Ustadz Alpata Mama Utto Case

Ustadz Alpata Mama Utto is one of the thousands of Filipinos internally displaced by the Marawi siege. He currently serves as president of Bakwit Village Phase-2 based in Saguiaran, Lanao del Sur. The village is composed of 153 households.

In 2017, upon arriving in Marawi City from Davao City, Ustadz was welcomed by shooting and bombing. His family decided to leave Marawi City due to the intensifying firefight between Maute group and the government troop. They stayed near an evacuation center for more than six months until the government declared the liberation of Marawi City. They transferred to the Bakwit Village afterwards.

Although grateful for the being provided with shelter, Ustadz said that life at the Bakwit Village has been difficult as the government's response to their needs has been slow. A year after staying at the Bakwit Village, there was even an issue which local government unit should be overseeing distribution of relief and provision to the internally displaced persons (IDPs) living at the village. The community had to stage a rally to air their grievances; it was only then that they were properly recognized by the local government units.

Ustadz and his community wonder when they can go back to Marawi City. With the slow rehabilitation of Marawi City and the five-year limitation to stay at the Bakwit Village, Ustadz contemplates what would happen to him and his fellow IDPs.

Reference:

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Document 4: Mekmek Pumbaya Case Summary

Mekmek Pumbaya Case

In May 2017, Mekmek Pumbaya and her family were caught between the fighting between Maute-ISIS group and government troops in the so-called Ground Zero, Marawi City. Mekmek witnessed how the Maute-ISIS killed her fellow Maranaos and the fighting destroyed Marawi City. Mekmek and her family lost their homes and livelihood in the 2017 siege. Mekmek recalled the hardships they faced after being displaced by the Marawi siege. Before staying at the Shelter, Mekmek and her family had to be transferring from one property to another. At one point, they had to live in a tent at a public park.

Getting government provision has also been a struggle. Mekmek said that she and other IDPs at the Shelter have not been receiving government support regularly. The Shelter is run by PAGCOR; they were told that the Shelter is a private one and not among those listed as government shelters.

Mekmek also wonders what would happen to them after five years. She hoped they will be given permanent shelters, or be allowed to return to Marawi City to rebuild their lives and homes.

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Supplementary documents (the following documents are not cited directly in the report, but were a part of this investigation)

Document 5: The Marawi Siege Case Summary

The Marawi Siege

President Rodrigo Duterte placed the whole of Mindanao under martial law after the armed group Daulah Islamiyah launched attacks in the city of Marawi in May 2017. The fighting continued for months resulting in the death of more than 1,000 persons including at least 47 civilians, displacement of at least 403,000 civilians, and destruction of Marawi City.

Daulah Islamiyah was led by Omar and Abdullah Maute, former members of the Moro Islamic Liberation Front. The Maute brothers were allegedly setting up ISIS training camps in Lanao del Sur and was aided by a commander of the Abu Sayyaf, Isnilon Hapilon, who was the ISIS Emir in Southeast Asia. Prior to the attacks, the Philippine government had planned to serve an arrest warrant against Hapilon based on a US State Department bounty against terrorist attacks on US citizens.

Martial law in Mindanao was repeatedly extended upon the request of the President. Under the Philippine Constitution, the President may place the Philippines or any part thereof under martial law and suspend the privilege of the writ of habeas corpus for a period of 60 days. Congress may extend the proclamation “if the invasion or rebellion shall persist and public safety requires it.”

The first extension was until 31 December 2017 as the fight between government troops and the Maute group continued. However, even after the military contained the so-called ‘rebellion’, the Philippine Congress in a December 2017 joint resolution still extended martial law until the end of 2018 to ensure rehabilitation of Marawi City.

This was followed by another 12-month extension, or until December 2019. This subsequent extension was premised not only on stopping rebellion by DAESH-inspired groups and the Daulah Islamiyah terrorists but also on the government’s campaign to quell threats from the Communist Party of the Philippines and the New People’s Army. By this time, the peace talks between the Government and the National Democratic Front of the Philippines had been halted.

The martial law proclamation in Mindanao was questioned before the Supreme Court for lack of sufficient basis. The Supreme Court upheld its validity saying that the President had factual bases in declaring martial law in the whole of Mindanao. Particularly, the Supreme Court said that the President should not be made to wait for fighting to spread to other regions before placing the whole island on martial law.

The Supreme Court likewise sustained the validity of the extensions. In ruling for the validity of the second extension, the Supreme Court held that Congress may indefinitely extend a proclamation of martial law as the Constitution does not fix the period of any extension.

Four years after the siege, and after numerous extensions of martial law, the rehabilitation of

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the Marawi City has yet to be completed. In April 2021, the Philippine government reported that the sixty percent of its Master Development Plan has been accomplished.

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Annex

List of Abbreviations (in alphabetical order)

ACT	Alliance of Concerned Teachers
AFP	Armed Forces of the Philippines
AHW	Alliance of Health Workers
AIPP	Alliance for Industrial Peace Program
AMLAC	Anti-Money Laundering Council
ARRD	Agrarian Reform and Rural Development
ASEAN	Association of Southeast Asian Nations
ATA	Anti-Terrorism Act
BARMM	Bangsamoro Autonomous Region in Muslim Mindanao
BAYAN	Bagong Alyansang Makabayan (New Patriotic Alliance)
CALABARZON	An acronym for five industrialized provinces south of Manila: Cavite, Laguna, Batangas, Rizal and Quezon
CARHRIHL	Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law
CASER	Comprehensive Agreement on Social and Economic Reforms
CCTV	Closed-circuit television
CEDAW	Convention on the Elimination of all Forms of Discrimination Against Women
CHR	Commission on Human Rights
COIN	Counterinsurgency Strategy
CPA	Cordillera People's Alliance
CPP	Communist Party of the Philippines
CREATE	Corporate Recovery and Tax Incentives for Enterprises
CTUHR	Center for Trade Union and Human Rights
DND	Department of National Defense
DOJ	Department of Justice
DOLE	Department of Labor and Employment
DSWD	Department of Social Welfare and Development
EDCA	Enhanced Defence Cooperation Agreement
EO	Executive Order
FFF	Federation of Free Farmers
GABRIELA	The Alliance of Filipino Women
GDP	Gross Domestic Product
Huk	Hukbo ng Bayan Laban sa Hapon - People's Anti-Japanese Army
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICHRP	The International Coalition for Human Rights in the Philippines
IDP	Internally Displaced Person
IFI	Iglesia Filipina Independiente
IHL	International Humanitarian Law
ILO	International Labor Organization
IMF	International Monetary Fund

INVESTIGATEPH

INVESTIGATE PH	The Independent International Commission of Investigation into Human Rights Violations in the Philippines
IP	Indigenous People
IRR	Implementing Rules and Regulations
JASIG	Joint Agreement on Safety and Immunity Guarantees
JIPCO	Joint Industrial Peace Concerns Office
JUSMAG	Joint US Military Assistance Group
Kadamay	National Alliance of Filipino Urban Poor
Karapatan	Alliance for the Advancement of People's Rights
KIRED	Kasibu Inter-tribal Response for Ecological Development
KMP	Kilusang Magbubukid ng Pilipinas (National Peasant Movement of the Philippines)
KMU	Kilusang Mayo Uno Labor Center (May First Movement)
LGBTQ	Lesbian, Gay, Bisexual, Transgender, Queer
MILF	Moro Islamic Liberation Front
MNLF	Moro National Liberation Front
NCCP	National Council of Churches in the Philippines
NCIP	National Commission on Indigenous Peoples
NCR	National Capital Region
NDF(P)	National Democratic Front (of the Philippines)
NIED	National Industrialization and Economic Development
NPA	New People's Army
NTF-ELCAC	National Task Force to End Local Communist Armed Conflict
NUPL	National Union of Peoples' Lawyers
NUSP	National Union of Students in the Philippines
OFW	Overseas Filipino Worker
OHCHR	Office of the High Commissioner for Human Rights
Pasaka-SMR	Pasaka Confederation of Lumad Organizations in Southern Mindanao
PCR	polymerase chain reaction
PEZA	Philippine Export Zone Authority
PHPP	South Pulangi Hydroelectric Power Plant
PNP	Philippine National Police
PRO3	Police Regional Office 3
PSA	Philippine Statistic Authority
RGS	Religious of the Good Shepherd
RMP	Rural Missionaries of the Philippines
SAP	Social Amelioration Program
SONA	State of the Nation Address
SWS	Social Weather Station
TINDOGA	Tribal Indigenous Oppressed Group Association
TIP	Trafficking in Persons
TRAIN	Tax Reform for Acceleration and Inclusion
UCCP	United Church of Christ in the Philippines
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP PH	United Nations Development Programme Philippines
UNDRIP	The United Nations Declaration on the Rights of Indigenous Peoples

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UNHRC	United Nations Human Rights Council
UNICEF	United Nations Children's Fund
UP	University of the Philippines
VFA	Visiting Forces Agreement
WB	World Bank
WTO	World Trade Organization

Document 1: Fact Sheet 31 (from INVESTIGATE PH Initial Report)

Case No. 31

“Norzagaray”

(HRVs during the Pandemic)

On 19 April 2020, members of the Philippine National Police apprehended at a check point six volunteer workers on their way to deliver food packs and relief goods to agricultural workers residing in Norzagaray, Bulacan province, north of Manila.

The six individuals – Karl Mae San Juan, Tobi Estrada, Eriberto Peña Jr., Raymar Guaves, Roberto Medel, and Marlon Lester Gueta – volunteered for the relief mission being conducted by Oplan *Sagip Kanayunan* (Save the Countryside) and *Tulong Anakpawis* (Help the Toiling Masses). They are members of progressive groups Kilusang Magbubukid ng Pilipinas (KMP), Unyon ng Manggagawa sa Agrikultura, Alyansa ng Magbubukid sa Bulacan, and Sining na Naglilingkod sa Bayan (Sinagbayan).

The police stopped the vehicle carrying the volunteers and the relief goods at the check point on the boundaries of Norzagaray and San Jose del Monte City at around 10 a.m. They were also carrying copies of old issues of alternative media *Pinoy Weekly* news magazine and KMP’s *LINANG* newsletter.

After inspecting the passengers and the vehicle, a man in plainclothes who appeared to be a police officer ordered them to proceed to the Norzagaray Municipal Police Station. The volunteers were not apprised why they were brought to the municipal police station.

By noon, former progressive Anakpawis Party-list Representative Ariel Casilao arrived at the police station to discuss the release of the volunteer relief workers. Despite failing to provide any reason for the volunteers’ detention, the municipal police continued to refuse their release. It was only around 1:30 p.m. when the police allowed the volunteers to leave after reaching an agreement with Norzagaray police chief Lt. Col. Jaime Quicho that the relief goods will be turned over to a village officer.

However, Casilao and the volunteers were later called back to the station and then brought to the Bulacan Provincial Police Office located in Malolos City. At the provincial office, Casilao and the volunteers experienced verbal harassment and vilification from Provincial Police Director, PBGen. Rhodel Sermonia. Police officers suddenly laid out flyers and tarpaulins of *Sagip Kanayunan* and *Tulong Anakpawis*, while taking videos of Sermonia admonishing Casilao and the volunteers.

Copies of *Pinoy Weekly* and *LINANG* were confiscated by the police. Also seized was the Food Pass issued by the Bureau of Fisheries and Aquatic Resources under the name of Anak-

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pawis Party-list, which they had been using in the conduct of relief operations in other provinces.

Casilao and the six volunteers were later brought back to the Norzagaray Police Station for inquest proceedings for alleged violations of enhanced community quarantine protocols. Before the Office of the Provincial Prosecutor of Bulacan, all seven were charged with alleged violations of (1) Section 9 of Republic Act No. 11332 (Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act); (2) Article 151 (Resistance and disobedience to a person in authority or the agents of such person) of the Revised Penal Code in relation to Inter-Agency Task Force (IATF) directive dated April 2, 2020 and Department of Health's Department Order No. 2020-0090; and (3) Section 4 of Presidential Proclamation No. 922, s. 2020.

Police claimed that the volunteers and Casilao failed to present a valid travel permit or a quarantine pass.

The police also charged the six volunteers also with attempted inciting to sedition under Article 142, Revised Penal Code, for allegedly planning to distribute pamphlets containing anti-government sentiments such as “#OUST DUTERTE SA PANAHON NG 2019-NCOV, LABANAN ANG NEOLIBERAL NA ATAKE MANGGAWA AT MAMAMAYAN NG REHIMENG US-CHINA DUTERTE” (Oust Duterte in the time of 2019-NCOV, Fight neo-liberal attacks against workers and people by the US-China-Duterte regime). The pamphlets seemed to refer to old issues of *Pinoy Weekly*.

Meanwhile, Casilao was charged with Usurpation of Authority under Article 177, Revised Penal Code. The charge stemmed from his alleged misrepresentation that he was still a member of the Philippine Congress and the current representative of Anakpawis Party-list.

The Prosecutor found probable cause to indict (1) all seven for violation of Section 9 of RA 11332; (2) the six volunteers for inciting to sedition; and (3) Casilao for usurpation of authority. All seven were released on bail on 22 April 2020.

On 13 May 2020, the Municipal Trial Court (MTC) of Norzagaray, Bulacan dismissed the charge for violation of Section 9(d) of RA 11332 against Casilao and the six volunteer relief workers. The other cases however remain pending at the lower court. #

INVESTIGATEPH

Document 2: Fact Sheet 32 (from INVESTIGATE PH Initial Report)

Case No. 32

San Roque 21

(HRVs During Pandemic)

On April 1, 2020 residents of the urban poor community Sitio San Roque in Barangay (village) Bagong Pag-asa, Quezon City heard from a local resident and a local barangay official that there would be a distribution of relief aid from a TV station to the community.

The residents, daily wage earners who have not received any food or financial aid from the government since work was officially suspended March 17 due to the COVID-19 pandemic, got wind of this and started queuing in EDSA, Metro Manila's major thoroughfare, just outside their urban poor community.

A van of the TV station was also on standby near the area, lending credence to the promise of relief. Nearly 1,000 people showed up and stood in line but the rumor turned out to be false and there was actually no relief operation to be conducted. Instead, some of the residents were randomly given placards by people they did not know or recognize and members of media then started asking them about their grievances against the Quezon City local government.

A few peacefully expressed their grievances against the lack of food supplies, medical services, and government action since the lockdown declared by President Duterte on March 15, 2020. This led media to misinterpret the gathering as a protest action.

After a while, officers of the Quezon City Police District (QCPD) personnel armed with riot shields and batons arrived and gave the residents 10 minutes to disperse but because of the size of the crowd, they were not able to do so in time which led the police to chase them down and arrest 21 of them.

Jocy Lopez, one of the residents who was first in line, heard the order of dispersal and shouted to the queue that they were being asked to leave but the police suddenly took her by the arm and also pulled in those they could collar. Those at the end of the line said that they were just suddenly apprehended and made to lie on the ground while two of those arrested said they were not in the queue at all and were merely passing through when they were accosted.

The arrested were held at the Criminal Investigation and Detection Unit custodial center, the unit led by Police Chief Inspector Elmer Monsalve. On April 3, 37 hours had elapsed since they were arrested and no charges have been filed against them so some relatives of those arrested filed a habeas corpus petition before the Quezon City Regional Trial Court to seek their

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release. However, the formal charges were filed the same day at the trial court.

They were charged with unlawful assembly or violation of the Batas Pambansa Bilang 880; non-cooperation in a health emergency under Republic Act (RA) No. 11332; resistance to authority or Article 151 of Revised Penal Code; and spreading false information and impeding access to roads under President Rodrigo Duterte's special powers under the Bayanihan to Heal as One Act (RA No. 11469).

The night of the incident, President Duterte went on a televised address and ordered the police and the military to shoot quarantine violators dead if the latter caused disorder and the situation arose that the police authorities' lives are put in danger.

As response to the plea of the hungry residents, President Duterte said not to intimidate and challenge the government "because they will surely lose" and to just wait for government assistance even if it is delayed. He also warned urban poor group Kadamay, which was accused of instigating the residents to stage the protest, not to cause trouble because they would be detained until the outbreak ends. Kadamay denied that they were behind the protest since they were busy at the time organizing a community kitchen.

On April 6 the QCPD stormed the community kitchens in Sitio San Roque, organized by the residents, to take down the protest placards demanding for food, mass testing, and other social services hung in the kitchens. The QCPD Station 2 chief Lieutenant Colonel Rodrigo Soriano claimed that even community kitchens are banned under the Luzon-wide lockdown but the national guidelines do not provide so.

The posting of bail of the 21 residents was delayed because some of the residents did not have their IDs and the court staff initially did not accept the photos of the arrested residents because they were not printed on photo paper. After five days in jail, all the arrested were able to post bail amounting Php 367,500 (more or less USD 7,500) raised through donations and they were released on April 6. The charges against the residents are still pending. #

INVESTIGATEPH

Document 3: Fact Sheet 33 (from INVESTIGATE PH Initial Report)

FACT SHEET

Case No. 33

Pride 20

(HRVs During Pandemic)

On June 26, 2020, the officers of Quezon City Police District (QCPD) arrested at least 20 people --dubbed as #Pride20-- at a Pride March protest of the LGBTQ+ community near the presidential palace in Manila during the pandemic lockdown.

They were charged with disobedience of persons in authority in relation to a law on reporting of communicable diseases and the Public Assembly Act despite the protesters observing physical distancing and other health protocols.

The protest was held to celebrate Pride month—to call for the end of violence and discrimination against members of the LGBTQ+ community; for the passage of an anti-discrimination bill; and for the junking of the anti-terrorism bill, among others.

Bahaghari, an LGBTQ+ rights group, led the protest. Rey Valmores-Salinas, the group's spokesperson and one of the arrested said the protest program was peaceful and that they were merely exercising their right to freedom of speech and peaceful assembly. The entire protest was being streamed in several social media platforms through a live video coverage and it can be seen that the protesters were practicing physical distancing and wearing face masks.

The program was peacefully conducted until the group were surrounded by policemen in anti-riot gear. One of the participants of the protest Andrew Zarate approached to negotiate with one of the police officers who appeared to be in command later identified as James Cabales and asked that they be allowed ten minutes to finish their program but Cabales denied the request.

Zarate instead asked that they be given a minute to peacefully disperse but while the negotiation was still ongoing, Cabales ordered his men to take Zarate who was then tackled and dragged towards the police formation. Salinas saw Zarate being taken away so she came to his aid and tried to hand onto him but a police officer approached her and hit her in the head with a shield.

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The police officers, on the other hand, claimed that one of the protesters became unruly when he allegedly and intentionally sprayed liquid substances on the police officers which resulted to the commotion but the said protester was not identified. This was also belied by the testimony of those arrested in their counter-affidavits.

When the protesters were arrested, they kept asking why they were being arrested but they were not given any response. An arresting officer also threatened Aljohn Estrella, one of the arrested, that he would be killed if he continued resisting which caused great fear on Estrella so he pleaded to be put in the vehicle where his other companions were taken.

The two drivers hired by the protesters to drive the two vehicle used for the protest were also arrested. The keys of the vehicle were also taken by the police officers and the vehicles were used by the police officers without consent from the protesters to transport some of the arrested to the police station.

They were taken to the Manila Police District Headquarters using the two vehicles. Joan Paz-Bonganay, one of the arrested, tried to retrieve the keys of their vehicles from the police officer who drove the vehicle but the latter only returned it after the protesters warned him that they will file a carnapping charge against him.

Salinas, a transwoman, also reported experiencing discrimination from the police officers after they refused to let her stay with female detainees in their quarters. She was only allowed to stay with female detainees after intense collective negotiations by the group's lawyers and intervention of some female detainees.

After she was placed inside the detention room for women, she heard insults and jeers from the police officers. One remarked "that's a man!" and another repeatedly misgendered her by calling her "sir" despite being repeatedly corrected. She and her companions were made to stay in a small space in the corner of the Headquarters while the police did not give them beddings, blankets, pillows, or food and they had to rely on donations from friends and concerned citizens.

The charges against the protesters were dismissed by the Manila Prosecutor's Office due to lack of probable cause. The fiscal said in her resolution that while the march and protest was an illegal assembly because of the lack of the required written permit from the office of the local government of Manila City, only leaders or organizers of the rally can be held punishable under the law.

The complaining police officers failed to name who among the respondents were the organizers and leaders so they are assumed to be mere participants. Participants to a public assembly even without permit can only be dispersed peacefully from the assembly and cannot be held criminally liable.

The Prosecutor also cited the video footage of the march and the rally to note that it was staged peacefully and with observance of the health protocols for COVID-19 were it not for the police officer who collared Andrew Zarate. There was also no resistance and disobedience since

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the protesters did obey the order of dispersal but it was the police officers who prevented the participants from leaving the area, surrounded the vehicles of the protesters, and proceeded to arrest them. Lastly, there was no violation of the law prohibiting non-cooperation of persons identified as having a notifiable disease since there was no information that the protesters were afflicted by any disease, particularly COVID-19, that required them to notify the authorities.

The victims filed criminal and administrative countercharges for, among others, physical injuries, carnapping, qualified sexual harassment, grave misconduct, and violation of the Public Assembly Act against the police in July 2020 before the Ombudsman and is still before the Case Evaluation Unit of its Military and Other Law Enforcement Office (MOLEO). #

Document 4: Fact sheet 36 (from INVESTIGATE PH Initial Report)

FACT SHEET

Case No. 36

Cebu 8

(HRVs During Pandemic)

In the morning of June 5, 2020, 40 mostly young and student protesters were converging outside the gates of the University of the Philippines in Cebu in preparation for a protest action against the enactment of the Anti-Terrorism Bill.

The participants were wearing face masks and observed physical distancing as they lined up from the University gate but the dispersal unit of the Philippine National Police (PNP) Cebu, warned the protesters that they are only allowed 15 minutes to conduct their program.

Meanwhile, they police were checking quarantine passes and whether there were minors participating in the protest action. However, only a few minutes had just lapsed when the heavily-armed policemen and plain-clothed agents started an indiscriminate and violent arrest of the protesters and onlookers.

During the dispersal, some student protesters retreated inside the University grounds hoping to be protected by an accord with the Defense Department which prohibits police personnel from entering University grounds without consent from the UP administration. Nevertheless, the perpetrators chased the student protesters, prevented medical professionals from entering, and blocked delivery of food and water.

Six protesters together with two bystanders were brought to the police camp where they were detained and waited for charges. Of the two bystanders, one was a passerby who was merely taking a video of the arrest of one of the protesters and the other just happened to be near the area for an errand who asked a nearby police officer the reason for the commotion.

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Even in the complaint filed by the prosecution against the victims, nowhere in the affidavits of the arresting officers was the specific participation of each accused indicated. It merely contained generalized and blanket accusations against the victims that they were organizers or leaders of the rally.

The victims were tackled, choked, and handcuffed by the arresting officers and plain-clothed agents during the violent dispersal. They were also verbally abused by the police officers when they were in the latter's custody because of their inquiries for the grounds for their arrest. They were not apprised of their rights as arrested and detained persons nor were they informed of the basis of their arrest and detention.

There were three charges against them: Public Assembly Act of 1985 Public Assembly Act of 1985 (BP Blg 880) for the alleged conduct of a protest action without proper permit, Republic Act No. 11332 for the alleged non-reporting of persons identified as having COVID-19, and Article 151, paragraph 2 of the Revised Penal Code for alleged resistance or disobedience to a Person in Authority.

The victims, in their counter-affidavits, denied the charges and asserted that the protest action was not illegal and that they were not protest leaders or organizers, that they were not COVID-positive patients or suspected patients required to report their status, and that there was no lawful order that was disobeyed since the right to peaceful assembly and free speech are constitutionally protected rights. Moreover, the police started arresting people even before the 10-minute duration for the order of dispersal elapsed and before the police were able to check for their quarantine passes.

In their counter-affidavits, the victims maintain that their arrest is invalid since there is no law which criminalizes participation in protest actions. Even the Public Assembly Act of 1985 only allows the arrest of protest leaders or organizers in case of an illegal assembly. However, the protest action does not need a permit since it was conducted in an area within a government-owned or operated educational institution like UP Cebu.

They also pointed out that there are currently no national or local laws penalizing mass gatherings let alone peaceful protests during pandemics. Although there are omnibus guidelines from the Inter-Agency Task Force on Emerging Infectious Diseases, a task force organized by the executive of the Philippine government to respond to the pandemic, and an executive order of Cebu City which prohibit "mass gatherings," these are not laws that can prohibit and penalize protest actions.

At most, these may impose reasonable guidelines such as social distancing, the use of prescribed facemasks, and proper sanitation. All of these were observed by the victims and their fellow protesters. In fact, it was the arresting officers who failed to practice social distancing as shown by pictures when they were preparing to arrest the protesters.

A trial court judge ordered the release of the victims the same day of the arrest but it was

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only after three days that they were released. One of the three charges (mandatory reporting of COVID-19 positive status) was dismissed for lack of merit since there was no allegation or any evidence to even suggest that the accused were identified as having COVID-19 at the time of their arrest. The remaining two charges remain pending. #

Document 5: Fact Sheet 38 (from INVESTIGATE PH Initial Report)

FACT SHEET

Case No. 38

Maria Beltran

(HRVs During Pandemic)

Filipino artist Maria Beltran was arrested without warrant at past midnight Sunday of April 19, 2020 at her bar and café in Cebu City. Since the government lockdown in Cebu began, no restaurants were allowed to have dine-in customers so when the police operatives of Regional Intelligence Division and Regional Anti-cybercrime Unit (RACU) entered her room on the second floor and arrested her, no one was aware of it until her staff discovered her absence the next morning.

Police operatives told her that they came to arrest her but when she asked for a warrant of arrest, they answered that they will handcuff her if she refuses to go.

Her arrest was triggered by a satirical Facebook post that described Cebu City as being the “epicenter” of COVID 19 “in the whole Solar System” after an area in Cebu reported to have the most COVID-19 cases in the city. This earned the ire of the Cebu City Mayor Edgardo Labela who shared Beltran’s post and said that the post is fake news and is a criminal act, that Beltran would soon be caught by the Philippine police Cybercrime Unit and would be thrown into jail.

After Mayor Labela threatened Beltran, she took down her post upon the advice of her lawyer and issued a statement on her Facebook page that said the post was not meant to spread confusion or fear and it was obviously satirical.

She was taken to the Police Regional Office 7 headquarters in Camp Sergio Osmeña on Jones Avenue, where the PRO-7 cybercrime unit is located. Beltran recalled that she was brought inside the conference room of the headquarters and handcuffed to a chair. There were no instructions to the officers as to how she would be allowed to rest so she maneuvered herself to sleep in a plastic sofa.

Around noon, she was moved to the holding cell in the men’s section because it would be easier for the officers to just watch one place. A short while, Brigadier General Albert Ferro, Central Visayas’ police director, came to interrogate her without the presence of her counsel and asked whether she is a member of leftist partylist Bayan Muna, which she denied since her only affiliation is with art groups.

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It was only after more than 15 hours since her arrest that Beltran was able to talk to her legal counsel since the latter was not allowed to while Mayor Labella was still talking to Beltran inside the police station.

Beltran was released after three days when she posted bail. All the cases against her were eventually dismissed, the judge ruling that the post is satire, a “constitutionally protected speech.” nable arrest, search and seizure because the allowed instances of warrantless arrests were not present. #

Document 6: Fact Sheet 39 (from INVESTIGATE PH Initial Report)

FACT SHEET

Case No. 39

Rommel Mas

(HRVs During Pandemic)

On May 11, 2020 the National Bureau of Investigation (NBI) arrested without warrant Rommel Mas, a public high school teacher, who during the pandemic lockdown posted on Twitter that he will give a P50-million reward to anyone who would kill President Rodrigo Duterte.

NBI Director Eric Distor instructed the agency to search for Mas but Mas had deactivated his Twitter account. This prompted the NBI agents to search for him until he was eventually traced to his residence in Zambales in Central Luzon.

Mas did not initially admit owning the Twitter account subject of the case alleging that someone made a fake Twitter account using his name. However, according to NBI-Dagupan District Office chief Rizaldy Jaymalin, Mas eventually broke down and admitted to the deed. Jaymalin also alleged that Mas voluntarily surrendered the Iphone that he used to write the tweet.

Mas was charged with inciting to sedition in relation to the Cybercrime law and for violation of the Code of Conduct for Public Officials.

The case was eventually dismissed by the Olongapo City Regional Trial Court by ruling that the warrantless arrest was invalid explaining that the NBI violated the constitutional right of Mas since he was not committing any criminal act at the time of the arrest owing to the appreciable lapse of time of six days between the arrest and the commission of the crime charged and the uncertainty of the identity of the author of the tweet.

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While Mas gave an interview to the media where he apologized to the President and basically admitted that he is the author of the tweet, the Court said it did not cure the invalid warrantless arrest since the supposed extra-judicial admission made by Mas was not included in the records submitted to them.

Moreover, the “voluntary” confession was made without the assistance of counsel when Mas experienced deep stress after being accosted during the arrest, the coercive atmosphere of being alone with police officers in the vehicle which transported him, and the humiliation of being presented to the media.

A day after Mas’ arrest, the police nabbed a construction worker in Aklan province in the Western Visayas region who made a Facebook post where he offered P100-million to anyone who could kill President Duterte. Like Mas, he was charged with inciting to sedition. In Agusan Del Norte in Mindanao, a salesman was arrested for a Facebook post where he called President Duterte “buang” (fool) and was charged with cyberlibel. A month prior to Mas’s arrest, a social media user’s comment on the government’s choice of buying a P2-billion private jet last 2019 which could have been spent for the pandemic instead landed him in legal trouble with the NBI.

Mas was released after eight days of detention and payment of P72, 000 bail.

The NBI refiled the case against Mas and attempted to remedy the gaps in their evidence which led to the case’s earlier dismissal. However in a resolution dated February 16, 2021, Acting Provincial Prosecutor Jose Theodoro Leonardo Santos dismissed the case for “lack of probable cause” after the NBI failed to prove that it was Mas who posted the tweet. The refiled case suffered from the same procedural lapses that led to the case’s first dismissal. Mas’ lawyer said that the NBI’s move to refile the case was an effort to further harass Mas. #

Document 7: Summary Cue Card 34 (from INVESTIGATE PH Initial Report)

CASE SUMMARY

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Case No. 34	Human Right Violations During Pandemic
Nature of the case	Mass illegal arrest and detention; Threat, Harassment and Intimidation - Trumped-up charges
Victim/s	Piston 6
Perpetrators	Caloocan Philippine National Police
Brief Description of the Incident	<p>In June 2020, the Philippine government has shifted to looser health protocols, a less restrictive lockdown, and has allowed other forms of public transportation to resume operations. But the government has refused to allow jeepneys or public utility vehicle (PUV) to ply roads, three months since they were told to stop operating.</p> <p>On June 2, 2020, starving jeepney drivers and operators staged a protest in Caloocan City, Metro Manila, calling for the government to allow jeepneys back on the road and protested the government’s jeepney modernization plan which would lead to their displacement and loss of livelihood.</p> <p>The police told them to stop their protest and the drivers and operators complied, but the police still brought six drivers to the Northern Police District after reassurances that it will only take a while.</p> <p>To the drivers’ surprise, they were charged with violating city ordinances on social distancing and mass gatherings and for resistance and disobedience to persons in authority under the Revised Penal Code. The drivers denied resisting arrest and asserted that they were observing physical distancing rules and were wearing face masks. They were detained at a cramped custodial facility of Caloocan.</p> <p>On June 8, four of the six drivers were released on bail at P3,000 each upon the decision of the Caloocan Metropolitan Trial Court. The other two, 72-year old Elmer Cordero and Wilson Ranilla were initially not allowed bail but released on June 9 after posting bail. Their trial is still pending.</p> <p>Two of the six jeepney drivers, including Cordero, have tested positive for COVID-19 after their detention. #</p>

Document 8: Summary Cue Card 35 (from INVESTIGATE PH Initial Report)

CASE SUMMARY

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Case No. 35	Human Right Violations During Pandemic
Nature of the case	Mass illegal arrest and detention; Threat, Harassment and Intimidation - Trumped-up charges
Victim/s	Activists, volunteers, and participants of Labor Day activities
Perpetrators	Philippine National Police
Brief Description of the Incident	<p>More than 50 labor and human rights activists all throughout the Philippines were arrested on May 1, 2020 as the country celebrated Labor Day.</p> <p>In Marikina City, 10 relief workers were arrested and detained by members of the PNP as they held a community feeding program and distributed food packs as part of their Labor Day activities. The relief volunteers brought placards calling for mass COVID-19 testing and were observing physical distancing when they conducted the program. They were charged with illegal assembly, resistance, and disobedience in relation to the law requiring reporting of notifiable diseases. The 10 volunteers were eventually released the next day May 2. The latter case was dismissed recently.</p> <p>Similarly, in Barangay Central, Quezon City, another group of volunteers conducted a community kitchen and distributed face shields to members of the community. Four of them were brought to the police precinct and together with 14 of the residents of the community, they were charged with illegal assembly and for violating the law on mandatory reporting of notifiable diseases. The four volunteers and 14 residents were released two days after on May 3.</p> <p>Meanwhile, two labor leaders were arrested by the police in a subdivision in Rodriguez, Rizal, just east of Manila, as they staged a protest with six other people.</p> <p>In Iloilo City, 460 km south of Manila, 42 people were arrested as they held a tribute protest in memory of activist Jory Porquia who was killed inside his home a few days prior. Charges against them remain pending.</p> <p>Labor rights groups also organized a virtually rally via Zoom and Facebook Live on May 1. After a while, police officers arrived and “invited” the group to the police station to explain the activity and to ask who instigated the online protest. They</p>

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Document 9: Summary Cue Card 37 (from INVESTIGATE PH Initial Report)

CASE SUMMARY

Case No. 37	Human Right Violations During Pandemic
Nature of the case	Mass illegal arrest and detention; Threat, Harassment and Intimidation - Trumped-up charges
Victim/s	Cabuyao 11
Perpetrators	Cabuyao Philippine National Police
Brief Description of the Incident	<p>On July 4, 2020, 11 activists were arrested by combined elements of the Cabuyao City Police and the Philippine Army in Cabuyao, Laguna after several human rights groups conducted a peaceful protest against the enactment of the Anti-Terrorism Law, which was signed by President Rodrigo Duterte the day before.</p> <p>During the protest program, the Philippine Army's military truck also parked near the area where the protest was being conducted and blared out disinformation about progressive organizations, calling them fronts of the CPP-NPA.</p> <p>The activists were wearing face masks and were observing physical distancing during the program. Their protest program had already ended and they were already packing their streamers and sound system when the protesters were violently apprehended and dragged to the Cabuyao City Police Station. They suffered bruises and cuts on their arms and legs. The banners, placards, pamphlets, and speakers used in the protest were also confiscated by the police.</p> <p>On July 5, three of the arrested protesters who were minors were released. The rest were charged with violation of quarantine protocol, for conducting an illegal assembly, and resistance and disobedience to persons in authority. On July 6, the remaining activists were released on bail. The cases against them remain pending. #</p>

Document 10: Summary Cue Card 40 (from INVESTIGATE PH Initial Report)

CASE SUMMARY

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Case No. 40	Human Right Violations During Pandemic
Nature of the case	Illegal arrest; Threat, Harassment and Intimidation
Victim/s	Norman
Perpetrators	<i>Barangay</i> (village) police officers
Brief Description of the Incident	<p>In one of the testimonies presented in a webinar organized by The Ecumenical Voice for Human Rights and Peace in the Philippines dated May 29, 2020, “Norman” shared in a short video the story of how he was humiliated and illegally arrested by the barangay police officers on April 28, 2020 due to a quarantine violation.</p> <p>“Norman” said that he was just visiting the market when he was stopped by the barangay police officers because the quarantine pass he carried belonged to his sister. The quarantine passes issued to each family by the local government unit were required from citizens if they wanted to go out of their homes amidst the government-imposed lockdown.</p> <p>He was later on allowed to pass through the market but when he was about to leave, 8 barangay police officers headlocked and dragged him to the barangay hall where he was punched in the head by one of the men.</p> <p>When “Norman” asked why he was being apprehended, the men said that it was because he was trying to escape. #</p>

Document 11: RLECC-Cordillera Tokhang Resolution Feb 2021



Republic of the Philippines
REGIONAL LAW ENFORCEMENT COORDINATING COMMITTEE
POLICE REGIONAL OFFICE CORDILLERA
Camp Major Bado Dangwa, La Trinidad, Benguet

RLECC-CAR RESOLUTION No. 04 s. 2021

A RESOLUTION ENJOINING THE MEMBERS OF LAW ENFORCEMENT AGENCIES TOGETHER WITH REPRESENTATIVES OF LGUs TO CONDUCT TOKHANG TO KNOWN LEFT-LEANING PERSONALITIES IN THE GOVERNMENT, MEDIA AND OTHER ENTITIES

WHEREAS, EO 70 series of 2018, which seeks to institutionalize the Whole-of-Nation Approach to pave the way for collective participation and action in harmonizing government development efforts and services to support, facilitate and pursue the country's peace agenda created the National Task Force to End Local Communist Armed Conflict;

WHEREAS, in furtherance of one of the priority thrusts of the current administration in addressing the insurgency problem in the country, a concerted effort amongst all the member agencies of RLECC and stakeholders is needed to address the insurgency problem in the region;

WHEREAS, insurgency problem remains to be a formidable threat to Philippine Security, Economy and to the Filipino People, it being around for more than five (5) decades in the country;

WHEREAS, a strategy is needed in addressing the insurgency problem of the Cordillera Region. This could be by way of the "Oplan Tokhang" strategy being used in the government's war on drugs by visiting/knocking on their residences and plea for them to stop dealing and using drugs. The same concept is envisioned to known left leaning personalities by visiting/knocking on their respective residences and plea or dissuade them from further supporting, or being active members of the CPP-NPA-NDF or any of its known Front Organizations.

