



Action Network Human Rights- Philippines

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OPAPP, 24.04.2012

GPH-MILF Decision Points on Principles as of April 2012

The Parties agree to the following principles, which shall further guide discussions on the substantive agenda of the negotiations. This preliminary list does not contain all points so far agreed upon and does not preclude future agreements on other key points.

1. The Parties recognize Bangsamoro identity and the legitimate grievances and claims of the Bangsamoro people.
2. The Parties agree that the status quo is unacceptable and that the Parties will work for the creation of a new autonomous political entity in place of the ARMM.
3. The Parties agree to the continuity of negotiations in the context of agreed documents.
4. The Parties agree that the new autonomous political entity shall have a ministerial form of government.
5. The Parties agree to the need for a transition period and the institution of transitional mechanisms in order to implement the provisions of the agreement.

There will be power-sharing and wealth-sharing between the National Government and the new political entity. In the matter of power sharing, the National Government will have its reserved powers, the new political entity will have its exclusive powers, and there will be concurrent powers shared by the National Government and the new political entity.

The Parties agree that the following matters are reserved for the competence of the National Government:

- a. defense and external security
- b. foreign policy
- c. common market and global trade (FOOTNOTE: The power to enter into economic agreements already allowed under R.A. 9054 shall be transferred to the new political entity.)
- d. coinage and monetary policy
- e. citizenship and naturalization
- f. postal service

This list is without prejudice to other powers, which the Parties may agree to reserve to the National Government in the course of the negotiation.

7. The Parties agree that wealth creation (or revenue generation and sourcing) is important. The Parties also acknowledge the power of the new political entity to create its own sources of revenue, subject to limitations as may be mutually agreed upon

The Philippine Star, 24.04.2012

Stripping of DOJ power a non-issue for De Lima

By Edu Punay

Justice Secretary Leila de Lima doesn't mind losing the power to conduct preliminary investigation on plunder and graft charges against high-ranking government officials, but clarified her powers were not clipped in the recent Department of Justice (DOJ) memorandum of agreement (MOA) she signed with Ombudsman Conchita Carpio-Morales.

"The DOJ simply confirmed and upheld, in a duly executed MOA with the Ombudsman, the latter's primary jurisdiction over plunder and graft cases involving high-ranking government officials. Indeed, the preliminary investigation and prosecution of graft cases falling under the original and exclusive jurisdiction of the Sandiganbayan properly belongs to the Ombudsman," De Lima said in a text message.

She stressed that the new MOA was forged only "to address

by the parties, and to have a just share in the revenues generated through the exploration, development or utilization of natural resources.

8. The Parties recognize the need to strengthen the Shari'ah courts and to expand their jurisdiction over cases. The new political entity shall also have competence over the Shariah justice system.

9. The Parties agree to the creation of (third party) monitoring and evaluation mechanisms, which may utilize competencies already available in existing mechanisms, e.g. ICG, IMT, CCCH.

10. In addition to basic rights already enjoyed, the following rights of all citizens residing in the new political entity bind the legislature, executive and judiciary as directly enforceable law and are guaranteed:

- a. Right to life and to inviolability of one's person and dignity;
 - b. Right to freedom and expression of religion and beliefs;
 - c. Right to privacy;
 - d. Right to freedom of speech;
 - e. Right to express political opinion and pursue democratically political aspirations;
 - f. Right to seek constitutional change by peaceful and legitimate means;
 - g. Right of women to meaningful political participation, and protection from all forms of violence;
 - h. Right to freely choose one's place of residence and the inviolability of the home;
 - i. Right to equal opportunity and non-discrimination in social and economic activity and public service, regardless of class, creed, disability, gender or ethnicity;
 - j. Right to establish cultural and religious associations;
 - k. Right to freedom from religious, ethnic and sectarian harassment; and
- l. Right to redress of grievances and due process of law. Done this 24th day of April 2012 in Kuala Lumpur, Malaysia.

FOR THE GPH: DEAN MARVIC MVF LEONEN, Chair GPH Panel

FOR THE MILF: MOHAGHER IQBAL, Chair MILF Panel
SIGNED IN THE PRESENCE OF: TENGKU DATO' AB GHAFAR TENGLU MOHAMED, Malaysian Facilitator

overlapping of jurisdictions between the two bodies, so that each can focus on the effective discharge of its respective mandates, thereby avoiding confusion and conflicts of decisions."

But should critics view this development as "clipping of powers of DOJ," the Justice chief said she wouldn't mind. "The DOJ doesn't mind being 'stripped' of authority over certain cases, now that we have an Ombudsman who exhibits a high sense of duty and independence," she said.

The MOA reportedly gave Morales exclusive authority over cases of plunder, graft, forfeiture of ill-gotten wealth, violations of Republic Act 7659 or the Heinous Crime Law, money laundering, and corruption of public officials.

With the new MOA, the DOJ is also being stripped of any right to handle cases of direct bribery, indirect bribery, qualified



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bribery and "other offenses or felonies whether simple or complex with other crimes committed in relation to their office by the public officials and employees mentioned above."

The agreement states that such cases involving high-ranking officials and employees falling under the category of Salary Grade 27 belong to the Office of the Ombudsman.

Under the MOA, the anti-graft agency will have "primary jurisdiction in the conduct of preliminary investigation and inquest proceedings over complaints for crimes cognizable by the Sandiganbayan" under Republic Act 8249, the law defining the scope of jurisdiction of the anti-graft court. Salary Grade 27 refers to city councilors and up for executive positions, colonels and up for the Philippine Army, naval captains and up for the Philippine Navy, and senior superintendents and up for the police, among others.

The MOA states that when complaints involving cases cognizable by the Sandiganbayan are filed before the DOJ, the same shall immediately be endorsed to the Office of the Ombudsman.

In essence, De Lima may no longer order the conduct of a preliminary investigation, which, upon conclusion, is still forward-

ed to the Office of the Ombudsman for review and approval.

The DOJ earlier investigated the plunder complaint filed against former President and now Pampanga Rep. Gloria Macapagal-Arroyo by tax informant Danilo Lihaylihay in connection with the allegedly questionable P1.8-billion sale of the 54.5-hectare Iloilo Airport to Megaworld Corp. in 2007.

After conducting preliminary investigation, the DOJ recommended the dismissal of the charges and forwarded its findings to the Office of the Ombudsman, which, in February 2012, upheld the DOJ's recommendations citing lack of merit.

When it comes to cases involving lower-ranking government officials and employees falling under Salary Grade 26 and below, Morales and De Lima agreed to have concurrent jurisdiction. The MOA states that "the office where such complaint is filed for preliminary investigation shall acquire jurisdiction over the complaint to the exclusion of the other."

This means that once the DOJ acquires jurisdiction over a particular case, the Prosecutor General or provincial or city prosecutor shall resolve the same without need of approval from the Office of the Ombudsman.

Office of the Ombudsman, 29.03.2012

Ombudsman Morales penalizes 21 PNP officers over Davao Death Squad

OMBUDSMAN Conchita Carpio Morales has penalized 21 high-ranking officers of the Philippine National Police (PNP) arising from the unabated killings in Davao City in the recent years attributed to the "Davao Death Squad (DDS)".

Found guilty of Simple Neglect of Duty, for which they were meted the penalty of fine equivalent to one month salary, were P/SSUPT Catalino Cuy, P/SSUPT Jaime Morente, P/CINSP Matthew Baccay, P/CINSP Filmore Escobal, P/CINSP Leandro Felonia, P/CINSP Marvin Manuel Pepino, P/CINSP Ranulfo Cabanog, P/CINSP Vicente Danao, P/SUPT Harry Espela, P/SUPT Michael John Dubria, P/SUPT Rommil Mitra, P/SINSP Maximiano Atuel and P/SINSP Arnulfo Mahinay, both of the Davao City Police Office (DCPO).

Also fined were P/CINSP Alden Delvo, P/INSP Rolly Tropic, P/INSP Dionisio Abude, P/SINSP Antonio Alberio Jr., P/CINSP Juel Neil Salcedo, P/CINSP Joselito Loriza, P/CINSP Joel Neil Rojo and P/CINSP Napoleon Eguia.

Ombudsman Morales approved the Decision with modification as to penalty from one (1) month suspension to fine equivalent to one (1) month salary.

The case stemmed from a Letter-Complaint addressed to the Office of the Ombudsman sent by a person purporting to represent a group named Davao City Deserves Good Government Movement, claiming that a certain group known as the DDS was "responsible for the unsolved killings of more than 800 persons." The same complaint alleged that high-ranking officers of

the PNP were directly involved in the murders.

Records showed that from 2005 to 2008, the Davao City Police Office registered an unusually high number of unsolved killings. The perpetrators of these executions were usually 2 motorcycle-riding gunmen and the killings were mostly drug-related.

The OMB-MOLEO fact-finding team reported that in 4 years, there were 720 persons murdered; 97 in 2005; 165 in 2006; 199 in 2007 and 259 in 2008.

A mere 321 or less than 50% of the cases, however, were solved.

The killings were repeatedly committed within the areas of jurisdiction of respondents' precincts where they were assigned.