WHEREAS, to build trust on this undertaking, and to remove the fear brought by some instances of "Oplan Tokhang" on illegal drugs that went wrong, a composite of the members of the local PNP, church, NGO and barangay officials will team up for the said "Oplan Tokhang" concept.

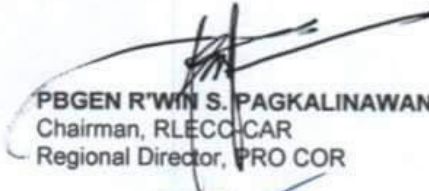
WHEREFORE, RESOLVED AS IT IS HEREBY RESOLVED that OPLAN TOKHANG will also be employed to convince left leaning personalities to return to the folds of the government and dissuade them from further supporting the Marxist-Maoist inspired rebellion, and its known front organizations;

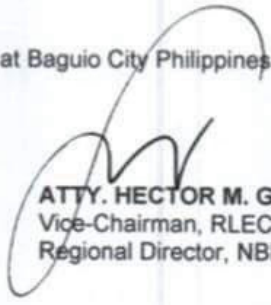
RESOLVED FURTHER, that this resolution be elevated to the Regional Peace and Order Council (RPOC) for their concurrence and adoption and convince LGUs to support this and be brought to the attention of all Governors and Mayors in the Cordillera Region.

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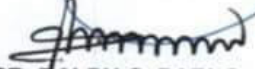
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PBGEN RWIN S. PAGKALINAWAN
Chairman, RLECC-CAR
Regional Director, PRO COR



ATTY. HECTOR M. GEOLOGO
Vice-Chairman, RLECC-CAR
Regional Director, NBI-CAR

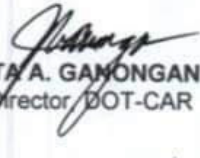

DIR. DOUGLAS A RUFINO
Regional Director, BIR-CAR


DR. RUBY C. CONSTANTINO
Regional Director, DOH-CAR


ENGR. RALPH C. PABLO
Regional Executive Director, DENR-CAR



DIR. THEODORE V. PASCUAL
Alien Control Officer, BI-CAR

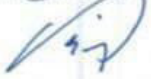

DIR. EZEQUIEL RONIE A. GUZMAN
Regional Director, DOLE-CAR


MS. JOVITA A. GAMONGAN
Regional Director, DOT-CAR

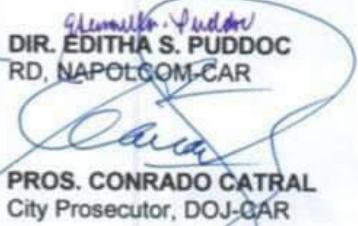

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RD, NCIP-CAR



DIR. GIL CESARIO P. CASTRO
RD, PDEA-CAR


DIR. KHADAFFY D. TANGGOL
OIC Director, DPWH-CAR


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Regional Director, DSWD-CAR


DIR. HELEN R. TIBALDO
Regional Director, PIA-CAR



DIR. EDITHA S. PUDDOC
RD, NAPOLCOM-CAR

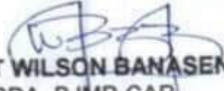

DIR. ALDEN JUAN C. MASAGCA
Regional Director, NICA-CAR



PROS. CONRADO CATRAL
City Prosecutor, DOJ-CAR


DIR. ARACELI A. SAN JOSE
OIC RD, DILG-CAR



DIR. LILIBETH L. SIGNEY
Regional Director, BFAR-CAR



FSSUPT LEONIDA GUMANAB-ROSALES
Regional Director, BFP-CAR



JSUPT WILSON BANASEN
ARDA, BJMP-CAR


DIR. DANILO B. BOSE
OIC Director, CHED-CAR

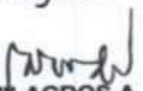

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Regional Director, DEPED-CAR


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Regional Director, NEDA-CAR


ENGR. DANTE M. VENGUA
Regional Director, NTC-CAR


COMMO ALBERT A. MOGOL (RET)
Regional Director, OCD-CAR

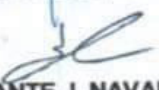
ATTY. ROSS VINCENT S. SY
OIC, Baguio Economic Zone


MS. MARILUZ ESTRELLA A. DEL MORAL
Regional Director, PRIMO-CAR

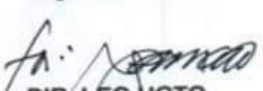

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Regional Coordinator, POEA-CAR



DIR. MANUELA N. PEÑA
Regional Director, OWWA-CAR


**ATTY. REGINA B. CAJUCOM-DE
GUZMAN**
Regional Director, SEC-CAR



DIR. DANTE J. NAVARRO
Regional Director, TESDA-CAR

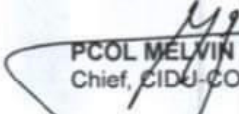

DIR. CAMERON P. ODSEY
Regional Director, DA-CAR

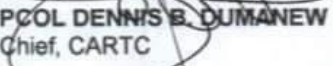

DIR. LEO UGTO
Director, Luzon Cluster 1


ATTY. TOMAS J. CARIÑO JR.
Acting Director, BSP La Union-
Regional Office

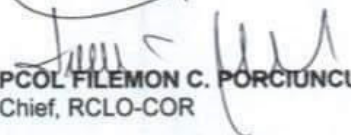
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PCOL TIRSO D. MANOLI
Chief, RACO-COR


PCOL MELVIN G. NAPILOY
Chief, CIDU-COR



PCOL DENNIS B. DUMANEW
Chief, CARTC

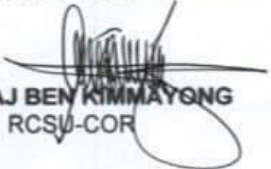

PCOL JOSEPH P. BAYONGASAN
Regional Chief, RM 14


PCOL FILEMON C. PORCIUNCULA JR.
Chief, RCLO-COR


PCOL JOE WILSON DENAMARCA
Regional Chief, RHPU-COR


PLTCOL SOVER EC. GONING
Chief, RLO-COR


PLTCOL GERAEDINE ADANGLAO
Acting Chief, RHS-COR


PMAJ BEN KIMMAYONG
OIC, RCSU-COR

Attested by:


PCOL MARY CASTILLO CULA
Chief, Regional Operations Management Division
RLECC, Head Secretariat

FACT SHEET

Case No. 1

Randall Echanis

(Extrajudicial Killings)

Randall 'Randy' Echanis, 71 years old, was a high-profile peasant advocate and peace consultant, as well as a former political prisoner. He served as a longtime political consultant for the National Democratic Front of the Philippines (NDFP) in the peace negotiations with the government. When the peace talks were terminated, Echanis expressed security concerns and received threats.

In the early morning of August 10, 2020, he was brutally murdered. It was about 1:00 a.m. when barangay (village) officials found his dead and bloodied body inside his own rented space in Quezon City, Metro Manila. His entire room and belongings were in disarray. His folding bed was crumpled, and the bedding was soaked in blood.

Policemen called the Caloocan branch of funeral home Pink Petal. Echanis' remains arrived at around 4:00 a.m. The retrieval of the body for autopsy was not easy. Erlinda Echanis, Randy's widow, was only able to positively identify his body at noon of that day after searching different funeral homes.

Based on the initial external examination, Echanis reportedly bore wound holes in the head that looked like gunshot wounds, 21 punctured wounds, 12 stab wounds, and other lacerated wounds. The cadaver's state indicated that Echanis was tortured and brutally killed. An independent autopsy was immediately requested by the family to further know the actual cause of death.

By 8:30 p.m., the legal counsel representing Erlinda fulfilled the necessary paper work, requirements, and coordination with the Criminal Investigation and Detection Unit for the release and transfer of her husband's remains to the family's chosen funeral home.

As Echanis' colleagues were processing papers at the funeral home, more than 10 policemen from Philippine National Police Laloma Station, reportedly upon direct orders from the National Capital Region Police Office (NCRPO), arrived and they were insisting to take away the remains of Echanis, claiming that no release order was issued and that the case is still under investigation. When the family opposed this, the policemen forcibly snatched his remains and took it with them and brought it to the funeral parlor.

INVESTIGATEPH

The next day, while Sentro Para sa Tunay na Repormang Agraryo (Center for Genuine Agrarian Reform) and Anakpawis Quick Reaction Team (QRT) were negotiating for the release of the cadaver, the PNP La Loma illegally arrested Paolo Colabres, a member of the QRT for alleged “obstruction of justice.” Colabres was detained at Camp Karingal in Quezon City from August 11 to August 20. He and Echanis’ counsel Luz Perez of the National Union of Peoples’ Lawyers *NUPL) are still facing charges of “obstruction of justice.”

Echanis’ remains were practically held hostage by the police and deprived his family and colleagues the right to privately mourn and grieve for the victim. Despite the positive identification of the cadaver by the wife, the police still claimed that the remains were not Echanis but one “Manuel Santiago”. A cross-matching exam, however, proved that the cadaver and Echanis are one and the same. However, the police obviously delayed the release of the cross-matching report, resulting in the delay of the cadaver’s transfer to the UP College of Medicine Morgue for autopsy.

On the evening of August 12, at around 8:00 pm, the cadaver was finally transferred from Pink Petals to the UP College of Medicine Morgue for necessary X-Ray procedures in preparation for the autopsy to be conducted by forensic pathologist Dr. Racquel Fortun. Based on the autopsy conducted by Dr. Racquel Fortun, the immediate cause of death was Intrathoracic Hematoma, the antecedent cause was injuries to the aorta, heart and esophagus, and the underlying cause was stab wound to the back.

The hole wounds on Echanis’ head turned out not to be gunshot wounds. Based on the post-mortem x-ray, the left side of Echanis’ head was fractured, possibly caused by a blunt injury or from the impact of beating. An internal hemorrhage inside his skull indicated that he was still conscious and did not die instantly from the said head wounds. There were also bruises all over his body, possibly an indication that he struggled with his killer/s. His face also bore visible contusions.

The autopsy also showed a foreign object -- a sharp metal still impaled on Echanis’ back that penetrated and struck his aorta. The said injury caused Echanis’ death. The sharp metal found on his back is similar to that of an icepick blade without a handle. The multiple stab wounds on Echanis’ back were possibly caused by a sharp weapon like a knife. There were also many punctured wounds on his back possibly caused by the said sharp metal similar to an icepick that was impaled on his back.

Investigators from the Commission on Human Rights were also present during the autopsy and concurred in the finding that Echanis was tortured before he was killed. Senator Francis Pangilinansta of the Philippine Senate urged the National Bureau of Investigation and the Philippine National Police to probe the death of Echanis.

In August 11, 2020, Justice Secretary Menardo Guevarra ordered an investigation into the killing. Six months later, the results of this investigation have yet to be released. #

Document 13: Fact Sheet 2 (from INVESTIGATE PH Initial Report)

FACT SHEET

Case No. 2

Zara Alvarez

Extrajudicial Killings

Zara Alvarez, 39, a resident of Sitio Canipaan, Brgy. Banquerohan, Cadiz City, Negros Occidental, was a paralegal of Karapatan Negros Island and a research and advocacy officer of the Negros Island Health Integrated Program.

She was previously arrested on October 30, 2012, on trumped-up charges of murder and frustrated murder but was released in July 2014 when her petition for bail was granted. The cases against her were dismissed only in 2020. After her release, she continued her advocacy work.

Zara had long been a victim of red-tagging in Negros. She was included as among those tagged as “terrorists” in the proscription case of the Department of Justice filed in 2018. Her name and that of all 600 plus respondents except for two were stricken off the list, but the threats against her by State forces continued.

Because of these threats, she joined Karapatan in applying for the protective writ of *amparo* before the courts but this was summarily denied by the Court of Appeals. She was supposed to be presented as a witness in the said petition.

In August 17, 2020, she was murdered.

At about 7:00 pm of that day, as she and the caretaker of the boarding house she was staying were walking back towards the said boarding house, a man wearing dark shorts, shirt, jacket, and black mask suddenly went behind Zara’s back and shot her three times.

Zara’s companion immediately ran away from the shooter. She was able to recall that the shooter fired another three rounds at Zara, before she fell down to the ground. Other witnesses saw the lone shooter ‘jog’ away from the scene, and as it was dark, they never got a good look at another man waiting at the corner with a motorcycle.

Neighbors immediately called the barangay (village) officials to report the shooting incident. According to the police report, village officials Brgy. Kagawad Hernani Castor received the call about the incident and called local Police Station 3 at Mandalagan. Several police officers arrived at the place of incident and saw Zara lying on the ground. They called the Red Cross for possible revival, but they declared Zara dead.

INVESTIGATEPH

Karapatan Negros was informed of the incident at about 8:00 p.m. but could only get to place the next morning because of the curfew imposed due to the pandemic.

Results of the autopsy showed that Zara died due to a gunshot to the thorax, her aorta was ruptured and the bullet exited through her chest. She also sustained multiple gunshot wounds to her right arm, left and right feet, sole of left and right feet, left upper and lower chest area, abdomen, and left lower back area. There were fractures on her ribs. Her right lung and liver were also ruptured.

She was a single mother of a three-year old girl.

Government investigators promised to investigate her murder, adding that they are looking into the victim's affiliation with alleged "leftist groups" as a possible lead for the attack. Yet, six months after the incident, the results of this investigation has yet to be released. #

Document 14: Fact Sheet 5 (from INVESTIGATE PH Initial Report)

FACT SHEET

Case No. 5

Eugenia Magpantay and Agaton Topacio"

(Extra-judicial Killings)

On 25 November 2020, at around 3:00 a.m., police operatives killed elderly couple Agaton Topacio and Eugenia Magpantay during a raid in Angono town, Rizal province. Topacio and Magpantay were retired peace consultants of the underground National Democratic Front of the Philippines.

The Philippine National Police (PNP) claimed that the senior citizens resisted arrest and tried to escape. Magpantay and Topacio also supposedly fired upon the PNP officers serving search and arrest warrants. The PNP allegedly found a Colt M-16 automatic rifle, a caliber .45 Rock Island pistol, a caliber .45 Federal pistol, two MK2 grenades, various gun magazines, and bullets during the search.

During a 3 December 2020 interview with media outfit ABS-CBN, PNP chief General Debold Sinas justified the pre-dawn operation as a precaution from being spotted by the subjects and their alleged community contacts. Sinas added that the couple's advanced age does not matter as there are elderly people who still can kill. He then said that the PNP's Internal Affairs Service will investigate the deaths.

In a 5 December 2020 Facebook post, the couple's son, human rights lawyer VJ Topacio of

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the Pro-Labor Assistance Center (PLACE) and the National Union of Peoples' Lawyers (NUPL), doubted the likelihood of his parents' fighting back against the police as they were both 68 years old and ailing. He likewise questioned the number of PNP personnel deployed to conduct the search as there were more or less 50 officers who conducted the operation.

VJ also revealed the difficulties his family experienced in retrieving the cadavers of his parents. From 26 November 2020, they had been tossed around by PNP personnel without getting a clear answer where the couple's bodies were taken. They were forced to visit multiple camps and stations. His sibling eventually found their parents at the Antipolo Memorial Homes.

Even after having found the bodies, the police made the release arduous by requiring proofs of the couple's identities. Police also failed to provide the family any report or document about the death of the couple.

Magpantay and Topacio had been subjects of intense police manhunt, which even resulted in the October 2014 wrongful arrest of Lourdes Quioc and Reynaldo Ingal. The police mistook Quioc and Ingal as the couple. Quioc and Ingal were released after spending 17 months in jail. #

Document 15: Fact Sheet 6 (from INVESTIGATE PH Initial Report)

FACT SHEET

Case No. 6

Dr. Mary Rose and Edwin Sancelan

(Extrajudicial Killings)

Armed men riding in tandem on a motorcycle shot dead spouses Mary Rose and Edwin Sancelan on their way home in Guihilngan City, Negros Oriental on 15 December 2020. The spouses were brought to a hospital but were declared dead. Recovered in the crime scene were 15 empty shells from a caliber .45 gun. The Philippine National Police has created task force to probe into the killing.

Mary Rose was a medical doctor and the city's health officer. She also headed Guihilngan's Inter-Agency Task Force on the Management of Emerging Infectious Disease. Her husband Edwin also worked for the local government unit.

INVESTIGATEPH

Dr. Sancelan had feared for her life after her name appeared in a “hitlist” by a local anti-communist group in 2017. KAGUBAK (*Kawsa Guihulnganon Batok Kumunista* - Cause of Guihulnganon Against Communism) distributed flyers threatening the lives of 15 alleged members of the Communist Party of the Philippines and the New People’s Army in Negros Oriental. Since 2017, individuals in KAGUBAK’s list have been killed including Heidi Flores Malalay in 2018 and lawyer Anthony Trinidad in 2019.

Dr. Sancelan was the first name that appeared in the list. KAGUBAK accused her to be one “JB Regalado”, the reported spokesperson of the Leonardo Panaligan Command of the NPA in Central Visayas. She issued an affidavit denying membership with the NPA.

On 22 December 2020, Central Visayas police chief Brig. Gen. Ronnie Montejo announced that one of the motives they are investigating is the supposed linkage of the Sancelans to the NPA.

Montejo claimed that the Sancelans might have been ordered killed for disowning membership with the NPA. He said that there were reports that Dr. Sancelan had treated NPA soldiers. He added that Edwin had also been monitored supposedly for being an NPA member.

The KAGUBAK list has been brought to the attention of law enforcement authorities during a 2019 Senate inquiry into the spate of killings in Negros. At that time, Philippine National Police chief Gen. Oscar Albayalde announced that they would investigate KAGUBAK after being urged to ensure the safety of those on the hitlist. The current PNP chief, Debold Sinas, was then the Central Visayas police director.

As of this writing, no information on any significant development on the case has been received.
#

Document 16: Fact Sheet 7 (from INVESTIGATE PH Initial Report)

FACT SHEET

Case No. 7:

(Recommended for Plenary Hearing Priority #1)

“Tumandok Massacre”

(Extrajudicial Killings)

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The Tumandok massacre occurred at 4:00 am of December 30, 2020, killing nine and imprisoning 16 unarmed civilian members of the *Tumandok nga Mangunguma nga Nagapangapin sa Duta kag Kabuhi* (TUMANDUK), an alliance of 17 indigenous peoples' communities in the towns of Tapaz and Jamindan, Capiz and the town of Calinog in the province of Iloilo.

Due to their vocal dissent on human rights violations and fervent opposition to militarization, the TUMANDUK have been red-tagged by the military as members and supporters of the Communist Party of the Philippines and its armed wing the New People's Army (CPP-NPA).

A month before the incident, a community leader of Barangay Lahug sought help from the Commission on Human Rights (CHR) because the residents were threatened by the Philippine Army and the Philippine National Police (PNP), who were deployed in their barangay (village) since June of 2020.

As staunch defenders of both their communities and the environment, the TUMANDUK was vocal in its opposition against the construction of the Jalaur Mega Dam. The project promised to provide uninterrupted water supply to 32,000 hectares of farmland and increase the annual production of rice. However, this project would also submerge 21,100 hectares of agricultural lands and homes of 17,000 Tumanduk individuals under water, hence the vehement opposition. Tribal leaders of the Tumandok stood up against the project to protect their ancestral domain and refused to sign the consent resolution required before projects can be implemented in ancestral domains.

The TUMANDUK proved to be a hindrance to the project being the largest group of indigenous peoples in the hinterlands of Panay and so, on December 30, 2020, the Synchronized Enhanced Management of Police Operations (SEMPO) orchestrated the massacre which was carried out by the combined forces of the Criminal Investigation and Detection Group (CIDG) Region 6, the 12th Infantry Battalion of the Philippine Army (IBPA) and the PNP.

According to PLTCOL Gervacio Balcameda, the chief of CIDG 6, their troops served search warrants to 22 persons in Tapaz, Capiz and 3 in Calinog, Iloilo. Their targets were said to be "high value personalities" of the CPP and were in possession of firearms and explosives. This operation led to a blood bath.

The PNP insisted that the slain indigenous peoples were members of the CPP-NPA who fought back to resist arrest, even though the warrant was merely to search. Those killed were recognized indigenous community leaders in their respective barangays. All were unarmed civilians and non-combatants.

INVESTIGATEPH

Family members of Eliseo Gayas were ordered to go out of their house by the officers, in contravention of the proper procedure for the implementation of a search warrant, which is to have witnesses to oversee the search. As soon as the armed operatives entered the house, Gayas was shot four times, killing him outright.

As the operation started at dawn, Mario Aguirre and Roy Giganto were still asleep. Yet, the armed operatives forcibly entered their homes and they were shot dead in the presence of their families.

In the same operation, sixteen genous peoples were arrested and falsely charged with illegal possession of firearms and explosives.

According to the family of Aileen Catamin, she was tied and tortured by the military operatives. The family also added that when she was brought to the Tapaz Police Station due to her wounds, Catamin was tortured.

The Makabayan bloc in Congress filed House Resolution No. 1449, urging the House of Representatives to investigate the Tumandok massacre and the subsequent arrests. Available reports indicate that the investigation has not started to date. #

Document 17: Fact Sheet 8 (from INVESTIGATE PH Initial Report)

FACT SHEET

Case No. 8

(Recommended for Plenary Hearing Priority #2)

Elena Tijamo

(Enforced Disappearance)

On the evening of June 13, 2020, four armed men and two women wearing black short pants and masks entered the home of the Tijamo family in Bantayan Island, Cebu. Elena Tijamo, whose hands were tied behind her back and mouth was plastered by masking tape, was held by the two female perpetrators.

Violeta Tijamo, the sister of the victim, drawn out by the commotion saw the perpetrators and asked what they would do to her sister and one of the male perpetrators responded that her

(Elena's) husband has a major offense.

Elena's daughter Nica was also drawn out of her room by the commotion and tried to approach her mother but she was blocked and pushed back by the armed men. The men kept repeating that they were only after Elena. Elena was brought out on foot in an unknown direction passing through the fields. Her laptop, cellphone and her sister's tablet were also taken away.

During the first quarter of 2019, at the height of the implementation of the so-called anti-terrorist operations tagged as *Oplan Sauron*, Elena was red-tagged by State elements as being an 'alleged NPA'. State elements approached leaders of famers/fisherfolks organizations asking about the existing organizations in their locality and the whereabouts of Elena. Violeta also said that she heard from neighbors that police officers were asking if the Tijamo family members were really native to Bantayan.

Moreover, a week before the abduction, individuals who claimed to be from the government agency Department of Social Work and Development (DSWD) allegedly took photos of Elena and her family supposedly for a COVID-19 subsidy program but they were unable to produce IDs when Elena asked for identification.

When the incident happened, Elena had been working for 17 years for farmers' group Farmers Development Center, Inc. (FARDEC) that provide legal aid and agricultural education to farmers in Bantayan. FARDEC was tagged as a communist front by Deputy Chief of Staff for Intelligence Major General Reuben Basiao during a congressional briefing on November 5, 2019.

FARDEC's Bohol office was also raided in 2003 while its Cebu office was visited by military intelligence operatives accompanied by the Bureau of Fire Protection personnel in November 2009. Nothing irregular and unlawful was found in the FARDEC offices so the government operatives only left but not after intimidating FARDEC's staff members. FARDEC's Bohol Coordinator Carmilo Tabada and board member Danilo Olayvar were also visited by State agents after Elena's abduction and they were warned to stop working for the farmers sector.

The abduction of Elena was reported to the *barangay* (village officials) and was in turn reported to the police. On June 14, 2020, six policemen with only one of them in uniform arrived at Tijamo's home in response to the report of abduction but they only asked about Elena's occupation but not about the incident. The police reportedly took pictures of the logbook of a farmer's group Violeta was a member of and of flyers and the organizations' T-shirts.

After the incident, Elena's family was able to speak to her four times through 5-minute phone calls but Elena would only repeat to demand that the news articles about her abduction be taken down and that she was okay and would be returning soon.

However, as of this writing, the whereabouts of Elena remains unknown and there are no leads as to the identity and motive of her abductors. Elena's relatives and human rights organizations have gone to military camps and detention centers but were unable to get any lead on her whereabouts.

INVESTIGATEPH

Patrick Torres, the Executive Director of FARDEC, believes that the red-tagging incident against the group and its community workers are connected to the abduction of Tijamo since it provides a pattern of community workers being villified through red-tagging, subjected to surveillance, and abducted. #

Document 18: Fact Sheet 9 (from INVESTIGATE PH Initial Report)

FACT SHEET

Case No. 9

(Recommended for Plenary Hearing Priority #1)

“Japer Gurung and Junior Ramos”

(Torture)

On August 26, 2020, elements of the Armed Forces of the Philippines (AFP) charged Aeta indigenous peoples (IP) Japer Gurung and Junior Ramos, with violation of the new Anti-Terrorism Law, among other crimes. The multiple criminal complaints against them stemmed from an alleged gunfight that took place between the Philippine Army and members of the Kilusang Larangang Gerilya (KLG) Bataan Zambales (KLG BATZAM), an alleged unit of the New People’s Army (NPA) led by a certain “Ka Ivar,” in the morning of August 21, 2020 in Barangay Buhawen, San Marcelino, Zambales.

The military claims that they received an intelligence report that the said NPA unit was recruiting and using minors in their operations in the area. Acting on the said intelligence report, the military reportedly conducted patrol activities within the area on August 20, 2020, with the aim of “rescuing” the said minors. The following morning, the soldiers allegedly saw “children, civilians and IPs” at the NPA site in Sitio Lumibao, who were armed with M14 and M16 rifles and other guns.

While the soldiers were allegedly preparing to “rescue” the minors, gunshots were fired from the NPA camp, hitting a soldier named Sgt. Rudil A. Dilao at the leg. A firefight ensued between the groups for about ten minutes, with 2LT Fritz A. Entoma allegedly seeing Japer and Junior, among the KLG BATZAM members firing upon them. Sgt. Dilao would thereafter die of this gunshot wound. According to the military, the NPA members, including Japer and Junior, thereafter fled.

After the encounter, 2LT Entoma allegedly radioed his team informing them of the movement, appearance, clothing and the kind of firearms of the “enemy.” At around 9:00 am, a team of soldiers saw Japer and Junior, with their spouses Rosalyn Urbano and Kiray Serrano among a group of women and minors who were then going down the mountain with their backpacks.

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The soldiers' team leader ordered their arrest and searched their belongings, and allegedly found firearms and explosives.

Japer and Junior vehemently deny the foregoing fabrications of the military. They are indigenous Aetas whose ancestors were the original settlers in the community. They are farmers who till their small farms and forage banana blossoms for a living.

According to them, in the morning of August 21, 2020, they heard bursts of gunfire from the mountains. Afraid of getting caught in the crossfire, they decided to evacuate from their community.

The soldiers, however, saw them as they approached the house of their relative who was also preparing to evacuate. The soldiers ordered them and their families to stay behind, saying that it is safer for them because the military is still pursuing NPA members in the area.

At noon, they cooked lunch, which they even shared with the soldiers. To their shock, the soldiers thereafter announced that they are placing them and their families, including their minor relatives, under arrest, accusing them of being NPA members who were trying to flee the area.

Japer and Junior were separated from the women and children, who were taken to another area. They were interrogated without counsel and were forced to admit that they are members of the NPA. Junior Ramos purportedly used to be a member of the NPA, but he supposedly surrendered to the government in February 2020 and was, hence, a civilian during his arrest.

Japer and Junior and their families were tortured for a total of six days. Grenades, ammunitions, and subversive documents were also planted in their possession. Japer, in particular, was subjected to dastardly acts of torture and inhumane treatment. To extract a confession from him, the soldiers tied him up and repeatedly mauled him, placed him inside a sack and hung him upside down, suffocated him with a plastic bag and cigarette smoke over his head, and forced to eat his own feces. These facts were contained in their sworn statements prepared by the lawyer of the local National Commission on Indigenous Peoples (NCIP) and in the Resolution of the investigating prosecutor.

Their minor wives were also slapped with the similar false charge of illegal possession of explosives and are still in the custody of the Department of Social Welfare and Development. Junior's father Manuel was also charged and detained but was released upon dismissal of the charges by the investigating prosecutor.

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Japer and Junior are imprisoned in Olongapo District Jail, where they were reportedly visited by government officials from the NCIP, without the knowledge of their counsels of record, which is the National Union of Peoples' Lawyers-Central Luzon Chapter.

Later, Japer and Junior would appear in a video arranged by the National Task Force to End the Local Armed Conflict (NTF-ELCAC) purportedly suggesting that their counsel, NUPL, bribed and coerced them to sign documents relative a Petition filed in the Supreme Court questioning the Anti-Terrorism Act for which journalist Tetch Torres-Tupas of the Inquirer is now being red-tagged and threatened by NTF-ELCAC spokesperson Gen. Antonio Parlade for reporting.

This malicious video and false narrative are now being peddled by the NTF-ELCAC and the Defense Secretary in usurping legal representation and red-tagging of NUPL. A top lawyer of the NTF-ELCAC and the NCIP has even threatened disbarment cases against NUPL lawyers.

The two Aetas, upon the behest of the NCIP and the NTF-ELCAC, are now represented by the government agency Public Attorney's Office (PAO). They are now undergoing trial. #

Document 19: Fact Sheet 10 (from INVESTIGATE PH Initial Report)

FACT SHEET

Case No. 10

Manila 5

(Illegal Arrest and Detention and Trumped Up Charges)

Reina Mae Nasino, Alma Moran and Ram Carlo Bautista

Reina Mae Nasino, Alma Moran and Ram Carlo Bautista are members of progressive organizations based in Manila. Bautista is the campaign director of the multi-sectoral formation Bagong Alyansang Makabayan-Manila chapter (BAYAN-Manila). Alma Moran is a member of the secretariat of labor union Manila Workers Unity, while Reina Mae Nasino is a coordinator of urban poor organization Kalipunan ng Damayang Mahihirap-Manila chapter (Kadamay-Manila).

They were arrested without a warrant a little past 12:00 am on November 5, 2019, while they were asleep at the apartment that serves as the office of BAYAN-Manila and a halfway house for members of BAYAN-Manila and its affiliated organizations. This apartment is one (1) of the four (4) apartment units inside a gated compound in 672 Flora Street, Barangay 178, Tondo, Manila.

Elements of the arresting team wearing Special Weapons and Tactics (SWAT) uniforms entered the said apartment and went up the two bedrooms located at the third floor. One of the

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bedrooms was occupied by Nasino and Moran while the other was occupied by Bautista.

Nasino was sleeping when she heard noises outside their room. When she slightly opened the door, she saw shadows of persons ascending the stairs. She then quietly closed and locked the door of their room and woke Moran up.

Nasino then heard footsteps outside their door and sounds of people arguing in Bautista's room. She heard Bautista asking who these persons are and why were they are arresting him. She also heard Bautista introducing himself as an officer of BAYAN-Manila.

After a few minutes, police officers broke open the door of the room where Nasino and Moran were sleeping. Three men forcibly entered their room and ordered them to raise their hands in the air and lie face down.

The room was still dark at that time, but since one of the men was holding a flashlight, Nasino saw that one of them was pointing a long firearm at them. Moran saw another one holding a shield.

The police started to look around their room and they could hear them scattering some of their personal belongings. After almost an hour of lying face down, police officers then claimed that firearms and explosives were found inside their room. The same thing happened in Bautista's room. The three were eventually charged with illegal possession of firearms and explosives.

At the time Nasino was arrested, she was already three months pregnant. She gave birth while in detention and her infant was separated from her after a month from giving birth, despite strong recommendations by doctors for exclusive breastfeeding since the baby was born of low birthweight. Her baby died after a month and a half later due to lung complications.

Their case remains pending before the trial court. Their motion to quash the search warrant on the ground that there are glaring discrepancies in the address of the property subject of the warrant and the place of actual search was denied by the court. Their request to have access to the application by the police for the assailed search warrant was likewise denied by the court.

Cora Agovida and Michael Bartolome

Cora Agovida and her partner Michael "Tim" Bartolome were arrested on October 31, 2019 at around 4:00 a. m. in their residence, which is a small room at the 4th Floor of #1189 Julio

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Nakpil Street, Brgy. 686 Zone 75, Paco Manila by a team of around 20-35 operatives of the Criminal Investigation and Detection Group (CIDG)-Manila, Philippine National Police (PNP)-Manila and Special Weapons and Tactics (SWAT) Manila, who were purportedly enforcing search warrants.

At the time of their arrest, they were with their children aged 10 and one and a half-year old, and a male nanny named Carlo. Cora was also a breastfeeding mother for their youngest child. Between 3:30-4:00 a.m. on that day, around 15 armed men and women barged into their rented room.

There were some who were holding flashlights and all of them were wearing masks. Cora saw their guns pointed at them. One of the intruders ordered them to lie face down and prohibited them from looking back. They remained in that position for about 15 to 20 minutes and they could hear the intruders tampering with their belongings. Their children were brought to the adjacent room with their neighbors later on.

Afterwards, one of the intruders who held the search warrant approached them and asked who is Cora Agovida. Cora introduced herself while still lying face down. This person also asked Michael for his name, ordered him to kneel down and made him sign the search warrant.

Cora and Michael were never given the chance to read the contents of the search warrant. They were merely told that the document is a search warrant for firearms and explosives. After ordering Michael to sign, the lights were turned on and they were allowed to sit down and face the intruders. This was also the time that Cora noticed that some of the armed men who entered their rented room were members of the SWAT and some were wearing civilian clothes.

The SWAT members then left the room. After three minutes, village officials Brgy. Chairman Eduard Josen and Kagawad Richard dela Cruz entered Cora's rented room. The "search" took place. The police officers searched first the container where their children's belongings were placed. The police officers allegedly found a belt bag with a grenade and a caliber .45 handgun.

Next, they searched the table where their soiled clothes are placed. The police allegedly found a sling bag with a handgun, grenade, wallet, fake IDs of Cora Agovida and some Facebook photos. The seized items were labeled in front of them with an electrical tape. After the search, seizure and labeling of the seized items, Cora and Michael were ordered to sign the receipt of property seized which was prepared by police PCPL Isaac. They refused to sign the same.

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At quarter to 9:00 a.m., they were brought to the Manila Police District Headquarters in UN Avenue, Manila. They were charged with illegal possession of firearms and explosives.

On January 24, 2020, their counsel filed an Urgent Omnibus Motion to Quash Search Warrants, Suppress Evidence and Issue Subpoena *Duces Tecum* for the records of the application for the search warrants that were issued by the Executive Judge of Quezon City, Hon. Cecilyn Burgos-Villavert.

On February 24, 2020, the court denied the motion and proceeded with their arraignment and pre-trial on the same day. No documentary evidence was marked by the prosecution during the pre-trial.

On March 9, 2020, the prosecution presented three of its witnesses. Despite the strong opposition by defense counsels for the presentation of the first two witnesses (representatives from the Firearms and Explosives Unit and from the Crime Laboratory) since they are not among those listed in the pre-trial Order, they were still allowed to be presented by the Court. They were made to identify documents that were not listed as well in the pre-trial order, again, despite protestations from the defense counsel.

The spouses remain in jail. #

Document 20: Fact Sheet 11 (from INVESTIGATE PH Initial Report)

FACT SHEET

Case No. 11

Negros 54

(Illegal arrest and detention, trumped up charges)

In the late afternoon of 31 October 2019, members of the Philippine National Police (PNP) raided the offices and homes of people's organizations and human rights activists in Bacolod City, Negros Occidental.

The police were armed with search warrants issued by Executive Judge Cecilyn Burgos-Villa of Quezon City in Metro Manila for alleged violations of Republic Act No. 10591 or the Comprehensive Firearms and Ammunition Regulation Act.