"From the foregoing figures, it is evident that respondents were remiss in their duty to significantly reduce the number of killings," the Anti-Graft Office pointed out in its ruling.

"Also, the same shows that respondents failed to solve a substantial number, if not all, of the killings."

The Decision added: "Under Executive Order No. 226 dated 17 February 1995, an officer of the Philippine National Police or that of any other law enforcement agency is held accountable for "Neglect of Duty" under the doctrine of "command responsibility" if he has knowledge that a crime or offense shall be committed, is being committed, or has been committed by his subordinates, or by others within his area of responsibility and, despite such knowledge, he did not take preventive or corrective action either before during, or immediately after its commission."

The Philippine Star, 18.04.2012

Phl ranks 3rd among worst nations on journalist murders

By Artemio Dumalo

The Philippines remains in third spot, trailing behind strife-torn Iraq and Somalia, as the "Worst Nations on Journalist Murders." According to the 2012 Impunity Index released on April 17 by the New York based-Committee to Protect Journalists (CPJ), the Philippines' international image on press freedom "showed virtually no sign of progress."

The Philippines posted at least 55 unsolved murders, the CPJ Index said, while Iraq again landed first with 93 unsolved murders. Though Somalia had only 11, it placed second because it had only 9.3 million people compared to the Philippines' 93.3 population count by the World Bank's 2010 World Development

Indicators. [...]

The CPJ explained that the index does not include cases of journalists killed in combat or while carrying out dangerous assignments such as coverage of street protests. CPJ's Impunity Index calculates the number of unsolved journalist murders between Jan. 1, 2002 to Dec. 31, 2011, and only nations with five or more unsolved cases are included in the list.

Disturbing facts

The CPJ noted that Philippine authorities have yet to effectively combat impunity, citing "the prosecution of dozens of politically connected suspects in the 2009 Maguindanao attack has been



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marked by delays and marred by allegations of bribery and witness intimidation.”

The index also noted that the death toll in the country showed no improvement with 0.589 unsolved journalist murders per million inhabitants, compared with the 0.609 rating in 2011.

Last year, Gerardo Ortega, a well-known journalist who covered environmental issues and corruption, was included in the list, after a gunman shot him to death.

While the Philippines is acknowledged for “its tradition of press freedom, the country’s dysfunctional and corrupt criminal justice system has failed to bring justice in 55 journalist murders in the past decade.” [...]

Around the world, murders make up more than 70 percent of work-related deaths among journalists, CPJ research showed.

The CPJ said “deadly, unpunished violence against the press rose sharply in Pakistan and Mexico, continuing a dark, years-long trend in both nations.” [...]

The Philippine Star, 23.04.2012

DOJ backs Senate bill for more justices in Sandiganbayan

By Edu Punay

The Department of Justice (DOJ) has expressed approval of a proposed bill in the Senate pushing for structural reforms in the Sandiganbayan.

In a three-page letter to the committee of justice and human rights, Justice Secretary Leila de Lima sees no objection to Senate Bill 3111 that seeks to increase the composition of the anti-graft court from 14 justices to 44. The DOJ chief agreed that this proposal in the bill authored by Sen. Teofisto Guingona III, vice chair of the committee, would help speed up resolution of graft cases. But De Lima took exception to the provision in the proposed bill allowing the designation of one justice to hear a case and receive evidence. The Sandiganbayan currently hears cases per division composed of three justices.

This provision in the proposed bill intends to relieve the two other justices from the duty to be present during all the hearings and reception of evidence so that they could attend to some other cases or other official matters.

But the DOJ chief noted that since the Sandiganbayan is a trial court, it is important that all three justices should be present

reliefweb.int, 03.04.2012

UNDP supports CHR and ARMM Government efforts to establish Human Rights Regional Office in autonomous Muslim Mindanao

The Commission on Human Rights and the ARMM Regional Government, with the support of the United Nations Development Programme, held a conference in Cotabato City regarding the establishment of a CHR Regional Office for the Autonomous Region in Muslim Mindanao as a critical contribution to improving the region’s human rights woes. The conference was attended by more than a hundred stakeholders from civil society, security sector, government and development partners in the Region.

“This conference is a landmark event that supports the realization of the aspirations of advocates for peace, justice, good government and human rights in Mindanao”, ARMM Governor Mujiv Hataman, said.

Several proposals have been made in the past to create a regional human rights body in the ARMM but all failed to gain traction due to the perceived failure of these proposals to guarantee its independence within the overall framework of regional autonomy. This year, after studying the proposals and consulting with civil society and political stakeholders, the CHR has decided to create a Regional Office for the ARMM.

Promising improvements

The 2012 Impunity Index follows two significant international developments that take the fight against impunity in markedly different directions.

In March, the Mexican Senate approved a constitutional amendment that, if adopted by the states, will federalize anti-press crimes and place national authorities in charge of such investigations, steps seen as crucial in fighting impunity in that country.

However, in the same month, the UN plan to strengthen international efforts to fight impunity was derailed by Pakistan and two other member nations – India and Brazil – for having a high index rating on anti-press violence.

The UN plan also includes strengthening the office of the special rapporteur for free expression and assisting member states in developing national laws to prosecute suspects who killed the journalists.

during the hearings to enable them to render the right decision.

“The Supreme Court held in several cases that findings of fact by the trial court are entitled to great weight on appeal and should not be disturbed unless for strong and cogent reasons because the trial court is in a better position to examine real evidence, as well as to observe the demeanor of witnesses while testifying in the case,” she said.

“This amplifies the importance of the presence of all the three justices who are expected to render judgment based on what they will observe during the hearings,” she added.

Still, De Lima suggested that the opinion of the current magistrates of the Sandiganbayan led by Presiding Justice Francisco Villaruz be sought by the Senate on this issue.

“While there is a need to increase the number of associate justices in the Sandiganbayan, a thorough study should be made to determine how many associate justices are still needed as well as the number of divisions that should be created for Visayas and Mindanao,” she said.

Commission on Human Rights Chair Loretta Ann Rosales said in a statement that it is an unquestionable fact that the human rights situation in the ARMM is very serious, complex and underserved due to a complex mix of factors: long-standing armed conflict, coexistence of several indigenous communities and stark social, economic and political realities prevailing in the region. She also stressed that this situation make the creation of a CHR ARMM Regional Office all the more justified and necessary for it presents an extremely rare window of opportunity for the CHR to better serve its mandate in the ARMM.

CHR Chair Rosales reiterated, “the CHR is not one to miss the chance to leverage the current priority being given by the administration of President Benigno S. Aquino III to the ARMM regarding electoral reform, peace building and good governance, in order to secure the necessary structural support for the enhancement of human rights services in the ARMM”.

Speaking before the participants of the Conference, UNDP Country Director Renaud Meyer commended the ARMM Regional Government and CHR’s continuing efforts and recognition that human rights is essential to ensure that democracy



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takes root in the autonomous region in Muslim Mindanao.

Mr. Meyer emphasized that beyond building institutions and contributing to better policies, plans and budgets, equally important and critical to root human rights in day to day practice is the increased education for and involvement of all citizens in dialogues and decision making. "This means strengthening civil society and ensuring a conducive environment is guaranteed for it to play its role to offer education and information for citizens on their rights and how to exercise them at the private, personal and family level so as to be politically-conscious and thus be in a position to protect their interests, make claims and contribute to general community development", he said.

This two-day Conference on Human Rights in the ARMM which runs 2-3 April 2012, is the first of a series of consultative interventions aimed at coming up with a medium-term Human Rights Agenda for the autonomous Muslim Mindanao.

The main event of the Conference are two workshops aimed at coming up with an indicative human rights action plan for ARMM in response to the climate of human rights violations and abuses in the ARMM. Organizers hope that identifying existing spaces for cooperative action between the Regional Autonomous Government, the Commission on Human Rights, and civil society organizations and networks will contribute substantially to the progressive implementation of governance reforms using human rights as a lens.

For more details, please get in touch with Atty. Marc Titus D. Cebreros, CHR Coordinator, NGO Civil Society and Media Cooperation Office (Mobile: 09175766272; email - mtcebreros.chrp@gmail.com / ncsmcomedia@yahoo.com), and/or Atty. Christina Hawtay Jovero, Regional Director, Region XII Office (Mobile: 09173100523; email: diane_beng@yahoo.com).

Sun.Star Davao, 17.04.2012

Armm gov bars private armies in regional office

By Ben O.Tesiorna

Private armies of politicians were barred from entering the Office of the Autonomous Region in Muslim Mindanao (Armm) governor here Monday. Military and police special forces were on tight guard in and around the complex as they inspected each vehicle that entered the complex and barred armed securities of politicians from getting in.

In his speech during his first 100 Days report dubbed "Ulat ng Bayan," Armm acting Governor Mujiv Hataman admitted many local government officials in the region did not attend the event due to his policy against private armies.

Maguindanao Governor Esmael Mangudadatu was one of the politicians who failed to attend the Ulat ng Bayan. The acting governor clarified, however, that not all of the officials failed to attend just because of the strict policy but because of security issues. He said he wanted to prove to the politicians, especially in Armm, that they can serve the people even without private armies around them.