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The offices and homes raided were those of Bayan Muna, Gabriela, National Federation of Sugar Workers (NFSW) and the residence of Bito-on. The Bayan Muna compound also houses the local offices of Karapatan, Kilusang Mayo Uno (KMU-May First Movement), and Kalipunan ng Damayang Mahihirap (Kadamay).

The PNP apprehended more than 50 individuals—including 21 laid-off bus company workers consulting with KMU and 12 minors who were among the members of a local cultural group staying at the compound. They were brought to the Negros Oriental Provincial Police Office.

At the Bayan Muna compound, police forcibly entered the compound around 4:30 p.m. They gathered all occupants and visitors outside at gunpoint and made to drop to the ground as they conducted the search. The minors, workers, and activists reported being subjected to physical assault and verbal abuse.

The police did not immediately serve the warrant; they only presented the search warrant against NFSW National Secretary-General John Milton Lozande after conducting the search. The village officials, who supposedly witnessed the search, came much later. Police allegedly found firearms, explosives, and ammunition on the sofa and two other parts of the house.

A similar situation happened at the Gabriela Office compound, where trade union organizer and community journalist Mary-Anne Krueger resided. Police forcibly entered the compound and asked everyone to get out. They were made to face the wall with their hands raised as the search was conducted. When Krueger asked for the search warrant, police told her she will be able to read it after they clear the premises. Krueger was among those named in the search warrant. Krueger was able to air a footage of the police search on Facebook. Police allegedly found two revolvers and ammunition during their search.

At the NFSW office, police operatives apprehended Hacienda Ilimnan Farm Workers Association chairperson Danilo Tabura and kept him outside as they searched through the rooms. Tabura was called back after 20 minutes and served with a search warrant under his name. Thirty minutes later, the police, together with the barangay captain and Tabura, conducted the “search.”

During the search, the police allegedly discovered a pistol under a pillow on Tabura’s bed, a handgun under a wooden bed in the office of Negros Island Health Integration Program, a revolver in another room on the ground floor, and bullets and grenades on the second floor. Police confiscated three laptops and Tabura’s phone. The staff and caretaker of NFSW office, Roberto Lachica, was also arrested by the police.

Around the same time, armed men barged inside the compound where Spouses Merma-

lyn and Romulo Bito-on reside. Mermalyn is a campaign officer of ACT Teachers Partylist, while Romulo serves as regional coordinator of Makabayan and Bayan Muna. Romulo is also a member of SELDA, or the Samahan ng mga Ex-Detainees Laban sa Detensyon at Aresto (Association of Ex-Detainees Against Detention and Arrest).

Mermalyn and her grandaunt were then outside by the garage and overseeing carpenters fixing the roof. The armed men pointed their high-powered firearms at Mermalyn and her grandaunt, then ordered them to kneel. When Mermalyn asked for their identity and purpose, the men did not reply. She saw members of the PNP Special Weapons and Tactics Team (SWAT) and Special Action Force (SAF) enter the compound.

Similar with the other raids, residents were made to go outside while the police searched through the house. It was only later that Mermalyn learned that a search warrant was issued against “Amaylin” and Romulo Bito-on. Another search was conducted in the presence of a barangay kagawad and Mermalyn’s sister who is the property administrator. Allegedly seized were firearms and grenades. Romulo’s mobile phone went missing during the raid.

Only Danilo Tabura was read his Miranda rights during arrest.

On 4 November 2019, John Milton Lozande, Albert dela Cerna, Noly Lacera Rosales, Proceso Quiatzon, Cheryl Cantero Catalogo, Karina Mae dela Cerna, Danilo Nacario Tabura, Roberto Dorio Lachica, Mary Anne Krueger, couple Romulo and Mermalyn Bito-on, the 10 cultural workers, and the 21 retrenched bus employees underwent inquest proceedings.

On November 6, 2019, the 21 workers and 10 cultural workers were released after the inquest prosecutor dismissed the charges against them. Meanwhile, criminal cases against the other 11 individuals were filed in the trial court.

As of January 2020, Judge Eduardo Sayson of the Regional Trial Court of Negros Occidental dismissed without prejudice to refileing the cases against Lachica, Dela Cerna, Rosales, Quiatzon, and the Bito-on couple. The judge found “insufficient probable cause to issue Commitment Order against all ‘inquested’ accused for violation of R.A. 10591.” Judge Sayson stated that the prosecution also failed to submit the records of the application for the three search warrants.

Similar raids happened in another city of Negros Occidental. In Escalante City, on 01 November 2019, two women activists were arrested during two simultaneous raids conducted by police and military. At around 4:00 a.m., State forces raided the office of NSFW in Escalante City and arrested Imelda Pasinabo Sultan. Meanwhile, Ma. Lindy Balaobao Perucho was arrested in her house. They were both charged with illegal possession of firearms and explosives. The search warrants used by the PNP were likewise issued by Judge Burgos-Villavert of Quezon City. #

Document 21: Fact Sheet 12 (from INVESTIGATE PH Initial Report)

FACT SHEET

Case No. 12

Tacloban 5

(Illegal Arrest and Detention, Trumped-up Charges)

A team composed of 150 fully armed members of the Criminal Investigation and De-

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tection Group (CIDG) Regional Field Unit 8 of the Philippine National Police (PNP), and the Armed Forces of the Philippines (AFP) conducted two raids on the Tacloban, Leyte offices of progressive people's organizations BAYAN, Sagupa, and Katungod Sinirangan Bisayas, and online news portal Eastern Vista at dawn of February 7, 2020.

The arresting officers were led by Police Lt. Col. Marvin Pedere of the CIDG and acting under the authority of search warrants issued by Executive Judge Eligio Petilla of Regional Trial Court Branch 44.

As result of the search, several firearms, explosives and ammunitions were supposedly seized and one colored red flag with the underground CPP-NPA symbol also allegedly found in the said offices.

This led to the arrests of human rights defenders Mira Legion, Marissa Cabaljao together with her one-year old baby, Alexander Abinguna, Mariel Domequil, and community journalist Frenchie Cumpio dubbed as "Tacloban 5". The five were charged with illegal possession of firearms and explosives and together with Cabaljao's baby, were detained at the municipal office of the Philippine National Police in Palo.

The raids had similar characteristics as other searches and arrests of activists: (i) the raiding team forcibly opens the rooms of the houses while pointing long firearms to the occupants in the room; (ii) the occupants were either dragged outside or were told to lie face down while several personnel of the raiding team were inside the room for more or less ten minutes without any witness and with the occupants having no knowledge of what they're doing; (iii) the belated arrival of the barangay (village) officials who are supposed to be the witnesses of the search followed by another "formal" search which will now be conducted with the barangay officials, and (iv) the search warrants shown to the activists only after their arrest.

Moreover, in a testimony during the trial of Cumpio and Domequil, the prosecution witness, a barangay kagawad (councilor), revealed that he did not see any firearm or explosive during the search because of the poor lighting.

Prior to the arrests, Legion shared in her social media accounts that she received threats from unknown callers whom she believed are PNP officers. On the other hand, days before the simultaneous arrests, Cumpio had also informed Altermidya that she was being tailed by men-riding motorcycles, whom she believed were military assets. A funeral wreath with Cumpio's picture was delivered to the same staff house where she was arrested.

After the arrests, the group continued to experience harassment both online and on the ground. Facebook pages handled by the police and military have been redtagging them. Legion also revealed in a social media post that the police and military have been continuously contacting her parents and threatening that their house would be the next subject of a raid and that she

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will be charged for terrorism.

Legion decried the delay of the court proceedings of their case caused by the repeated postponement of the trial schedule, the consolidation of the cases before different courts, and the problems brought by the coronavirus pandemic.

Last October 2020, the judge handling the cases of Legion, Abinguna, Cabaljao ordered to reschedule the hearing of the motions their counsel filed to have the cases dismissed to March 2021 after a court staff made a mistake in scheduling the court session.

Domequil, Cumpio, and Abinguna are still detained while Legion and Cabaljao posted bail amounting to P120,000 each. #

Document 22: Fact Sheet 13 (from INVESTIGATE PH Initial Report)

FACT SHEET

Case No. 13

(Recommended for Plenary Hearing Priority #1)

“Human Rights Day 7” Lady Ann Salem

(Illegal Arrest, Detention and Trumped Up Charges)

On December 10, 2020, journalist Lady Ann ‘Icy’ Salem and trade union organizer Rodrigo Esparago were at Unit 617, a one-bedroom unit, at the Avida Towers Centera, Tower 3, EDSA cor. Reliance St., Mandaluyong City. The said unit is one of the multi-purpose offices of progressive online news website Manila Today, where Salem is the editor-in-chief.

Before dawn, Salem was awakened by a series of knocks on the unit’s door. She spoke briefly through the door with the security officer, who claimed he needed to fix something inside the unit.

As soon as the door was opened, armed men barged in and forced her to kneel in the living area facing the windows and her wrists were put in cable ties. Esparago was manhandled from the bedroom to the windows, beside Salem. They were on the floor for almost an hour, hearing boots walking around and sounds of things inside the unit being opened and rummaged through.

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Salem saw men and women wearing Philippine National Police uniforms. Some persons were in black full battle gear. Recognizing the intruders clearly as police, both of them repeatedly asked for the identity, unit, commanding officer, and authority of the police. Salem also insisted on calling her family and lawyer, but their guards were tight-lipped.

After about an hour, the police announced that they were going to conduct a search and showed the two a copy of a search warrant. Salem and Esparago were finally allowed to stand up and turn around, where they found two men in civilian clothes who were from the barangay, who will “witness” the “search.” At that time, their unit was already in shambles. Salem requested for a copy of the search warrant and repeated that she wanted to call a lawyer to also witness the search, but she was ignored and told to wait.

Salem was allowed to join the men in the bedroom and she saw how the police pulled out guns, ammunitions and explosives inside the room. Some four or five men were taking videos of the “search” on their camera phones. It was then that Salem consciously said out loud for the record that the firearms and explosives were never there. She insisted that those were planted.

At around 5:00 am, Salem and Esparago were brought to the police station. Salem reiterated that she be allowed access to a lawyer and her family but was repeatedly put off and told, “after ng proses” (after the process), or “after ng swab”. The two waited as the policemen did their paperwork. Salem again asked for a copy of the warrant, and was given a photocopy.

By mid-afternoon, they were taken to the police national headquarters in Camp Crame in Quezon City for medical examination where they saw three others arrested. The three are trade union activists who looked familiar, but they had no opportunity to talk. All reiterated that they wanted to talk to their lawyer, and refused to sign any document.

Because of their collective and stubborn refusal, the police who escorted them put Salem and Esparago in a Mahindra vehicle, which was parked outside the office of Criminal Investigation and Detection Group- National Capital Region (CIDG-NCR) but still inside Camp Crame.

By accident, Salem’s sister saw her inside one of the vehicles. Having been alerted, the police transferred Salem to a heavily tinted vehicle and refused to entertain anyone knocking on the windows. Lawyer Kristina Conti was able to make the police lower their window at around 4:30 pm, with the assistance of base police who were also curious about the parked vehicles. She spoke briefly to Salem, with the understanding that the two were going to be booked into the CIDG-NCR office. Atty. Conti then was assisting the three other arrested trade union activists.

Instead of disembarking from the vehicle, Salem and Esparago were spirited away without notice to Atty. Conti. The family followed the police convoy which went to the Pasig police

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station, and then proceeded to Camp Bagong Diwa in Bicutan, Taguig where the family was not allowed to talk to Salem supposedly for health protocols.

Inside, Salem and Esparago were booked separately into living quarters which turned out to be a COVID-19 quarantine facility. The following day, they were swabbed for the COVID-19 virus. They were not allowed to use the telephone, despite insisting upon their rights.

On December 11, 2020, after lunch time, Salem and Esparago were told to get ready for inquest. Again Salem repeated her request to call her lawyers, warning that her family and at least one lawyer already knew that she was under their custody. They were loaded into the vehicle, where the escorts handed over her mobile phone.

She was able to contact her sister, some friends, and two lawyers before the phone was eventually taken away. Later, Atty. Conti arrived at the Mandaluyong Hall of Justice, and was allowed to board the vehicle where Salem and Esparago were placed. Inquest proceedings pushed through, with the two and their lawyer given just 15 minutes of private time to confer. Subsequently, they were charged with illegal possession of firearms and explosives.

Nearly 2 months after their illegal arrest, these charges against Salem and Esparago were dismissed by the Mandaluyong court, following a finding that the search warrant issued by the Executive Judge of Quezon City and were used against the raid, which resulted in the arrest of 5 other trade union organizers, failed to particularly describe the objects to be seized and that police resorted to “fishing expedition.” Despite this, Salem and Esparago still remain in prison until at present. #

Document 23: Fact Sheet 14 (from INVESTIGATE PH Initial Report)

FACT SHEET

Case No. 14

Amanda Echanis

(Illegal Arrest and detention, trumped up charges)

Thirty policemen and soldiers belonging to the 77th IBPA and 17th IBPA of the Philippine Army, wearing full battle gear and armed with high-powered rifles forcibly entered the house of Josephine Bumanglag in Cagayan on December 2, 2020 at about 3:00 a.m.

Amanda Echanis, daughter of slain peace consultant Randall Echanis, was breastfeeding her one-month old son when seven to 10 armed soldiers and policemen entered her room.

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Amanda shouted: "*Huwag kayong lalapit at may baby ako.*" (Don't come near; I have a baby) The baby cried and Amanda covered the baby with a blanket, and she continued to breastfeed the infant.

The armed police/soldiers asked Amanda if she was indeed Amanda Soccoro Echanis and started taking her pictures. They also asked if she was "alias Waya" and "alias Amy Flores." They also mentioned several other names to Amanda and were asking for their whereabouts. All of this happened while she was feeding her son.

Amanda asked the police/soldiers: "*Anong kailangan nyo? May kaso ba ako? Papatayin nyo ba ako? Kami ng baby ko?*" (What do you want? Do I have a case? Are you going to kill me? Me and my baby?) They then replied that Amanda has no case and that they are still waiting for the search warrant and the barangay (village) officials to arrive. They continued the interrogation but Amanda did not answer the questions and instead calmly requested that the men put away their rifles and guns.

At around 7:00 a.m. when the barangay officials arrived, the police/soldiers searched the house of Josephine Bumanglag. An hour later, Amanda was taken by the police/soldiers to Camp Adduru in Tuguegarao, Cagayan.

Based on the police report, the raiding team allegedly recovered the following from the house where Amanda and her newborn son is staying: M16 assault rifle, 1 long plastic magazine for M16 rifle, 1 long steel magazine for M16 rifle, 20 live ammunition for an M16 rifle, and two hand grenades. The police also claimed that Amanda, who was pregnant for most of the year, and in fact just gave birth a month before, is a high-ranking official of the New People's Army in the province.

The raid, arrest, and planting of evidence against Amanda Echanis happened just hours after the Senate of the Philippines' third hearing on red-tagging that claimed that farmer's groups Anakpawis, KMP, and other progressive organizations were among the so-called 'legal fronts' of the underground movement. During the November 25, 2020 hearing, a certain Ivylyn Corpin red-tagged Amanda Echanis among others and showed her pictures during the Senate hearing.

According to Kilusang Magbubukid ng Pilipinas regional chapter DANGGAYAN-Cagayan Valley, since 2018, massive and systematic red-tagging of activists was rampant in the region by the AFP using fake organizations like Mulat-CV and ISEM-CV. They branded and accused the 57 names of activists as recruiters of the NPA. Ripped sacks written with names and organizations of activists were hanged on trees along major highways in three towns of Isabelita and Cagayan. Moreover, flyers were distributed in Tuguegarao City, slandering the activists as "terrorists".

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Inside the camp, CIDG agents harassed Amanda, insisting on “interviewing” or attempting to interview her without the presence of her counsel, Atty. Luz Perez of the National Union of Peoples’ Lawyers (NUPL).

On December 9, Ivyly Corpin, the same person who red-tagged Amanda before the Senate, attempted to visit and talk to her, to which Amanda refused, as she was advised by her counsel not to talk to anyone without the presence of a lawyer.

Amanda is also an organizer of Anakpawis in Cagayan Valley. She has been organizing farmers and agricultural workers and helping them with their land disputes and cases. In January 2020, she started helping organize peasant women under AMIHAN Cagayan. Her organization Amihan expressed that they will coordinate with Gabriela Women’s Partylist Representative Arlene Brosas in filing a house resolution to investigate the case. Members of the Senate minority bloc also called for the urgent release of Amanda, citing humanitarian considerations.

Echanis’ camp filed a motion to quash the search warrant. Amanda’s counsels claim that the actual “search” came before the service of the warrant, making the arrest highly irregular and questionable. The timeline of the actual events showed that there was first an invalid, illegal search that was conducted by the police/military before the supposed legal search by the CIDG with the presence of the barangay officials. They also filed a motion in court to allow her and her child to be together amid concerns she may suffer the same fate of another jailed activist. #

Document 24: Fact Sheet 19 (from INVESTIGATE PH Initial Report)

FACT SHEET

Case No. 19

(Recommended for Plenary Hearing Priority #1)

“Windel Bolinget, Boyette Jurcales, et.al.”

(Trumped up charges)

Included in the list of the persons indicted for the killing of an alleged indigenous Lumad leader in Davao del Sur in Mindanao, and appears in the Information as among the accused are “WINDEL BOLINGET” and “LUTGARD JURCALES, JR”. These names are similar to the names of Igorot leader Windel Bolinget from the Cordillera People’s Alliance and long-time activist from progressive group Bagong Alyansang Makabayan (BAYAN or New patriotic Alliance), Lutgardo “Boyette” Jurcales, Jr.

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Their names were allegedly identified by prosecution witness Ranel Tibog Vender in his Affidavit as purportedly responsible for the death of this alleged Lumad leader sometime in March 2018, along with nine (9) other well-known human rights defenders from across the country.

This witness accused these 11 individuals as members of the rebel New People's Army (NPA). The charge for murder was endorsed by the police in the area and filed before the Provincial Prosecutor. Thereafter, Prosecutor indicted them for the charge of murder.

As in other similar cases against other activists, none of them, however, were properly informed of this charge or summoned to defend themselves during the preliminary investigation. Records would show that the subpoena for them were sent to a bogus address. Subsequently, a warrant of arrest was issued against them.

Bolinget and Jurcales learned about this accusation against them sometime in January 2021, when they were shown copies of the Information or charge sheet, with their names included.

Prior to seeking legal remedy, a shoot to kill order was made by the Philippine National Police Chief in the Cordilleras against Bolinget. This compelled him to turn himself over to the custody of the National Bureau of Investigation. Subsequently, he filed a motion before the court seeking a re-investigation.

Jurcales, for his part, has likewise filed his own motion for reinvestigation and prayed that the warrant of arrest against him be recalled. He narrated in his affidavit that it was physically impossible for him to be at the purported scene of the crime because he was in Metro Manila, attending to his duties as the director of the Popular Struggle Commission of BAYAN. He appended documentary evidence to support his claim and to show his whereabouts on those days when the alleged murder took place.

Both motions are still pending resolution before the court.#

Document 25: Fact Sheet 42 (from INVESTIGATE PH Initial Report)

FACT SHEET

Case No. 42

(Recommended for Plenary Hearing Priority #1)

**“KARAPATAN and NUPL Amparo Petitions”
(Ineffectiveness of Domestic Remedies)**

KARAPATAN

KARAPATAN (Rights) is a national alliance of organizations, human rights desks and individuals working for the promotion and defense of human rights and people’s rights. Because of KARAPATAN’s staunch advocacy and human rights work, its officers and members have become open targets of various human rights violations themselves.

Per its data, 48 of its human rights workers have been killed from 2001 to 2019. Under the present administration, three of its workers and volunteers have been killed. None of the perpetrators have been brought to court for their crimes. Its members and officers have been experiencing relentless persecution through the filing of trumped-up criminal charges.

Since October 2017, President Rodrigo Duterte has red-tagged and vilified KARAPATAN for a total six times in his public and official speeches and press conferences. He practically declared an open season against KARAPATAN’s officers and members by threatening to go after the organization, which he alleged to be a “legal front” of the underground Communist Party of the Philippines (CPP) and its armed wing the New People’s Army (NPA).

KARAPATAN’s Secretary General Cristina Palabay and its council member Reyhan Vergara have been receiving death threats. Clarizza Singson-Dagatan, Secretary-General of KARAPATAN’s Negros Chapter has also received various threats and harassments perpetrated by state agents.

For years, Singson-Dagatan has been vilified by local law enforcement officials as a “communist rebel” plotting to destabilize the government. She received death threats via three text messages in the days following the killing of Atty. Ben Ramos, Secretary-General of the National Union of Peoples’ Lawyers (NUPL)-Negros Chapter in November 2018. The said messages warned that she “will be next.”

In May 2019, KARAPATAN filed its Petition for Writ of Amparo before the Supreme Court to quell these threats. While its petition remained pending appeal at the Supreme Court after the Court of Appeals perfunctorily and summarily dismissed their case after only an afternoon of hearing, one of their members, Zara Alvarez, was gunned down in Bacolod City, Negros Occidental in August 2020. Her account was supposed to be presented as evidence for their petition. The appeal remains outstanding to date.

National Union of Peoples' Lawyers (NUPL)

The National Union of Peoples' Lawyers was founded as a nationwide voluntary association of human rights lawyers, law students and legal workers committed to the defense, protection and promotion of human rights and the assertion of national sovereignty. Most of NUPL's clients, who are given *pro bono* legal representation and related legal services, belong to the poor and marginalized sectors of society, including peasants, workers, indigenous peoples, activists, and the urban poor.

Over the years, NUPL members have been red-tagged, threatened, vilified, subjected to surveillance, and charged with nuisance cases. Many have been publicly vilified in posters or radio programs.

On 15 April 2019, NUPL filed a Petition for the Writ of Amparo and the Writ of Habeas Data with the Supreme Court to seek protection for its members' right to life, liberty and security, which have been threatened by ranking officers of the military, police and key officials of the National Task Force to End the Local Communist Armed Conflict (NTF-ELCAC).

The Supreme Court granted the writs on 3 May 2019 and ordered the Court of Appeals to summarily hear the case. But the latter court dismissed the petition and denied the prayers asked by the human rights lawyers.

The appeal remains pending with the Supreme Court while the red-tagging and other forms of vilification continue against NUPL and its members, the latest of which is the baseless and malicious imputation of bribery and coercion against its own clients the Aetas who were tortured by the military and charged with terrorism and other crimes. Their legal representation was usurped upon the behest of the NTF-ELCAC and the National Commission on Indigenous Peoples (NCIP).

Administrative charges against the NTF-ELCAC officials led by National Security Adviser and Anti-Terrorism Council Vice Chair Gen. Hermogenes Esperon Jr., spokespersons Gen. Antonio Parlade Jr. and Undersecretary Lorraine Badoy were also earlier filed by NUPL before the Ombudsman in December 2020 and remain outstanding as well. #

Document 26: Summary Cue Card 27 (from INVESTIGATE PH Initial Report)

CASE SUMMARY

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Case No. 27	Threats/red-tagging
Nature of the case	Threats/red-tagging
Victim/s	Human rights workers and defenders - Karapatan
Perpetrators	President Duterte, NTF-ELCAC
Brief Description of the Incident	<p>President Duterte, along with the National Task Force to End Local Communist Armed Conflict, had repeatedly targeted Karapatan and its members, calling it an aboveground organization of the CPP-NPA.</p> <p>Its leaders and members have been subjected to all types of attacks, from death threats to actual assassination. Atty. Ben Ramos, Zara Alvarez, and Ryan Hubilla are some of the casualties of the state-sponsored vilification. Cristina Palabay, its Secretary General received a call and several text messages on December 10, 2019 threatening to rape and kill her.</p> <p>Karapatan applied in May 2019 for the writ of amparo but the Court of Appeals in June 2019 denied their application after a summary 3-hour hearing without giving them full opportunity to present their evidence on a technicality.</p> <p>According to the Court, there was no unlawful act or omission that violated or threatened their rights. The case was appealed to the Supreme Court in July 2019 and is pending.</p> <p>Meanwhile, National Security Adviser Hermogenes Esperon filed perjury charges in July 2019 against Karapatan, Gabriela and Rural Missionaries of the Philippines for purported false attestations of their corporate registration. The cases against them were dismissed by the prosecutor except for an elderly RMP nun who is now facing trial in court.</p> <p>Karapatan also filed in December 2020 a case against National Security Adviser Hermogenes Esperon, General Antonio Parlade, Undersecretary Lorraine Badoy and Deputy Administrator Mocha Uson before the Office of the Ombudsman, accusing them of committing a crime against humanity through persecution. No information as to any action, if any, on the case has been received. #</p>

Document 27: Fact Sheet 49 (from INVESTIGATE PH Initial Report)

FACT SHEET

Case No. 49

Writ of Habeas Corpus for Alexandra Pacalda

(Ineffectiveness of Domestic Remedies)

On 14 September 2019, six military operatives in civilian clothing arrested a volunteer of a peasant organization without warrant in Quezon province, south of Manila.

Alexandra Pacalda, a volunteer of the *Pinag-isang Lakas ng Magsasaka sa Quezon* (United Force of Farmers in Quezon/PIGLAS-Quezon), was brought to a military camp where she was subjected to interrogation without the presence of a lawyer of her choice. Military men forced her to identify alleged members of the New People's Army.

On 15 September, Alexandra, her father, and her brother signed under duress a certification at the General Luna Municipal Police Station in Quezon making it appear that Alexandra voluntarily surrendered to the Philippine Army and the Philippine National Police. They were promised that Alexandra will be released upon signing the Certification.

Alexandra was also brought to a Notary Public and made to sign an Affidavit of Voluntary Surrender, admitting her supposed membership to the Communist Party of the Philippines and the NPA and her turning over a revolver, live ammunition, and "other war material" to the police and military.

In a handwritten letter dated 17 September, Alexandra explained that she signed the affidavit while she was not in her right mind – after she was deprived of food and sleep for more than 24 hours and having underwent psywar and mental torture.

Alexandra was detained for nine days without any charges filed against her. On 18 September, Alexandra's father, Arnulfo Pacalda, wrote to the 201st Infantry Brigade leadership asking for his daughter's release. He also informed the military that he has sought the help of the regional office of the Commission on Human Rights (CHR) to process Alexandra's release. The CHR also informed the commanding officer that it will conduct investigation into the involuntary disappearance of Alexandra on the same day.

The military however refused to release Alexandra to her family despite the lack of any criminal case against her.

On 23 September, Arnulfo filed a petition seeking the issuance of a writ of habeas corpus before the Supreme Court. On the same day, Alexandra was charged with violations of Republic Act (RA) No. 9516 (on the Unlawful Manufacture, Sales, Acquisition, Disposition, Importation or Possession of an Explosive or Incendiary Device) and RA No. 10591 (Comprehensive Firearms and Ammunition Regulation Act) before a lower court.

In a 2 October notice, the Supreme Court issued a writ of habeas corpus. The Supreme Court then referred the petition to the Court of Appeals for appropriate action. The Court of Appeals issued on 9 October and ordered respondent military officials to make a verified return.

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In its Return dated 10 October, the Office of the Solicitor General accused Alexandria and her counsels as playing victim (“*pa-victim*”). The Solicitor General insisted that Alexandria was a member of the NPA based on the 17 September 2019 affidavit she signed. The OSG also informed the appellate court that Alexandria has been transferred to the Bureau of Jail Management and Penology’s Lucena City Jail Female Dormitory on 9 October.

On 29 October, the Court of Appeals dismissed the petition for habeas corpus, saying that the filing of the criminal cases against Alexandria has rendered it moot. The subsequent filing of charges against Alexandria barred her release from detention. #

Document 28: Fact sheet 23 (from INVESTIGATE PH Initial Report)

FACT SHEET

Case No. 23

(Recommended for Plenary Hearing Priority #1)

Jevilyn Cullamat

(International Humanitarian Law (IHL) Violation)

On November 28, 2020, Jevilyn Cullamat, 22, a medic of the rebel New People’s Army’s Northeastern Mindanao Regional Committee, was killed during an alleged encounter with the Philippine Army in Marihatag, Surigao del Sur. She was the youngest daughter of a progressive partylist Bayan Muna representative in Congress.

The Philippine Army’s 3rd Special Forces Battalion arranged her remains as though she was still carrying a rifle, together with the seized firearms, improvised explosives and flags of the CPP-NPA-NDFP, and photographed with the members of the military posing in the background. After the incident, the photo was uploaded by the state-run Philippine News Agency on its Twitter account but after receiving backlash from netizens, the tweet showing the photo was taken down.

Defense Secretary Delfin Lorenzana, a retired Philippine Army general, said that the handling of the corpse of Jevilyn and the taking of such picture is a policy of the Philippine Army and that soldiers do the same thing after clashes with different armed groups in the past.

However, two days after the incident, Philippine Army spokesperson Brig. Gen. Edgar Arevalo said that the photo was taken for reporting and documentation purposes only, that it is not military policy to distribute such pictures, and a similar act constitutes a violation of their stringent policy. Arevalo also said the issue of how the photos were leaked to the media was already investigated and the one who was responsible already faced sanctions. He provided no other details.

Because of this incident, National Security Adviser Hermogenes Esperon, Jr. Who is con-

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currently Vice-Chairperson of the National Task Force to End the Local Communist Armed Conflict (NTF-ELCAC) and the Anti-Terrorism Council (ATC), linked the Cullamat clan with the CPP-NPA and its alleged front organizations, claiming that Jevilyn's father, uncle, and aunt were alleged leaders of the indigenous Lumad organizations tagged by the military as terrorists. The military also propagated that Jevilyn's death was a "proof" of the Cullamat clan's "deep rooted radicalization" and the "exploitation of the Indigenous Peoples' community."

Jevilyn was witness to the "Lianga Massacre" where paramilitary group Magahat-Bagani Lumad killed Lumad leaders on September 1, 2015 including Manobo leader Dionel Campos, a first cousin of Congresswoman Eufemia Cullamat, and Juvello Sinzo, a relative. The paramilitary group is still free and has not been brought to justice.

In a televised briefing on November 30, 2020, President Rodrigo Duterte said that the Lumad who became rebels should go home because they are being deceived by the NPA, that many Lumads have already died, and that if it continues, the Lumads will become an extinct tribe. He mentioned the death of Jevilyn and said, "Let a woman fight a soldier, she will surely die."

Last July 2017, President Duterte threatened to bomb Lumad schools, claiming that the they taught students subversion and communism. Indigenous peoples' group Save Our Schools Network documented 584 cases of attacks ranging from school-related extrajudicial killings to sexual harassment cases from May 2017 to July 2019. In 2019 alone, 55 Lumad schools in the Davao region, villified by the military as training centers for NPA rebels, were shut down by the Department of Education.

The Commission on Human Rights (CHR) launched their own investigation of the incident upon the complaint of Congresswoman Cullamat. The CHR found that it "cannot find good reason" in the military's decision to pose with the dead body of Jevilyn alongside seized firearms and communist flags.

Jevilyn was buried on December 3 in a public cemetery in Lianga, Surigao Del Sur but Congresswoman Cullamat could not be present because of threats to her life. #

Document 29: Fact Sheet 20 (from INVESTIGATE PH Initial Report)

FACT SHEET

Case No. 20

Aeta community

(Forced evacuation and/or bombings)

On August 21, 2020, 659 families in the indigenous Aeta community in San Marcelino,

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Zambales were forced to evacuate their homes after the 7th Infantry Division of the Philippine Army conducted several raids and bombings in the area.

The military did not deny that there were bombings but only insisted that its target was the hideouts of the rebel New People's Army and such bombings were in accordance with the standard operating procedure. They claimed that the members of the NPA in the community used minors for their activities. They conducted a so-called rescue mission to retrieve the minors. But they got into an alleged encounter with the NPA that led to the death of one of the soldiers.

The military illegally arrested and tortured some Aetas, who were evacuating their homes. These Aetas were mauled, placed inside a sack and hung upside down, suffocated with a plastic bag and cigarette smoke and forced to admit membership with the NPA. The military also forced two of them to eat human feces. After six days in their custody, they were later charged with non-bailable crimes of murder, illegal possession of firearms and explosives and terrorism under the new Anti-Terrorism Act.

Indigenous rights group Umahon claims that the repeated bombings of the Aeta community were meant to drive the Aetas away to pave the way for the mining explorations of Dizon Copper-Silver Mines, Inc., which the Aeta residents oppose because they know it will be detrimental to the environment as well as their ancestral lands.

Last September 2020, the Commission on Human Rights said that it will conduct a separate and impartial probe on the incident but have yet to release the result of its investigation. The arrested Aetas remain detained since August 2020 and stand trial while they have recently filed an intervention in the Supreme Court questioning the constitutionality of the Anti-Terrorism Act but it was denied on the ground that there is already a pending criminal case before the lower court. #

Document 30: Testimony of Joan May Salvador

Testimony of Joan May Salvador, Secretary General, GABRIELA Alliance of Filipino Women for InvestigatePH Third Report

"SHOOT THEM IN THE VAGINA."

These are not words appearing in some manifesto by a mass murderer, a serial rapist, or a genocidal maniac. These are words uttered by no less than the President of the Republic of the Philippines, Rodrigo Roa Duterte, in February 2018 to encourage the violation of body and agency of women dissenters as to render them useless. To state security forces addressed by their Commander in Chief, these could very well be a direct order to employ brute force, grave human rights violations, and systematic targeting of women.

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When called out for his remarks, President Duterte said it was just pure sarcasm.¹

But this “sarcasm” brutally killed Cindy Tirado. On 15 April 2019, Cindy, an alleged guerrilla fighter according to the military, was brutally killed and tortured in Davao del Norte. Her arms were severely fractured, her remains desecrated and yes, her vagina shattered by a bullet.²

And yet again on 16 April 2021, armed with rifles and what appears to be a good dose of Duterte’s “sarcasm” state security forces mercilessly shot and killed Angel Rivas, a 12-year-old student of a Lumad indigenous school in Surigao del Sur, and her sister Lenie while they were harvesting abaca (Manila hemp) at their farm. Their dead bodies were found bearing signs of desecration--faces smashed and vaginas shattered.

That President Duterte had the clarity of thought and sense of entitlement to utter these words is telling of the current sordid state of affairs of human rights and democratic freedoms in the Philippines, of the obscene situation of discrimination, violence and precariousness that Filipino women endure under a Duterte presidency.

In the Philippines and across other cultures and societies, women are the most susceptible and vulnerable to discrimination and violence in many and in all its forms -- those perpetrated against and because of their class, those against and because of their gender, those against and because of their beliefs.

And yet discrimination and violence against women pertains not just to individual acts or in settings of intimate relationships. The State, under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to which the Philippines is signatory, has the legal obligation to take appropriate measures to eliminate all forms of discrimination against women and to advance substantive gender equality.³ This includes refraining from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation.⁴ And when the State reneges on this primary obligation, it becomes itself a perpetrator of discrimination and violence against women.

Similarly, the State perpetrates violence against women when it violates, promotes and condones acts that impair or threaten women’s enjoyment of their basic human rights and fundamental freedoms. These fundamental freedoms include but are not limited to: the right to life; the right not to be subject to torture or to cruel, inhumane or degrading treatment or punishment; the right to liberty and security;

1 <https://www.rappler.com/nation/196966-duterte-defends-shoot-female-rebels-vagina-remark> last accessed on 23 July 2021.

2 https://www.gmanetwork.com/news/news/nation/691974/gabriela-links-brutal-killing-of-alleged-mpa-leader-to-duterte-s-remark-vs-female-rebels/story/?utm_source=GMAnews&utm_medium=Facebook&fbclid=IwAR2dygKCvj7WoInto9WMxe-7WIDoV1Rly-BiM2kknPtMvaxgEUNW_iWimbRU last accessed on 23 July 2021.

3 Article 3, CEDAW. Convention signed by the Philippines on 15 July 1980 and ratified on 5 August 1981.

4 Article 2 (d), CEDAW.

the right to equal protection under the law and the right to the highest standard attainable of physical and mental health; the right to just and favourable conditions of work.⁵

The situation of Filipino women under a Duterte presidency has gone from bad to worse because the president himself, in word and deed, is a serial perpetrator of discrimination and violence against women. Mr. Duterte has repeatedly displayed ingrained prejudice against women and contributed immensely in reinforcing a feudal and patriarchal culture that treats women as inferior, as sex objects and as properties. He has promoted systemic discrimination and violence against women in its various forms. He has demeaned, abused and oppressed women. He has consigned women to the everyday violence of poverty and economic insecurity, which also serves as fodder for persisting and worsening violence against women.