The Regional Peace and Order Council earlier passed a resolution asking President Benigno Aquino III to declare a total gun

ban in Armm and a general amnesty on loose firearms so as to entice firearms owners to register their arms and thereby be placed under the government regulation.

Asked how politicians reacted to the policy against private armies, Hataman said there was no negative reaction at all since the politicians know that it was supported by President Benigno Aquino III.

Armm Police Director Mario Avenido also expressed support to the strong policy against private armies in the region. He said the police have also started collating information regarding the private armies. He added that after the fall down of the Ampatuans, a powerful political clan in Maguindanao province, the number of private armies has decreased by half.

This is the first time that armed securities of politicians were barred from the Armm governor's office. Fully armed men in full-fatigue uniforms are a common sight in the said complex before, as previous regional governors are known to have their own private armies.

Philippine Daily Inquirer, 07.04.2012

PNP sets guidelines in dealing with reluctant witnesses

By DJ Yap

In order to avoid the pileup of "cold cases", the Philippine National Police (PNP) set guidelines on how to deal with witnesses to crimes who show reluctance to cooperate in investigations.

In a recent directive, PNP Director General Nicanor A. Bartolome ordered all police investigators nationwide to "exert more effort to encourage complainants and witnesses to pursue the investigation for the prompt prosecution of cases."

It is the duty, he said, of investigators to look for and gather evidence "and not the responsibility of the victim."

"Witnesses [who] are normally sent an invitation frequently make excuses not to cooperate or give substantial information because of the fear of reprisal and to avoid inconveniences," Bartolome said in a statement.

He said this would result in the increased number of cold and dismissed cases for insufficiency or lack of interest to pursue the case on the part of the complainant.

Bartolome instructed all investigation units to avoid any circumstances that might inconvenience the witnesses during the investigation of criminal cases.

He said the PNP should accord protection considering possible

threats the eyewitness may face for cooperating in the investigation of a case.

"All Unit Commanders are advised to provide assistance to the complainants/witnesses for the duration of the case, which includes: going to and from the police stations during the taking of testimonies and in providing description to generate facial composite of the suspect/s; going to and from the court/prosecutor's office during the conduct of preliminary investigation or during the giving of testimonies in court; and analogous cases," Bartolome said.

The investigator must also sign a notarized sworn statement/affidavit, if no more information can be obtained from a witness or if he or she is not willing to divulge more information for documentation process, he added.

"Credible police service means working in partnership with a responsive community in securing a safer environment," Bartolome said.

"Mutual cooperation between the police, the complainant and witnesses may help in the attainment of peace and order in every community," he added.



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MindaNews, 31.03.2012

Ampatuan massacre, other cases 'gathering dust' at ASEAN rights commission

By Allen V. Estabillo

PHNOM PENH, Cambodia – Human rights cases filed before the two-year old human rights body of the Association of South-east Asian Nations (ASEAN) have continued to gather dust at the regional secretariat in Jakarta, Indonesia as it continued to lack the necessary mechanism to handle the matter.

Yuyun Wahyuningrum, senior advisor on human rights and ASEAN of Indonesia's NGO Coalition for International Human Rights Advocacy, said Friday the ASEAN Intergovernmental Commission on Human Rights (AICHR) has so far failed to formulate the rules of procedure to deal with the human rights complaints that it had received, among them a case involving the 2009 Ampatuan massacre. "The situation has not changed in the last two years," she told MindaNews at the sidelines of the three-day ASEAN Civil Society Conference and the ASEAN People's Forum (ACSC/APF) 2012 here.

In February 2010, relatives of several journalists slain in the November 23, 2009 massacre in Ampatuan town in Maguindanao filed a complaint before the AICHR to hold the Philippine government accountable for the carnage that killed 58 people.

Their 23-page complaint specifically urged the AICHR to call on the Philippine government to ensure that the perpetrators of the massacre are brought to justice and adequate reparations are made to the heirs of the victims under international law.

Among those charged in the complaint were former president Gloria Macapagal-Arroyo and several other former military and national officials.

But AICHR took its hands off the complaint and endorsed it to the ASEAN Secretariat after the Arroyo government declared it then as a "domestic issue."

The Philippine Star, 24.04.2012

Another Maguindanao massacre suspect nabbed

By John Unson

COTABATO CITY, Philippines – Government operatives arrested another suspect in the Nov. 23, 2009 massacre of 57 people in Maguindanao, a week after the arrest of a cohort near a hotel here.

Col. Alex Balutan, commanding officer of the 1st Marine Brigade, said Zacaria Akil, alleged henchman of former Maguindanao governor Andal Ampatuan Sr., was nabbed at a checkpoint

PCIJ Blog, 19.04.2012

FLAG appeals Aberca case

HUMAN RIGHTS LAWYERS from the Free Legal Assistance Group (FLAG) have asked the Supreme Court to reconsider its earlier reversal of an award for civil damages to victims of human rights abuses under the Marcos regime and exonerating several former military officers, including now-Senator Panfilo Lacson.

In an omnibus motion for reconsideration filed by FLAG national chairman Atty. Jose Manuel Diokno, the group argued that there was nothign wrong with the decision of a Quezon City Regional Trial Court that found former armed forces chief of staff Gen. Fabian Ver, former military intelligence group head Panfilo Lacson, and several other military officers guilty of torturing Rogelio Aberca and 18 other suspected subversives. The accused had been ordered to pay the victims P350,000 in damages each.

Last week, the Supreme Court 3rd division junked the QC RTC decision, saying the accused military officers were denied due process. In particular, the high tribunal said that the accused

"That was the main reason (declaration as domestic issue) why the AICHR failed to act on it then. Unfortunately, it has not made any move since that would allow it to handle these matters properly," Wahyuningrum said.

Wahyuningrum, who has been closely working with Indonesia's AICHR Commissioner Rafendi Djamin on the matter, said they have been continuously lobbying with the human rights body to speed up the ongoing formulation of its working mechanisms as part of its mandate to ensure the protection of the rights and welfare of citizens within the 10-nation regional bloc.

The AICHR, which was formally launched in March 2010, has since completed drafting its preamble, general principles and 17 articles on civil and political rights, she said.

She said AICHR members are scheduled to meet anew on April 9 to 11 to continue with their deliberations on the draft ASEAN Human Rights Declaration, which was targeted for adoption by ASEAN leaders during the regional summit in November.

Wahyuningrum said ASEAN human rights and other civil society groups are currently working on several regional-level actions to drum up awareness regarding the pending cases before the AICHR.

Aside from the Ampatuan massacre case, several human rights groups also filed complaints regarding previous human rights cases in Indonesia and Myanmar.

"We felt the need to elevate this to the regional level to pressure the AICHR and ASEAN leaders to address these issues properly and at the soonest possible time," she added.

here. Balutan said Akil was under surveillance by Marine intelligence operatives and policemen from Region 12 and the Autonomous Region in Muslim Mindanao (ARMM). Balutan said Lt. Col. Noel Buncab, the newly-installed battalion commander of Marine Battalion Landing Team 7, has turned over Akil to ARMM's Criminal Investigation Group.

were not duly notified by the QC RTC of the case against them, thus depriving them of the chance to defend themselves in court.

The original case was promulgated by QC RTC judge Delilah Magtolis in 1993. The respondent military officials filed an appeal before the Court of Appeals. In 2003, the CA ruled in favor of the respondents. The case was elevated to the Supreme Court for final judgement.

Diokno said this is the longest running human rights case in Philippine legal history, and the first case that upheld and applied the principle of command responsibility for military officials and their subordinates.

The case was originally filed by the human rights victims in 1983. The complaint was first dismissed by Judge Wilhelm Fortun, but it was reinstated by the Supreme Court in 1988.

Diokno said the respondents were notified that the case was reinstated in October 1988 through their then-counsel, the Office



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of the Solicitor General. The OSG would remain their counsels until 1990, when the Supreme Court ruled that public officials cannot be represented by the OSG for felony offenses.

The problem arose after the 1986 EDSA revolution, when the officers changed their addresses and official posts. The RTC could not locate the respondents through their home addresses, and relied on a notice published in a newspaper. The CA and the Supreme Court ruled that this violated their right to due process.

Bulatlat.com, 14.04.2012

Promotion of Morong 43 jailer enrages victims, rights groups

By Ronalyn V. Olea

The recent promotion of Major General Jorge Segovia, former commander of the 2nd Infantry Division of the Philippine Army that carried out the illegal arrest of 43 health workers in February 2010, has outraged human rights groups.

The 43 health workers, popularly known as Morong 43, were arrested in Morong, Rizal and slapped with charges of illegal possession of firearms and explosives two years ago. They were tortured especially during the first months of their imprisonment at Camp Capinpin. They were jailed for nearly a year.

Segovia, commander of the 10th ID, is set to replace Lieutenant General Arthur Tabaquero as Eastern Mindanao Command (Eastmincom) chief. The new post promotes him into the next higher rank of lieutenant general.

"His promotion is an insult to the victims of human rights violations," Gary Liberal, a nurse and one of the so-called Morong 43, told Bulatlat.com in phone interview.

Liberal is one of the six of the Morong 43 who filed damage suit against Segovia, former President Gloria Macapagal-Arroyo and several other officers of the military and police for violation of human rights.

"Unbelievably insensitive, unfeeling and numb," is how Edre Olalia, secretary general of the National Union of Peoples' Lawyers (NUPL), described President Benigno "Noy" Aquino III's designation of Segovia as new Eastmincom chief. The NUPL serves as legal counsel of the Morong 43.

MindaNews, 27.04.2012

Bukidnon farmers ask Pnoy's help vs 'goons' in contested land

By Keith Bacongco

A farmers' group in Bukidnon has sought the President's intervention to stop what they called a "reign of terror" by "goons" of the contested 502-hectare Villalon Ranch in this town.

In a statement, Alyansa Bukidnon chair Oscar Maniego said "armed goons deployed by the owner of the ranch have been running amok, and government inaction has emboldened them to commit human rights violations against members of the Panalsalan Dagumbaan Tribal Association (Padata) and even to murder a farmer last year."

Maniego based his statement on the result of a fact-finding mission on March 29 that cited the alleged abuses perpetrated by the ranch guards against the farmers. The allegations included looting of farm animals and produce, firing at houses and damage to property, as well as harassment.

Had the local authorities, particularly the police, acted on the complaints of the farmers in the past years, Maniego said, it could have prevented the guards from committing the same abuses again.

"Since the local authorities, especially the police, are not doing anything to prevent these incidents, the suspects have become even more abusive. We know that the police are fully aware of

But Diokno said proof that the respondents were well aware of the case was the fact that they had been filing motions to dismiss the case through their lawyers. Moreover, Diokno said it was the obligation of the respondents to keep in touch with the court, and be updated with the proceedings, especially since they were aware that there was a case pending against them. Diokno said Judge Magtolis gave the respondents every chance to respond to the charges against them, and it was the fault of the respondents that they could not be located by the court.

"Aquino's cavalier move indubitably insults and spits on the still fresh wounds of the victims who were illegally arrested, detained and systematically tortured under Segovia's command," Olalia said.

Segovia is a member of Philippine Military Academy (PMA) "Mapitagan" Class of 1980. The group has adopted Aquino's four sisters - Pinky, Viel, Balsy and Kris - as honorary members or "mistah."

"This only proves that the Aquino administration is not at all serious in going after human rights violators," Liberal said.

Aside from the civil case, a complaint with the Commission on Human Rights (CHR) filed by the health workers while they were still detained remains pending and unresolved with the rights body.

"With the pendency of a CHR complaint clearly unable to bar such promotion, contrary to existing rules just like during the time of Ret. Maj. Gen. Jovito Palparan, Segovia might very well be another Frankenstein or monster in the mould of the spineless fugitive Palparan," Olalia said, referring to retired Gen. Jovito Palparan Jr. who is charged with kidnapping and serious illegal detention for the enforced disappearance of UP students Karen Empeno and Sherlyn Cadapan.

The NUPL also disclosed that a criminal complaint for torture will also be filed against Segovia and several others. [...]

these incidents because they have recorded these," he added.

He said that Milo Ceballos, who is believed to be the head guard of the ranch and the primary suspect in the murder of farmer Welcie Gica, was able to flee Dagumbaan after a warrant of arrest was issued against him in December 2011.

Gica was killed in August last year.

On March 29, the police served the warrant of arrest against Ceballos and 14 others who were tagged in Gica's murder, but the suspects were nowhere to be found.

"Had the police acted immediately, justice may have already been served to our colleague Welcie Gica," Maniego stressed.

Edgardo Villalon, the ranch operator, first obtained the 15-year Pasture Lease Agreement (PLA) No. 1816 in 1981. When it expired, he applied for renewal. The PLA was later renamed FLGMA.

With the passage of Republic Act 8371, or the Indigenous Peoples' Rights Act (IPRA), the renewal process has included a free and prior informed consent (FPIC) from the indigenous peoples in the community where the area subject of the lease agreement belongs.

Villalon obtained the compliance certificate in 2008 after the



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NCIP Ancestral Domain Office recommended it on August 8, 2008. But ten days after, the Padata members, backed by the Task Force Mapalad, lodged a protest before the NCIP, asserting the FPIC used to file for the extension of the FLGMA was fake.

InterAksyon.com, 24.04.2012

SC unanimous: Distribute Hacienda Luisita; 'Just compensation' pegged at P40-K per hectare

By Lorenz Niel Santos

The Supreme Court en banc unanimously ruled on Tuesday for the total distribution of Hacienda Luisita to farmer-beneficiaries.

The high court also voted 8-6 to peg the just compensation for the vast sugar estate owned by the Cojuangco family on the 1989 valuation of P40,000 per hectare. The SC decision upheld its decision on November 22 last year to distribute close to 5,000 hectares of Luisita to more than 6,000 beneficiaries.

The justices who voted to determine compensation on the 1989 land valuation were Chief Justice Renato Corona, Presbitero Velasco Jr., Arturo Brion, Teresita Leonardo de Castro, Roberto Abad, Jose Perez, Jose Mendoza, and Martin Villarama Jr.

The Cojuangco family, to which President Benigno Aquino III

In September last year, the NCIP en banc issued a "final and executory" decision on the ranch, denying the motion for reconsideration filed by Villalon for "lack of merit" and "for being filed out of time."

belongs, had been asking P10 billion in compensation.

Reacting to the decision, Renato Reyes, secretary general of the

Bagong Alysansang Makabaya, said it was a "historic day" and stressed that, "there is no legal impediment now for the immediate distribution of the Luisita land to the farmers."

Reyes said both Hacienda Luisita Inc. and the Aquino government "should take immediate and concrete steps for land distribution. No more excuses. No more delays."

MindaNews, 29.04.2012

FFM report shows military ops in Agusan hinterlands

By Vanessa L. Almeda

A national fact finding mission said military operations are going on in hinterland barangays of Agusan del Norte and Surigao del Norte, even as officials of local governments and national line agencies denied the reports.

Karapatan together with indigenous peoples organizations in Mindanao and Manila launched a fact-finding mission on April 12-15 after receiving reports of the exodus of evacuees in the city and other parts in the region due to intense military operations in the two provinces.

The ensuing military operations resulted in the exodus of mass evacuees in Butuan City on March 22 and in Gigaquit, Surigao del Norte on March 26.

"To date, there are over 243 families with about 1,000 men, women and children [...] who have evacuated their communities and are staying in different evacuation sites in both provinces," Dr. Naty Castro, secretary-general of Karapatan-Caraga said.

In its report, the Mission said they were repeatedly denied audience by local officials in Butuan City, Cabadbaran and in Gigaquit. [...] Given these officials' denials, the Mission said it is constrained to bring the issue to Manila and present its report to Congress, the Department of Interior and Local Government (DILG), Department of National Defense and CHR chair Loretta

Rosales.

The group also intends to raise the issue to the United Nations Commission on Human Rights (UNHCR) on the Rights of the Internally Displaced Persons (IDPs).

Dato Monico Cayog of Kalumaran, a Mindanao-wide organization of Lumads said the military operations in the mountains of the two Carga provinces are aimed at displacing the tribal communities to accommodate mining companies.

Lt. Col. Vincent Iringan, commanding officer of the 30th Infantry Battalion, confirmed military operations are being carried out in Surigao del Norte "where there are sightings of armed illegal groups" because it is "our mandate as soldiers of the land." Iringan said a dialogue was already conducted with Mamanwa evacuees in Brgy. Baoy, Gigaquit, Surigao del Norte together with local government officials, the NCIP and other stakeholders.

Barangay councilor Baby Coter on one hand could not confirm that a dialogue had ensued saying as of present the evacuees are still staying at a dam site in Brgy. Baoy and local government officials and NCIP officials continue to deny assistance to the evacuees. "Where is NIPC and the mayor? They never showed up to the evacuees", Coter said in a text message.

Philippine Daily Inquirer, 27.04.2012

DILG chief halts slum demolitions

By DJ Yap

Interior Secretary Jesse Robredo on Friday ordered a halt to the demolition of squatter colonies in Metro Manila pending a review of police and other government policies for informal settlers facing eviction.

"I have directed the NCRPO (National Capital Region Police Office) to conduct a review of all policies and legal orders regarding cases of demolition," Robredo said in a statement days after a riot triggered by the demolition of a flea market in Parañaque City left a resident dead and nearly 40 people injured.

He proposed the holding of a "pre-demolition meeting" between the Philippine National Police, local governments, the National Housing Authority, the affected residents and other stakeholders prior to the execution of any court order authorizing the dismantling of illegal structures.

On Monday, rock-throwing residents of Silverio Compound in Parañaque, backed by militant protesters, clashed with riot police armed with M-16 rifles, in defiance of a court-ordered demolition. A man died of a gunshot in the head, but an examination by the National Bureau of Investigation indicated that the bullet may have come from a pistol, not from an M-16.

The Parañaque City Police admitted that live ammunition and not rubber bullets were used by its crowd-control team, but maintained that only warning shots were fired and that the violence was started by the residents, some of whom were reportedly also armed.