Precarious economic situation

The Duterte government's failure to address the precarious economic situation of Filipino women violates its obligations to CEDAW and its translation to national law, the Republic Act 9710 or the Magna Carta of Women.

Filipino women are facing unparalleled hardships brought about by anti-women and undemocratic policies of the authoritarian, corrupt and criminally negligent Duterte government. Against the failure of decades of neoliberal economics and the Duterte government's own failed COVID pandemic response, the Philippines is suffering the worst economic crisis since its post-colonial history. This crisis has rendered majority of Filipino women, who were already marginalized and economically insecure even before the pandemic, disproportionately impacted by massive unemployment, job insecurity, declining wages, exploitative working conditions and deprivation of social protection.

Even before the pandemic, the Philippines already had the worst unemployment situation in the whole of Asia, leaving about 16 million Filipino women economically insecure. More than a year into the pandemic, with national unemployment rate reaching its highest levels since the 1970s, the figure is now estimated at 20 million, or about 1 in 5 women. Labor force participation rate, meanwhile, continues to be lower for women compared to men, with only half of the population of working age women able to join the labor force.

The employment crisis in the country has also resulted to a declining quality of work, reduced work hours, and more precarious work. More and more Filipinos are entering into service industry and wholesale and retail trade, sectors that offer low-paying and irregular work and where majority of women are employed.

There is also a growing phenomenon of unpaid family work and informal self-employment among Filipinos

⁵ General Recommendation 19 (1992) on violence against women, CEDAW.

nos in order to eke out a living any which way they can. Even before the pandemic, the Duterte administration has driven women into precarious work that 1 in every 2 women who are considered employed actually belongs to the informal sector. Meager wages and lack of job security push women in the informal sector to take on multiple jobs to support the needs of their families, but when Duterte imposed a militarist total lockdown in the first couple of months of the pandemic last year, about 2.6 million lost their livelihood in the informal sector, majority of whom are women.

Many working class families are driven to homelessness and utter destitution, while a significant percentage of so-called middle class experience diminishing purchasing power and bankruptcy. Land grabbing by big agribusiness and mining corporations has resulted in the displacement and killings of peasants and indigenous peoples in various parts of the country, including women who are at the forefront of their communities' resistance.

As a result, an overwhelming number of Filipino women labor as modern-day slaves in foreign countries. Out of the estimated 10 million Filipino documented and undocumented migrant workers, more than 54% are women, and 62.5% of women overseas Filipino workers belong to elementary occupations such as cleaning and housework. They are bereft of any legal protection from their own government and are left to contend with layers of discrimination and vulnerability to violence and abuse in their host countries. Every year, thousands of Filipino migrant workers become victims of sex trafficking or labor trafficking in various industries.⁶

Hunger and food insecurity are also on the rise under the Duterte government, with or without a pandemic to deal with. Official government statistics show that six out of 10 or 62.1% of households experienced moderate to severe food insecurity, a situation that peaked between April and May 2020 during the Enhanced Community Quarantine when families resorted to purchasing food on credit, borrowing food from neighbors, bartering other personal items for food, and parents limiting food consumption in favor of their children. The historical high for food insecurity among Filipino households, however, was recorded a year before the pandemic in 2019, which was at 64.1%.⁷

The Duterte government should be held directly accountable to the job and livelihood crisis and worsening poverty and hunger among Filipinos, especially among women who are far worse impacted by the crisis because of their historically precarious situation in the economy. The Duterte government has always insisted on economic and employment policies such as agriculture and trade liberalization and labor flexibilization that provide less and less protection for working class Filipinos, causing Filipino women's situation to backslide even further as joblessness and poverty rates reach unprecedented levels.

Worsening violence and impunity

6 Trafficking in Persons Report (2021), US Department of State.

7 Expanded National Nutrition Survey (April 2021), Department of Science and Technology-Food and Nutrition Institute (DOST-FNRI).

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Whenever societies are faced with crises, violence against women also becomes rampant. Across societies, the direct correlation between poverty and violence against women has always existed. In the Philippines, the situation of gender-based violence is made even worse by a serially misogynist President who impresses zero accountability for his attacks on women and in turn emboldens perpetrators to commit violence against women.

Year-on-year reported cases of violence against women under the Duterte administration has registered the highest since the last decade. During the first year of Duterte's presidency in 2016, the number of reported cases of rape totaled to 9,943, which is 53% more than the annual average for the past decade. In 2019, reported incidents of violence against women peaked at 19,743 or 74 cases per day.⁸

Similarly, reported cases of other forms of violence against women and children, including domestic and partner abuse, sexual harassment, prostitution and sex trafficking have been on the rise, with poor women consistently being more vulnerable to abuse. According to the Philippine Statistics Authority, spousal or partner violence committed against women in lower decile incomes is at 31.6%, compared to 18.3% of women from highest income households.

With the severity of violence against women in the country, it comes as no surprise that 25% of Filipino adults across the Philippines cited violence against women as among the most pressing problems of women during the current health crisis.⁹

It is important to bear in mind that these numbers are still conservative. In the Philippines and even globally, only one in every three women victims of violence report to authorities.¹⁰ This is particularly true in cases when perpetrators are family members, when perpetrators are powerful men, and also because a culture of victim-blaming is prevalent, as exemplified by police officers and other men in authority including President Duterte. Living in a pandemic, with strict restrictions on mobility and curfews implemented, have also limited women's access to services, reporting and redress mechanisms.

Alarming, Duterte's drug war against the poor and militaristic response to the pandemic have provided added fertile ground for rampant abuses by state security forces who on several occasions the President addressed with his misogynist and sexist orders. Since 2017 or since the start of the PNP's anti-illegal drugs campaign, a total of 13 policemen have been involved in 8 rape cases, 13 cases of acts of lasciviousness, and a case of sexual harassment and physical assault against women. It is indeed contemptible that while the police tries to justify the war on drugs as a way to curb the prevalence of rape in the country, members of the PNP themselves are raping women and committing other forms of sexual abuse under a regime that blatantly disregards women's rights and promotes a culture of impunity and abuse of authority.

8 Responsible Parenthood and Reproductive Health Annual Report (2020).

9 Philippine Population Commission (06 March 2021).

10 Philippine National Demographic and Health Survey (2017).

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Worse, women who assert rights and resist abuses and neglect are continuously harassed, vilified, and persecuted. GABRIELA, the widest women's organization in the Philippines, has been maliciously red-tagged and branded as terrorists. Its leaders and members are facing surveillance, harassment, and a number of them were arrested and charged with trumped up charges and some were even killed. Gabriela Women's Partylist, the sole women's sectoral party in the Philippine Congress for 17 years now, is hunted with disqualification charges by an administration desperate to prevent it from running and winning again in the 2022 elections.

Conclusion

With the worsening joblessness and poverty among Filipino women, and the various forms of discrimination, gender-based violence they experience, the Philippines under the Duterte presidency has committed grave violations of women's rights and its obligations under the CEDAW and even its local version, the Magna Carta of Women.

The law supposedly affords not only protection but special protection to women. The law's special protective mantle on women is particularly directed at the following areas of special concerns: ensuring that women are treated equally in law and in fact; that women enjoy the same rights and privileges as men; that women are not treated as objects but as human beings whose dignity the State values and whose human rights are guaranteed and afforded full respect and protection; that all forms of violence and discrimination against women are eliminated; that women are treated as equal partners of men in development and that they are provided the same spaces in governance and public service.

Thus, any violation of women's rights, and worse, when wantonly and repeatedly committed by the highest official of the land, must be seen not only as an attack against women but as a grave and therefore punishable violation of existing laws.

President Duterte's public statements and state policies promote rather than discourage or prevent discrimination against women. They harm and endanger the lives of women. The Duterte government has consigned women to a life of perpetual misery, oppression and denial of their human rights and should therefore be made accountable for its gross failure to respect, protect and fulfill the rights of Filipino women. ###

Expert Witness Presentation to the International Independent Commission of Investigation (IICOI) into Human Rights Violations in the Philippines, Phase 3

By Rafael Mariano

Kilusang Magbubukid ng Pilipinas

July 29, 2021

RATIONALE

The Kilusang Magbubukid ng Pilipinas (KMP) is a democratic mass organization of Filipino farmers and poor peasants primarily working for genuine land reform, social justice, and genuine social change. It is composed of landless peasants, farmworkers, peasant women, rural youth, and millions of rural poor in the Philippine countryside.

It has local chapters and mass membership reaching over two million nationwide.

Since KMP's establishment in July 1985, farmers under its banner are leading domestic efforts to resist land-grabbing by local and foreign landlords, agri-corporations, and plantations. Farmers also counter massive ejection and displacement from farmlands as well as land-related human rights violations and other abuses.

KMP members nationwide are also constantly engaged in collective farming, land cultivation activities and other mass campaigns to recover and take position in agricultural lands. Likewise, the organization also advocates immediate economic relief for peasants and launches initiatives, programs such as organic farming and sustainable agriculture, livelihood and production, medical missions and sanitation, disaster relief and rehabilitation, and technology development projects.

The majority of Filipino peasants remain landless as they continue to face the fundamental problem of feudal exploitation in the Philippines. Big landlords and foreign agribusinesses have control over vast tracts of domestic lands, further subjecting

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farmers to unfair social conditions such as high land rent, high cost of agricultural production, low buying prices of agricultural produce, and other exploitative practices in the Philippine countryside affecting more than 80 percent of the rural population.

Landlessness and poverty remain prevalent in the Philippines as millions of farmers remain landless. Decades of government land reforms have failed to address even the most basic demands of the Filipino peasant masses. The absence of genuine land reform and rural development in the Philippines contribute largely to the failed food security programs in the Philippines and the poverty and indebtedness of farmers and farmworkers. Without control of resources and lacking government support, the economic status of farmers remains depressed.

Worse, farmers, who uphold their right to the land they till and other democratic rights are often subjected to the worst human rights violations and abuses. Soon after promising change to millions of hopeful Filipinos who voted for him in 2016, President Rodrigo Duterte has reneged on his statements and instead waged a full-scale, all-out war against Filipinos. Existing Philippine policies that perpetuate the situation of landlessness, poverty, and food insecurity of Filipino farmers violate the economic, social, and cultural rights of farmers.

The UN Declaration on the Rights of Peasants and Other People Working in Rural Areas¹¹² adopted by the Third Committee of the UN General Assembly which the Philippine government is a signatory declares: “States shall respect, protect and fulfill the rights of peasants and other people working in rural areas. They shall promptly take legislative, administrative, and other appropriate steps to achieve progressively the full realization of the rights of the present Declaration that cannot be immediately guaranteed.”

However, we deem that the situation of Filipino farmers has worsened under the Duterte administration as a result of policies and programs that undermine the social, economic, cultural, political rights, and civil liberties of the people in general. In the course of its implementation of these policies, the Philippine government has violated the International Covenants on Civil and Political Rights, on Economic, Social and Cultural Rights, Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment Punishment, and other UN instruments.

We view that the Duterte administration's solution to the perennial poverty in a calam-

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12 United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas <https://digitallibrary.un.org/record/1650694?ln=en>

ity-stricken and less developed, agricultural country, with farmers as the majority of the population, is intensified militarization and heightened police brutality that resulted in peasant killings and a host of other violations. While the anti-drug war is impacting urban poor communities, the counterinsurgency campaign has affected the lives of the rural poor.

Furthermore, the Philippine government's Executive Order No. 70¹³ and the formation of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) using the "whole of nation approach", comprehensively undermined the rights of the Filipino people. Such policies mobilized the police and military in violating the civil and political rights of peasants whom they stigmatize as armed communist insurgents. The climate of impunity spurred by such smear campaigns provides a fertile ground for not only political killings but also for legal persecution of advocates and groups supportive of peasant and workers' causes.¹⁴

MAIN PRESENTATION: VIOLATION OF FILIPINO PEASANTS' SOCIO-ECONOMIC RIGHTS

Landlessness remains as the fundamental problem of the Filipino peasants¹⁵ that comprise the vast majority of the Philippine population. Due to the land monopoly of a few big landlords and corporations, Filipino farmers have been suffering from hunger, poverty, and social injustices for centuries.

Problems of high land rent or lease rentals, very low prices of agricultural produce, inhumane wages of farmworkers, and high cost of farm inputs also prevail. These problems have been aggravated by neoliberal policies of liberalization, privatization, and deregulation espoused by Duterte's economic managers. Such policies further liberalize Philippine agriculture which shares in the national budget have decreased over the years.

The Filipino peasants have long been demanding and fighting for the implementation of genuine land reform and free land distribution. We view that only a truly redistributive land reform will solve the fundamental problem of landlessness, and rural poverty.

What farmers experience daily are land grabbing, land-use conversion, forced eviction, and demolition from their farms. At the onset, Duterte has no agenda or program for

13 PH Government Executive Order No. 70

14 <https://www.officialgazette.gov.ph/downloads/2018/12dec/20181204-EO-70-RRD.pdf>
Land and Rights Report 2019, PANAP, <https://files.panap.net/resources/Land-and-Rights-Watch-2019-Yearend-Report.pdf>

15 <https://peasantmovementph.com/2021/07/16/dutertes-legacy-agriculture-in-ruins-impoverished-peasants/>

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genuine agrarian reform, rural development, and national industrialization and economic development. His administration is pursuing market-assisted land reform instead of compulsory acquisition of private agricultural land for free land distribution to at least 9.7 million farmers and their families relying mainly on farming for livelihood.

Filipino fisherfolk are evicted from their fishing grounds because of private and public-led projects of conversion, reclamation, and demolition that lead to the destruction of marine environment and resources. Despite Filipino fisherfolk having preferential access to fishing grounds, they are always deprived of their livelihood, and receive very little to no aid at all from the government. Their situation is further worsened by persistent and aggressive intrusion by China. Not less than 600,000 Filipino fisherfolks dependent on the West Philippine Sea¹⁶ are threatened by foreign interference in our exclusive economic zone. Worse, agencies even spent millions for ecotourism and the dumping of dolomite sand in the Manila Bay.

Filipino agricultural workers, on the other hand, are subjected to exploitation, unjust and unfair wages, and they are also suffering hazardous working conditions in haciendas and agricultural plantations. Agricultural workers have been victimized by corporate landgrabbing as an estimate of 1.2 million hectares of land are devoted to foreign corporate plantations.¹⁷

The Filipino peasant women are struggling and starving without financial aid. The pandemic-related lockdown has caused their livelihoods to suffer, and without government cash aid and production subsidy that they have been clamoring for, they will continue to languish. They endure also discrimination and sexual abuse.

Duterte's Department of Agrarian Reform continuously implements the Comprehensive Agrarian Reform Law of 1988 with inherent flaws, loopholes, defects and anti-peasant provisions that have disadvantaged farmers and agrarian reform beneficiaries launching struggles for their right to fully own the land they till.

Instead of fundamentally addressing the national problem of landlessness, what Duterte did was to unilaterally terminate the peace talks between the GRP and the NDFP that tackled the substantive agenda of Social Economic Reforms. Such reforms could have been essential in addressing the roots of the armed conflict, particularly the provisions laid out in the draft CASER's Agrarian Reform and Rural Development and National Industrialization and Economic Development.

16 <https://angpamalakaya.org/2021/07/12/fishers-stormed-chinese-consulate-to-mark-5th-year-of-pca-ruling-on-south-china-sea/>

17 <https://umapilipinas.wordpress.com/2021/07/27/agri-workers-on-sona-duterte-honest-about-land-reform-by-saying-nothing/>

Duterte has been consistently subservient to the interests of U.S. and also of China. He has easily surrendered sovereignty over the West Philippine Sea in exchange for lucrative Chinese-funded infrastructure projects and investments for the Build, Build, Build program. Duterte maxed out Such infrastructure projects. Also, due to the government's borrowing spree, the domestic debt has spiked to a record-high Php11.7 trillion.

Also under Duterte, the social and economic rights of frontliners of our national food production – farmers, peasant women, agricultural workers, and fisherfolk were trampled upon. The right to land, the right to adequate food, and the right to be free from hunger are constantly violated.

Those violations are contrary to the Universal Declaration of Human Rights,¹⁸ the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas,¹⁹ and international covenants on economic, social, and cultural rights.

Duterte did not implement State policy to develop an independent and self-reliant national economy effectively controlled by Filipinos. Duterte did not pursue the policy of social justice, democracy, and national sovereignty.

Filipino peasants' struggles are confronted with human rights violations. Farmers who attempt to speak out their demands are silenced, intimidated, harassed, red-tagged, arrested, and even killed. Many were also victimized by the forced surrender campaign of the NTF-ELCAC.

Documentation by Kilusang Magbubukid ng Pilipinas and Tanggol Magsasaka or Defend Farmers listed 340 victims of extrajudicial killings. Among those killed include peace consultant and KMP leader Randall Echanis²⁰ who was tortured and stabbed to death on August 10, 2020.²¹ Former KMP vice-chairperson Joseph Canlas²² died last May 11, 2021 after contracting COVID-19 in detention²³ after he was illegally arrested based on fabricated cases of illegal possession of firearms and explosives — planted pieces of evidence commonly found in police raids.

18 <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

19 United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas <https://digitallibrary.un.org/record/1650694?ln=en>

20 <https://www.rappler.com/newsbreak/in-depth/randall-echanis-lifelong-reform-advocate>

21 <https://newsinfo.inquirer.net/1325148/ndfps-echanis-tortured-to-death-says-chr>

22 <https://www.philstar.com/headlines/2021/05/11/2097455/joseph-canlas-detained-peasant-leader-and-land-defender-dies>

23 <https://cnnphilippines.com/news/2021/5/11/Peasant-leader-Joseph-Canlas-COVID-19.html>

There were also 25 incidents of massacres of peasants and indigenous peoples — all remain unresolved cases. Among the most heinous include the Sagay massacre (2018),²⁴ the Negros 14 massacre (2019),²⁵ and the Tumandok massacre (2020). Massacres and mass killings persist even during the lockdown.

The struggle for land, social justice, and genuine agrarian reform are being criminalized by the fascist US-Duterte regime. Land and agrarian disputes are also being criminalized. Peasant leaders and even progressive organizations of farmers are being red-tagged - a clear violation of the right to self-organization and freedom of association.

Likewise, the Magna Carta of Small Farmers²⁶ is being grossly violated - Section 2 (the development of agriculture and empowerment of small farmers),²⁷ Section 5 (the right to organize),²⁸ and Section 8 (Rights of Farmers).²⁹ Furthermore, the mandate of the Department of Agriculture and its appropriate agencies to establish a price support program is not being implemented, and the setting of farmgate prices for agricultural produce is neglected.

Filipino peasants have been clamoring and supporting various legislation filed by progressive party lists under the Makabayan coalition. Among these legislation include the Genuine Agrarian Reform Bill,³⁰ the proposed Rice Industry Development Act,³¹ and the proposed Genuine Small Coconut Farmers Act.³² There is a victory that we can mention — the passage of the Free Irrigation Services Act³³ which is the fruit of a long and arduous mass campaign of peasants under KMP.

One of the many anti-people laws that Duterte signed was the Rice Liberalization Law that has further depressed palay farm gate prices to Php7 to Php14 per kilo, because of the rice importation dependency. The call of rice farmers is to strengthen the rice industry to attain self-sufficiency and food security for farmers. The government also

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- 24 <https://www.hrw.org/news/2018/10/22/philippine-sugar-plantation-massacre>
- 25 <https://news.abs-cbn.com/news/03/30/19/14-farmers-massacred-in-negros-oriental-lawmaker-says>
- 26 <https://www.chanrobles.com/republicactno7607.htm>
- 27 <https://www.chanrobles.com/republicactno7607.htm>
- 28 <https://www.chanrobles.com/republicactno7607.htm>
- 29 <https://www.chanrobles.com/republicactno7607.htm>
- 30 https://www.congress.gov.ph/legisdocs/basic_17/HB00555.pdf
- 31 https://www.congress.gov.ph/legisdocs/basic_18/HB00477.pdf
- 32 <https://www.officialgazette.gov.ph/downloads/2021/02feb/20210226-RA-11524-RRD.pdf>
- 33 https://lawphil.net/statutes/repacts/ra2019/ra_11203_2019.html

bolstered the importation of rice, pork through Executive Orders 134 and 135, respectively. Both orders violate the people's right to food self-sufficiency.

Filipino farmers under KMP, AMIHAN National Federation of peasant women, and Bantay Bigas have been demanding the repeal of the Rice Liberalization Law³⁴. Even the passage of the Coconut Farmers and Industry Trust Fund Act³⁵ is not for the benefit of coconut farmers. It will pave the way for the privatization of the coco levy assets — the second round of deprivation of the coco levy fund from farmers. Despite broad opposition to large-scale mining operations that cause irreparable socio-economic and environmental damages, Duterte rammed the EO 130 that lifted the ban on new mining applications.

Filipino peasants need to organize themselves and protect themselves from human rights violations, and violation of their democratic rights, and fundamental freedoms. They continue to thrive and survive the vilification, demonization, and weaponization of law by Duterte's regime.

In summary, Duterte and his name speak for his anti-peasant and anti-people legacies:

D - De facto Martial Law and dynasty

U - Unilateral termination of the peace talks and unrivalled puppetry

T - Tyrannical rule

E - Extra judicial killings and violation of human rights

R - Rice Tarrification Law, red tagging, and political persecution

T - Terror Law or state terrorism

E - Extension of term of office via Charter Change and his VP bid to remain in power beyond 2022

As part of our efforts, KMP has filed complaints and appeals to the local Commission on Human Rights, the Ombudsman, and other agencies. We have also submitted reports to the UNHRC and have participated in probes of the Philippine Congress and Senate. We have embarked on campaigns to demand justice for all victims of human rights violations and for the immediate and unconditional release of all political pris-

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oners.

Despite the many challenges and misfortunes brought about by the Duterte regime, the Filipino peasants and the Filipino people are persistently treading on the path of struggle for genuine land reform and national industrialization. Our struggle for democracy, justice, and sovereignty will remain and prevail.

As former Supreme Court Chief Justice Reynato S. Puno once said: “Only the people is sovereign, not the elected President, not the elected Congress and, not the unelected Court... xxx... It is the prime duty of any reigning government to uphold the sovereignty of the people at all cost.” Thank you and good day. #

Document 32: Testimony of Sonny Africa

The Right to Development under the Duterte Administration

IBON Foundation’s testimony for the InvestigatePH 3rd Report

August 12, 2021

Sonny Africa

The Philippine economy is distorted to serve the narrow interests of foreign capital and domestic elites. Especially over the last four decades of neoliberal globalization, the economic system created enriches a few yet denies the majority of Filipinos the right to development. The current Duterte administration has actively preserved these arrangements while pressing new levels of inequity and oppression since the COVID-19 pandemic hit.

Right to development

The obligation of the Philippine State to respect, protect, fulfill, and promote human rights is well-established. The Philippines recognizes the Universal Declaration of Human Rights (UDHR) as providing a universal set of minimum standards in human rights protection and promotion. It is a party to the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

It is also a party to other important human rights legal instruments including the: Convention on the

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Elimination of All Forms of Discrimination Against Women (CEDAW), Convention on the Rights of the Child (CRC), International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW), and the Convention on the Rights of Persons with Disabilities (CRPD).

The 1987 Philippine Constitution expressly views poverty as an issue of social justice, human dignity, and human rights and elaborates on this in numerous sections. All this is fully consistent with the Declaration on the Right to Development adopted by the UN General Assembly in 1986.

The human rights approach has prompted legislative and policy measures against overt discrimination on gender, ethnic and religious grounds. However, social and economic policies as a whole are increasingly and overwhelmingly dominated by a market-oriented and -driven framework.

Yet the market framework is intrinsically unable to allocate or distribute resources in a way that eradicates poverty and inequality. Measured against deepening structural problems, social programs are limited and border on tokenism. But the rights to development cannot be treated as mere residuals of policymaking or given just as a matter of charity or fortunate circumstance.

The Duterte administration of the past five years has clearly maintained the State's failure to meet its obligations. If anything, it has in many respects even worsened the exclusion, disparities, injustice, and basic causes of widespread poverty and deep inequality in the country.

In particular, the government's response to the COVID-19 pandemic has severely undermined the people's rights to an adequate standard of living, food, health, education and work. This is happening astride serious violations of civil and political rights.

Imperialist globalization

The Philippines has been nominally independent since 1946 yet the ultimate goal of independence – development – still eludes the Filipino people. The momentum of decades of neocolonial and neoliberal policymaking is critical to understand the Duterte administration's anti-people policies today.

Imperialist globalization has devalued sovereignty and stripped the Philippines of trade, investment, fiscal, monetary and regulatory policy instruments essential for broad-based social and economic progress. Market criteria of profitability and competitiveness have replaced social criteria of welfare and development. Capital is privileged over the people.

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The usual argument is always for a narrow notion of so-called economic efficiency. This justification has been used to reshape virtually every aspect of domestic social and economic policy to favor foreign monopoly capital at the expense of national development. Domestic policies, regulations, standards and even legal and accounting systems are crafted according to the preferences of foreign monopoly capital. Domestic systems of exploitation have ever been created to fit snugly into the global capitalist system.

This started even upon nominal independence with the United States (US) using unequal agreements to ensure that it would continue to have a privileged place in the Philippine economy – the Bell Trade Act (1946), US-RP Treaty of General Relations (1946), and Laurel-Langley Agreement (1954). This self-serving influence on domestic policymaking continued for decades afterwards through its potent multilateral instruments of foreign policy – the International Monetary Fund (IMF) and World Bank.

The economy has been steadily shaped according to the market terms most favorable to foreign capital for many decades. There were the 24 IMF programs (including stabilization programs) since 1962 aside from nine (9) structural adjustment programs and over 300 projects with the World Bank since 1957. These interventions were at their most potent in the late 1970s and 1980s but debt and official development assistance (ODA) are today still laden with explicit or unstated conditionalities.

Foreign capital's grip expanded and deepened with the Philippines joining the General Agreement on Tariffs and Trade (GATT, 1979), Asia Pacific Economic Cooperation (APEC, 1989), ASEAN Free Trade Area (1992), and especially the World Trade Organization (WTO, 1995). Expansive and intrusive international economic agreements were the market-friendly measures of choice since the 1990s.

The country is today party to nine (9) free trade agreements (FTAs) and 31 bilateral investment treaties (BITs). Taken altogether they legally but drastically restrict the country's policy space for social and economic development. There were also alarming internal developments. Free market policies of neoliberal globalization were embraced by policymaking elites and these steadily became entrenched within the Philippine neocolonial state itself.

Globalization policies dismantled erstwhile nationalist and protectionist barriers and have been accumulating for decades. Every administration since the Marcos regime implemented globalization measure after globalization measure aside from upholding those that went before it.

This started in earnest with tariff cuts in 1981 with further rounds of cuts in 1991 and 1996. The period 1991-1998 was the most intensive period of globalization in the country's history and saw liberalization or deregulation of foreign investments, water transport, public infrastructure, banking, telecommunications, airlines, water transport, oil, and water.

Neoliberal economic decline

The damage to the national economy and the undermining of social and economic rights has been tremendous. We were made to liberalize foreign trade and investment – this destroyed domestic agriculture and industry and made them subordinate to the needs of foreign capital.

Domestic agriculture has fallen to its lowest share of the economy in the country's history and manufacturing to its lowest since the mid-1950s. In the late 1990s, the economy became a service economy more than a producing economy with the share of services greater than of industry and agriculture combined. Deployments of overseas Filipino workers spiked in the 1990s and surged in the 2000s which cemented the over-dependence on overseas work and remittances.

The economy is a more captive market than ever before and is a chronic importer of consumer, intermediate and producer goods. These underpin record high trade deficits through the years until today.

Absent meaningful domestic production, growth since the 2000s has relied on overseas remittances and on foreign investment in business process outsourcing (BPOs) and low value-added manufacturing export enclaves. These external sources of growth have weak multiplier effects and low job generating potential, hence the country's unresolved high unemployment.

Unemployment has steadily grown throughout the era of neoliberal globalization and weakening domestic productive forces. Correcting official data for better comparability across decades, the number of unemployed has more or less continuously grown to a record 4.7 million with an unemployment rate of 9.9% in 2019 before the COVID-19 pandemic.

These are the conditions driving at least 10.4 million Filipinos to go overseas for work away from their families. More Filipinos are forced to find work abroad every year than new jobs are created in the domestic economy.

The employment that is available is meanwhile overwhelmingly of poor quality work. Some 27.2 million or almost two-thirds (64%) of the 42.43 million employed in pre-pandemic 2019 are in poor quality work consisting of: non-regular and agency-hired (9.0 million), government contractuales (1.1 million), and informals (17.2 million consisting of worked for private household, worked with pay in own family-operated farm or business, own account workers, and unpaid family workers).

Flexible labor arrangements and informal sector work are notorious for uncertainty, low pay, little or no benefits, and poor working conditions. The labor situation indicates deep unresolved structural problems.

Foreign capital, domestic underdevelopment

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Domestic agriculture and industry have collapsed not just despite increased foreign investment but, more precisely, because of increased foreign investment. Foreign direct investment (FDI) is privileged over domestic production and given subsidies and preferential treatment. They have grown substantially since the 1980s both in absolute amounts and as a share of GDP without contributing to domestic development.

Annual foreign investment inflows are over thirty times larger than in the early 1980s – from an annual average of US\$187 million (equivalent 0.5% of GDP) in 1980-1984 to US\$6.3 billion (2% of GDP) in 2015-2019. The inward stock of FDI increased seventy-fold from US\$1.3 billion in 1980 to US\$88 billion in 2019, and seven-fold as a percentage of GDP from 3.6% to 24.1% over that same period. Japan, the US and China are the country's biggest foreign investors.

Interlinked global production from foreign subsidiaries set up by foreign firms in the 1950s and 1960s reached new heights with expansive global supply chains built since the 1980s and 1990s to transfer even more surplus value to the advanced capitalist countries.

The most capital-intensive sectors in the country such as manufacturing and mining are today dominated by foreign capital. The largest share of foreign investment has historically gone to manufacturing. Yet domestic manufacturing is a smaller share of the economy now than in the 1970s and is down to its level in the 1950s. Most manufacturing in the Philippines is not even Filipino anymore with FDI accounting for as much as 70% of total approved manufacturing investments in the last 20 years.

Foreign capital is a key beneficiary of Filipino labor. There are 1.5 million employed in foreign-dominated special economic zones (SEZs) especially in manufacturing and business process outsourcing (BPO). There are also the 10.4 million overseas Filipinos – by some estimates as much as 12 million – outright exported as cheap labor.

Foreign capital is also a key beneficiary of the country's natural resources. In just the last two decades since 2000, there has been US\$50.3 billion in mineral exports and US\$68.1 billion in agricultural and forestry exports. Opening up our natural resources to capitalist exploitation with only token attention to the environment has resulted in widespread pollution, degradation, destruction and over-extraction.

But aside from trade and investment liberalization, we were made to privatize social services and deregulate labor markets – this made education, health and housing unaffordable and inaccessible, and worsened labor exploitation.

We were also made to lower taxes on capital, increase taxes on the people, and to let finance operate with minimal regulation – this made tax systems regressive, stifled resources for development, and wors-

ened inequality. The financial system also continues to be drained with over US\$250 billion in foreign debt payments since 1980.

Filipino capital, domestic poverty

The so-called liberalizing economic reforms since the 1970s have resulted in poverty for most amid staggering wealth for a few.

The Philippines has a population of 109.5 million. The government reports that poverty incidence has fallen from 23.3% of the population in 2015 to 16.6% in 2018, and from 17.9% of families to 12.1 percent. In magnitudes this means just 17.6 million poor Filipinos or 3.0 million poor Filipino families as of 2018.

The claim of such rapid poverty reduction is however misleading. It uses a very low and extremely unrealistic official poverty line of, on average at the national level, just Php71 per person per day (equivalent to US\$1.40 at current exchange rates) for all of a person's food and non-food needs.

With the same data set, using an alternative poverty line of Php132 per person per day (US\$2.60) would register some 12.4 million poor families or at least 55 million poor Filipinos in 2018; this is over half the population (51%).

The low official poverty threshold moreover does not capture many other dimensions of poverty that tens of millions of Filipinos suffer: income insecurity, lack of decent work, lack of education, insufficient nutrition and poor health, inadequate housing, lack of clean water, sanitation and electricity, lack of assets, exploitation and other vulnerabilities. The difficulties are especially acute in rural areas, where over half of the population still lives, and for vulnerable groups. If gaps here are also taken into consideration, it has been estimated that up to three-fifths of families (60%) may be considered poor.

Yet the income and wealth gaps are huge. It is important to note that the economic interests of domestic elites are enmeshed with foreign capital rather than anchored on nationalist economic development.

The Php4.1 trillion (US\$82 billion) wealth of the richest 50 Filipinos is as much as the total assets of the poorest 60-70 million Filipinos. Wealth inequality is worsening. The wealth Gini coefficient has increased from 0.827 in 2015 to 0.837 in 2019. (Credit Suisse, 2015 and 2019) The Philippines is among the Top 10 countries with the worst inequalities in wealth (9th worst) and income (10th) in the world. (WEF, 2018)

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The Philippines has recently been hailed as one of the world's most promising emerging markets particularly on the back of economic growth increasing since the 2000s to become among the fastest in Asia.

Yet such hype is more about market opportunities than social development. It is for instance oblivious to how the country's ranking according to the UN's Human Development Index (HDI) is basically unchanged, or has even fallen, from 84th of 144 countries in 1990 (with HDI of 0.593) to 107th of 189 countries in 2019 (HDI of 0.718).

These are the objective conditions for the emergence and flourishing of social movements challenging undemocratic rule and seeking real reforms in the economy to uphold the people's right to development. They have from the beginning confronted the alliance between political elites and big capital. For this, they have long borne the brunt of state repression aimed at preserving the unjust and inequitable status quo.

Duterte's neoliberal authoritarianism

The Duterte administration's neoliberal authoritarianism is fully continuous with these long-term anti-democratic trends. Even before the COVID-19 pandemic, it has wielded the vast resources, authority and power of the state to support the profit-seeking and political ascendancy of a few at the expense of the majority poor and vulnerable working people.

Despite much nationalist and populist rhetoric, the Duterte administration fully embraced and upheld the neoliberal policies behind such widespread violations of social and economic rights. It has not just maintained the pro-foreign capital, pro-big business and market-oriented neoliberal macroeconomic policies of all the previous administrations before it – it has buttressed these.

Unchanged neoliberal policies have meant continued structural problems. Even before the pandemic, the Duterte administration was already seeing the weakest job generation in 35 years. Its average annual net employment creation of just 313,338 in the period 2017-2019 was already the lowest of all six administrations in the 35 years since the Marcos dictatorship.

Amid growing overt and disguised protectionism by even the world's most powerful capitalist economies, it persisted with outdated globalization policies. It entered yet another free trade deal – the expansive China-centered Regional Comprehensive Economic partnership (RCEP).

It opened up the economy further with 100% foreign ownership of financial and investment firms, internet businesses and higher education with Executive Order No. 65 and of geothermal projects by the energy department. It gave excessive attention to legislation and easing government regulations justified as improving the ease of doing business.

It touted its flagship Php4.1 trillion (\$US82 billion) Build, Build, Build infrastructure program as essential for development. In reality it mainly builds the infrastructure to support the foreign investment-oriented economy aside from creating profitable opportunities for foreign contractors and large corporations.

Tax policies have a major role in the enjoyment of human rights – to raise resources for eradicating poverty and realizing human rights, as well as to reduce inequality. The government instead passed its TRAIN Law of tax reforms in December 2017 which increased consumption taxes including on the majority poor population while reducing direct taxes on high income and wealthy families. Personal income taxes, estate taxes and donor taxes were cut.

To do this it willfully disseminated disinformation that the TRAIN law is a progressive tax reform and misrepresented its benefits. It also denied access to relevant information to assess the TRAIN law when this was still being deliberated in Congress.

Yet the government's own data showed that the net effect of TRAIN is to reduce the income of the poorest 60% of households while redistributing income and wealth to more privileged groups including most of the country's wealthiest families. It reduced the disposable income of the country's poorest households aside from contributed to high and rising inflation since the start of 2018.

On top of this, the administration passed its CREATE tax reforms in 2020 which reduced the corporate income tax from 30% to 25% – the biggest beneficiaries of this revenue-eroding measure are large and foreign corporations.

Anti-peasant and anti-worker

The Duterte administration continued to neglect agriculture but also actively undermined the livelihoods of millions of rice farmers when it liberalized the rice sector. Its new rice liberalization law to comply with the WTO violated the right to food of rice farmers who were driven deeper into poverty. It also compromised the country's food security.

The agricultural sector has historically accounted for the biggest share of employment in the country, on average accounting for some one-third of employment (32.4%) since 2000. Poverty incidence in the sector is well above the national average and highest among farmers (34.3%) and fishermen (34.0%), according to the low official poverty threshold.