Robredo also warned residents who, aside from arming themselves with rocks and molotov cocktails, were reportedly preparing to bombard police and demolition crews with bags contain-



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ing excrement and urine.

"They can be arrested because what they plan will only bring harm and their intentions are not good," he said.

He said Monday's bloody incident would have not happened if all concerned parties had met beforehand to discuss the demolition. "The court order indicated that only 61 families would be

covered by the demolition. But it seemed all the 5,000 families in the compound were wrongly informed or misled that they would also be affected," Robredo said.

KARAPATAN, 01.04.2012

Urgent Action Alert: Philippine army, police fake gunfight, arbitrarily arrest 5, including a minor in Nueva Ecija, Central Luzon

The following is an extract of an Urgent Action of KARAPATAN. Please find the complete original with recommended actions on the KARAPATAN website under www.karapatan.org.

On March 28, at around 4 pm, two teams of soldiers went to the adjacent villages of Polilio and Sto. Niño, Cabanatuan City in Nueva Ecija province in Central Luzon, Philippines.

In Polilio village, soldiers on board a military truck and a yellow passenger jeep arrived and went straight to the residence of Ambrocio Iletto, a member of Anakpawis partylist. The soldiers, who were in full combat form, blocked the passing vehicles and shouted at the people to get out of the way, which frightened many residents who ran inside their homes. Ambrocio's daughter, Rachele Ann, 20, was the only one at home and was also frightened at seeing the soldiers. As she went out of the house with her one-year-old son, at least 20 soldiers went inside, while many others positioned themselves in front and around the house. Rachele heard the soldiers fired three shots from the back of their house. Rachele ran inside a neighbor's house and saw the soldiers go out of his father's house after five minutes. She then heard a series of gunfires from a distance.

It turned out that in Sto. Niño village, another team of soldiers had begun firing their guns as they approached the residence of Ambrocio's brother, Elpidio, where Efrén Delalamon, Andres Ely and Carla Bautista were visiting. Delalamon tried to run from the gunfires, but was hit in the right arm and in the left side of the body. [...] Soldiers handcuffed Delalamon and brought him by the side of the house where Ely, who was tied up in nylon handcuffs, was also prone on the ground. Bautista, who was taking a bath at an outhouse when the soldiers began firing, was surrounded by soldiers. She was told to stay inside the bathroom after she had changed, and was guarded by a soldier.

Ambrocio was tending to his vegetable farm near Elpidio's house when he was taken and handcuffed by soldiers. His nephew and Elpidio's son, Jan Michael, who was just leaving the house was also tied up. Delalamon, Ely, Jan Michael, and another resident were made to stay flat on the ground, while some soldiers took Ambrocio on board a white car, and took him to his house.

Meanwhile, the soldiers in Polilio summoned village officials and presented a warrant to search Ambrocio's house, then proceeded to search. Ambrocio's wife Rosalinda and their daughter Rachele Ann saw the soldiers from Sto. Niño arrive with Ambrocio, who was handcuffed and only wearing short pants. The soldiers then took Ambrocio inside the house and Rosalinda and Rachele followed. Linda protested when she saw the soldiers confiscate personal items, such as a her blood pressure monitor, her eyeglasses, hypertension medicine, a body lotion, some of which they bundled up in a blanket then put inside a black garbage bag. [...]

In Sto. Niño, at around 5 pm, police summoned two village officials to Elpidio's house, where they read to them a warrant to search the house. It was, however after almost an hour when it

was already getting dark when they entered the house. [...] A soldier found a wallet on top of a closet and counted before the two village officials the contents amounting to Php 16,500. The soldiers and police did not show them any other money taken from the house. The two village officials were then called inside the kitchen, where they saw a baby armalite on top of a wooden bed, and with a police evidence marker number "1".

At around 11 pm, Ely, Bautista, Ambrocio and his nephew Jan Michael were brought to the Nueva Ecija Provincial Police Office (NEPPO) while Delalamon was brought to a hospital to get his wounds treated and later to the Cabanatuan City police headquarters. [...]

On March 29, Colonel Hilario Vicente C. Lagnada, commander of the 56th Infantry Battalion of the Philippine Army issued a statement which came out in news reports saying that the five figured in a "clash" against a platoon led by Capt. Noel Wamil. The military was supposedly backing up a police team serving a warrant to search an "NPA hide-out" in Sto. Niño village. Also on March 29, police filed charges against Ely, Bautista, and the Iletos, while Delalamon was charged on March 30 and transferred detention to the NEPPO from the Cabanatuan city police. [...] In the joint affidavit of arrest made by six police officers, it was alleged that the police seized only Php 164,000 in cash. They also allegedly seized a baby armalite with magazine and 27 pieces of ammunition from Delalamon; a belt bag containing a hand grenade and "revolutionary demand letters" signed by a certain "Ka Gregorio Lapuz" were allegedly seized from Ely; while a bag containing several subversive documents was allegedly seized from Bautista.

On April 2, in a visit by their lawyers and relatives, the detainees reported that a total of Php 239,000 cash and some personal items were taken from them. [...]

Elpidio's two elder daughters, reported that their two youngest siblings aged three and five, suffered from fever after the soldiers' shooting and were traumatized by the whole incident. Elpidio had also gone into hiding after being sought out by soldiers and charged with rebellion. The family is also specially worried for 17-year-old Jan Michael, who was treated like an adult and detained in a regular cell, and was showing signs of trauma and depression.

Delalamon is a former political prisoner who was released on February 1, 2011 after cases of Murder and Attempted Murder filed against him were all dismissed. Bautista is an Assistant Program Coordinator of the Nueva Ecija Community-Based Health Program (NECBHP). Ely is a peasant organizer.

On April 4, the five were transferred from the NEPPO detention facility to the Bureau of Jail Management and Penology in Kalikid village, Cabanatuan City, Nueva Ecija in Central Luzon where they remain tightly guarded.



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KARAPATAN, 20.04.2012

Implement UNHRC resolution on the Marcellana-Gumanoy case and find and punish Palparan

On the ninth year of Eden Marcellana and Eddie Gumanoy's killing, Karapatan echoed the call of the victims' relatives and people's organization for the P-Noy government to implement the recommendations of the United Nations Human Rights Committee (UNHRC) and seriously find and jail former Major Gen. Jovito Palparan, Jr. who is responsible for the death of the two. At the time of their death in April 2003, Marcellana was secretary general of Karapatan-Southern Tagalog Region while Gumanoy was chairperson of Katipunan ng Samahang Magbubukid sa Timog Katagalugan (Kasama-TK), a regional peasant alliance.

Marcellana and Gumanoy led an 11-person fact finding mission to look into a report of a human rights violation case in Gloria town in Mindoro, Occidental. After the mission they were way-laid by soldiers along the road and took Gumanoy and Marcellana and three others separately on April 21. The next day, the bodies of Gumanoy and Marcellana were found in a ditch in Bansud, Mindoro Occidental. The Butcher was then the commanding officer of the 204th Brigade of the Philippine Army in Mindoro.

According to Marie Hilao-Enriquez, chairperson of Karapatan, the Department of Justice (DOJ) "dismissed three times the preliminary investigation of the murder case we filed against former General Jovito Palparan, Jr., M/Sgt. Donald Caigas, M/Sgt. Rizal Hilario and others who were named and identified by survivor-witnesses in the killing of Marcellana-Gumanoy. These perpetrators and fugitives are the same triumvirate charged with kidnapping and illegal detention of Karen Empeño and Sherlyn Cadapan."

The dismissal of the case at the level of the Department of Justice prompted the relatives of both Marcellana and Gumanoy to file

a complaint in the UNHRC in March 2006. On October 30, 2008 the UNHRC released its decision "finding the Arroyo government guilty of violating the right to life, right to liberty and security of persons and the rights of violated persons to effective remedies of the victims."

Karapatan said that the Philippine government boasts of its being a signatory to the International Covenant on Civil and Political Rights (ICCPR). The Committee, which monitors States' compliance with ICCPR, found the Philippine government "under an obligation to provide the authors [complainants] with an effective remedy, including initiation and pursuit of criminal proceedings to establish responsibility for the kidnapping and death of the victims." It also ordered the Philippine government to: "take measures to ensure that such violations do not recur in the future"; "provide the complainants appropriate compensation"; and "submit, within 180 days (from October 2008), information about the measures taken to give effect to the Committee's resolution."

"But after 1277 days, a new president and hundreds more of victims of extrajudicial killings, the government has yet to act on the Views of the UN Human Rights Committee on the killing of Eden Marcellana and Eddie Gumanoy. We have exhausted all legal remedies here and abroad. The long delayed justice to the victims of rights violations could have given this government the impetus to seriously act on the rights violations cases; but it could not even find and jail the fugitive human rights violator. Justice for the victims of rights violations remains elusive under the P-Noy administration as it was during GMA's regime. Thus, impunity continues to this day and the victims' list becomes longer by the day," concluded Hilao-Enriquez.