Yet the Duterte administration reduced the share of agriculture in the national budget to an average of

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3.6% in 2017-2020 which is not just lower average 4.7% share under the two previous administrations (or from 2001-2016) but is also grossly disproportionate to the number of employed in agriculture.

The Rice Liberalization Act (Republic Act No. 1123) passed in February 2019 moreover contributed to 300,000 agricultural jobs lost in 2019. The law took away quantitative restrictions on rice and replaced these with tariffs.

Rice liberalization resulted in a record high 2.9 million metric tons of rice imports last year. By September 2019, the average farmgate price of palay dropped precipitously to Php16.05 per kilogram – 30% lower than in the same period in 2018 and its lowest in eight years.

Rice farmers and farm workers account for the biggest share of agricultural employment at some 3.8 million. The steep drop in palay prices due to rice liberalization caused drastic cuts in the incomes of rice farmers overall, with a strong chance that hundreds of thousands of low productivity marginal rice farmers were driven to bankruptcy.

The Duterte administration also brought land reform, a crucial scheme for asset redistribution, to a standstill. The administration is the poorest performer in the last 32 years of the government's agrarian reform program. It inherited a backlog of 621,085 hectares for distribution. After three years, it only distributed 154,937 hectares or an average of 3,443 hectares monthly. This is less than half the rate of 8,524 hectares monthly under the previous Aquino administration and barely one-fourth of the 13,620 hectares monthly average from when the program started in July 1987 to 2015.

Workers have also been on the losing end. The Duterte administration gave the least frequent and lowest amount of minimum wage hikes of all post-Marcos administrations. It only raised wages twice in the National Capital Region (NCR) compared to previous governments which did so by as much as 6-7 times. The wage hikes were also so low as not to even be able to keep up with inflation; it is the only government so far which has seen the real wage contract (by 7.2%).

Wages were already virtually stagnant to begin with. The average daily basic pay (ADBP) of workers nationwide was basically unchanged over the past 17 years. Adjusted for inflation, the reported ADBP of Php364 in January 2018 was a negligible 1.7% increase since 2001.

Keeping wages low is among the drivers of corporate profits. Between 2016 and 2018: the net income of the Top 100 corporations increased by 57% to Php949 billion, and of the Top 1000 corporations by 26% to Php1.56 trillion.

Pandemic of decline

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The pandemic shock seriously worsened these already adverse trends. It was used to cement elite rule and the government's narrow-minded COVID-19 response has been particularly destructive. COVID-19 has not been contained yet the economy has collapsed and millions of families and small enterprises have been driven into distress. This is a direct result of the government's policy choices.

The Duterte government budgeted too little for COVID response and did not even spend this all. Over 10% of its meagre Php608.5 billion (US\$12.1 billion) COVID response budget remained unspent.

This is the main reason why the scale of testing is so low and, on average, has been at just one-fourth or one-fifth of levels needed for the COVID-19 case positivity rate to even approach the 5% recommended by the World Health Organization (WHO). Contact tracing is also poor at a ratio of just 1:6 (six contacts for every positive case) which is much lower than the minimum 1:25 and 1:30 required in rural and urban areas, respectively.

The government underspent on rational public health measures to contain the pandemic – extensive mass testing, diligent contact tracing, and targeted isolation of risky citizens. Instead, it over-relied on controlling the population with lockdowns as its primary strategy especially in and around the National Capital Region (NCR).

As it is, the Philippines reputedly has among the longest and harshest lockdowns in the region if not the world. It is for instance reportedly one among just nine countries worldwide which have not yet been able to reopen its schools for face-to-face learning. The education of 25.1 million primary and secondary school children is gravely compromised by protracted remote and distance learning. It is worst for some 2.1 other children who did not enroll in the new pandemic school year.

Yet the lockdowns have failed to contain the pandemic and the country still has the second most COVID-19 cases per capita and the third most COVID-19 deaths per capita in Southeast Asia.

The lockdowns have not contained the pandemic but have choked and collapsed the economy for 17 months now. The adverse effects of this are made worse by the Duterte administration refusing to implement a real stimulus program out of an irrational over-emphasis on fiscal austerity to preserve creditworthiness.

Despite the huge need for a substantial fiscal response, the increases in national government spending in 2020 (11.3% increase) and 2021 (9.9%) are even below the 2016-2020 average (13.7%). The Philippines' fiscal response is among the most meagre in the region and is even less than other countries which are less creditworthy like Vietnam and Indonesia.

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This underpinned the biggest economic contraction and biggest employment increase in the region. The 9.6% contraction of gross domestic product (GDP) in 2020 was the worst in South, East and Southeast Asia (outside of tiny tourism-dependent Maldives). The 5.3 percentage point increase in officially reported unemployment between 2019 and 2020, which reached 10.4%, was the largest in Southeast Asia.

The lockdowns devastated livelihoods across the country with the poorest 70% of families losing Php13,000-32,500 (US\$260-650) in income on average over the last 17 months. The average conceals how at least hundreds of thousands were likely to have seen their livelihoods completely dissipated. These are IBON estimates because, revealingly, the government has not even bothered to monitor income losses among households.

Official labor force data already show alarming trends. By hours worked, the number of Filipinos in full-time work in June 2021 is still 1.2 million less than in January 2020 before the pandemic and fell to 27.5 million. Meanwhile there is a huge 3.6 million bloating of part-time workers to 17 million. By class of worker, the number of private wage workers fell by 769,000 to 21.1 million; the number of informal self-employed bloated by 1.7 million (to 12.8 million) and of unpaid family workers by 1.3 million (to 4 million).

Yet the government avoids giving more than token emergency cash assistance. Potentially as much as 18 million families were given Php5,000-8,000 (US\$100-160) when the pandemic hit last year and the lockdowns were at their harshest. These however were not repeated in succeeding months with perhaps just around 2-3 million families given Php1,000-4,000 (US\$20-80) once more earlier this year.

The disruption in livelihoods and stinginess of cash assistance resulted in 15.5 million families going hungry last year, according to the government's own Food and Nutrition Institute (FNRI). With some 25 million Filipino families in total, this is over six out of ten families going hungry. Today, around 17.8 million families, or over seven out of ten, do not have any savings and are living off only their daily earnings according to Central Bank data.

The pandemic has also exposed the limitations of the government's privatization- and health financing-driven version of "universal health care". The national health insurance corporation PhilHealth has only been able to support the hospitalization of 9,739 COVID-19 patients out of the at least 100,000 who have needed to be hospitalized since last year.

The lack of fiscal stimulus to offset the lockdown-driven supply and demand shocks caused unemployment to soar – officially reported as reaching as much as 7.2 million in April last year. This has gone down to a nonetheless still substantial 3.8 million in June this year as quarantine restrictions were eased. IBON however initially estimates real unemployment to be at around 6-6.5 million which we will only be able to confirm once the government makes more data available.

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As it is, some 560,000 micro, small and medium enterprises have been forced to close (99,575 firms) or are still only operating partially (458,043) according to the trade and industry department.

These conditions are largely avoidable – if only the government had not grossly underspent on vital public health and economic measures, and especially if it had not relied on militarist lockdowns to contain the pandemic.

Inequities

The Duterte administration's Php4.5 trillion (US\$89.1 trillion) 2021 national government budget clearly shows its mispriorities – it allotted much more for infrastructure (Php1.1 trillion/US\$21.8 billion) and debt service (Php1.8 trillion/ US\$35.6 billion, including the off-budget item for amortization) over COVID response.

The budget for public works and highways increased by 61.3% as opposed to a 51.7% contraction for social welfare. Meanwhile the 14.6% increase in the health budget and 15.6% for education are virtually just as much as the 14.5% increase in the military's budget. The budget priorities clearly reflect the government's business-as-usual approach.

As a final point to highlight the dominance of elites over policymaking, it is illustrative to see how the wealth of close Duterte allies in big business have soared under his administration and even during the pandemic. The net worth of close Duterte allies Manuel Villar, Enrique Razon, Ramon Ang and Dennis Uy – all ranked among the 50 richest Filipinos – have increased by 306%, 45%, 86% and 202% since the start of the Duterte administration. These wealth increases conspicuously outpace other oligarchs and, notably, have continued even since the onset of the pandemic.

Lastly, it is also clear how Filipino capitalists and Philippine politics are so intertwined. Three of the ten richest Filipinos – Villar, Razon and Ang – are behind three of the country's five biggest political parties. These parties are all part of the ruling coalition and will be major players in the upcoming 2022 national elections. This only underscores the critical importance of insurgent politics from the grassroots as the necessary driving force for democratic change.

Thank you for the chance to share our views.

Document 33: Testimony of Elmer Labog

Transcript of Testimony of Elmer labog, July 29, 2021

INVESTIGATEPH

I have been tasked to provide the current labor and human rights situation in the Philippines, as well as a comprehensive report on violations of the standard rights of the Filipino workers. The Philippines has been on the list of the 10 Worst Countries for workers to live in for the fourth consecutive year. It was only 2016 that the Philippines was not listed as one of the 10 Worst Countries as indicated by the by the International Trade Union Confederation (ITUC) survey done every year of all members of the United Nations.

This is the 2020 ITUC Global Rights Index. For the nth time the Philippines has been listed as one of those 10 countries where the conditions are characterised by arbitrary arrests, violence and repression, as well as by the blatant violation of standard trade union international conventions.

In 2016 there was a euphoria when Duterte made the junking of contractualization as his campaign slogan. Indeed, during the campaign period, the workers expected that he would deliver on his promise as soon as he won the election. Indeed, he repeatedly promised the workers that contractualization and particularly “endo” or the “end of contract” should be a thing of the past.

Several times we were in dialogue with him in Malacañang. The first one was in February 2017, and this platform had united all the big labor groups, including all affiliates of the ITUC in the Philippines, as well as independent groups had been banded together to fight for the junking of the long time woe of workers, the contractualization thing. This dialogue was repeated on February 7, 2018, again in Malacañang, this time we were negotiating for the passage of a bill in both houses of Congress to really junk once and for all this contractualization thing.

However, as you see here, in 2019, after so many series of negotiations and mass actions that we conducted in Metro Manila and many regions in the Philippines including places like Cebu and Davao, where Mr Duterte held the celebration and commemoration of May First. It was really sad and revolting that in 2019 he vetoed House Bill 6908 and Senate Bill 6908 that would have given some sort of protection and hindrance on ULP and contracting practices of employers.

What made things worse was an Executive Order No 70 which is known as the Executive Order creating the National Task Force to End Local Communist Armed Conflict. It has been created to go against real terrorists but has been used to discourage or forbid the exercise of legitimate dissent. From then on the exercise of the legitimate rights of workers to form unions and to assert for higher wages, the junking of contractualization, better working conditions and support for those afflicted with COVID as well as to assert our sovereignty has been branded and attacked as an exercise to overthrow the government of Mr Duterte.

What made things worse was the passage of the Anti-Terrorism law on July 3, 2020, which contains the Anti-Money laundering aspect, or AMLC 1168, where even the bank deposits of suspected terrorists – usually the activists – their assets are being frozen. This is being practically implemented as of the present time.

One of the serious things that the government has done to deter the exercise of the legitimate rights of workers, especially those that are guaranteed under the Philippine Constitution, as well as international conventions and resolutions, such as Conventions 87 and 98 and 105, is the passage of the JIPCO last year, which is known as the Joint Industrial Peace and Concern Office which has allegedly been formed to deter the proliferation of terrorist activities in areas which are densely occupied by investors and these are usually the export processing zones.

So if you follow the developments in the Philippines, there are passage of various laws such as the cancellation of the restrictions on mining or the law that allows the practice of pioneering activities in areas that have not been mined in the past. So all those restrictions that had been imposed for example by former Secretary Jeanie Lopez were all cancelled. So this opened up all these areas where there are a lot of mining activities, such as those in norther Luzon and far northern Mindanao.

So this is a joint sponsorship by the Export Processing Zone Authority (EPZA) and the Philippine National Police. This jibes clearly with the intention of clinging to the neoliberal paradigm of past and present

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administrations where the belief is that the development of a certain country depends on the level of investments pouring in, foreign direct investments. So these are the special cases on special economic zones as well as the industrial zones that are proliferating in many areas of the country currently. So obviously all these laws that are being passed in the Philippines at the present time, especially late last year and early this year, benefits especially the investments of foreign companies. Especially a law that reduces the capitalization of foreign companies in the retail and service industry to just a half a million U.S. dollars then you can already be part of the service as well as the retail industry. So this JIPCO serves as a protection to these neoliberal policies that are being imposed against the interests of the working people.

In June 24 in his speech in Camp Crame, Duterte made mention that JIPCO is one of those eleven organizations that are being allowed to bear arms and be called the additional force in the campaign against terrorism in the country. So it is really a very dangerous situation for us as you will note in the succeeding slides.

So in terms of the administration of Mr Duterte's response with regard to the pandemic, he gave a shoot-to-kill order to his troops in terms of violators for example of quarantine, which he did for suspects in the drug war, which came to a point where the number of deaths reached almost 30,000. So the Operation Tokhang has been extended this time beyond the drug war, it is now being imposed on those who dissent and those who express criticisms against the government of Mr Duterte.

Despite our calls for decent wages, and social protection, we have been incessantly attacked in various forms, like harassment, intimidation, red-tagging, violent dispersals of strikes, arbitrary arrests due to false charges, and worse, it could end up with so many killings.

So national policies have laid out the basis for the proliferation of human and labor rights violations in our country.

Perhaps you have heard about the brutality that has been done to striking workers in 2018 at the NutriAsia plant, which manufactures various condiments. NutriAsia in Bulacan is the biggest manufacturer of condiments in the Philippines. It already owns Del Monte locally and internationally. So these are photos of the workers who have been brutally attacked and seriously injured. The old woman in the photo here is a member of the urban poor Kadamay. They were in the picket line because they are close to the company NutriAsia, and she was one of those hit by a stone thrown from the ranks of the security guards of NutriAsia.

So Pepmarco workers, in these left photos, had been brutally attacked by the joint forces of the guards as well as the Philippine National Police in Laguna Province.

I myself have been a victim of sustained red-tagging, especially before big events, as happened a day before June 12. Days before the SONA staff in our office had noticed the proliferation of posters in the perimeter of the national headquarters in Quezon City.

This red-tagging came to a point where it has led to the arrest of organizers as well as members of various trade union organizations, such as the case of Pol Viuya, Chairperson of the Workers Alliance of Region 3, WAR 3, and also other trade union organizers in various regions all over the country.

Otto de Vries, who has been a missionary for over 35 years, and is also a researcher with the Ecumenical Institute for Labor Education and Research, has been sent out of the country, sent back to Holland, because after his long missionary work in the Philippines, it is only in the regime of Duterte he has been kicked out of the country, just like what happened to the first nun who was sent back to Australia.

What is happening now is that elements of the NTF-ELCAC have been going around various unions, especially those directly affiliated with KMU, and they are being forced, both members and officers, to come out with resolutions disaffiliating from the KMU, and in some cases they have been successful in doing this because armed elements of the police and NTF were harassing them in their workplaces as well as in their houses, as in the case of Adnama Mining Resources in Surigao, Alcophil and Supreme

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companies which are both in Bulacan, and Wyeth, the drug company in laguna, and Optodev, a big maker of eye glasses, and the former Philips, now Nexperia, these are huge company where NTF-ELCAC would go around and campaign for the disaffiliation of these unions.

This is the succession of arrests that have been done to many of our members. So in May 1 last year, there were 76 arrests made nationwide. June 2 is the case of the PISTON 6, where they were apprehended just for asking for alms because they had no jobs for several months. The eldest of them is a driver named Elmer Cordero who is about 76 years old but he was herded into jail and two of them had been afflicted with COVID-19.

Ramon Rescovilla is a member of PISTON in the Bicol Region, and is the National Vice-President of PISTON. Jose Bernadino is also an organizer in Central Luzon and was taken in last year and as usual just like uniforms they planted evidence usually it is a combination of explosives and firearms in order to forbid the availment of bail, and so they would detain them endlessly in their jails.

As of now there are 32 detained labor organizers under Duterte, which includes the Human Rights Day 7, as well those arrested as early as 2018 for leading various mass actions including strikes, especially the jeepney drivers strikes in 2018.

This slide shows he HRD 7 arrested on the last Human Rights Day. Of the seven two have been released earlier this year, but five of them are still languishing in jail. The Laguna 5 are those belonging to COURAGE, the federation of government employees, as well as officers of KMU in PAMANTI, the alliance of workers in Southern Tagalog. For example, Arnedo Lagunias was the former vice-president of the Honda Cars Philippines union, and Steve Mendoza is Vice-President of the OLALIA, which is one of the nine federations under KMU. So on March 31 this year was the arrest of Pol Viuya, who is also the head of WAR 3 in Central Luzon. He was arrested together with Joseph Canlas who was Vice-President of KMP as well as head of peasant organization AMGL in Central Luzon. He died in jail because he was afflicted with COVID-19 when he was mixed up with the detainees who unknowingly had the disease.

As of now there are already 56 workers who have been killed under the administration of Mr Duterte. You will notice here the list of their names and the specific dates when they were brutally murdered while performing their work as trade unionists or they were killed exactly in their homes, with or without search and arrest warrants.

This slide shows the persons who were killed in the Bloody Sunday massacre on March 7. On the left of you screen you will notice that this is Manny Asuncion, and the two others here are Mark Lee and Chai-Lemita Evangelista, members of the party-list Bayan Muna in Southern Tagalog. The brutality that they unleashed against these people should really be condemned by our people in the Philippines as well as those in the international community, because this is not the work of humans, as they were brutally executed.

In the case of Manny Asuncion, who is a veteran labor leader and organizer, he was killed brutally with 8 gunshot wounds. He was locked in an embrace with his wife, but they were forcefully separated by the police and his wife and another staff were dragged down into the stairway from the second floor of the building, and they suddenly heard 8 gunshots after he was negotiating that he would cooperate if they have search or arrest warrants for him. In our investigation we found out that there were no search or arrest warrants that were served to Mr Manny Asuncion.

The latest killing was only done in March this year, against the person of Dany Miguel, a young leader of an electronic company in Southern Tagalog. He was also acting Chairperson of PAMANTI-KMU. He is very new in the trade union movement. It was just a week since we were together in the filing of harassment cases against leaders as well as members of various trade union groups in Southern Tagalog, before he was gunned down exactly on the evening of March 28. He was being followed from work to home and he was brutally, treacherously shot. You will notice that the bullet entrance was coming from the back, and he has this shirt that says "struggle for wages jobs and rights of workers". It is a red shirt usually worn by members of trade unions during rallies. He is one of the very young officers of the KMU

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in the Southern Tagalog Region. His killing was really done by some of the devils of Duterte.

We filed a case with the national bureau of Investigation for the endless casing and red-tagging against leaders, especially against myself and the Secretary General of KMU. In this picture on the left you will notice that I am in the centre and next to me is Dandy Miguel who was shown in the last slide, who was attacked on March 28 this year. This is one of the rallies we had in Malacañang only in the first week of this month [July] when we served a Notice of Termination for Duterte, saying this is the end of your contract with Filipino workers for your failure to grant your promise of ending contractualization, better wages and benefits, and selling the national sovereignty and patrimony of the nation to foreigners.

Marameng salamat po.

Questions

Chris Ferguson, World Communion of Reformed Churches: Thankyou so much. We pause in the counting on the statistics of the lives lost and people's livelihoods destroyed. So you are telling quite a blood-soaked story and we want to lift up the courage and suffering of those who try to defend the rights of workers and the works themselves who are so brutally treated. It is difficult to move into more specific things.

One thing I was interested in, you were talking about the concept of these armed additional forces I think you called them. Could you say there has been a further militarization of things like the National Task Force in terms of repression of workers rights? I just want to see if I understood that beyond the regular pattern there was a further kind of arming and militarizing, so not only red-tagging but also the presence of the National Task Force people in a directly armed and repressive way. Did I understand that correctly?

Elmer Labog: Yes, you are right on that. As I divulged earlier, it was members of the National Task Force that had been going around various locals – a local is a specific union in a specific company which won the certification election in that company – and these armed goons of the police and military had been intervening in legitimate exercises of union activities, and concretely, in the case of Supreme Steel in Valenzuela City in Bulacan, they went inside the company while the union is conducting their local election, meaning their election of their own local officers in their local union. So this is a no-no, and even Philippine law forbids the participation and more so the intervention of these police and military forces. In terms of armed intervention I mentioned in my report I have mentioned the formation of the Joint Industrial Peace Cooperation Office which was formed late in November last year, and this was supposedly formed to discourage terroristic activities, especially in Special of Export Economic Zones. And indeed, the NTF-ELCAC jointly with JIPCO and even the Department of Labor in Central Luzon would join the efforts to discourage the formation of unions or any other labor organization, especially in various economic zones in Central Luzon and Southern Tagalog.

Now lately it was no other than President Duterte himself who made mention that hence now the JIPCO would be one of the 11 organizations civilian in nature who would be allowed to bear arms. But when this statement had received a lot of criticism, the Chief of the Philippine National Police, General Guillermo Eleazar, backed down and said they still had to go through the process of applying for possession of firearms. But it still proves that even if you undergo process and are able to avail of firearms, this is still illegal and you are going to be using these against us, as proven in so many occasions already of these killings which have reached 56 according to our data.

Chris Ferguson: So it is a de facto recruiting of civilian organizations to take up arms in terms of repression?

Elmer Labog: Yes, I think that is the right translation of what is happening now. The capacity is already there with the use of the police and the military. I would like to report that there is an unbent policy in the Export Processing Zones where there should be no strikes and no unions in order to encourage the investments or the increase of locators in these Special Economic Zones. And this is due to their belief that with the neoliberal policy of inviting foreign direct investments then the economy would improve.

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But then year in and year out the economy has been dragging, because it is a wrong paradigm, a wrong concept to really depend on the proliferation of foreign industries in the Philippines.

What is still very basic is to increase the purchasing capacity of the majority of the working people, and in the situation of the Philippines, those in the sector of agriculture. If you don't improve agriculture then industry would not follow. This has been proven in so many cases in the histories of so many countries in the world. If the development of agriculture is a backward thing then no industry would follow. This is still the right paradigm to follow in order that the country would develop, but in this case, aside from believing that foreign investment would really develop an economy and to impose hard tactics against those who have been victimized by these policies, is really detrimental to the basic sectors of society. And so the struggle would be an unending thing until real freedom and democracy is won in the Philippines.

Chris Ferguson: I have another question and it is a rather big piece. Could you update us in terms of your analysis of the current situation of where the role of forced labor migration in terms of overseas foreign workers fit into the picture you have painted for us in terms of basic workers rights and right to livelihood?

Elmer Labog: The basic reason why there is an exodus, a big number of workers leaving the country is basically a lack of money to sustain life. This is a basic concept, the cultural closeness of families would force people to apply for jobs in countries that would give salaries that would allow the works in the Philippines to live like real people and a corresponding amount to the work that they exert, because wages in the Philippines I would say frankly are not decent and not called living wages. The current minimum wage in the Philippines is 537 pesos which is roughly the equivalent of 12 US dollars a day, while countries in the north would compute their wages in hours, whereas in the Philippines it is a matter of day. This is very low compared to the necessary family living wage, which should be about 25 US dollars or 1,101 pesos for a family of five.

So this is a very basic thing, and if you do not really feel that your work force is compensated, then people leave. That's one of the reasons why there is massive brain drain in the Philippines. We lose a lot of our health workers, we lose a lot of our intelligent engineers and scientists who would serve better in other countries. Indeed it is a difficult choice for them, but their backs are against the wall, and thinking of the lives and future of their families, then now over 10 million are outside the country, working in various parts of the world.

Chris Ferguson: My quick follow-up question was to wonder if under the Duterte administration we could still understand, as we have analyzed in the past, that it isn't simply the push factor, where workers are forced to seek better wages, but in fact it is a government plan to generate hard currency through the exportation of the workers. So that it is part of an economic system of worker exploitation. I wanted to follow that link as we looked at the other patterns of labor rights, that it is not only that people can't find jobs in the Philippines so they are forced out, but in fact this is part of a government plan for the development of hard currency income.

Elmer Labog: Yes, you are right on that analysis. As I have expounded, it is a basic principle to seek greener pastures abroad, but at the same time, the export of cheap labor which has been a stop gap measure in the seventies in the time of Marcos was discovered to be a profitable venture by Marcos and the next administrations after him. This is still true under the current dispensation of the Duterte government where the labor force has been exploited and used to amass a lot of foreign currency. Indeed, it is still an ongoing exploitative practice of the recruiting agencies in cahoots with those in various government agencies in the Philippines. It is indeed a standing policy of Mr Duterte's government to send out workers even if currently they have the drama to be cautious about sending out health workers. But I don't think that will really last because the cling of the greenbacks is stronger than really retaining health workers in the Philippines.

So I think the proliferation and exodus of cheap labor export would be a continuing thing under the current dispensation.

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Derek Duncan: Has there been any petitions or pressure put on the international corporations that are operating in the Philippines or investing in companies that are implicated in abuses of workers?

Elmer Labog: If you are referring to actions of the broad sector of workers against exploitative companies in the Philippines, yes. We are now in a protest action against the reopening of OceanaGold in Didipio in Northern Luzon because for 25 years it has been operating in that part and it has devastated the environment while it has been paying its workers the right minimum wage in that region, which is lower than the prevailing wage in Metro Manila, and this is so minimal compared to the extractions taken out from the mining sites. So we are up in arms, various workers groups and unions, against these huge companies that do not only bring out the natural resources but also massively destroy the environment.

While those in the area are doing protest actions, they also sacked the regular workforce which we also work with, works in that site of OceanaGold, and its an ongoing protest action.

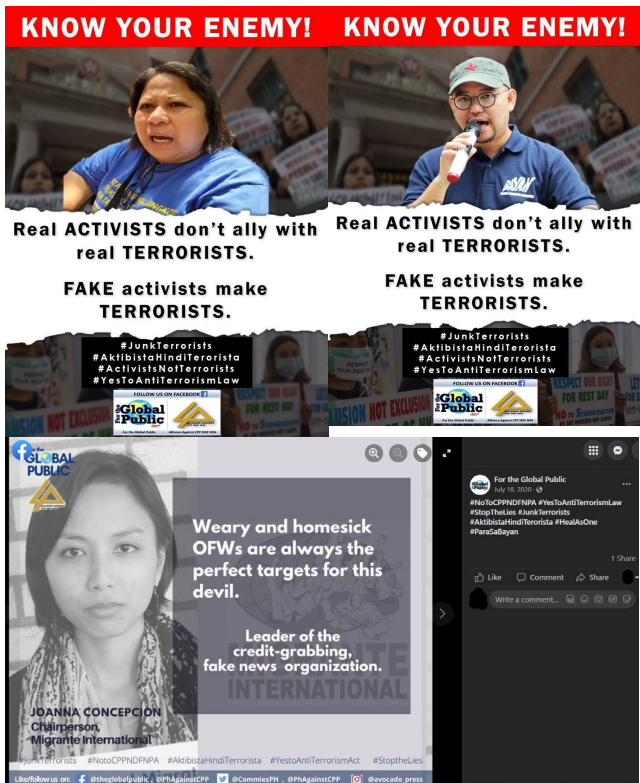
We are also protesting the passage of Executive Order 130 which allows the exploration of massive areas, especially choice agricultural lands, that hasn't been open to mining in the past, but are very open now to foreign as well as big local investors in many places in the countryside. So in this time of natural disasters, we think this is not the right time to open up and it is not the right policy to really open up the entire economy to foreign investors.

We are also strongly protesting about the exploitation and oppression of agricultural workers by big foreign companies, including the big pineapple and banana plantations, with their very low wages and non-regular workforce that are so huge in their plantations. But they are not being regularized and they are not being given their right wages in these companies. So yes, these are some of the actions that are being carried out jointly by various union organizations in the Philippines.

Document 34: Photos of red-tagging of Filipino migrant organizations in Hong Kong

Photos of Red-tagging of Filipino Migrant organizations in Hong Kong

The following photos of Migrante Hong Kong and Migrante International leaders were posted online through the Facebook page "For the Global Public" following Migrante Hong Kong's campaign against the PhilHealth premium hike in June/July 2020. then were shared by known leader of a known organization who supports President Duterte (FB Account Jeanette Angel Aries) and credited to the Philippine government.



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Posted May 2020, including pictures of HK & South Korea Migrante leaders following Migrante Chapters throughout Asia Pacific coordinating a campaign to Stop the Philhealth Premium increase “translation “Truth, not lies! This is what we are fighting for”

Katotohanan, Hindi Kasinungalingan

The POEA is not requiring payment of Philhealth contributions before issuance of OEC for OFWs

Gabriela Hong Kong
May 1 at 10:35 PM
Kalampagan sa Mayo Uno ng mga Kababaihan Migranteng manggagawa sa Hongkong.
#AyudaHindiDiktadura... See More

Migrante - Hong Kong
May 4 at 4:55 PM
Pahayag ng lagapangulo ng UNIFIL Migrante HK Dolores Balladares-Pelaez nangiti sa sususpensyon ng PHILHEALTH Premium Increase!

Sa PhilHealth, maraming maraming salamat at nandito pa ako ngayon, nakakangiti, kapiling ang pamilya ko, nag-eejoy ng buhay. Masarap mabuhay.
Dati po akong OFW. Noong na ilagapose ako ng stage 2A breast cancer. PhilHealth ang tumulong sa akin. Wala akong ginastos. Lahat lahat covered ng PhilHealth, mula sa hospitalisasyon, gamot, surgery, chemotherapy, sinagot lahat ng PhilHealth. I am very thankful talaga. Kung wala ang PhilHealth, baka hindi ako nakapagpapalagay.
Lolita V. Tara
44 years old

Ito ang aming ipinaglalaman!
#NotoCPPNDFNPA #NoToTerroristFronts #HealAsOne

Avocado Press

Dolores Balladares-Pelaez, is the chairperson of United Filipinos in Hong Kong-Migrante Hong Kong. This post appeared in 2021 following Migrante Hong Kong going public about stranded OFWs in Hong Kong who were denied shelter support by the Philippine Consulate.

WARNING!
Dolores Balladares Pelaez
Missionary of the Communist Terrorist Group in Hong Kong

- Creates many issues among OFWs in Hong Kong to maintain influence
- Spread like OFWs in Hong Kong being abandoned by the Philippine government
- Makes OFWs join Communist terrorist dummy organization like the UNIFIL-MIGRANTE, GABRIELA and BAYAN

STOP THE LIES!

#JunkTerrorists #NotoCPPNDFNPA #EndTerror2021 #ChangeContinues

For the GLOBAL PUBLIC ALLIANCE AGAINST CPP NPA

For the Global Public
March 3
Hindi lahat ng NPA nasa bundok, yung iba nasa Hong Kong! Say hello!
#NotoCPPNDFNPA #JunkTerrorists #WagePeaceNotWar

18 Likes 5 Comments 93 Shares


Sarsonas Bcs libre lahat... Mang UUROT lang

Precious Gem Dukutin lahat ng npa kadre sa hongkong to end communism in the philippines

Antonio Cabulao Tama ang sinabi nimoa Eric na lahat napasok na ng Terroristang NPA sinasamba na si JOMA SATANAS sa mga Terroristang Mayor, Senador, congressman, gobernador, mga


INVESTIGATEPH

This flyer was distributed to the Hong Kong Filipino community on July 8, 2019 following Hong Kong hosting international conferences including the general assembly of ICHRP (International Coalition for Human Rights in the Philippines) & the International League of People's Struggles (ILPS)



THE COMMUNIST TERRORIST PROBLEM IN THE PHILIPPINES

Who are the Communist Terrorists in the Philippines?



The Communist Terrorist Group (CTG) is the Communist Party of the Philippines (CPP)-New People's Army (NPA). The CTG aims to overthrow the Philippine democratic government, and replace it with a communist government. The CPP-NPA works through the National Democratic Front (NDF) to fight the government in the legal arena, such as using the partylist system and NGOs, particularly human rights groups, labor unions and advocacy groups.

The CTG was founded by Jose Ma. Sison in 26 December 1968, marking their 50 year-long and continuing threat to the Filipino people.

Atrocities of the Communist Terrorist Group

The Communist Terrorist Group (CTG) has been:

1. Killing thousands of innocent civilians, separating families, and rendering more children orphans;
2. Sabotaging and destroying the development projects of the government in the countryside, making more Filipinos poorer;
3. Recruiting child warriors, robbing them of their innocence;
4. Deceiving students and the youth into joining rallies and protests, destroying their future. These students and youth are eventually convinced to leave their families to join the NPA; and
5. Exploiting the indigenous peoples/lumads, and killed their tribal leaders, who oppose the CTG, like Datu Laurelio Tilacan, Datu Kaylo Bontolan, and Datu Banadjaio Mampaundag and his son, Jhonard, among others.



Filipino children and youth

CPP-NPA DECLARED AS TERRORISTS


President Rodrigo Roa Duterte in December 2017 declared the CPP-NPA as terrorist organizations under Proclamation No. 374. This was after the failure of peace engagements with the National Democratic Front (NDF) due to the treachery of the Communist Terrorist Group (CTG). While on this engagements with the Philippine Government, the CTG continued with its violence against and harassment of innocent civilians, businesses, and its extortion operations.

Five other countries have declared the CPP-NPA as terrorists, namely the United States, United Kingdom, Australia and New Zealand. The European Union also declared the CPP-NPA as terrorist.

COMMUNIST TERRORIST GROUP FRONT ORGANIZATIONS

The Communist Terrorist Group (CTG) established front organizations to circumvent terrorism laws, hide their illegal activities, and exploit the democratic system to topple the Philippine Government from within. Among the many fronts of the CTG are:

- Migrante International
- Kabataan Partylist
- Gabriela
- Bayan Muna
- ACT-Teachers
- Kilusang Mayo Uno
- KADAMAY
- NUPL
- Anakbayan
- KARAPATAN
- League of Filipino Students
- International League of Peoples' Struggle (ILPS)
- Kalikasan Partylist
- Makabayan Bloc
- Anakpawis
- Courage
- Kilusang Magbubukid ng Pilipinas



The Communist terrorist problem in the Philippines is not just a problem of the Armed Forces and Government alone. Without the help of all Filipinos, whether in the country or overseas, the government will not be able to win the war. Let us lend our hands to defeat the communist terrorists. We are all in this together! Mabuhay!

-Makabayang Pilipino sa Hong Kong

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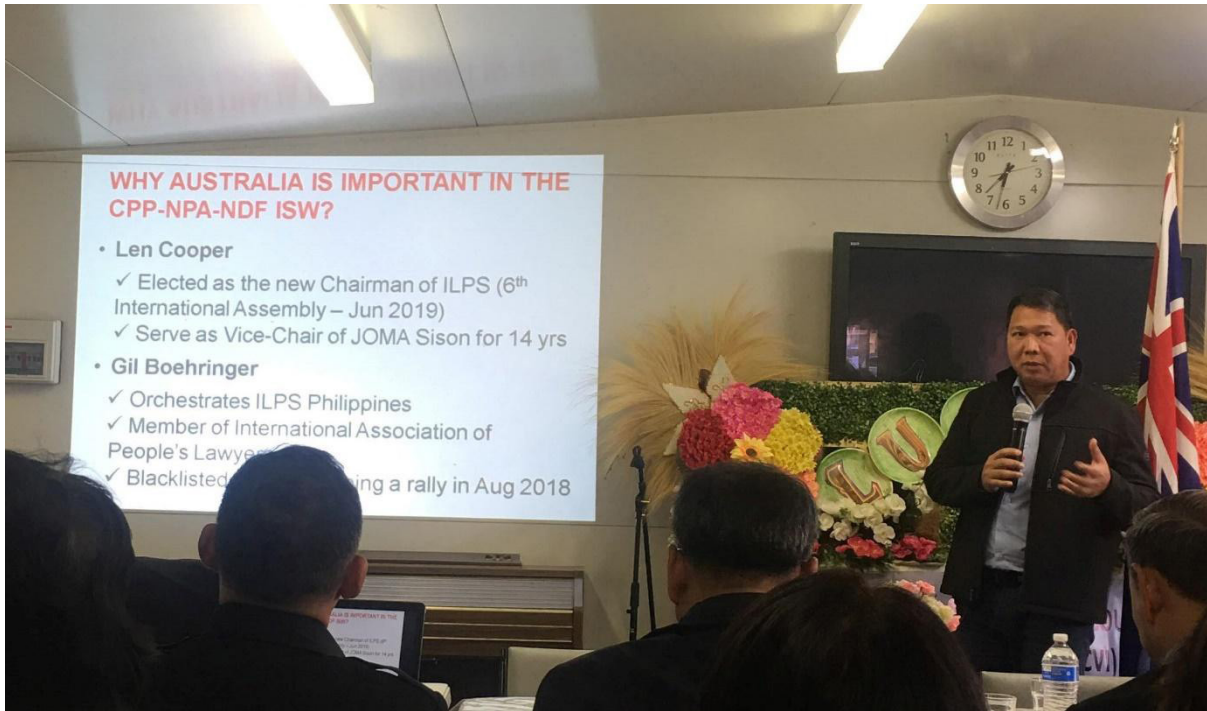
Document 35: Photos of Parlade's Australia Community Forum

Photos of Parlade's Australia Community Forum

Photos taken from the Presentation by Major General Antonio Parlade, Chief of Armed Forces of the Philippines, South Luzon Command at the "Briefing for Filipino Community Leaders on Updates on Philippine Initiatives for Peace" of 4th February 2020 in Melbourne, Australia.