Inquirer Central Luzon, 23.04.2012

2 soldiers in kidnap of UP students arraigned in Bulacan

By Carmela Reyes-Estrop

Two soldiers facing kidnapping charges for the 2006 disappearance of two University of the Philippines (UP) students pleaded innocent during their arraignment here on Monday.

Army Lieutenant Colonel Felipe Anotado and Staff Sergeant Edgardo Osorio were arraigned before Bulacan Regional Trial Court Judge Teodora Gonzales, ahead of their coaccused, retired Major General Jovito Palparan and Master Sergeant Rizal Hilario, both of whom have yet to be arrested.

In December last year, Palparan and the three soldiers were charged with kidnapping and serious illegal detention for the disappearance of UP students Karen Empeño and Sherlyn Cadapan. Palparan said he would face the charges but tried to flee the country. He tried to leave for Singapore on December 19 last year, but immigration officers at Diosdado Macapagal International Airport in Clark Freeport in Pampanga, stopped him from boarding his plane. Palparan has since gone into hiding.

Anotado and Osorio, who are detained at Fort Bonifacio under military custody, surrendered to authorities after Gonzales issued arrest warrants against them on December 19.

Osorio, upon the instruction of his lawyer, Jose Cruz, did not enter a plea, prompting the court to automatically enter a not guilty plea on his behalf.

Before the arraignment, Gonzales addressed a petition filed by Palparan's lawyers, Narzal Mallares and Jesus Santos, which sought to defer the proceedings.

The lawyers said they needed more time to study the charges.

But Gonzales dismissed the petition and said she did not want to delay the proceedings. She also chastised the lawyers, reminding them that their client, Palparan, has yet to submit himself to the court.

The presence of Mallares and Santos at the arraignment was criticized by lawyers Edre Olalia, secretary general of the National Union of People's Lawyers, and Julian Oliva, who represent the families of the missing students.

"Palparan's lawyers do not have the personality to appear in court because their client has yet to surrender," Oliva said.

Gonzales scheduled a pretrial conference for May 7.

Inquirer Mindanao, 30.04.2012

Radio reporter killed in Koronadal City

Aquiles Z. Zonio

GENERAL SANTOS CITY, Philippines - Four unidentified motorcycle-riding men shot dead a driver and reporter of Bombo Radyo in Koronadal City at around 5 a.m. Monday.

Dods Arcenas, another Bombo reporter, said victim Rommel

Palma was about to disembark from their vehicle when the four gunmen shot him four times. Arcenas said the attack happened in front of the South Cotabato Provincial Hospital where the victim was supposed to gather reports. The victim died from



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multiple bullet wounds. Police are still investigating the killing.

The Philippine Star, 26.04.2012

Negros judge gunned down

By Danny Dangcalan

A regional trial court (RTC) judge in Kabankalan City, Negros Occidental, who had received various awards for his speedy disposition of cases, was gunned down by two attackers on board a tricycle along the national highway in Ilog town Tuesday night, police said.

Judge Henry Arles of the Kabankalan RTC Branch 61 was cruising Barangay Manalad onboard his Nissan Sentra when he was shot several times at around 6:45 p.m. Tuesday, said Senior Inspector Joshua Villasis, Ilog police chief.

Arles, 62, was rushed to a hospital in Kabankalan but was declared dead on arrival, Villasis said.

The victim was reportedly on his way home to Barangay Dancalan, also in Ilog town, when he was attacked, he said.

The gunmen, according to Villasis, overtook Arles' car on the left side and when they came near, shot him three times.

Recovered at the crime scene were three cartridges of a still unknown caliber. These were brought to the police crime laboratory for examination and to determine the firearm used in the killing, he said.

Senior Superintendent Allan Guisihan, Negros Occidental police director, said he created Task Group Judge Arles headed by Superintendent Leo Irwin Apangan to identify and arrest the

gunmen.

Following the killing, Villasis said he immediately coordinated with nearby police stations to put up checkpoints to arrest Arles' attackers, to no avail.

He said they have a witness in their custody but the witness has yet to identify the gunmen. Probers were still clueless on the motive behind the killing.

In 2008, Arles was one of four judges around the country given the Judicial Excellence Award as an outstanding RTC judge by the Supreme Court (SC). Arles, conferred with the Chief Justice Ramon Avanceña Award, was cited for his drive for excellence that resulted in an impressive case disposition record.

Since joining the judiciary in 2000, Arles has posted an average monthly disposal of 47 cases, reducing the caseload of his sala from 1,037 in 2000 to 486 in 2008.

This feat also earned him an award from the Rotary Club of Manila for having the highest disposition of cases in Western Visayas, the Judicial Excellence Award from the Negros Occidental RTC Judges Association, and the International Star Award from the Knights of Columbus. He was also among the judges with the highest disposition of cases in the country, based on records of the SC court administrator.

VeraFiles.org, 06.02.2012

Unsolved but case closed for judge's murder

By Leilani Adriano

LAOAG CITY, Ilocos Norte - After 10 years, the unsolved case of Judge Ariston Rubio, known as the first judge killed in the chronicles of extrajudicial killings in the country, has been declared "probationary closed" by the National Bureau of Investigation. "This is quite disturbing," said Mariano Nalupta Jr., chapter president of the Ilocos Norte Integrated Bar of the Philippines.

Slain in a broad daylight along the national highway in Barangay Magnuang, Batac (now a city) on Oct. 31, 2001, the half-inch-thick case folder of Rubio has never been opened when the Philippine National Police gave up in 2004 after three years of probing.

Polgino Rivera, NBI officer-in-charge of the case, said during a consultative meeting held at the Capitol session hall on Jan. 31 that the Rubio case has been temporarily closed after 10 years of no progress in its investigation. Rivera, however, clarified that the case may be reopened at anytime whenever new evidence or a credible witness comes out. [...]

After Rubio's killing in 2001, about a dozen lawyers and another judge in Northern Luzon had been slain during former president Gloria Macapagal Arroyo's administration.

Nalupta expressed his apparent dismay over the increasing number of killings, including that of several PNP members, saying "they (PNP) can't even solve the death of their brothers." [...] At the time of his death, Rubio, executive judge of the Regional Trial Court Branch 17 in Batac, was handling controversial electoral and criminal cases. Nalupta urged concerned au-

thorities to regularly update the IBP on the progress of their investigation for monitoring purposes.

On the part of the Department of Justice (DOJ), Acting Provincial Prosecutor Maria Calija said, "We are more than willing to cooperate as long as you (PNP) inform us (of the case)."

Although there is a DOJ circular requiring the presence of a prosecutor immediately at the crime scene to help in determining the probability of evidence gathered by investigators, the PNP still requested the IBP to send a lawyer to assist in the investigation to help avoid the dismissal of court cases due to technicalities. Members and officers of the IBP, NBI, PNP and the DOJ agreed in front of the Ilocos Norte board members during the dialogue to intensify closer coordination for the speedy resolution of cases.

Provincial board member Vicentito Lazo, who is also a lawyer by profession, said the PNP should be given a "white board" to be placed visibly in their office as a daily reminder of cases waiting to be solved. [...] "We won't stop until justice is served to the family of the victims," PNP Provincial Director Marlou Chan quipped. Chan said the PNP has a computerized tracking system for police investigation and monitoring purposes. Based on police reports presented during the meeting, cases have been filed in court for the killings of four lawyers while one of the three suspects in a similar case was arrested recently. The Rubio case is among an estimated 32 percent of 305 EJK cases audited last year that remain unsolved by the police.

Mindanews, 10.04.2012

Village chief slain in Davao

Authorities have formed a task force that will investigate the killing Sunday night of a barangay chair in this city.

Senior Insp. Jessie Jay Francia, station commander of Calinan Police Precinct, said Task Force Layao is headed by Supt. Dario



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Gunabe, deputy chief for administration.

Aldion Narciso Layao, the village chief of Barangay Lacson, Calinan District was killed around 9pm by unidentified gunmen on his way home from the fiesta of a sub-village in the same barangay. The gunmen, who were riding in tandem on a motorcycle without a plate number, approached Layao and shot him three times with a .45 caliber pistol before fleeing to Calinan poblacion. The victim was driving a Kia Sportage with plate number NR YDC-610 and had four passengers. He sustained a gunshot wound across his neck.

Layao was rushed to the Robillo Medical Clinic by his companions but he died a few minutes after arriving at the hospital.

Recovered from the crime scene were three empty shells from a .45 caliber pistol. One of Layao's passengers told police that the gunman covered his head with a gray jacket. He said the attackers used a red Honda XRM motorcycle.

Inquirer Mindanao, 18.04.2012

Police arrest alleged gunman in slay of former broadcaster

By Dennis Jay Santos

DAVAO CITY, Philippines – A man arrested on robbery charges has been identified by a witness as the one who shot and killed former broadcaster Aldion Layao on April 8, police said Wednesday.

Senior Inspector Jay Francia, commander of the Calinan district police station, said Petronilo Demicillo of Upper Lacson community in Calinan was presented at a police lineup where he was identified by a witness as the gunman in the Layao killing.

[...] It was learned that Demicillo, 46, once served as a barangay tanod (community watchman) before Layao became head of barangay Upper Lacson. He said follow-up investigation showed the witness' identification of Demicillo as the gunman was credible. Francia said Layao was instrumental in the issuance of the warrant of arrest against Demicillo in connection with the robbery charges against him.