Inside the rectangles: UN system; International League of Peoples' Struggle (ILPS); Peace Process; Migrant ; International Solidarity Missions



Parlade said that the CTG's (Communist Terrorist Groups) are soliciting funds from International sources to fund schools like this.



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Document 36: Photos of red-tagging of Filipino migrant organizations in New Zealand

Red-tagging and death threats against Anna Casaje of Migrante Aotearoa.

12:06 📶 📶 🔋

◀ Fortunato Xerxes Boquia



Fortunato Xerxes Boquia (Yoyong)

[Message](#) [Call](#) [More](#)

- 🎓 Went to St. Francis Xavier High School, Lopez Jaena Miasamis Occ.
- 🎓 Studied at Philippines Maritime Institute Colleges
- 🏠 Lives in Whangarei Heads, New Zealand
- 📍 From Lopez Jaena, Misamis Occidental, Philippines
- ❤️ Single
- 👤 Followed by 102 people

🏠 📺 👤⁹⁺ ⭐ 🔔 ☰

1:02



Anna's post



14 h **Haha** Reply

1 🤔



Denver Oracion
Todo effort pa lol

13 h Like Reply



Fortunato Xerxes Boquia
Sorry presidente pa rin si Du30 kahit anong gawin mong pagpopost laban sa kanya. Nangangamoy kang pakawala ng makakaliwang grupo. Umuwi ka sa pinas huwag ka rito magkalat sa New Zealand. See Translation

13 h

5 👍🤔



Anna Casaje
Fortunato Xerxes Boquia kelan mo pa hawak ang buhay ko? My wall my rules, dun ka sa wall mo magtatatalak. Mag unfriend k kung ayaw mo makita ang totoo, hindi fake yan so ito statement mo against me ay cyber bullying. So dapat ireport ka din.

12 h Like

1 👍



Fortunato Xerxes Boquia
[Anna Casaje](#) libre comment di ba, mga statement no te, tunog makabayan, Gabriela, makakaliwa, asar ka te, akala ko ba ipinaglalaman nyo press freedom, anyare....iyak agad. See Translation



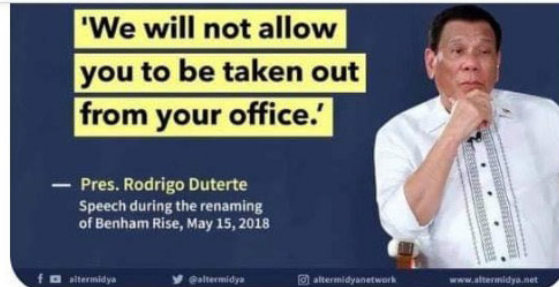
Write a comment...



1:04



Anna's post



1 d Like



Fortunato Xerxes Boquia

[Anna Casaje](#) Alam ko anti Du30 ka hindi ako DDS pero alam ko mas mainap na si Du30 ang naging pangulo ng pilipinas Kay kung sino pa, pero kung mayron kang suggestions sa akin o sa sambayanang Filipino na dapat naging presidente then pwede kang mag anti du30 pero kung Wala....tawag sau reklamador o anti government o sa madaling salita underground NPA.

See Translation

1 d



Ariel Presente

Fortunato Xerxes Boquia Halatang halata naman Bro na myembro ng CPP si [Anna Casaje](#)

See Translation

1 d Like



Jojo Asi

Lies, Manipulation and Elections—
Controlling False Campaign Statements

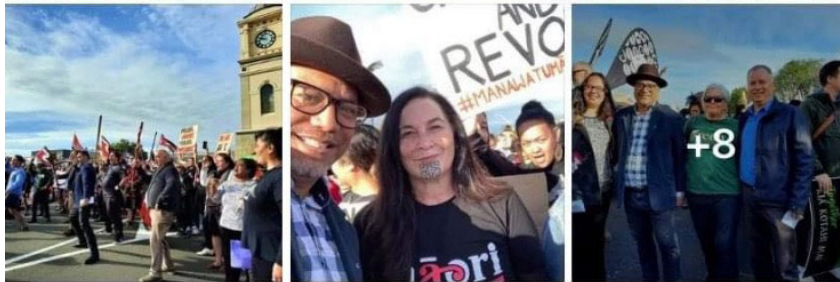


Write a comment...





Anna's post



👍 Like

💬 Comment

➦ Share

👍 Gerome Fortaleza and 3 others



Fortunato Xerxes Boquia

Aling [Anna Casaje](#) nakakahalata ka na talaga, huwag ka ng makialam, sampa lang tayo rito sa new Zealand bandang huli makikita na kita sa kalsada...mukhang galing ka yata sa Mendiola, madalas ka yata sa Edsa tuwing may rally.

See Translation

1 d

1 👍



Write a comment...



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Document 37: Message from Senator Leila De Lima

Message from Senator Leila De Lima (p. 128-133 in Report 2) - take pdf from report 2

Document 38: Attacks against the opposition case summary

Attacks Against the Opposition Case Summary (p. 134 in report 2) - take pdf from report 2

Document 39: Testimony of Mimi Doringo

Analysis on the Duterte Administration's attacks on urban poor communities

Prepared by Kadamay

July 2021

Good day to all. My name is Mimi Doringo, the Secretary General of Kadamay, which is the National Alliance of Filipino Urban poor. Thank you for letting me speak at this event.

It has been more than a year since governments around the world established quarantines to combat the spread of Covid-19. While repression under the veil of strict health measures are not unheard of, especially in third-world countries, it is also a deliberate attack against the poor. The situation in the Philippines under the tyranny of Duterte Administration is a prime example of such aggressive measures made worse with active repressions being done against people living in poverty, especially the ones living in informal settlement communities.

Even before the harsh community quarantines established in March last year, Duterte's oppressive regime already had poor Filipinos living in fear behind its crosshairs. The death toll of Duterte's bloody drug war has amassed thousands of bodies coming from urban poor communities under suspicion by the fascist Philippine National Police as hotbeds of drug syndicates. Recent estimates show almost 30,000 individuals had fallen victim to the administration's "*Oplan Tokhang*". With strict lockdowns issued amid the advent of the coronavirus last March, urban poor communities have since been facing threats towards their health and their security. Crackdowns under lockdowns have become the norm.

Realizing the massive failure of his war on drugs, Duterte turned his ugly head towards his critics, who are mostly progressive groups coming from different sectors. Following his signing of the Anti-Terror Bill into law last year, he instructed the police and military to busy themselves terrorizing the Filipino people to compensate for their inability to defend the country from imperialists much less fighting actual rebels. Despite the change in tags; from "*drug addict*" to "*communist rebels*", urban poor communities remain as targets of Duterte's attacks. Progressive urban poor community leaders have become prime subjects for stalking, harassment, and summary execution by state forces. One such major case is the brutal murder Kadamay's Secretary General Carlito 'Karletz' Badion, who was gunned down in cold blood by police and military agents in his home in Leyte amid the strict community quarantines last year, with his body later found in a shallow grave by the riverbank. 'Karletz', a hard-working advocate of urban poor's housing rights, led the barricades at Sitio San Roque in 2010 and 2014, and the Occupy Bulacan movement in 2017, where 12,000 homeless people took over 6,000 vacant homes set aside for

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police and military.

Duterte's tyranny against progressive groups does not end in the murder of their leaders. Inhabitants of urban poor communities, have also been subjected into harassment, trumped-up charges, illegal arrests, illegal raid, kidnapping, torture, and summary executions. Duterte Administration's brutality against urban poor residents is always made apparent in every report of human rights abuses by police and military. One such case is the torture and illegal arrest of Angat 2, in which John Griefen Arlegui, and Reynaldo Remias Jr., two urban poor residents from Pandi, Bulacan, were kidnapped in broad daylight in April 2019 by armed men who are obviously police agents in civilian clothes. The two young men were forcibly pushed into their car and had their arms twisted with guns pointed at them.

Negative elements are also not exclusive outside of urban poor communities themselves. Police and military lapdogs such as former Kadamay organizer Jeffrey Ariz had tried to break the solidarity among informal settlers in their collective desire for proper housing. Ariz even had the file charges of "grave threat" against Kadamay Chairperson Gloria "Ka Bea" Arellano and other organizers amid ongoing harassments of state forces in 2019. Another case in the same period is one I experienced personally. Military agents stalked me regularly around my home and I was summoned to the local authorities who told me that I was suspected of being an insurgent.

The Duterte regime has also plagued urban poor communities by denying them their right to adequate housing as enshrined in the United Nations Declaration on Human Rights. In fact, the administration has overseen the continuing destruction of urban poor homes to make way for profit-driven infrastructure projects.

Under Duterte's flagship program "Build Build Build" or BBB the situation seems to be getting progressively worse. According to data sourced from the Presidential Commission on Urban Poor itself, approximately 509, 495 families will be evicted from their homes by 2022. The entire program is driven alongside private enterprise

The aggressive infrastructure program is one that seeks to radically reshape the urban landscape and align it with the pitfalls of pseudo-developmental models infringing on poor communities in the process. The above mentioned number of affected families is only from 15 flagship projects, in totality the BBB has 75 flagship projects nationwide. Meaning that the overall toll of the demolitions will be much greater.

These mass evictions have not stopped during the pandemic with at least 500 families losing their homes in 2020. This year, with the administration speeding up the infrastructure drive and up to 50,000 homes will be torn down by years end if they have their way.

Some of the evicted are offered relocation programs, however this already opens up many new problems for those lucky enough to avail. The usual problems are that relocation sites are usually situated in far flung areas, that means a virtual absence of livelihood for those who have been scraping through the cities for a while. According to the government, more than 50% of these areas lack any drinkable water. They are also built with substandard material. Besides this, most relocation areas which offer public housing are too expensive. Because of the lack of available livelihoods, many cannot cope with the amortization payments set by the state. Therefore, many choose to leave the housing sites and return to the cities even just to live on the streets where they can make a small income. The cycle of displacement will begin all over again.

Moreover, the administration isn't prepared to relocate many of those affected. Since Duterte came into power, he has slashed the Housing and Resettlement budget by 76%. This has led to the overall housing backlog in the country to balloon to 6.7 million from 5.5 million.

The blatant disregard for the welfare of the people by attacking communities violates the International Covenant on Economic, Social and Cultural Rights. We can say that the government is killing off the poor while being the number one culprit in sending them to the streets amid unsafe health conditions. Meanwhile, he continues to amplify the presence of state forces in a bid to preserve his dominion in the

country.

Acting like terrorist themselves, the fact that the military and the police view themselves as nation's protectors is not only outside of common sense but is also an evidence of Duterte's hold on Philippines' systems of power. It is our duty as citizens to stand in solidarity and fight back against tyranny which will continue to claim more lives if not stopped.

Document 40: Testimony of Eule Bonganay

Testimony of Eule Bonganay, August 5, 2021

My name is Eule Rico Bonganay, the Secretary General of Salinlahi Alliance for Children's Concerns, an alliance of child rights organisations that uphold the rights and welfare of Filipino children. Our primary focus on campaigns against child rights violations and other issues that negatively affect children. We also initiate policy advocacy campaigns and do lobby work in the Senate and Congress on laws and resolutions that directly affect children. We also do fact-finding and relief missions to gather data and provide services for victims of human rights abuses, including psycho-social intervention. We are also part of the convenors of the Save Our Schools Network that campaigns against the militarization, occupation and closure of Lumad Schools in Mindanao.

In particular I am invited here to provide an analysis of the government's repression of Filipino children.

Filipino children are considered one of the poorest groups, according to the state survey agency, Philippine Statistics Authority. As a signatory to the United Nations Convention on the on January 26, 1990, Rights of the Child, and forging a number of local laws such as the Anti Child Abuse Law, Juvenile Justice and Welfare Act, Anti Child Pornography Act among others, the Filipino children still experience hardships and abuses. They still face many challenges that hinder their basic rights to survival, development, protection and participation, because these rights are widely disregarded and systematically violated.

The country's dire economic conditions, marred by the declining economic growth, rising unemployment, and widespread landlessness have pushed the majority of Filipino families deeper into the quagmire of poverty.

Consequently poor nutrition is very much prevalent among millions of Filipino children. What is more alarming is that while nutrition has become more essential during the pandemic, little attention has been given to implement measures addressing child hunger. As the Philippine government adheres to neoliberal policies of privatizing social services, children from marginalized and vulnerable communities are deprived of access to health and education. Amid the pandemic and global economic recession, the Philippine is also facing a human rights crisis.

Since the beginning of the Duterte administration, the government has implemented programs and policies that further victimize Filipino children and their families. Under his war on drugs policy and counterinsurgency program, millions of Filipinos, including children, have been subjected to human rights abuses such as extra-judicial killings, threat, harassment and intimidation, massive arrest and detention, forcible disappearances and displacement.

Worse, Duterte took advantage of the pandemic to impose de facto martial law by implementing militarist lockdowns in the country.

President Duterte has declared his war on illegal drugs. However, it only resulted to the deaths of at least 30,000 people, according to human rights experts. To justify the killings President Duterte and his police force weaved the narrative of "nanlaban", which institutionalized a pattern of impunity.

Every adult killed by the Duterte government has resulted in a child be orphaned or deprived of a loved one. Duterte's war on drugs has undeniably shattered countless families and created a generation of orphaned children. With the killing of one or both of their parents or guardians, children have been

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left behind to fend for themselves and their younger siblings. Many of them have been displaced due to fear of stigma, dropped out of school or forced to work at an early age. Worse, others have been further abused and exploited.

The Filipino children did not escape the wrath of Duterte's drug war. They were also deliberately targeted and subjected to killings. According to the World Organization against Torture (OMCT) and Children's Legal Rights and Development Centre (CLRDC) there are at least 122 children killed during the implementation of Duterte's war on drugs.

The police describe the killings of children as part of collateral damage, yet cases indicate that children became direct targets. Aside from the reported killings of minors, thousands of them were apprehended and detained over drug-related charges which in most cases were based on fabricated evidence. Arrested minors were even paraded before the media like trophies, and even under detention they have undergone further violations, including torture, prolonged detention, inhuman treatment and even sexual assaults.

In a bid to broaden the scope of the drug war, President Duterte backed the proposed measure to lower the minimum age of criminal responsibility from 15 years old down to 9 years old to supposedly prevent children from being in "cahoots with drug users and peddlers".

At the same time, President Duterte promised peace for the children's sake. The truth is that President Duterte's "peace" means curbing dissent, an all-out war against the Filipino people under his counter-insurgency policy, by issuing Executive Order No 70 which institutionalized political persecution and vilification in combatting insurgency, using all agencies and branches of the government. The Executive Order has formed the National Task Force to End Local Communist Armed Conflict that indiscriminately pinpointed any Duterte critic as a terrorist.

The regions of Bicol, Negros and Samar were put under emergency rule after Duterte issued Memorandum No 32 and deployed massive military and police forces. Cases of rights violations in these regions exponentially increased. In particular, Duterte turned Negros Island into a killing field and the youngest victim was one-year-old child Marjun Ocampo.

President Duterte has used the so-called Marawi Siege in Mindanao to declare Martial Law, which only sowed fear and terror among the Moro and Lumad indigenous peoples. He even accused the indigenous Lumad community schools of indoctrinating their students to rebel against the government. His declaration to bomb Lumad schools has triggered more state violence. According to the Save Our Schools Network there were at least 13 school-related killings, 8,633 affected by the forcible closure of Lumad schools, 930 victims of indiscriminate firings, and 2,350 aerial bombardments, and 18,249 victims of forced evacuations in Lumad communities during the implementation of Martial Law in Mindanao.

On March 15, 2019, Jerome Pangadas, a 15 years-old child and a grade 6 student of the Salugpongan Ta 'Tanu Igkanogon Community Learning Center was killed after a member of a state militia opened fire at several houses at Talaingod, Davao del Norte.

Instead of assisting the militarized Lumad indigenous schools in Mindanao, the Department of Education (DepEd) Region XI issued a closure order against the 55 schools of the Salugpongan Ta 'Tanu Igkanogon Community Learning Center. The closure was made on the recommendation of a retired AFP general and National Security Adviser Hermogenes Esperon Jr.

Aside from EO 70 and MO 32 President Duterte has signed into law the Anti-Terrorism Act (ATA) which is now being used to intensify state-sanctioned violations. With the passage of the ATA, Filipino children are likely to live in a more dangerous environment. The vague definition of terrorism has made it easier for state forces to label children victims of human rights violations as child combatants as a way to escape from accountability. Like in the case of Jhun Mark Acto, a 15-year old child who was maliciously branded by the military as an NPA child warrior in an attempt to justify their brutal action in killing him

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in Sta Cruz, Davao del Sur, on April 21, 2018.

The law also targets to stifle children's right to participation and rob them of democratic space.

No one is safe from the ferocity of human rights violations in our country. Even judges, lawyers, mayors, barangay officials, journalists, doctors, indigenous peoples, priests - Muslims and Christians alike, workers and peasants, urban poor, whether they are activists or not, if they fight for their rights they are labelled as enemies of the state, they are either arrested or killed.

Using irregularly issued warrants, state forces have been intensifying the search of offices and homes of critics and opposition and arbitrarily arresting and detaining individuals based on false accusations and planted evidence.

As attacks on dissenters continue, many children are deprived of parental care. In November 2019, the home of Cora Agovida and Michael Bartolome was raided and the couple was arrested for illegal possession of firearms and explosives that were planted during the raid. Cora was the Metro Manila Chairperson of the women's group Gabriela and Michael is a member of the urban poor organisation Kadamay. With the couple in the house were their two children aged ten and two years old. The police held the children for two days until they were endorsed to the Social Welfare Department of the local government of Manila. Cora requested and authorized one of our member organisations, Children's Rehabilitation Centre, to take custody of the children. As observed by CRC, aside from fear and trauma due to the incident and unjust separation from their parents, the children were also displaced and forced to temporarily stop schooling.

In the same year 2019 the offices of Gabriela, Bayan Muna, and the National Federation of Sugar Workers in Negros were also raided by state forces who arrested and detained 57 individuals including 13 minors who were merely using the offices to practice for a cultural performance. They remained in jail for five days and were subjected to harassment and torture. Several children were forced to bear false witness against the arrested adults.

Such violations were also committed against the 26 Lumad students, teachers and tribal leaders when state forces together with staff of the Department of Social Welfare and Development violently raided their sanctuary at the University of San Carlos in Cebu City last February 15, 2021.

Even child rights defenders are under attack. A former executive director and two former staff of one of our member organizations were implicated in a tactical offensive of the NPA in Mindoro Island. They were charged with attempted murder. The said individuals were nowhere near the area on the dates of the said tactical offensive, and we were clueless why their names were included in the list of more than 30 other people implicated in the case. Their only association with the case was when they conducted a psycho-social intervention for children after a military operation in the area in 2017.

And just recently the social worker and currently the officer in charge of Children's Rehabilitation Centre, Southern Mindanao Regional Office, Lindy Trenilla, has been subjected to trumped up charges of frustrated murder and child abuse. Lindy Trenilla is a child rights worker who devoted her life in upholding the rights of indigenous Lumad children in Mindanao. She is also a recipient of the Outstanding Social Worker in the Philippines Award of the Philippine Association of Social Workers Inc (PASWI). The filing of trumped up charges against Lindy is a clear attestation that child rights advocates are not safe from the attacks of this administration that maliciously equates development work with insurgency.

A government that attacks its own citizens, including the young ones, is a government without a heart. It is only correct to expose to the whole world these atrocities since they are also actively vilifying and spreading lies against human rights organizations like us.

The NTF-ELCAC is now spearheading a red-tagging or terrorist-tagging against progressive organizations and activists. It also actively toured different countries to speak with foreign funding agencies to deprive human rights and progressive organizations of funds for projects. And we are one of the organi-

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zations affected. In its presentations, the NTF-ELCAC falsely accuses Salinlahi and other cause-oriented organizations of funding the activities of the communist group in the Philippines.

Even in the time of the pandemic, violations against the rights of children happened without letup. The government has been effectively using military lockdowns to control and hunt the population with terror in a desperate effort to quell the resistance over its failure to address the crisis.

Hundreds of children who allegedly violated quarantine protocols were subjected to abuses by police authorities, despite existing guidelines on the proper handling of children. In Cavite, village officials have placed in a coffin, while Laguna officials resorted to locking up children in a dog cage as punishment for supposedly violating curfew hours.

One of the horrible accounts that we have recorded is the case of Fabel Pineda. She is a 15-year old girl who was gunned down after filing rape charges against two cops in Cabugao, Ilocos Sur. Fabel, together with her cousin, was accosted by the accused in the wee hours before being subjected to the heinous crime.

Child rights violations do not only entail physical bruises, but also inflict unseen injuries. Children who endured violence committed by state forces are suffering from lifelong consequences and psychological effects, including fear, trauma, behavioural disorders and other mental health problems. Unfortunately, just like legal services, mental health care has been inaccessible for victims.

Needless to say, child rights are far from being fully upheld, promoted and realized in the Philippines. Despite being a signatory to international instruments and treaties and despite legislation of relevant laws and policies, we hold Duterte accountable for the grave crimes he committed against the Filipino children. For the past five years, Duterte has unmasked himself as a dictator, child rights violator, orphan maker, and murderer of children.

I boldly pronounce him as a child rights violator. As I am here to seek your support to stay with us in our efforts to bring justice for the children victims of human rights violations under the Duterte government.

Thankyou

Questions

Chris Ferguson: First a moment of pause. We just have to take it in. This is so unbelievably painful and outrageous. I am moved to tears and outrage for all our children, because all these children are our children of the human family. Thankyou for your courage and your testimony. It is hard to move into specific things.

Overall I am getting a picture at the biggest level – see if I am correct – that the social political situation of the Philippines, first of all besides the outrageous acts of terrorism, the war on terror, the war on drugs, but the actual system structure systematically deprives children of their basic rights. So the basic child in the Philippines lives in a situation of poverty that is already a violation of their rights, that the school system as we see through international reports means that 80 per cent of children are failing at an international standard.

On top of that basic point that to be a child in the Philippines – except to be a child of the elite or very privileged – is already to have your rights violated. So have I got that right as a first observation?

The second question is, that on top of that, there is the particular issue of how children have been impacted by the war on drugs and the war on terror. Has there been in the Philippines a public coming together on this? Has the unmasking of Duterte you mentioned reached the consequence that the price to pay for his actions is this killing and victimization of children?

Eule: Aside from the child protection issues I have mentioned, children are really very much affected by the socio-economic situation in the country. Children are very much affected by the increasing pover-

ty rate. Even before the pandemic there was a study released by UNICEF that at least 31 per cent of Filipino children are living below the poverty line. When we say children are living below the poverty line they are really deprived of other opportunities that would help them enjoy their basic rights such as right to education, right to health. There are even studies that show that because of the growing poverty a lot of children are not able to go to school and they toil in plantations, in factories. About 2.1 million children are considered child labourers. At an early age they have to work to earn money to help their families at least survive for a day. With regard to access to health, given that our government has been privatising our health care services, there are at least 29,000 children dying annually due to under nourishment. Despite having so many laws on children, child protection issues are very glaring in our country. A lot of children are being abused at home, at school, and worse, the government has been implementing policies that really cause a spike in child rights violations. During the pandemic, the government has really abandoned its responsibility to children. Given the militarist lockdown he just imposed a policy that locked up children inside their homes without any opportunity for them to voice out their concerns. These children were further deprived of their basic rights, to play, to socialise with their friends, attend school, and other rights essential for their development. So aside from child protection issues, the state has abandoned its duty to uphold the rights of children and there are no specific programs for children during the pandemic.

Chris: You have laid out very clearly the cost for children of the structural problems and Duterte's policies. How much is this seen and understood by the Filipino people?

Eule: There are now more efforts to alert the public to the situation of Filipino children. There are some landmark cases that have gained public condemnation towards the child rights violations that have been committed to the Duterte administration. For example, with regard to the war on drugs, the public were able to condemn the case of Kian Delos Santos. It triggered local and international condemnation. There are a lot of organizations that have expressed opposition to the war on drugs of the Duterte administration.

Another landmark case that gained momentum was the campaign to oppose the proposed measure to lower the age of criminal responsibility. The public were very disappointed with the move of Congress to imprison minors as young as nine years old.

Though we were able to conduct campaigns on child protection issues, there is a need to exert more effort to make the public aware of the situation of the children, and at the same time work to make change, to impact changes.

Susan Henry-Crowe: Do you have any idea of the number of cases that were not filed due to the fear of children and their families?

We don't have specific information on the number of cases filed, and the number not filed. The government itself makes no effort to expose the number of cases to the public. Given the fact that our justice system is very much inaccessible to victims and is really favourable to perpetrators, there are very few cases filed. Aside from that there are many factors hindering victims from filing charges, for example, the financial capability – not many families can tap lawyers or pursue a case, especially if the victims were from poor families. If the victims were parents of children, and these parents were both killed, the children have no money to pursue their education. They were not even able to pursue legal action against the perpetrators. At the same time there are very limited services offered to victims, from legal, to health, to education.

During our engagement with specific government agencies, they have divulged that there is no specific programs for victims of the drug war.

So I can say that only a small number of the total cases that have been committed have led to filing of charges.

Lee Rhiannon: thankyou for your evidence. It is some of the most shocking that I've heard, it is hard to

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credit. It took me a while to understand the comments about Duterte being an orphan maker and what happens once children have been made orphans.

Question: You indicated that the government is trying to discredit organizations like yours on an international level. Do you feel they have been successful or does the international community see it for what it is, basically a tactic of a corrupt government to suppress any scrutiny of their actions?

Eule: At some point we felt they gained so much from the vilification campaign. In fact, one of our funding agencies cut funding for one of our projects. The funding agency did not say that the cutting of the funds was a result of the campaign, but it happened right after the NTF-ELCAC visited specific countries in Europe, specifically in Belgium. The international NGO funding us was located in Belgium. So for a time we felt they had gained something from the vilification campaign, but up to now we are still operating and we are still assisting children. So despite the attacks, their vilification campaign, their actions to discredit our work, we persevere, and we continue to help children victims of human rights violations. We will not get tired as long as we believe what we do is right, what we do is for the benefit of Filipino children, we will continue our mandate in upholding and promoting children's rights and at the same time in seeking accountability for the violations this administration has done.

Claire Moore: Your evidence was that the government is specifically targeting children. Rather than them being collateral damage, the government is particularly targeting children for the outrage. Do you have any understanding of what could be the particular motive, what is the outcome that the government is trying to achieve? It seems that it is across the attack on drugs, in education, in health, in poverty, it is across the board. Why do you think there is a specific attack on children?

Eule: We do believe that children are specifically targeted. You see the proposal to lower the age of criminal responsibility. To criminalize children especially from poor communities. They have this notion that children are actively participating in criminality and illegal drugs. With regard to the counterinsurgency campaign, they have this NTF-ELCAC and even agencies like the Department of Social Welfare and Development and the Department of Education, these agencies are supposedly tasked to promote and protect children, but they issued memorandum and guidelines that are not beneficial and would in fact violate the rights of indigenous Lumad children. There are a lot of statements from Duterte that he is really against children, like bombing Lumad schools. So what we see is that children in our country is a large proportion of the population. 43.34 per cent of the country, a considerable number. These children are well aware of their rights. This is not favourable for a tyrant. This is why they are consciously attacking children, consciously depriving children of their rights. They want children to be silent, to be not aware of their rights. So that is one of the reasons, aside from Duterte's disdain for human rights. He doesn't really care for the lives and future of our children.

Claire Moore: Do you think there is a particular threat from the children, in his mind?

Eule: Yes, I think so, especially if these children would be aware of their rights. In fact, in our organizations we have been actively organizing children to become part of the social movements. They are actively conducting educational activities to know about their rights, the situation of Filipino children, to know about the violations that this administration has done against the people, and they are actively participating in our campaigns. They do street plays to portray the situation of their fellow children, they join mobilizations, so they are actively participating in the campaign. So I think the government of Duterte is really afraid that some day these children, if they are well aware of their rights, it would be a threat to his presidency.

Question: Is the violation of children's rights troubling to the population?

Eule: Definitely, when you kill children it sends a chilling effect to the population when the government is blatantly killing its children. The increasing number of child rights violations is really an act of terrorism against the Filipino people.

Document 41: Fact Sheet 44 (from INVESTIGATE PH Initial Report)

FACT SHEET

Case No. 44

“Reina Mae and Baby River Nasino”

(Ineffectiveness of Domestic Remedies)

Reina Mae Nasino is a community organizer and a member of urban poor organization Kalipunan ng Damayang Mahihirap-Manila chapter (Kadamay-Manila). On November 5, 2019, she was sleeping over at the office of fellow activists Ram Carlo Bautista and Alma Moran in Tondo, Manila when the police barged in, purportedly to implement Search Warrant Nos. 5944 (19) and 5945 (19) issued by Cecilyn Burgos-Villavert, Executive Judge of the Regional Trial Court of Quezon City. The firearms and explosives supposedly seized from Reina Mae, Bautista, and Moran were actually planted by the police operatives.

Together with Bautista and Moran, Reina Mae was arrested and thereafter indicted for trumped-up charges of Illegal Possession of Firearms and Explosives. Reina Mae and Moran were committed at the Manila City Jail Female Dormitory (MCJFD).

At the time of their illegal arrest, Reina Mae was in the first trimester of her pregnancy. She was deprived of adequate and appropriate prenatal care as she was seen only once by a doctor throughout her entire pregnancy. This was only done prior to their transfer of detention from the police Camp Crame to MCJFD sometime in February 2020.

On July 1, 2020, Reina Mae gave birth to her firstborn, a live baby girl named River Emmanuelle. As River then weighed only 2,435 grams or about 5.5 lbs. despite being born full term at 39 weeks, she was considered a low birth weight infant. She also had infant jaundice and was placed under ultraviolet light the following day.

Considering her low birth weight, Reina Mae requested several times before the court to allow her to stay with her baby at the Fabella Hospital or at the prison nursery within the MCJFD for 12 months pursuant to Republic Act No. 10028 or the “Expanded Breastfeeding Promotion Act of 2009” to ensure that River would be properly nourished.

However, her request was denied by the court after the jail authorities claimed that they lack facilities to cater to the needs of Reina Mae and her baby. Moreover, they claimed that it is the policy of their agency to allow female detainees to be with their infants for a maximum of

30 days.

Subsequently, Reina Mae's baby was separated from her a few days after a month from giving birth and was turned over to her grandmother. In less than two months, baby River died from pulmonary disease on October 9, a condition which could have been prevented, according to health experts, had she been properly nourished by her mother's breastmilk.

After a complicated and delayed process of asking for furlough to see her dying baby in the hospital, another trial court finally granted her request but only after River had died already.

Reina Mae was deprived of her right to grieve properly and with dignity as she was arbitrarily and inhumanely treated as a "high value prisoner" by the Bureau of Jail Management and Penology (BJMP), placed in handcuffs practically all the time, clothed in personal protective equipment (PPE), and guarded closely by battle-ready jail guards and police, and isolated from her family and lawyers in the abbreviated time she was given to attend her baby's wake and burial.

Before giving birth to her baby, Reina Mae was among those who petitioned the Supreme Court in April 2020 to allow them to be released from detention temporarily and for humanitarian considerations, in the light of the COVID-19 pandemic, and also for her to be able to give birth and nurture her infant properly.

Since she was pregnant, she was considered by health authorities as among those vulnerable sectors to easily contract the virus. Her vulnerability was aggravated by the dismal and cramped conditions inside jail facilities in the country.

This petition remained pending with the Supreme Court for a couple of months without any action. It came out with a decision only before River died but Reina Mae's lawyers from the National Union of Peoples' Lawyers (NUPL) received it only a few days after the infant had already succumbed to illness.

The Supreme Court essentially denied the detainees' pleas as it remanded to the lower courts the protracted and tedious determination if the petitioners who were elderly, sick and pregnant detainees may be allowed to be released on bail. She and her co-accused remains in jail to date as the charges are not bailable as a matter of right. #

Document 42: Transcript of Amy Jane Lee's testimony (from INVESTIGATE PH Second Report)

Transcript of Amy Jane Lee's testimony (p. 80-81 in annex of second report)
- take pdf from second report

Document 43: Testimony of Professor Judy Taguiwalo

VIOLATIONS OF THE DUTERTE GOVERNMENT OF THE RIGHT TO EDUCATION

JUDY M. TAGUIWALO

Retired Professor, University of the Philippines

Presentation to the Third Hearing of Investigate Ph

5 August 201

Introduction

Education is a right. The Philippines is one of the original signatories of the Universal Declaration of Human Rights (UDHR) adopted in 1948. Article 26 (1) of the UDHR) states “everyone has the right to education. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms.”³⁶

Education is crucial in ensuring the realization of individual's rights and dignity which “include, among others, ensuring human dignity and the full and holistic development of the human personality; fostering physical and cognitive development; allowing for the acquisition of knowledge, skills, and talents; contributing to the realization of the full potential of the individual; enhancing self-esteem and increasing confidence; encouraging respect for human rights; shaping a person's sense of identity and affiliation with others; enabling socialization and meaningful interaction with others; enabling a person to shape the world around them enables their participation in community life; contributing to a full and satisfying life within society; and empowering and allowing for the increased enjoyment of other human rights.”³⁷

Education is a public good as its benefits not only the individual but society as a whole “in terms of employment, economic prosperity, health and social cohesion.

36 <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

37 UNESCO, 2019 “Right to Education Handbook”. <https://unesdoc.unesco.org/ark:/48223/pf0000366556>

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Increasing literacy rates, for example, leads to improved health outcomes, broader participation in democratic processes, reduced crime and poverty rates, environmental sustainability and social equality. “³⁸

The 1987 Philippine Constitution³⁹ recognizes that education is a right.

Article XIV Section 1 states: “The State shall protect and promote the right of all citizens to quality education at all levels, and shall take appropriate steps to make such education accessible to all.

Section 2. The State shall:

(1) Establish, maintain, and support a complete, adequate, and integrated system of education relevant to the needs of the people and society;

(2) Establish and maintain a system of free public education in the elementary and high school levels. Without limiting the natural right of parents to rear their children, elementary education is compulsory for all children of school age;

(3) Establish and maintain a system of scholarship grants, student loan programs, subsidies, and other incentives which shall be available to deserving students in both public and private schools, especially to the underprivileged;

(4) Encourage non-formal, informal, and indigenous learning systems, as well as self-learning, independent, and out-of-school study programs particularly those that respond to community needs; and

(5) Provide adult citizens, the disabled, and out-of-school youth with training in civics, vocational efficiency, and other skills.

How is this right to education violated under the Duterte regime. ?

Financing of education is an important requisite for ensuring that the right to

38 <https://theconversation.com/education-is-a-public-good-not-a-private-commodity-31408>

39 1987 Philippine Constitution. [https://www.chanrobles.com/philsupremelaw1.](https://www.chanrobles.com/philsupremelaw1.htm#1987%20Constitution%20of%20the%20Republic%20of%20the%20Philippines)

[htm#1987%20Constitution%20of%20the%20Republic%20of%20the%20Philippines](https://www.chanrobles.com/philsupremelaw1.htm#1987%20Constitution%20of%20the%20Republic%20of%20the%20Philippines)

education is realized. But government spending is far from adequate.

At least 20% of the total national budget and 6% of the gross national product should be allocated to education.⁴⁰

Based on government data, the 2020 and 2021 education budgets have gone up to around 16.7% of the total government budget.⁴¹ This percentage is still below the recommended 20% by UNESCO.