Bulatlat.com, 13.04.2012

Laguna peasant leader abducted by military

By Ina Alleco R. Silverio

The Kilusang Magbubukid ng Pilipinas (KMP) and the Katiunan ng mga Samahang Magbubukid sa Timog Katagalugan (Kasama-TK) are pointing fingers at the Armed Forces of the Philippines (AFP) for the disappearance of their provincial chairperson.

The two groups are now demanding that the Aquino government and the AFP immediately surface Alex Arias, 56, chairman of the Pagkakaisa't Ugnayan ng mga Magsasaka sa Laguna (PUMALAG - KMP). They said that Arias was abducted by suspected state security forces last April 7.

According to the KMP, Arias, 56, was driving a motorcycle on his way home to Liliw, Laguna last Saturday when he was waylaid by armed men in Brgy. Bubukal in Sta. Cruz town. The armed men, believed to be elements of the 1st Infantry Battalion of the Philippine Army, were, according to witnesses, riding a van also escorted by a number of motorcycles.

KMP deputy secretary general Randall Echanis said the peasant leader's abduction and disappearance can be laid at the door of the Aquino administration and the military. [...]

Local residents in Barangay Tuy Baanan in Liliw, Laguna where Arias resides have testified that soldiers have been looking for the peasant leader since the AFP put up an army detachment in the village in March.[...]

Pinpin, a former political detainee imprisoned by the previous

Francia said they are still gathering statements from residents of Purok 4 who could have observed the presence of the perpetrators in the area prior to the incident.

"We believe that the perpetrators were observing and tailing Layao from Purok 4 where he attended a program where his wife was the master of ceremonies," he said, adding members of the barangay council will also be questioned.

"It is public knowledge that he had misunderstanding with some members of the barangay council and we will also look into it in our investigation," Francia said.

The police official recalled that the police had been asked in the past to pacify a conflict between Layao and his barangay councilors.

Layao was a broadcaster and had anchored a television program of former House Speaker Prospero Nograles.

Because of that, he said, the suspect might have harbored a grudge against Layao.

Layao was on his sports utility vehicle when he was shot by one of two men on a motorcycle around 9:30 p.m. on April 8. He had just attended a meeting and was on his way home.

Cheryl Amor, a television reporter who worked with Layao on a program funded by then House Speaker Prospero Nograles, said that Layao had received death threats before he was killed.

Police had earlier considered politics as the probable reason for Layao's killing because "it was common knowledge here that he had some conflict with some of his kagawad (councilmen)," Francia said.

He said with the identification of the suspect, the police were now a step closer to solving the Layao murder case.

administration of Gloria Macapagal-Arroyo, stressed that illegal arrest and detention are human rights violations and criminal acts that continue to be perpetrated by the Aquino administration. "There is no reason for us to doubt that state elements are involved in the illegal arrest and disappearance of Ka Alex. We will not be surprised if later on they will be presenting Ka Alex to the media as another top-ranking official of the New People's Army carrying guns and explosives," Pinpin said.

Wrongfully tagged

In the meantime, the AFP has already released a report saying that Arias was a member of the NPA and was, in fact, a finance officer of the armed revolutionary organization. [...]

The military is claiming that Arias, among others, is responsible for the kidnapping and murder of the late Ex-Pfc Edelberto Eclavia at Sitio Laguio, Brgy Cagsiay 3, Quezon in 2006.

"During his surveillance and arrest, Arias' identity was confirmed by a former NPA member and first-hand witness on the murder of PFC Eclavia. The former NPA-turned witness said that Arias was a high-ranking member of Platoon Magnum when the killing transpired," the AFP report went on.

No other proof to substantiate the charges were presented by the AFP in its report, only the statement of a supposed former NPA.

Col Ivan F Samarita, Commander, 202nd Infantry Brigade, 2IDPA, said that before the arrest, Arias was frequently seen by



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the residents roaming around Brgy Bubukal for the past days. Upon notice of an unidentified and suspicious person, residents reported his presence to government authorities.

"The military and the police will effect the arrest of all NPA members in Region 4A who have standing warrants of arrest in order for Laguna Province and the rest of the Region to attain a peaceful environment. The communists should desist from committing crimes and atrocities against the people but instead to peaceably pursue their objectives within our democratic

framework. Pursuing their goals thru terroristic means disgusts people and hinders development. This will prompt us, law enforcers, to file charges against them that will surely result to their arrests" the army official said.

Human rights groups are long been campaigning against what they said was the AFP's tactic of illegally arresting civilians, wrongly accusing them of being NPA members, and then presenting them to the media as NPA.

Bulatlat, 28.04.2012

Five years of searching for Jonas Burgos

The following article has been shortened. It originally included a timeline of the Burgos Case and links to other documents. To read the full article, please follow this [link](#).

Five years ago today, Jonas Joseph Burgos was abducted by suspected state security agents at a busy mall in Quezon City. From that day until this very moment, his family and friends continue searching for him despite all the difficulties.

After five years, Jonas Burgos still missing

In hopes of finding Jonas Burgos, Mrs. Edita Burgos and her family have turned to the judicial system but found it wanting.

"We went through the legal process and here we are now," Mrs. Burgos said in an interview a few days before the fifth year of the disappearance of her son. She encountered a labyrinth and she is still nowhere near finding even a trace of her missing son.

Just last week, the Court of Appeals ruled that the military documents related to the case are secret. In a five-page decision by Associate Justice Rosalinda Asuncion-Vicente, the CA's special former seventh division said the documents, including the summary of information about the two suspects, are considered as confidential. In effect, the court has ruled that the military part of Mrs Burgos' labyrinthine search for Jonas is un-touchable.

Jonas Burgos, gentle and brave

Jonas or Jay to his family was born on an Easter Sunday, on March 29, 1970. "I was attending Mass when my labor began. In less than an hour, before the Mass ended, I gave birth to him," Mrs. Edita Burgos recalled. Jonas is the middle child of the five children of Mrs. Burgos and press freedom icon, Jose Burgos Jr.

As a child, Jay was full of energy. "I would tell his teachers to keep him busy or else they'd get into trouble," Mrs. Burgos said.

Jay went to Victoria School Foundation during his grade school.

Jay was called "supervisor" for his habit of roaming around the school. On the first day of classes, he already knew the names of all the teachers. Sometimes, he would tickle the knees of his classmates, moving from one desk to another.

Asked why he was doing those things, Jay would tell his mother: "Our teacher was saying the same things over and over again." Smiling, Mrs. Burgos said: "And so, by next school year, he was given the task of erasing what was written on the black-board. Sometimes, he would erase the text even before his classmates were done copying

5 years of search, 5 years of hope

Below is the statement of Edith Burgos, on the fifth year anniversary of the disappearance of Jonas.

"April 28, 2012 marks the fifth year of the disappearance of my son, Jonas Burgos. Jonas' family commemorates this day by looking back at the five years of search. We recall how we have exhausted every possible peaceful means available to us within the limitations of resources and information.

We have encountered numerous attempts at individual and institutional cover up and confronted these with more determination to uncover the truth. The denials, the stone-walling, the labeling, all the lies and even the indifference have only encouraged us to pray some more and to look at others with the eyes of a Christian heart. Undeterred, our search must go on."

Philippine Daily Inquirer, 25.04.2012

Kidnap-for-ransom cops released

By Ramon Tulfo

The arrest of agents of the Batangas-based Criminal Investigation and Detection Group (CIDG) who were nabbed by fellow cops on Friday for holding a Manila coed, Cristina Rodriguez, for ransom has amounted to nothing.

The agents were brought to Batangas Assistant Prosecutor Evelyn Jovellanos for inquest, but she ordered three of them released. Jovellanos ordered three other agents to temporarily remain in custody, but there's a big chance they could be released later. The agents were charged with kidnapping for ransom, robbery extortion and arbitrary detention. Kidnapping-for-ransom is a nonbailable offense.

Jovellanos did not give weight to the statements made to inves-

tigators by three of my staff at "Isumbong Mo Kay Tulfo" public service program that the CIDG agents demanded P500,000 from the family of the victim for her release. In short, the prosecutor intimated that the arrest of the CIDG agents did not have any basis. Alin Ferrer, one of the "Isumbong" staff, noticed that Jovellanos appeared to be a "too friendly" with the arrested CIDG agents. The alleged kidnap-for-ransom incident was revealed in my public service program.

Some law enforcers are so naive they don't think before implicating in criminal cases private individuals whose lofty standing in the community makes it seem impossible for them to commit the crime imputed to them.



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MindaNews, 20.04.2012

CHR-10 probes Bukidnon village chief's death

By Walter I. Balane

A team from the Commission on Human Rights (CHR) regional office in Cagayan de Oro is investigating the death of Dao, San Fernando village chief Jimmy Liguyon after the Kalumbay Regional Lumad Center filed a complaint last month.