Government's underfunding of education is in stark contrast to huge allocation for its debt payments, infrastructure projects and its continued support for military spending. Debt payments for 2021 not only posted the highest allocation in government spending P1.793 trillion, it also registered the highest percentage increase of 78.4 % . Compare this with the P751.7B education budget and the percentage increase of only 15.6%. Allocation for infrastructure projects even in the midst of the pandemic went up by a huge 61.3%

The OECD 2018 Programme for International Student Assessment or PISA places Philippine education spending per student as the lowest among all PISA-participating countries/economies and 90% lower than the OECD average.⁴²

Low Completion Figures and Millions of Out-of -School Children and Youth

It is not surprising that in spite of supposedly free basic education and recently

40 International Institute for Educational Planning, UNESCO, It is generally recommended that governments spend at least 20% of public expenditure and 6% of GDP on education (Mowe and Walker, 2016; UNESCO, 2014c). <https://policytoolbox.iiep.unesco.org/policy-option/insufficient-budget/>

41 <https://www.dbm.gov.ph/index.php/secretary-s-corner/press-releases/list-of-press-releases/1589-president-duterte-signs-p4-1-trillion-2020-national-budget>
<https://www.dbm.gov.ph/index.php/secretary-s-corner/press-releases/list-of-press-releases/1778-prrd-signs-the-p4-506-trillion-national-budget-for-fy-2021>

42 2018 Programme for International Student Assessment or PISA https://www.oecd.org/pisa/publications/PISA2018_CN_PHL.pdf

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passed law on free university education in public universities and colleges, student completion is woefully low. The National Union of Students in the Philippines (NUSP), an alliance of student councils/governments in the Philippines founded in 1957, computed the data on student completion based on education statistics.⁴³ Its findings:

Out of every 100 Grade 1 enrollees:

- 64 will finish elementary
- -56 will enroll in junior high school
- -24 will finish junior high school
- -22 will enroll in senior high school
- -18 will finish senior high school
- -12 will enroll in college/tech-vocational education
- -7 will get a college degree/diploma/certificate

These data reaffirm the results of the a survey on out-of-school children and youth. The survey conducted in 2016 by the government's statistics agency reported that 3.8 million Filipinos aged 6 to 24 years old were categorized as out-of-school children and youth. These are the children aged 6 to 14 who are not attending formal school and 15 to 24 years old who are currently out of school, not gainfully employed and have not finished college or post-secondary course. Majority of the 3.8 million or 53 % belong to poor families and over 87% were 16 to 24 years old⁴⁴

Declining Access and Poor Quality of Education

The pandemic has led to a drop in enrolment figures for basic education in SY 2020-21 compared to SY 2019-2020:

According to data obtained by IBON from the Department of Education, private

43 Cited in Raoul Manuel, Philippine Education Ladder from "Neo Liberal Education Amidst the Pandemic", Talakayang Kabataan On Line Forum, July 15, 2021

44 Philippine Statistics Authority, June 13, 2017. "One in Every Ten Filipinos Aged 6 to 24 Years is an Out of School Child and Youth". <https://psa.gov.ph/content/one-every-ten-filipinos-aged-6-24-years-out-school-child-and-youth>

schools enrolment went down from 4.3 million to 2.2 million or 2.08 million decline. While public schools enrolment increased from 22.6 million to 22.7 million or 192,000 increase, a 1.9 million net decrease in enrolment in basic education was recorded.⁴⁵

But this almost 2 million decrease in enrolment is less than half of the estimated 4.4 million Filipinos aged 5-20 years old who “were unenrolled as of November “ 2020 in a survey conducted by the Social Weather Stations.⁴⁶

Even prior to the COVID-19 pandemic, the low quality of education in the Philippines had been noted by the 2018 Programme for International Student Assessment (PISA). The assessment revealed that 72% of 15-year-old Filipinos are low achievers in the subjects of Reading, Math, and Science.⁴⁷ They scored lower than their age group in most of the countries included in the 2018 assessment. The assessment confirmed that learners from well-off families performed better than economically disadvantaged students.

The unpreparedness of Duterte regime to shift to distance learning and the limited resources extended to teachers and students by the state during the pandemic has not only resulted to the decline in the number of learners but has exacerbated the problem of the quality of education due to the already inadequate school facilities even prior to the pandemic,

A nationwide on line survey of 1,395 teachers, 1,207 parents and 620 students from grades 4 to 12 conducted from November to December 2020 by the Movement for Safe, Equitable, Quality and Relevant Education (SEQuRe)⁴⁸ on their assessment of distance learning this past school year revealed these inadequacies:

45 DepEd figures as accessed by Ibon

46 Gillian Roper, Feb. 24, 2021, “Some 4.4 million school-age Filipinos unenrolled as of late 2020: SWS” ABS-CBN News. <https://news.abs-cbn.com/news/02/24/21/some-44-million-school-age-filipinos-unenrolled-as-of-late-2020-sws>

47 2018 Programme for International Student Assessment or PISA https://www.oecd.org/pisa/publications/PISA2018_CN_PHL.pdf

48 Jaehwa Bernardo, ABS-CBN News. February 17, 2021. “Survey: Majority of teachers doubt if distance learning effective . <https://news.abs-cbn.com/news/02/17/21/survey-majority-of-teachers-doubt-if-distance-learning-effective>

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- 7 out of 10 teachers are not confident that they possess the competencies set by the Department of Education under distance learning
- 87% of students had problems with unstable internet connections
- 4 out of 10 students found errors in modules

In many basic education schools located in urban centers, an average of 50-70 students per class have to be handled by the teacher

Only 3,657 public school nurses for 21,741,049 public school students

Only 13,081 schools have clinics. A high 56% of rural schools and 45% of urban schools do not have functional clinics.

2,879 schools without hand washing facilities

3,628 schools without water supply or water connection

21% of teachers surveyed said there is no running water in their schools

These lack of sanitation facilities and huge number of learners per class is a major barrier to the resumption of face-to-face classes .

Violation of the Right to Decent Pay and the Right to Job Security of Teachers

President Duterte promised in 2016 that he would increase teachers' salaries after announcing increases for the military pay. He would repeat this promise in 2019 after doubling the pay of the military and police in 2018 . But by January 2020, the President publicly announced "he will not be able to fulfill his promise to increase the wages of public school teachers, saying the government does not have enough funds."⁴⁹

The biggest teachers' organization in the country, the Alliance of Concerned Teachers has called on the President to fulfill his promise . It noted that Military and uni-

⁴⁹ <https://www.rappler.com/nation/duterte-salary-increase-teachers>
<https://cnnphilippines.com/news/2019/1/10/Duterte-promise-increase-teachers-salaries.html>
crease teachers' salaries, saying this can finally happen this year. <https://manilastandard.net/mobile/article/314999>

formed personnel have been receiving a base pay of P29,668 since the doubling of their salaries in 2018 while teachers' base pay is only P23,877 .

Another promise made by the President during the presidential campaign and upon his resumption to office was to end contractualization. He has also failed to fulfill this promise and contractualization continues and government is the principal violator of workers' right to job security.

The Department of Education reported 10,428 contract of service personnel as of April 2020.

Higher Education Faculty by Full/Part time and Institution Type: AY 2018-19

Institutional Type	Not Specified	Full Time	Part Time	Grand Total
LUCs	17	3,268	4,549	7,834
OGS		223	247	470
Private	164	43,959	38,123	82,246
SUCs		42,167	13,098	55,265
Grand Total	181	89,617	56,017	145,815

– Based on the submission of higher education institutions, as compiled by OPRKM-Knowledge Manager.
– as of June 30, 2020

While there are no explicit data on the number of contractual faculty members at the tertiary level, data submitted by higher education institutions for SY 2018-2019 indicate the extent of part time workers in the tertiary level: over 56,000 faculty are part-timers and maybe considered as mainly contractual or underemployed.

Attacks on Freedom of Association and Academic Freedom

In the previous Investigate Ph hearing, the Secretary General of the Alliance of Concerned Teachers provided data on the various forms of violation of the right to association of teachers: profiling, harassments, threats and intimidations, red tagging/villification forced disaffiliation and filing of trumped up charges and detention. The cases are clear illustrations of the continuing attacks on the freedom of association guaranteed by international conventions as well as the Philippine Constitution.

Universities in the country have not been spared by the malicious red tagging, threats and false accusations not only from the military but from the President him-

self.

In October 2018 after massive students' protest against authoritarianism and dictatorship, the Armed Forces of the Philippines issued a statement naming 18 universities as infiltrated by communists and are part of the so-called Red October plot to oust the President.⁵⁰No evidence was presented except reports of film showing on martial law. These universities included public and private universities and colleges in Metro Manila:

Adamson University

Ateneo de Manila University

De La Salle University

Emilio Aguinaldo College

Eulogio Amang Rodriguez Institute of Science and Technology

Far Eastern University

Lyceum of the Philippines University

Philippine Normal University

Polytechnic University of the Philippines

University of the East—Caloocan

University of the East—Recto

University of Makati

University of Manila

University of the Philippines—Diliman

University of the Philippines—Manila

University of Santo Tomas

San Beda College

President Duterte in November 2020 after university students called for an academic strike to protest his administration's handling of a natural calamity and the inept

50 ABS-CBN News. October 3, 2018 AFP bares Metro Manila schools linked to 'Red October' <https://news.abs-cbn.com/news/10/03/18/afp-bares-metro-manila-schools-linked-to-red-october>

COVID-19 pandemic response threatened to defund the University of the Philippines. He is quoted as saying: “Sure. UP? Fine. Stop studying. I will stop the funding. You don’t do anything except recruit communists. You study, and then you criticize the government. You are so lucky. Don’t threaten me, because I will oblige you.”⁵¹

This year, on January 15, the Secretary of the Department of National Defense unilaterally abrogated the 1989 accord between the defense department and the University of the Philippines which spelled out the relationship between the two and prohibited the entry of the police and the military from entering the university various campuses without prior notification of university officials except under conditions of hot pursuit. The reason given again red-tagged the university by claiming that “clandestine recruitment” of students in communist organizations.⁵²

The unilateral abrogation was seen as a clear threat to academic freedom by the university. In a statement issued by the University of the Philippines Executive Committee stressed the importance of academic freedom and the chilling effect such abrogation has on its exercise:

“Academic freedom allows the faculty, students, and staff to engage in intellectual debate, challenge ideas, and express one’s self without fear of being silenced. The philosophical, political, or even religious beliefs of any member of the community cannot be imposed on others. We need to uphold academic freedom to maintain academic excellence as our commitment and service to the nation.”⁵³

Attacks and Closure of Lumad Schools

The Philippines is also a signatory to The United Nations Declaration on the Rights

51 ABS-CBN News. November 16, 2020 . “Duterte Threatens To Defund UP Amid Students Protest Against Disaster Response, Pandemic Handling.” <https://news.abs-cbn.com/news/11/18/20/duterte-threatens-to-defund-up-amid-students-protest-vs-disaster-response-pandemic-handling>

52 CNN Philippines Staff. January 18,2021. “DND ends agreement with UP barring military, police from its campuses” <https://cnnphilippines.com/news/2021/1/18/up-dnd-agreement-abrogate.html>

53 The UPD Executive Committee Statement on the 1989 UP-DND Accord U <https://upd.edu.ph/the-upd-executive-committee-statement-on-the-1989-up-dnd-agreement-unilateral-abrogation/unilateral-abrogation>

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of Indigenous Peoples (UNDRIP) which was adopted by the General Assembly on 13 September 2007. The right to education of indigenous children⁵⁴ are violated by the Philippine state in its closure and repression of Lumad schools.

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Article 14 1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning. 2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination. 3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

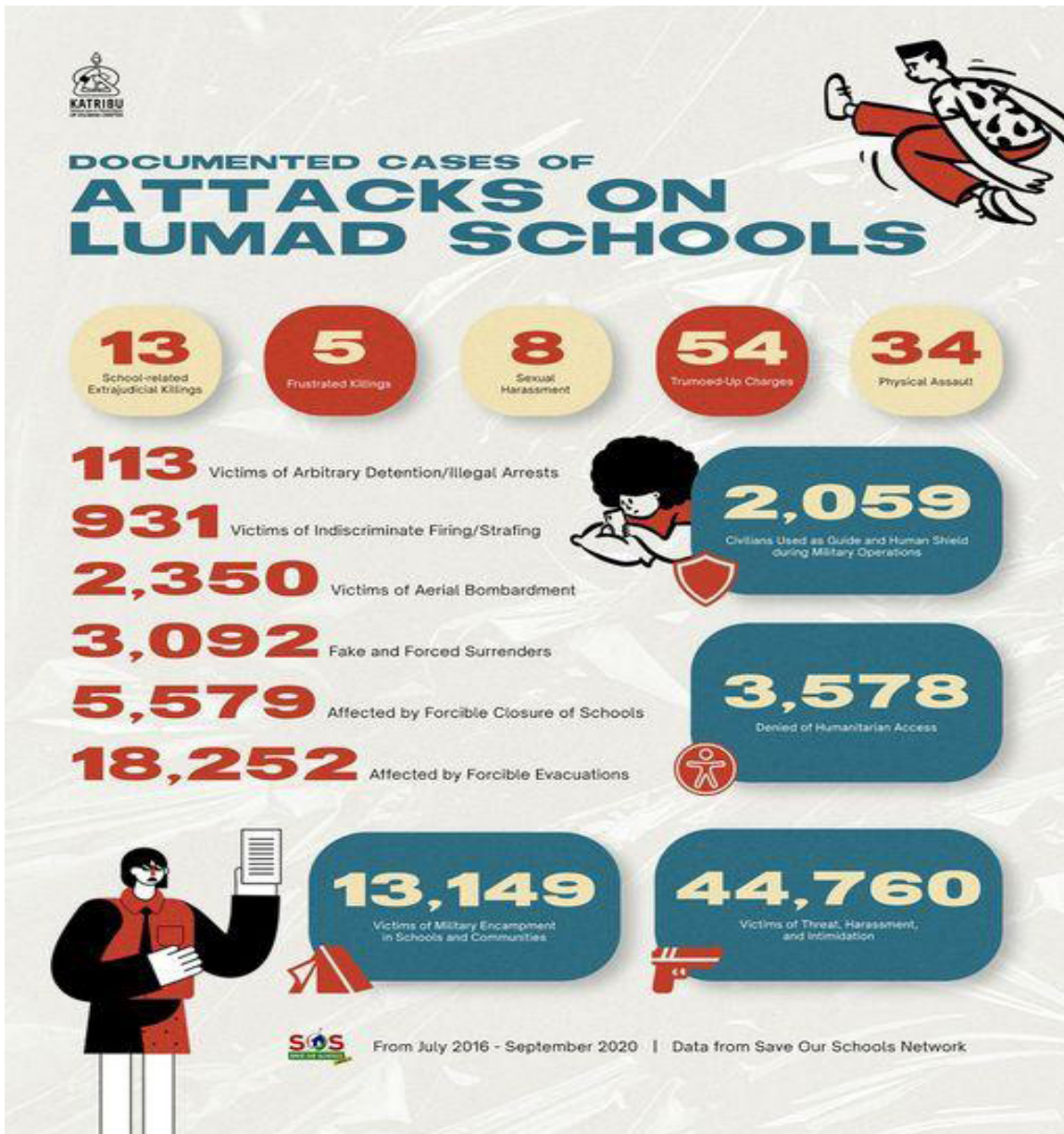
After President Duterte's threat in July 2017 to bomb Lumad schools⁵⁵, schools established by Lumad communities with the assistance of civil society and church organizations have been forcibly closed, a number of their elders and children have been killed. The repression of Lumad schools in the Philippines has led to the closure of "nearly 215 Lumad schools in Mindanao."⁵⁶ The schools' permits to operate by the Department of Education were rescinded in spite of the schools' adherence to the requirements and standards set by the agency.

The repression and closure did not stop even with the onset of the COVID-19 pandemic. Even "bakwit" schools set up in Davao City and Cebu City to ensure the education of the children during the pandemic have not been spared.

54 https://www.un.org/development/desa/indigenouspeoples/wp-content/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

55 <https://cnnphilippines.com/news/2017/07/25/Duterte-threatens-to-bomb-Lumad-schools.html?fbclid>

56 <https://opinion.inquirer.net/140876/lumad-schools-and-the-right-to-education#ixzz-71b9coKyN>



Summary:

The enjoyment of the right to education in the country and its related rights such as freedom of assembly and academic freedom have clearly been violated by the Duterte government. Through underfunding of education, the inability to address shortages in facilities and personnel, the attacks on organizations of teachers and the red tagging of academic institutions, personnel and students, the military occupation of rural schools and the closure of Lumad schools are concrete evidence of such violations.

The Duterte government has failed to honor its international and domestic obligations by not prioritizing education over military and infrastructure spending; by its failure to deal with conflicts through peace initiatives rather than increased repres-

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sion and militarization affecting the education of thousands of children.

The Duterte government's response to the COVID -19 pandemic has exacerbated the long standing economic, social and educational inequalities which have contributed further to the violation of the right to education of Filipino children and youth.

The Duterte government must be held accountable for its sins of omission and commission against Filipino children and youth as it violates their right to education.

Document 44: Testimony of Raymond Basilio (from INVESTIGATE PH Second Report)

Raymond Basilio - written statement (p. 136-152 in Annex of second report)
- take pdf from second report

Document 45: Testimony of Bishop Gerardo Alminaza

Freedom of Religion

and the widespread violations of human rights

under the Duterte administration

Most Rev. Gerardo A. Alminaza, D.D.

Bishop, Diocese of San Carlos, Negros Island, Philippines

Freedom of Religion

Article 18 of the Universal Declaration of Human Rights states, ***“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”***¹

Freedom of Religion sparsely invoked in the Philippines

In our current situation in the Philippines, Church people are facing persecution because of the practice and observance of their faith. At times it may seem inadequate to analyze such matters from the frame of “religious freedom;” similar human rights violations are committed, and often with increased voracity, against the poor, oppressed and marginalized as well as against social activists.

In a context like ours, where militarists have taken control of the government and the president spews incendiary vitriol against dissenters and detractors, Christians who stand as defenders of human rights can anticipate being attacked. This might best be contextualized by citing an early incident where President Rodrigo Duterte recounted the Christian Creation story and asked, “Who is this STUPID God? *Estupido talaga*

(Stupid indeed).” Duterte threatened priests and bishops, derogating and insinuating² that many or most have illicit, sexual liaisons or are homosexuals. He also said that his comments against God were because of **Sr. Patricia Fox, NDS**, the Australian missionary, who was forced to leave the country when her missionary visa was not extended, but in the meantime Duterte made disparaging remarks against her. She is even now included among those blacklisted by our current government. If the authorities could attack God and a long-standing Australian missionary who served the Filipino poor for the longest time, no one is surprised when other Christians experience threats, harassment and more serious human rights violations in the exercise of their mission and ministry.³

1

Christian involvement in social justice and human rights advocacy is a Faith Imperative

Whether Roman Catholic, Protestant, Evangelical, or Non-Roman Catholic, Christians are believers in social justice, peace, and fullness of life. Each Christian tradition as well as those within the tradition may have dynamic and varied articulations for the basis of such beliefs, they may or may not use the language of human rights; however, surely those who advocate for social justice and human rights as concrete expression of their freedom of religion are on solid ground.

For instance, the following is a simple articulation of the most common principles behind the church’s prophetic mission and ministry found in the *Compendium of the Social Doctrine of the Catholic Church*:

- (1) The human person is created in the image of God: Human Dignity and the Divine calling of humanity.** (cf. *Compendium of the Social Doctrine of the Catholic Church*, III, 108.)⁴
- (2) Through the incarnation, the human person is made sacred. Human life must therefore be respected and protected. Human rights and freedoms must also be respected and protected.** (cf. *Compendium*, III, 132 and *Compendium*, III, 133)⁵⁶
- (3) Christ came to save us from personal and social sins. Christ’s salvation is integral, i.e., concerning not only spiritual but also bodily and social.** (cf. *Compendium*, I, 38)⁷
- (4) The Church’s concern for salvation includes that of the political realm because the**

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political affects the human person. The Church recognizes the legitimate authority of government when it protects human life, dignity, freedom and rights. The Church also recognizes the need for political reforms when a government is wanting in its duty. (cf. Compendium, VIII, 382 and Compendium, ⁸ VIII, 399).⁹

The mission and ministries of Church people — because they are geared towards integral salvation — necessarily shall include addressing injustice and social ills. Many Christians consider themselves human rights defenders and peace advocates. Similarly, social activists can also be motivated by their adherence to Christianity. Christian ideals, principles and beliefs translate into actions and advocacy. The efforts of salvation become humanitarian service and even a political struggle to bring about meaningful change to society. Such ministries and mission are an assertion of the freedom to practice Christianity.

2

Attacks on the Church and people of Christian Faith

Various human rights violations have been committed against churches and church people who are pursuing their ministry based on their faith. The rights violations intensified when the peace negotiations with the National Democratic Front of the Philippines were unilaterally terminated by the government in November 2017 and when the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) was created and especially when the Anti-Terrorism Act became a law in 2020. Church groups and church people are publicly vilified through posters, streamers and Facebook posts accusing them of being members or sympathizers of “communist terrorist groups.”

Some of these church people were killed, like **Zara Alvarez**, who was gunned down in Bacolod City on August 17, 2020 as already reported in previous hearings. Particularly in Guihulngan City, Negros Island, aside from the killings of well-known rights defenders that have been reported in the news like **Dr. Mary Grace Sancelan** and her husband and **Atty. Anthony Trinidad**, there are also reports of rights violations among lay leaders of our Basic Ecclesiastical Communities (BEC).

One such case is that of 36-year-old **Maily B. Gador**, a BEC lay leader and resident in Crossing Bonbon, at Our Lady of Lourdes Mission Station in Brgy. Hinakpan, Guihulngan City, Negros Oriental. She was called by the military for interrogation on November 2019. She left her house at 6:00 in the morning but the investigator arrived at 10:00 in the morning and ended at 4:00 in the afternoon. She was very hungry throughout the ordeal. The military told her not to tell anyone. She was traumatized by the ordeal and had even entertained thoughts of committing suicide.

Another case is that of **Junrell S. Gador**, a 25-year-old lay minister of the same Mission Station of Our Lady of Lourdes. He was one of 11 persons falsely accused of murder, apprehended and jailed on April 1, 2019. Six of them were later released on May 7, 2019.

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In the national sphere, there was the warrant of arrest issued in December 2019 against **Sr. Elenita “Ellen” Belardo**, the former National Coordinator of the Rural Missionaries of the Philippines (RMP). Moreover, the bank accounts of RMP were frozen by the Anti Money Laundering Council allegedly for being supporters of “communist terrorists.” As the RMP sought legal remedies for this quandary, a forgery case **was also leveled against them**.

Then there **was an** unwanted series of visits and inappropriate questioning earlier this year by the military to Roman Catholic priest and former executive secretary of Caritas Philippines, **Fr. Edwin Gariguez**, and to **Rev. Glofie Baluntong**, district superintendent of

3

the United Methodist Church (UMC) in Mindoro. Fr. Gariguez and D.S. Baluntong were known to be active in leading **livelihood programs as well as** relief and development ministries for *Mangyan* communities in Mindoro. The harassment against Fr. Gariguez and D.S. Baluntong were just some of the cases cited by the Philippine Faith-Based Organization Forum (FBO-PH). The group expressed its alarm over what they cite as ¹⁰ “cases of intimidation, harassment, and red-tagging of church humanitarian workers and our ministries for the poor, especially those that are particularly working in geographically isolated and disadvantaged areas, and those that are vocal in protecting human dignity and the environment” . ¹¹

Among our Protestant and non-Roman Catholic sisters and brothers, the National Council of Churches in the Philippines (NCCP) has been maliciously tagged as a communist front twice under President Duterte, along with its General Secretary, **Bp. Reuel Norman Marigza**, who has been red-tagged in malicious Facebook posts. **Reports have shown that many of these Facebook accounts are run by the military**. Its member churches, the *Iglesia Filipina Independiente* (IFI) and the United Church of Christ in the Philippines (UCCP), have also been vilified and harassed.

According to UCCP, there are already 196 cases of red-tagging against their leaders and members and various other cases of different forms of rights violations including extrajudicial killings. Four pastors of the UCCP are currently in detention for trumped-up cases. They are: **Pastor Nathaniel Vallente**, who was arrested on June 25, 2021 in Bohol; **Pastor Dan Balucio** from Albay, who is also the coordinator of *Andurog Mayon*, the humanitarian arm of the NCCP in Bicol, arrested on May 2, 2021; IP advocate, **Pastor Benjie Gomez**, who was arrested in Zamboanga del Norte on June 6, 2021; and, Pastor **Jimmy Teves** in Negros Occidental who was arrested in 2019 and is still detained along with six other members of the UCCP and the *Iglesia Filipina Independiente* (IFI). There was a fifth one who was also detained earlier, but **he** was released when his case was dismissed. Aside from **these** arrests, there were also trumped-up charges filed against **Bishop Hamuel Tequis** and **Rev. Daniel Palicte** and the freezing of the bank account of the UCCP Haran Center in Davao on March 12, 2021.

Those killed among the UCCP were **Perfecto Hoyle**, a lay pastor, and lay leaders **Rev. Ernesto “Tata” Estrella** and **Rico Antanoy**.

Another NCCP member church that is bearing the brunt of various rights violations is the IFI. Many of its leaders have been red-tagged including **Obispo Maximo Rhee Timbang**, **Bishops**

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Felixberto Calang and **Antonio Ablon**, as well as their priests and lay leaders including **Fr. Marco Sulayao** of Panay. Killed were **Erning Aykid** in Oriental Mindoro and

4

Briccio Nuevo, Jr. in Negros Oriental, both lay ministers who actively advocated for the rights of IPs and farmers respectively.

Other victims of extra-judicial killings from other church groups include: **Wilerme Agorde**, of the Promotion of Church People's Response - North Cotabato and **Nephtali "Nep" Morada**, a former chairperson of the church youth group, *Kalipunan ng Kristiyanong Kabataan sa Pilipinas*. It is also under President Duterte that three Roman Catholic priests – **Fr. Marcelito "Tito" Paez** who was RMP Central Luzon Coordinator, **Fr. Mark Ventura** and **Fr. Richmond Nilo** – were killed.

These violations, committed against church people and churches under the last five years of the Duterte government, go against the right to the exercise of the freedom of religion and the exercise of ministries in furtherance of religious beliefs including development work and ministries. Most of the church people whose rights are violated are those primarily doing the Christian mandate and mission of ministering to the poor and the marginalized – **especially workers, rural and indigenous peoples, women**. They are the ones engaging a prophetic task as Christians to be with the people, especially in times where the basic human rights of every person and communities are undermined. Their Christian mandate impels them to be with the last of the least and with the poorest of the poor to defend God's image in all of us. Their faith brings them to accompany people in asserting and attaining their full rights, but these faith expressions have also put them in danger, as they are vilified, harassed and even killed.

Despite the many violations that church people have been subjected to, there has been little to zero accountability. Ultimately, the marginalized communities that these

churches and church people serve are the ones negatively impacted in the end.

Christian practice compatibility with UNHRC and InvestigatePH efforts

Even in providing information to InvestigatePH in these efforts to bring testimony and reports to the United Nations Human Rights Council, we are exercising our freedom of religion. The Church "positively evaluates the associations that have formed in civil society in order to shape public opinion in its awareness of the various aspects of international life, with particular attention paid to the respect of human rights..." (*Compendium*, IX, 443)

Our utmost concern remains for the many victims of human rights violations under the Duterte administration coming from the peasants, workers, indigenous peoples, urban poor, environmental activists, and youth. Ordinary Filipinos are being harassed, surveilled, and threatened. Duterte's 'war on drugs' has resulted in the extra-judicial

killings of thousands of Filipinos. The jails are full and the streets are soaked in the blood of the urban poor. Similarly, the militarist, all-out war tactics in the anti insurgency campaign have wreaked havoc on the island of Negros and throughout the archipelago. Hundreds have been arrested using dubious warrants or, even worse, executed using similarly treacherous “*nanlaban*” (fought back) scenarios as in the scam drug-war. Militarization under the Martial Law in Mindanao and the Emergency Powers of E.O. 32 in Bicol, Samar, and Negros have repressed the democratic rights of the people and have fostered an atmosphere of fear throughout the Philippines. Even more, the Anti-Terrorism Act of 2020, which is being challenged in the Supreme Court, is already deepening an impression that “state terror” will become the norm, even as it comes at the expense of democracy and peoples’ rights, including the right to dissent. This must not be allowed.

In bringing to the international community significant and serious violations of our right to expression of our freedom of religion and other human rights of Church people, we seek to participate in raising the alarm of the overall human rights crisis in the Philippines. We are concerned “for an ordered and peaceful coexistence within the

human family” which brings us to “insist on the need to establish ‘some universal public authority to safeguard, on the behalf of all, security, regard for justice, and respect for rights.’” (*Compendium*, IX, 441)

We can only hope that in bringing forward these reports, we shine a light of hope and righteousness in this dark time in our country. We humbly offer the truth of our witness in the world and our efforts to bring salvific help with the poor, oppressed, exploited and marginalized communities of the Philippines.

...for we intend to do what is right, not only in the Lord’s sight but also in the sight of others. (2 Cor. 8:21)

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<https://www.un.org/en/about-us/universal-declaration-of-human-rights>¹

² <https://www.youtube.com/watch?v=yONxo89oqZA>

<https://interaksyon.philstar.com/breaking-news/2018/04/19/125029/who-is-sister-patricia-fox-and-why-is-3-dute-rte-mad-at-her/>

“The fundamental message of Sacred Scripture proclaims that the human person is a creature of God, and sees in⁴ his being in the image of God the element that characterizes and distinguishes him...Therefore ‘being in the image of God the human individual possesses the dignity of a person who is not just something but someone...”

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“A just society can become a reality only when it is based on the respect of the transcendent dignity of the human⁵ person. The person represents the ultimate end of society, by which it is ordered to the person. Hence, ‘the social order and its development must invariably work to the benefit of the human person, since the order of things is to be subordinate to the order of persons, and not the other way around’...Every political, economic, social, scientific, and cultural programme must be inspired by the awareness of the primacy of each human being over society.”

“...[N]either a [person’s] life nor development of his thought, nor his good, nor those who are part of his personal⁶ and social activities can be subjected to unjust restrictions in the exercise of their rights and freedom.”

“The salvation offered in its fulness to men in Je sus Christ by God the Father’s initiative, and brought about and⁷ transmitted by the work of the Holy Spirit, is salvation for all people and of the whole person: it is universal and integral salvation. It concerns the human person in all his dimensions: personal and social, spiritual and corporeal, historical and transcendent.”

“When human authority goes beyond the limits willed by God, it makes itself a deity and demands absolute⁸ submission; it becomes the Beast of the Apocalypse, an image of the power of the imperial persecutor ‘drunk with the blood of the saints and the blood of martyrs of Jesus...”

“Citizens are not obligated in conscience to follow the prescriptions of civil authorities if their precepts are⁹ contrary to the demands of the moral order, to the fundamental rights of persons or to the teachings of the Gospel.”

FBO-Ph is composed of the humanitarian arms of the three major Christian Councils in the country: Catholic¹⁰ Bishops’ Conference of the Philippines-National Secretariat for Social Action, Justice, and Peace (CBCP-NASSA), National Council of Churches in the Philippines-ACT Alliance (NCCP-ACT Alliance), Philippine Relief and Development Services, Inc. (PHILRADS) of the Philippine Council of Evangelical Churches (PCEC).

Joint statement of the Philippine Faith-based Organizations Forum on the Attacks to its Humanitarian Missions¹¹ and Prophetic Ministries (<https://www.facebook.com/PhilippineFaithBasedOrganizations/posts/3880564038691185>).

Document 46: Testimony of Bishop Hamuel Tequis (from INVESTIGATE PH Second Report)

Transcript Bishop Hamuel Tequis

I am Bishop Hamuel Tequis assigned Bishop in South East Mindanao jurisdictional area of the United Church of Christ in the Philippines, located at Davao city. My testimony covers the historical background of the UCCP Haran and the indigenous peoples. In the early 90s, UCCP Mindanao under the leadership of Bishop Visayas Bintan established Haran as a retreat centre for church workers and members. Haran is an acronym for Home Alter Renewal Reflection Action and Nurture. Haran's existence was not only well-known by the faith community but also by the local government, due to its ties with Brokenshire Hospital and Brokenshire College, being a non-stock, non-profit institution owned and operated by UCCP Mindanao jurisdiction. Haran mainly relied on donations from individuals, institutions and organisations who avail and use our facilities, and from mission support and local churches, and the national office for its operation, maintenance, renovations and staff salaries.

Haran as a Sanctuary of Peace

In our statement and resolution in 1990 entitled A Declaration of Necessity: Churches as Sanctuaries and Zones of Peace states, and I quote, "As sanctuaries, these places and premises are open to all people regardless of colour and creed, sex and status, and of political affiliation, at all times and in all circumstances of need. We welcome those need to use these places for protection, study, reflection, retreat, prayers and meditation, or simply for rest and quiet. As Zones of Peace, these church places and premises are to be used for activities that build community and contribute to a deeper understanding and commitment to peace and justice. No arms, except those required for security guards, and weapons of war should be brought to nor stored in these church places and premises, nor individuals or groups should be allowed to use these places and premises as camps or assembly points for planning or launching any kind of armed struggle and conflict. We call upon:

- all armed groups and sectors to honour this church declaration for the sake of peace and justice for all.
- All our church people, ecumenical partners and church groups to support and abide by this church declaration and to see to it that it is faithfully obeyed at all times for the sake of our Lord Jesus Christ, the Prince of Peace."

This Declaration of UCCP churches and premises as sanctuaries and zones of peace was inspired by our Declaration of Principles which says: In our UCCP Constitution an Bylaws, Article 2, Section 11 thereof says, in accordance with our biblical understanding that all persons are created in the image of God the church affirms and upholds the inviolability of the rights of persons as reflected in the Universal Declaration of Human Rights, and other agreements on human rights, the International Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, the 1984 Convention against Torture, and other Cruel, Inhuman and Degrading Treatment or Punishment, and those that relate specifically to refugees, women, youth, children, minority groups and other persons who cannot safeguard their own rights.

These principles have been carried out by UCCP Mindanao jurisdiction in 1994 when over 600 Ato-Manobos from Talaingod, Davao del Norte, were forced to evacuate from their communities due to massive military operations in line with the Alcantara & Sons implementation of the industrial forest management agreement or IFMA.

The plight of our Indigenous Peoples and their struggle

Through a series of consultations with the Ato-Manobo leaders and non-government organisations, the UCCP Mindanao jurisdiction accepted the challenge of hosting the evacuees and decided to let them use the Haran facility as their second home.

The Ato-Manobos stayed in Haran for more than six months, while the church and support groups, led by the Solidarity Action Group for Indigenous Peoples, lobbied through government agencies for safe return into their ancestral lands. Thus the effort was a success. Even the international partner churches, major entities and United Nations personalities were witnesses in the overall process from providing them sanctuary up to facilitating on their demands.

As leaders of the church, we know the real situation of our Lumads in the entire country on their struggle for self-determination and their struggle to protect their ancestral lands. The historical facts evidence that the Lumads in Mindanao particularly the Talaingod, Davao del Norte province, and from other provinces, were forced to leave their ancestral lands due to intense militarisation. Fearing for their lives, they sought refuge in UCCP Haran, believing they will be safe here. The reason for the displacement of the Lumads is attributed to the government giving way to corporate interests to operate large-scale mining and logging operations in the Lumads' ancestral lands.

In my time since 2015 up to the present, almost seven years already, our Lumads are here in the sanctuary of Haran. Their demands to the government are as follows:

- Pull out the military forces from their land and homes
- Disarm and dismantle the Alamara, a paramilitary group who are Lumads in the area but are armed by the military
- Open back their school in their area
- Give them sustainable agriculture
- Safe return in their communities and free from military harassment

The former Mayor, Rodrigo Duterte, promised them that they will go back to their lands. When he was elected President, the Lumads are so happy, thinking and hoping that their demands would come true.

Last August 2016, the UCCP leadership headed by our General Secretary and national Executive Council, Officers, and our Bishops had a courtesy call in Malacanang Palace, bringing the same demands of the Lumads, including the 'war on drugs'. He, the President, promised us to fulfil the demands of the Lumads, but we are frustrated when President Duterte said 'bomb the Lumads in their area'.

The Lumads have experienced fear because of the continuing harassments of the military in their homeland and in the UCCP Peace sanctuary in Davao City. Instead of addressing the demands of the Lumads, local government authorities blatantly deny them their due process, and blame them for allegedly supporting the New Peoples Army and later brand them as members of the said armed group. This is evident in the trumped up charges against the leaders of the Pasaka and the Salugpunon by aligning them with NPA leaders in allegedly executing armed attacks on military forces.

In addition, incidents of forcible entry within the sanctuary have been carried out by government authorities since 2015. First was the Nancy Katampko incident in February 2015 when she was still a Representative and the Chairperson of the Indigenous Peoples Committee in the Congress. She authorised the Philippine National Police to assault the Lumads in Haran, but was pre-empted due to the intervention of the city government of Davao, led by the then Vice-Mayor Paulo Duterte.

Second was the incident of January 2020 when Governor Edwin Rubahib of Davao del Norte authorised the Alamara forces, the Lumad armed by the military, to storm the Haran compound, and were backed up by military personnel under the Eastern Mindanao Command. They only evacuated the compound when Davao City Vice-Mayor Sebastian Duterte, arrived and initiated a talk between the Salugpunon

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leaders and Alamara forces. But no unities were made. Afterwards Governor Rubahib arrived and had a dialogue with the Salugpunon leaders in the presence of Bishop Modesto Vilasanta, including myself. He urged the Lumads that the government of Davao del Norte are making developmental programs for them, and that they should go home in their communities so that they can avail of the social services. But the Lumads declined all of the Governor Rubahib's offer, because according to them their demands were not answered.

On March 28, 2021, the Philippine News Agency has reported about the order issued by the Anti-Money Laundering Council (AMLAC) the freezing of our bank account of UCCP Haran. In the Pastoral Statement dated March 30, 2021, it says "The United Church of Christ in the Philippines deplores in the strongest terms the recent order issued by the Anti-Money Laundering Council freezing the bank deposit and the assets of a religious group's centre allegedly used to finance or support terrorism. The order covers the three bank accounts of the United Church of Christ in the Philippines UCCP Haran Centre with the Philippine National Bank, amounting more or less to P600,000, referring to UCCP Haran as quoted from the report released by the Philippine News Agency on March 28, 2021".

What makes such order unreasonable is the fact that UCCP Haran has only one bank account with the Philippine National Bank at the Neo de Davao Branch, and with only a very insignificant amount of P72,275.91 which is way below the threshold set in the anti-money laundering law. With only a little over P70,000 how in the world can UCCP Haran finance terrorism? This is clearly a shameless act of harassment against the church that has committed no crime but carry out the mission of Christ.

AMLAC or any state agencies for that matter, has no right whatsoever to deprive the church of its mission, much more to accuse it for faithfully doing its Christian mission of providing a refuge for the poor and oppressed, Lumads who have had to abandon their ancestral communities because of threats against their lives.

The Role of the Church

Our indigenous peoples from Talaingod and Kapalong sought refuge and shelter in Haran because of the exploitation and oppression brought by anti-people projects in their communities, such as the Mining Act of 1995. As a church, the UCCP has witnessed the plight of the indigenous peoples on their sufferings. The UCCP's response, based on our faith, is to open our doors and serve those who are distressed over these many years. The church extends its support by way of giving them a place of refuge in Haran until such time they will decide to go back to their homeland. It is our freedom of religion and expression of our obedience and loyalty to God to do his mission to serve the people who are oppressed, deprived and exploited.

I pray to God that this must be honoured and respected by the government, for I believe this is part of the provision for the separation of church and state.

At present there are cases filed by the policemen in Davao City against me together with the five leaders of the church and leaders of the Lumad sanctuary. The following cases are the alleged violations of Sections 6 and 17 of Act No 3753 or the Civil registry Law, Section 91 of PDA 896 or the Code of Sanitation of the Philippines, Section 10A in relation to Section 34 or Section 3 (c) of RA No 7610 and RA No 11332 know as the Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern.

Document 47: Testimony of Sultan Abdul Hamidullah T. Atar (from INVESTIGATE PH Second Report)

INVESTIGATEPH



Sultan Atar's statement (p. 199-203 in Investigate PH report 2) - take pdf from report 2

Document 48: Testimony of Representative Eufemia Cullamat

Eufemia Cullamat - written statement (pdf titled: Eufemia Cullamat on Lydia's computer)

Document 49: Police Tokhang list in Cordillera

Police Tokhang list in Cordillera

 Republic of the Philippines
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE
POLICE REGIONAL OFFICE CORDILLERA
Camp Major Bado Dangwa, La Trinidad, Benguet 

MEMORANDUM

FOR : All PDs, PPO and CD, BCPO
(Attn: C. PCADU and C. CCADU)

FROM : Regional Director

SUBJECT : **Cordillera People's Alliance (CPA) and Left Leaning Organizations**

DATE : February 9, 2021

1. Reference: Memo from this unit dated January 26, 2021 with subject Resolution Declaring CPA and other Allied Organizations as Persona Non Grata of the LGUs.

2. This pertains to the Verbal Instruction of the Regional Director to encourage your respective LGUs to pass a resolution declaring the CPA and other left leaning Organizations who are supporting the CPP-NPA within the region.

3. In this regard, the following are the CFO's operating in the Cordillera which may be used by respective units for their resolutions;

- a. Cordillera Peoples Alliance
- b. Pudo Indigenous People's Association (Natonin, Mt. Province)
- c. Labor Sector
 - Alliance of Concerned Teachers
 - Movement for the Advancement of Inter-tribal Unity and Development (MAITUD)
 - Amianan Salakniban
 - Dap-ayan ti Kultura iti Kordilyera (DKK)
 - Katribu/ Katribu-buday
 - Kilusang Mayo Uno (KMU)
- d. Womens Sector
 - INNABUYOG- Gabriela
 - Gabriela- Women's Partylist
 - INNABUYOG CORDILLERA- Alliance of Women Organization in the Cordillera
 - INNABUYOG- Alliance of Womens Against Tyranny

e. Youth Sector

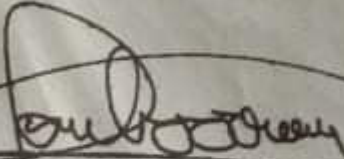
- Anakbayan
- Pinatud- Anakbayan
- League of Filipino Students (LFS)
- Kabataan Party List
- Cordillera Youth Center (CYC)
- Progressive Igorots for Social Action (PIGSA)
- Alliance of Concerned Students (ACS)
- Alliance of Concerned Students- UP Baguio (ACS UPB)
- Youth Act Now Against Tyranny (YANAT) Baguio- Benguet
- Dap-ay (Benguet State University)

f. Government Sector

- Bayan Muna
- Tongtongan ti Umili (TTU)
- CHRA

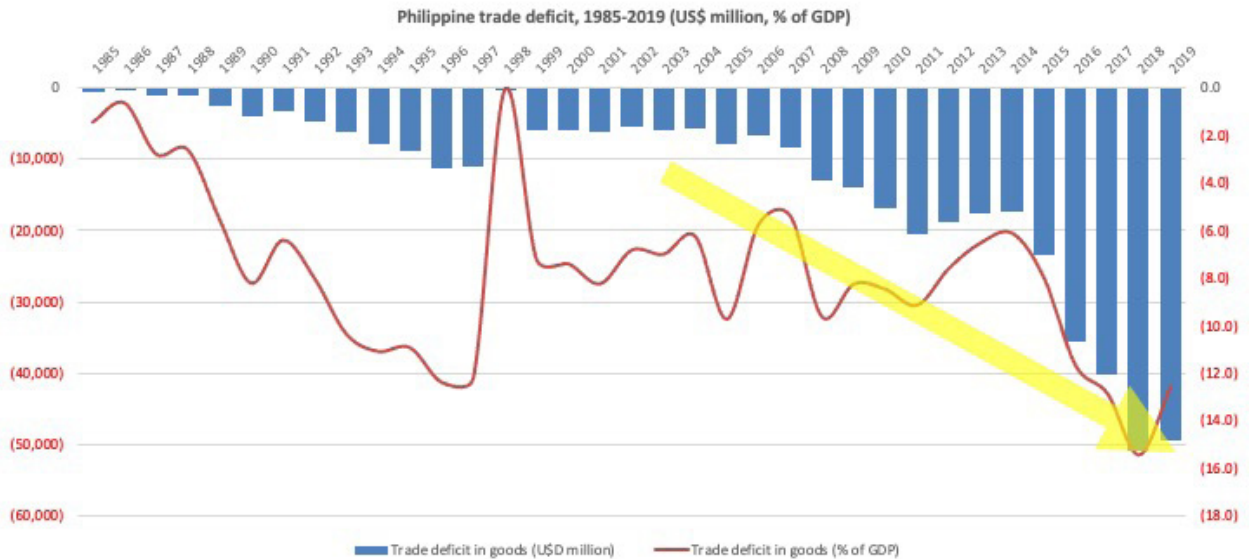
For information and reference.

FOR THE REGIONAL DIRECTOR:


FRANCISCO B BULWAYAN, JR.
Police Lieutenant Colonel
OIC, RCADD

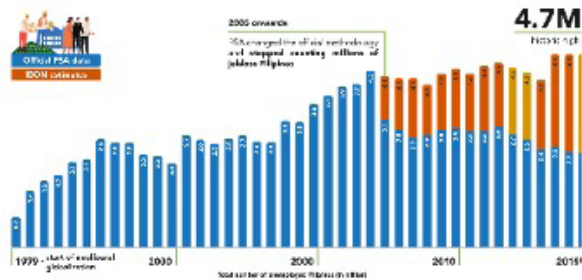
Slide 4

Record trade deficits



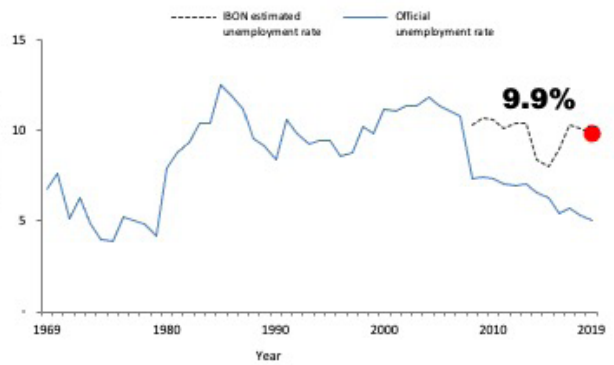
Record [disguised] unemployment even pre-pandemic

Unemployment, 1979-2019 ('000)



* Orange bars revert to previous definition of unemployment for comparability with previous periods (change in definition in April 2005 counts many unemployed as "not in the labor force")

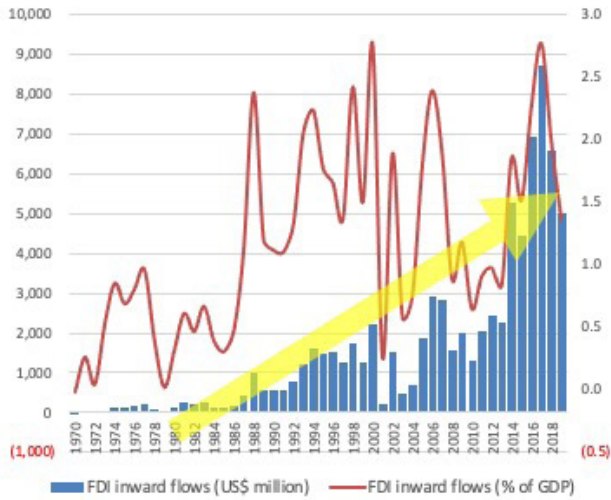
Unemployment rate, 1969-2019 (%)



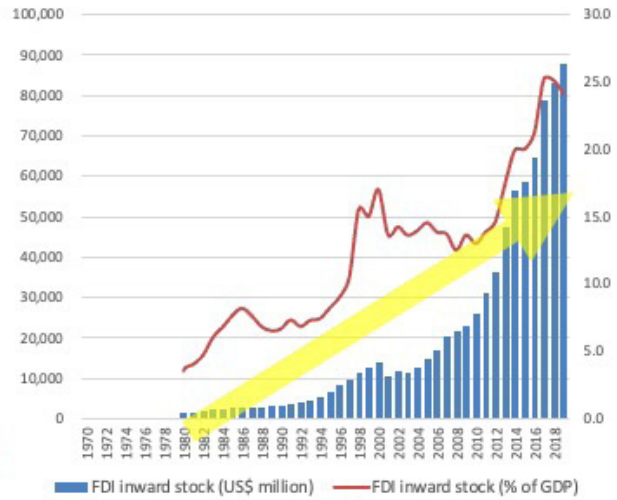
Source: PSA LFS, various years and IBON estimates on PSA data

Soaring foreign direct investment (FDI)

Philippines FDI inward **flows**, 1970-2019 (US\$ million, % of GDP)



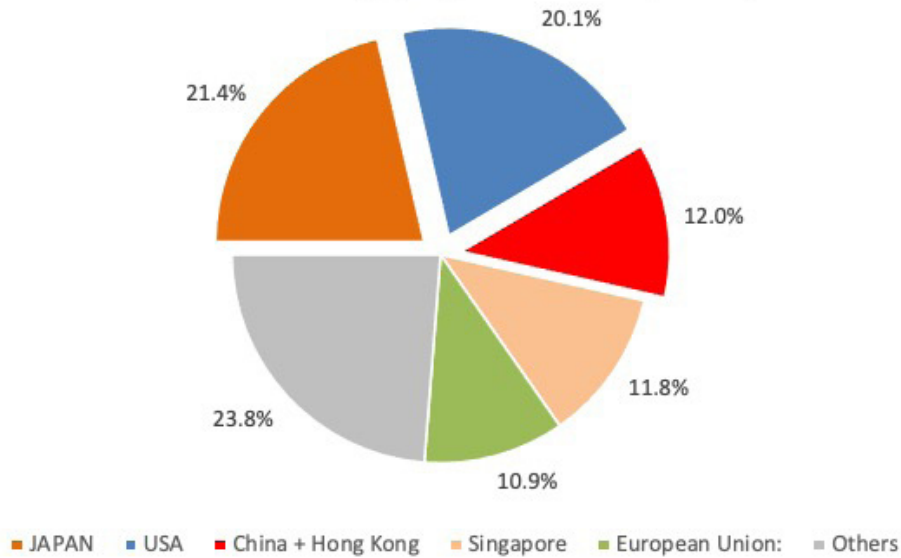
Philippines FDI inward **stock**, 1980-2019 (US\$ million, % of GDP)



Source: UNCTAD

Biggest foreign investors

Cumulative Net FDI (Equity), 1999-Q1 2021 (% share)





Huge wealth gaps



Continued neoliberalism

**BUILD, BUILD, BUILD INFRASTRUCTURE
TRAIN & CREATE TAX REFORMS
AGRICULTURAL NEGLECT
WAGE REPRESSION**
(Amendments to Public Services Act, Foreign Investment Act, Retail Trade Liberalization, CHARTER CHANGE)

9-YEAR MINING BAN LIFTED

**RICE LIBERALIZATION
(Sugar liberalization)**

Record ₱1.6 trillion GDP loss
Record 4.5M unemployed
(2020 GDP current prices/annual unemplt, PSA)
Not relying on lockdowns could've saved
Php1.6T in output and 1.8M jobs

Poorest 70% (17.3M) of families
₱13,000-32,500 in lost incomes
on average in past 17 months

15.5M hungry families
(2020 peak, DOST-FNRI)

17.8M families w/o savings
(Q2-2021, BSP CES)

7.2 million
peak unemployed (Apr-20)
3.8 million
unemployed (Jun-21, PSA)

99,575
MSMEs closed
458,043
partial operations
(Jun-21, DTI)

Bayanihan 1 & 2: Too little budgeted, not all spent → Too few helped, by too little
 17.6M/14.1 M (SAP momentarily), 1.2-3M (CAMP, TUPAD, AKAP), 3.1M (SBWS); 31,409 MSMEs (CARES, HEROES, TRAVEL)

2021 natl govt budget: money for INFRA & DEBT over COVID response

Php billion	2020 GAA Adjusted ^{1/}	2021 GAA	Increase/ (Decrease)	Growth Rate (%)
Education	650.2	751.7	101.5	15.6
Public Works and Highways	431.2	695.7	264.5	61.3
Interior and Local Government	235.9	249.3	13.4	5.7
Health	183.4	210.2	26.8	14.6
Defense	179.7	205.8	26.1	14.5
Social Welfare	366.6	176.9	(189.7)	(51.7)
Transportation	84.2	87.9	3.7	4.4
Agriculture	75.8	71.0	(4.8)	(6.3)
Judiciary	41.2	45.3	4.1	10.0
Labor and Employment	36.6	37.1	0.5	1.4

Debt service (interest & principal)	
2020 GAA Adjusted ^{1/}	1,005.3
2021 GAA	1,793.5
Increase/ (Decrease)	788.2
Growth Rate (%)	78.4

military = health/education

Source: DBM

^{1/} Adjustments made per Bayanihan 1 and 2 to redirect funds for Covid-19 response.

Document 51: Testimony of Renato Reyes

Imperialism, counter-insurgency and the right to development

Renato M. Reyes, Jr.
Bagong Alyansang Makabayan

August 10, 2021

The Philippines has remained a neo-colony of the US since after World War 2. The US has maintained its all around economic, political and cultural dominance of the Philippines through the different puppet regimes that have arisen since 1946. The US also made sure that it would retain a huge military footprint in the Philippines through the 1947 Military Bases Agreement, then later on the 1952 Mutual Defense Treaty, which was then used to justify other agreements such as the Visiting Forces Agreement and the Enhanced Defense Cooperation Agreement. The US also set up the Joint US Military Assistance Group which ensured that the Philippine military will be under the long-term direction of US imperialism.

The MDT guided the overall direction of US and Philippine security cooperation, including US support to the Philippine government for counter-insurgency. The MDT remained the framework for funneling US military aid to Philippine puppet regimes up to the present. The Military Bases Agreement, and later the Visiting Forces Agreement and the Enhanced Defense Cooperation Agreement, ensured that US forces would continue to have access to and an active presence in the Philippines.

As pointed out by the first speaker, imperialism seeks to take advantage of the natural and human resources of the Philippines while ensuring a profitable haven for foreign investments, surplus capital, and surplus products. These economic impositions often result in exploitation, displacement, underdevelopment and extreme poverty. Such conditions have given rise to various forms of people's resistance including armed resistance. The 1950's saw the Hukbong Mapagpalaya ng Bayan which was led by the old Communist Party of the Philippines. Then in 1968-69, a new generation of revolutionaries re-established the Communist Party of the Philippines and the New People's Army. The Philippines is the site of more than a century of anti-imperialist struggle and the assertion of the right to self-determination of its people.

All previous puppet regimes have sought to suppress all forms of resistance that threatened the neo-colonial order. The US has actively funded, directed and participated in campaigns of suppression against the people. These include the Martial Law regime and Oplan Katatagan of the Marcos fascist dictatorship, the "Total War" Lambat Bitag campaign of the first Aquino

regime, the psywar and Lambat Bitag 2 campaign of the Ramos regime, the all-out war on the MILF by the Estrada regime, the “war on terror” known as Operation Enduring Freedom-Philippines under the Arroyo regime, the “whole of nation approach” and Oplan Bayanihan of the second Aquino regime and the current US Operation Pacific Eagle and Oplan Kapanatagan under the Duterte regime.

In all these conflicts throughout different regimes, we find the involvement of US imperialism in what it has described as small footprint operations as well as policy direction for the AFP. The US has no qualms in supporting fascist terror and widespread human rights violations if this ensures the viability of its puppet regimes and the **continuation of the prevailing neo-colonial order**. The US has promoted the low-intensity conflict doctrine, the borderless and endless “war on terror” and the classical US counter-insurgency doctrine. These were used to suppress people’s resistance and preserve the unequal social order. These resulted in further displacement and destruction of communities and valuable resources. Foreign intervention and support for fascist and puppet regimes worsened the crisis of the ruling system.

The US provided long-term support for the corrupt and fascist Marcos regime despite all the documented abuses that were happening in the Philippines. During this time, the Marcos regime retained the Military Bases Agreement, with amendments, so long as the US kept supporting Martial Law and the suppression of Marcos’ critics.

Cory Aquino, who replaced Marcos, carried out the same US-directed counter-insurgency campaign together with imperialist-dictated economic policies. The US opposed peace negotiations and promised support for all-out war by 1990, the time the US bases treaty was being re-negotiated. The bases treaty would be rejected by the Philippine Senate and US forces would leave the Philippines for a few years.

The US supported Estrada’s brutal all-out war in Mindanao at the time the US was negotiating a Visiting Forces Agreement which would allow US troops to return to the Philippines for the first time since US bases were thrown out in 1991. The US also supported the Philippines in the campaign against the Abu Sayyaf Group and pioneered the formation of Light Reaction Companies for counter-terror operations. The VFA was ratified by the Philippine Senate in 1999 and allowed for the return of US troops through joint military exercises.

It was Arroyo, pushing further neo-liberal economic policies under her watch, who also allowed long-term US military presence, de facto basing and increased combat role in the Philippines after the 9-11 attacks. Under the US Operation Enduring Freedom- Philippines, some 600 rotating US forces were permanently stationed in Mindanao, allowed to participate in combat operations, and committed human rights violations against the civilian population. It was during this time that military aid for the Philippines was ramped up from \$3.8 million in 2001 to \$56 million in 2002 and \$52 million in 2003 and 2004. The surge in US military aid also coincided with the increase in human rights violations under Arroyo’s Oplan Bantay Laya. International

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pressure including from the US Congress, sought to limit US military aid to the Philippines and tie this to the Philippine government's human rights record.

The second Aquino regime saw the approval of the Enhanced Defense Cooperation Agreement (EDCA) which sought physical bases for US troops and the prepositioning of weapons in the Philippines. Aquino's Oplan Bayanihan followed the US Counter Insurgency Guide that sought a whole of government approach to the insurgency. During this period, the US directed the botched Mamasapano counter-terror operations in Maguindanao that led to the deaths of 44 Philippine Special Action Force troopers and as many as 7 civilians. US Special Forces were at the SAF Advance Command Post and controlled the aerial surveillance asset that provided real-time updates to Philippine officials.

Duterte remains beholden to imperialism

At the start of his term, Rodrigo Duterte promised a comfortable life for all, the pursuit of peace talks to end the armed conflict, genuine land reform, national industrialization and an independent foreign policy as a condition for genuine development.

During his state visit to China in 2016, Duterte declared that he was distancing himself from the US and aligning himself with China and Russia. It was an unprecedented declaration that could have far-reaching implications. But years after his Beijing speech, no real change actually happened. It turns out Duterte was only pandering to his Chinese hosts and had no intention of breaking the unequal relations between the Philippines and the US. What Duterte did was have two foreign masters dictating on his domestic and foreign policy.

Duterte has proven himself no different from previous presidents as his economic policy still adhered to the neoliberal framework of his predecessors. He junked his own campaign promise of ending labor contractualization. He green-lit destructive, large scale mining operations that would displace communities. He has allowed the liberalization of rice importation to the detriment of domestic agriculture and Filipino farmers. He supported the 100% sell-out of public utilities to foreign corporations. He supported Charter change to remove constitutional restrictions on foreign ownership in the Philippine economy. He has all but abandoned the Philippine legal victory against China in the West Philippine Sea. He has allowed China to also control land and other resources in the Philippines through so-called development projects.

Duterte maintained the lopsided ties with the US, seeking only concessions along the way, as he also pivoted towards China in exchange for loans and infrastructure projects that would be a source of bureaucratic corruption. Duterte's pivot to China had dire effects on Filipino fishermen who continue to be denied access to the Philippines' own exclusive economic zone.

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During the pandemic, Duterte sought assistance from both the US and China for vaccines. The price for these vaccines would be more concessions to the two superpowers - retention of the RP-US VFA and a weakened policy in the West Philippine Sea.

A year after his state visit to China, Duterte hosted US President Donald Trump during the APEC Summit in 2017 in Manila. At this time, Martial Law had already been declared in Mindanao and the peace talks with the NDFP would soon be terminated. Through an Executive Order, the CPP-NPA would be labelled as terrorist organizations, similar to what the US State Department had done before. The US would also launch a named-operation in the Philippines similar to Operation Enduring Freedom, this time called Operation Pacific Eagle, and would also focus on Mindanao.

Duterte did not remove US troops in Mindanao during his watch. The US Special Forces were in fact very much present and active during the Marawi Siege as they controlled drones and other surveillance equipment that provided real-time updates and battlefield awareness for Philippine troops. Despite all the high-tech hardware used for intelligence and surveillance, the AFP still ended up flattening Marawi, destroying the houses and livelihood of the people and causing a great humanitarian crisis for the displaced civilians.

After being criticized for his drug war, Duterte pretended to terminate the VFA in February 2020. He actually used the threat of termination to get more US military aid to be used for Philippine counter-insurgency operations. In the course of negotiating the retention of the VFA, Duterte also pardoned unconditionally the convicted killer of Filipino trans-woman Jennifer Laude, US Marine Joseph Scott Pemberton. By the end of 2020, the Philippines had received \$58.4 million in military and security aid, which is \$15.1 million more than the aid it received in 2019.

US military aid to the Philippines remained significant under Duterte, with a total of \$211.4 million in military and security aid from 2017 to 2020. The Philippines also received second-hand M-60 machine guns and cargo planes under the Excess Defense Articles Programs.

The US government meanwhile spent \$207.6 million for its Philippine deployment under Operation Pacific Eagle. This included spending for small arms ammunition, Intelligence, Surveillance and Reconnaissance (ISR) drones, communications, technology and intelligence and base support.

With the peace talks terminated, Duterte proceeded to form the National Task Force to End Local Communist Armed Conflict. Like previous US-inspired counter-insurgency programs, the NTF-ELCAC was formed based on the whole-of-nation approach that mobilized the entire civilian bureaucracy for counter-insurgency. Different civilian agencies now have to contribute to the counter-insurgency efforts of the regime. This created a wider network of human rights

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abuses which included school closures, displacement of peasant communities, union-busting, campus repression, attacks on press freedom and freedom of expression and other rights violations. The NTF-ELCAC is at the frontlines of the continuing attacks on human rights defenders and groups asserting their right to development.

The heavily funded National Task Force only pretended to bring development to poverty-stricken barrios the government described as “NPA-influenced”. Much of what the NTF-ELCAC does in terms of development is linked to corruption. This is most visible in the E-CLIP program where some 17,000 so-called “rebel surrenderees” were given financial assistance ranging from P5,000 to P60,000. Most of the so-called “surrenderees” are ordinary farmers, not NPA combatants. Often they are coerced into presenting themselves as rebels in fake surrender ceremonies where military officials pocket the intended financial assistance. The NTF-ELCAC also allotted some P19 billion for so-called barangay development projects that do not address the social basis of poverty which is land monopoly in the countryside. The barangay development funds will end up as pork barrel funds in time for the 2022 elections.

In 2020, Duterte pushed for revisions in the US-backed Anti-Terror Law in the Philippines, seeking to impose more repressive measures against the people, as part of Duterte’s drive to stay in power beyond 2022. The regime used the US State Department’s terrorist-listing of the CPP-NPA to justify the terrorist designation of the two groups under Philippine law. The Philippine Supreme Court has yet to decided on the validity of the new “terror law”.

We expect more rights violations as Duterte fights to stay in power beyond his term, as he also fears prosecution by the International Criminal Court.

Foreign domination and intervention hinder the people’s right to development

It important to end foreign domination in the political and military spheres along with the economic sphere for there to be genuine development for the people. US military intervention and support has been one of the main pillars that prop up Philippine puppet regimes for the past seven decades.

The US-inspired counter-insurgency programs have sought to preserve the semi-feudal and semi-colonial system and elite rule in the Philippines. Attacks on and displacement of indigenous communities pave the way for large mining operations and agri-corporations in resource-rich areas. Union-busting and red-tagging of labor activists in industrial enclaves are designed to achieve “industrial peace” where the labor force is subservient to the capitalists. The forced surrender of farmers as alleged NPA members is designed to dismantle peasant associations and weaken resistance to land-grabbing and other exploitative feudal impositions. The relentless attacks on student and teacher activists is intended to weaken critical thinking and activism among the intelligentsia, ensuring neoliberalism goes unchallenged. The

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terrorist-labeling of mass movements and progressive parliamentarians is geared towards preventing the broad unity of the Filipino people for genuine change. The suppression of the revolutionary forces and the use of so-called development programs is a big swindle that seeks pacify the people without addressing their democratic demands such as land and social justice.

Given the historical context and current developments, it is thus necessary to support the struggle of the Filipino people against foreign domination in all spheres — to junk neo-liberal economic policies as well as US military intervention in the Philippines. Only then can the Filipino people truly achieve its right to self-determination and genuine development. ###

Document 52: Testimony of Luis G. Jalandoni

The Filipino People Struggle for National and Social Liberation and the Right to Development and Just Peace

Luis G. Jalandoni

August 10, 2021

Dear Friends of INVESTIGATE PH,

I warmly congratulate you for your powerful and very well documented First and Second Report. I thank you for inviting me as a resource speaker in your preparation for your Third and Final Report.

Herewith is my contribution. I hope it will help in preparing your Third and Final Report. My best wishes for the utmost success of your significantly important undertaking.

The Filipino peasants, farm workers and fisherfolk have a long history of struggle for genuine land reform against US imperialism, the oppressive landlords, bureaucrat capitalists and the brutal military and police forces under their command.

These oppressed and exploited peasants and farm workers, who comprise some 75 % of the Philippine population, together with the workers, petty bourgeoisie, and other social sectors which strive

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for development and peace, constitute the unremitting struggle of the Filipino people against oppression and exploitation.

The National Democratic Front of the Philippines (NDFP) which consists of the revolutionary forces of a wide range of organizations are: the Communist Party of the Philippines, the New People's Army (NPA), and revolutionary organizations of workers, peasants, indigenous people, youth, women Christians, teachers, artists and writers, government employees, health workers, scientists, the Moro people, the lawyers, and overseas workers.

Note for the full names of the 18 organizations of the NDFP, please see the powerpoint.

The Communist Party of the Philippines (CPP), the New People's Army (NPA), the Revolutionary Council of Trade Unions (RCTU), National Association of Peasants (PKM), Patriotic Youth (KM), Patriotic Movement of New Women (MAKIBAKA), Cordillera People's Democratic Front (CPDF), Christians for National Liberation (CNL), Association of Patriotic Teachers (KAGUMA), Federation of Labor Organizations KASAMA, Artists and Writers for the People (ARMAS), Patriotic Government Employees (MKP), Patriotic Health Association (MSP), League of Scientists for the People (LAB), Moro Resistance and Liberation Organization (MRLO), Revolutionary Organization of Lumads, Revolutionary Organization of Lawyers (LUMABAN), Revolutionary Organization of Overseas Workers and their Families (Compatriots)

Together with these revolutionary forces is a broad range of patriotic forces fighting in the legal field of struggle. There are the workers, the peasants, farmworkers and fisherfolk, women, youth, indigenous people and other social sectors who are subjected by the Duterte regime to extrajudicial killings, illegal arrests and detentions with the use of trumped up charges and the planting of firearms and explosives. They too have been subjected to "red-tagging", accused of involvement with and support for the CPP and the NPA.

Most recently, the regime has declared the NDFP as a terrorist organization. This adds the NDFP to the regime's listing of the CPP and NPA as terrorist organizations.

The deep-going and wide struggles of the peasants, farmworkers, and fisherfolk for genuine land reform and to regain control of the land they had cultivated for generations is a deep expression of their struggle for development and peace.

In the wide countryside of the Philippine archipelago, they have courageously fought for genuine land reform. The CPP and the NPA, together with other forces of the NDFP like workers, peasants, indigenous people, youth, women, health and cultural workers, have built more than 110 guerrilla

fronts.

Each guerrilla front consists of several municipalities. It is a self-governing area, completely distinct from the Duterte regime. Together, all the more than 110 guerrilla fronts in 74 provinces out of a total 81 provinces in the country, are a powerful force of the people's government. They are the seed of the People's Democratic Government of the Philippines.

This seed, through many decades of revolutionary struggles, has grown to become a powerful and continuously still growing People's Democratic Government.

On August 15, 1991, the Chairperson of the NDFP National Council, Manuel Romero, announced the NDFP's adherence to international humanitarian law, especially Article 3 Common to the Geneva Conventions as well as Protocol II of the Geneva Conventions, in the conduct of the armed conflict in the Philippines.

Then, on July 5, 1996, the NDFP National Council issued its Declaration of Undertaking to Apply the Geneva Conventions of 1949 and Protocol I of the Geneva Conventions. The growth of the People's Democratic Government since then has continued until now.

On the other hand, the broad front of legal struggles has engaged also in the fight for land reform, such as the "Bongkalan", wherein in the legal field, peasants and sugarworkers, courageously carry out land reform by occupying land of landlords and cultivating them, with the assistance of friendly forces. Despite attacks by the landlords and military and police, causing massacres, the sugar workers and peasants in various provinces persevere in this kind of legal struggle for land reform and development.

In other fields in the broad legal movement for development, intensive patriotic struggles continue, notwithstanding the regime's extrajudicial killings, red-tagging, illegal detention with trumped-up charges of illegal possession of firearms and explosives.

During the Covid-19 restrictions by the regime, a broad section of the population has condemned the regime's corruption and failure to provide the needs of the population. Their condemnations include the worst corruption of the regime with regard to the stealing of funds designated to assist the people and favoring themselves and their cohorts in the government and military.

The NDFP has responded to a wide call for peace negotiations to achieve development and peace. In 2016, at the start of the Duterte regime, the NDFP engaged the regime to seek a just peace.

The NDFP insisted on respect for earlier peace agreements like The Hague Joint Declaration of September 1, 1992, which declared the parity between the Government of the Republic of the Philippines (GRP) and the National Democratic Front of the Philippines (NDFP). This agreement which was approved by the Principals of both Parties, declared that neither party may impose capitulation or surrender on the other. It further declared that the talks should be in accordance with the principles of national sovereignty, social justice and democracy, and that the substantive agenda would be human rights and international humanitarian law, socio-economic reforms, political and constitutional reforms, and end of hostilities and disposition of forces.

In 1998, the NDFP signed with the GRP, the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) which gives a recognition of NDFP according to International Law. It recognizes the NDFP's status of belligerency as a co-belligerent in the civil war.

In January 2017, during Third Round of talks, the Duterte regime's delegation announced that the GRP agrees in principle with the free distribution of land to the farmers. This was greeted with jubilation by the peasants, whose age-old struggle for land and justice has always been for genuine land reform, development and just peace.

As both parties engaged in intensive talks on socio-economic reforms, they decided to form authorized Legal Teams to work on Socio-Economic Reforms. In November 2017, the Legal Teams, after intensive meetings in Manila, initialed a Joint Draft on Agrarian Reform and Rural Development (ARRD) and National Industrialization and Economic Development (NIED). This formed about 70 % to 80 % of this important section of Socio-Economic Reforms. For example, "measures to improve agricultural production such as in dairy, poultry, animal husbandry, in sugar, rice, corn, coconut, orchards, vegetables, herbs and spices, rootcrops, fisher, sat and seaweeds, rubber, organic fertilizers shall be undertaken."

This would have been the start of the negotiations on the NDFP program for Socio-Economic Reform, which includes environmental protection, upholding people's rights, recognition of ancestral lands and territories, economic sovereignty, foreign economic and trade relations, financial, monetary and fiscal policies.

However, this initialed Draft by the Legal Teams of the GRP and NDFP Negotiating Panels was thrown into the garbage bin by Duterte. On November 17, 2017, he ordered the GRP Legal Team, and the GRP Panel Chair Silvestre Bello and GRP Panel Vice-Chair Hernani Braganza to leave Utrecht, Netherlands where they had met with the NDFP Negotiating Panel. They were ordered to abruptly go back to the Philippines.

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Six days later, on November 23, 2017, Duterte terminated the peace negotiations with the NDFP through his Proclamation 360. Then, on December 5, 2017, he declared the CPP and NPA as “terrorist organizations” in Proclamation 374.

It is important to note that prior to Duterte’s termination of the peace talks with the NDFP, he had met with US President Trump in Manila during the ASEAN Summit on November 11 and 12, 2017.

The final nail on the peace negotiations was Duterte’s issuance, through his Anti-Terrorism Council, declaring the National Democratic Front of the Philippines as a “terrorist organization” on June 23, 2021.

It is also important to note that the NDFP National Council, despite Duterte’s termination of the peace talks, has declared that it is willing to work with a resumption of the peace talks with a post-Duterte government that will be willing to hold peace negotiations with the NDFP.

Notwithstanding this termination of the peace talks by the Duterte government, the Filipino people are most certainly determined to persevere in their struggle for development, justice and peace. It is clear in the perseverance of the revolutionary struggles in the countryside, the continuous building of NPA guerilla fronts and strengthening of the organs of political power and building and strengthening the People’s Democratic Government. It is likewise very clear in the ongoing legal struggles of the broad range of patriotic organizations.

The fundamental longing and ongoing struggle for development and peace of the Filipino people is likewise expressed as a basic right of the people in the United Nations declarations on the right to development and peace.

In conclusion, we deeply value the firm support of INVESTIGATE PH for this deep longing and ongoing struggle of our people. For us it means active solidarity for our people’s struggle for national and social liberation, for justice, development and peace. #