Maria Theresa Neri, CHR-10 senior special investigator, said the role of the CHR is to closely monitor the complaint filed before the Provincial Prosecutor's Office against the suspect Aldy "Butsoy" Salusad, son of former rebel Benjamin "Nonong" Salusad, who surrendered with 79 others in October 2011. [...]

On April 11, deputy provincial prosecutor Phoebe Loyola Toribio issued a resolution on the complaint against Salusad where she said they found probable cause in the crime of murder. She recommended the filing of information against Salusad before the Regional Trial Court.

Neri said they are looking at not only the civil and political rights of the evacuees but also their socio-cultural and economic rights. She cited that "Cha," a nine-year-old daughter of Liguyon, saw how her father was shot to death. Liguyon was killed on March 5 allegedly by Salusad, leader of an armed Lumad group called the New Indigenous People's Army Reform (Nipar).

About 23 families or 83 persons, including children, belonging to the Liguyon family and their supporters fled Dao after Liguyon's death when Salusad allegedly threatened to kill them, too. A month after, the evacuees vowed to continue to stay at their "kampuhan" at the capitol grounds to pressure the government on their call for justice.

Supt. Rustom Duran, Bukidnon provincial police director, in his update to the Sangguniang Panlalawigan, said he deployed a platoon of the police's public safety company to San Fernando town on April 12 to effect the arrest of Salusad.

But he said even if the platoon conducted a joint operation with another team from the San Fernando police station, they left Dao past 8 p.m. empty handed. He also said they had "coordinated with the Philippine Army and the Special Cagfu Active Auxiliary prior to the operation".

In Malaybalay City, the evacuees also faced eviction from the camp. [...]

Why Salusad is still not arrested: Military won't yield Cagfu with pending arrest warrants from Bukidnon court

By Walter I. Balane

The military has refused to turn over to police custody a New People's Army rebel turned government militiaman who is one of the subjects of warrants of arrest issued by the Regional Trial Court Branch 8 in Malaybalay City for a string of criminal cases. Benjamin "Nonong" Salusad, who became a member of the Civilian Armed Force Geographical Unit (Cagfu) after his surrender late last year in Maramag, Bukidnon was named in at least six warrants issued between 2003 and 2009, court records showed.

The lawyer who gave MindaNews and provincial officials copies of the warrants did not want to be cited, as one of the suspects became one of his clients. [...] Provincial police director Senior Supt. Rustom Duran said they are just awaiting the military to turn over to them Salusad. However, 403rd Infantry Brigade Col. Romeo Gapuz declared they won't do it citing the suspect had fallen into their custody when he surrendered. He said it might change the mindset of Salusad, who surrendered with 79 alleged rebels in October last year. But Gapuz said this doesn't mean Salusad will evade criminal liability. He said he has asked a lawyer to see how they can help Salusad "process" his case. [...] According to the warrants, Salusad and 16 other suspects are being accused of robbery in band with double homicide and double frustrated homicide that allegedly happened in Bunacao, San Fernando town. [...]

Salusad's pending arrest warrants figured in the dialogue on March 21 organized by Vice Gov. Jose Ma. R. Zubiri Jr. in Malaybalay where the main issue was the March 5 killing of Barangay Dao, San Fernando chair Jimmy Liguyon allegedly by Aldy "Butsoy" Salusad, son of the militiaman. During the dialogue Liguyon's family and supporters called on the police to arrest the two Salusads based on the pending warrants. They complained why the police and military did not move against the younger Salusad when he was allegedly seen moving freely in San Fernando. - MindaNews 17.04.2012

Inquirer.net, 12.04.2012

Regalado surrenders after realizing it's useless to hide - Secretary Robredo

By Jamie Marie Elona

Arturo Regalado, the suspect tagged in the killing of environmentalist-journalist Gerry Ortega, surrendered because he realized hiding was futile, Interior and Local Government Secretary Jesse Robredo said Thursday.

In a text message to INQUIRER.net, Robredo said "for a while, he [Regalado] tried to change places but realized it was futile [that's why] he decided to surrender."

Robredo said authorities were able to track his whereabouts and establish communication with the suspect's relatives.

"Kudos to CIDG [Criminal Investigation and Detection Group] and PNP [Philippine National Police]," Robredo said.

The Philippine Star, 29.03.2012

Lawyer tagged in Ortega slay falls; ex-gov, 3 others hunted

By Juancho Mahusay

A lawyer tagged as one of the principal suspects in last year's killing of broadcaster and environmentalist Gerardo "Gerry"

Chief Superintendent Agrimero Cruz Jr. earlier said elements of Police Regional Office 4-B and the special operations group received an information that Arturo Regalado surrendered at Leon Guinto Street in Malate Manila around 11:30 p.m. Wednesday, accompanied by his two sisters-in-law.

In an interview, Chief Superintendent Artemio Hicban, Mimaropa police regional director, said Regalado was the one who allegedly facilitated the firearm owned by provincial administrator Romeo Seratubias, who was arrested last month by CIDG operatives in Puerto Princesa, Palawan.

He said Regalado will be turned over to them later in the day.

Ortega fell into the hands of the police Tuesday night in Palawan.



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Chief Inspector Reynaldo Ramos, Palawan head of the Criminal Investigation and Detection Group (CIDG), identified the suspect as Romeo Seratubias, 58, a former provincial administrator.

Seratubias was arrested by CIDG men in his home in Barangay San Jose, Puerto Princesa City at around 6:30 p.m. Tuesday, police said.

Ramos said Seratubias was implicated in Ortega's killing after

investigators found out that he was the registered owner of the .45-caliber pistol used by another suspect, Rolando Edrad, in the crime. Ortega was shot dead by self-confessed hit man Marlon Recamata at a public market in Puerto Princesa City on Jan. 24, 2011. Recamata admitted that he was hired to kill Ortega in exchange for P150,000. The broadcaster was allegedly silenced for opposing mining in Palawan.

CMFR, 19.04.2012

Esperat Case Update: Family asks court to order arrest of 'mastermind'

By Melanie Y. Pinlac

THE FAMILY of slain journalist Marlene Esperat asked the Makati Regional Trial Court (RTC) last 13 April 2012 to issue an alias warrant of arrest against the alleged masterminds in the killing. A court can re-issue an "alias warrant" if the original is returned unserved after ten days.

Marlene Esperat was killed on 24 March 2005 in her home in Tacurong City, Sultan Kudarat. The killing has been linked to a major scandal in the Department of Agriculture, where there are allegations that a P728-million fertilizer fund was used to finance the 2004 reelection campaign of former President Gloria Macapagal Arroyo.

Esperat had linked Osmeña Montañer and Estrella Sabay, who are the finance officer and the accountant, respectively, in the Region XII office of the DA, to the local part of the scam in one of her exposes. A former government employee, Esperat was writing a column for the Midland Review and filing cases against officials she claimed were guilty of graft and corruption when she was killed. She also hosted a blocktime program at a local radio station.

Montañer and Sabay are accused of planning the killing and hiring the gunman Gerry Cabayag and his companions Estanislao Bismanos and Randy Grecia through suspect-turned-state-witness Rowie Barua. Cabayag, Bismanos and Grecia have been convicted in October 2006. Both alleged masterminds have eluded arrest.

The Esperat family, through their counsel Prima Jesusa Quinsayas, filed the motion for an alias warrant after the Supreme Court's (SC) Third Division upheld in a 5 March 2012 the decision of the Court of Appeals (CA) Mindanao station dismissing their petition to quash the murder case against them.

In a resolution dated 19 January 2012, the Former 21st Division of the CA Mindanao Station (in Cagayan de Oro City) said there was "no strong and cogent reason" to warrant the reversal of its 19 August 2011 denial of Montañer and Sabay's petition for

certiorari and prohibition.

The CA Mindanao station's 19 August 2011 decision declared Montañer and Sabay guilty of "forum shopping," since the issues they raised in their petition had already been resolved by a division of the Manila CA. Even if it did not constitute forum shopping, the Court said that the petition would still have been dismissed as the court then handling the case, the Tacurong Regional Trial Court, did not commit any grave abuse of discretion or error in denying the alleged masterminds' Motion to Quash.

"The reasons and arguments set forth by them have already been thoroughly considered and ruled upon by This Court in the assailed (August 2011) Decision," read the 19 January 2012 resolution. It reiterated its earlier decision about forum shopping, saying "the petitioners were trying to revive an issue which was already ruled upon with finality by this Court in CA G.R.SP No. 101348. Thus, this Court had to make the ruling on forum shopping."

The court also denied the alleged masterminds' motion for reconsideration of the 21 September 2011 Resolution of an "Extremely Urgent Ex-Parte Motion for Clarification" filed by the alleged masterminds themselves. In the 21 September 2011 resolution, the CA Mindanao explained that the writ of preliminary injunction it issued in December 2009 has been lifted with the denial of the petition for certiorari and prohibition in August 2011.

If arrested, Montañer and Sabay would be among the few accused masterminds to be tried for the killing of journalists in the Philippines. Their conviction would also be a first. No mastermind in the killing of 124 journalists since 1986 have so far been convicted, although the alleged masterminds in the killing of 58 men and women including 32 journalists in the infamous Ampatuan Massacre of November 23, 2009 are in custody and are undergoing trial.