

## Action Network Human Rights- Philippines

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

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Sun Star, 22.10.2012

### Ailing ex-President pushes for medical parole

By Kathrina Alvarez

MANILA -- Pampanga Representative Gloria Macapagal-Arroyo asked her colleagues in Congress on Monday to ensure the "expeditious passage" of a measure that could allow her to seek medical parole in case the Sandiganbayan convicts her for plunder.

The former President, who is under hospital arrest over plunder charges, filed House Bill 6608 or the Medical Parole Act of 2012, which will authorize the Board of Pardons and Parole under the Department of Justice to grant medical parole to ill prisoners.

Together with her son, Camarines Sur Representative Diosdado "Dato" Arroyo, she argued that sick prisoners should be granted parole "as a gesture of mercy and compassion."

The Arroyos added that their proposal would allow the government to save on taxpayer's money because sick prisoners cost taxpayers "nearly twice" compared to healthy inmates.

"For humanitarian considerations, the grant of medical parole should be allowed since all persons must be treated with dignity, whether in or out of prison, and irrespective of the crimes committed," the Arroyos said in their proposal.

The bill was filed on September 26, a week before she was ordered arrested for plunder on October 4. It was referred to the House committee on justice led by Iloilo Representative Niel Tupas Jr.

Arroyo and nine others were charged with plunder over their alleged misuse of P366-million in Philippine Charity Sweepstakes Office (PCSO) intelligence funds.

Last week, the Sandiganbayan granted her petition for hospital arrest.

One of the conditions of the anti-graft court indicates that the former President can stay at the Veterans Memorial Medical Center (VMMC) in Quezon City as long as she will shoulder all expenses.

Last year, Arroyo underwent three cervical spine surgeries. Recently, she was placed at the intensive care unit of VMMC after she was diagnosed with coronary ischemia.

The former President had been under hospital detention for eight months on charges of election fraud until a Pasay City court allowed her to post bail on July 25.

Under the proposed Medical Parole Act of 2012, the Board of Pardons and Parole may release a prisoner on medical parole if he or she suffers from an incapacitating physical condition, disease or syndrome.

The Board, however, may revoke the medical parole if the inmate is likely to pose a possible danger to the public.

"A prisoner will be eligible for medical parole if s/he does not constitute a threat to public safety and is not likely to commit an offense while on medical parole," the bill states.

Furthermore, prisoners who have served 10 consecutive years or more in prison shall not be paroled until the Board receives a report on their medical condition and ability to adjust to life outside the prison from a licensed psychiatrist or psychologist.

Philippine Daily Inquirer, 29.10.2012

### Court denies Palparan's bid for extension

By Christine O. Avendano

Calling their excuses "flimsy," the Court of Appeals (CA) has denied the bid of the lawyers of fugitive retired Gen. Jovito Palparan and two other military officers for an extension of their time to question their prosecution in connection with the disappearance of two University of the Philippines (UP) coeds.

In an Oct. 18 resolution, the special 16th Division of the appellate court threw out the request of Palparan's lawyers to give them until Oct. 25 to file a petition for certiorari or judicial review of the ruling of the Bulacan Regional Trial Court to continue with their trial for the kidnapping and serious illegal detention of UP students Karen Empeno and Sherlyn Cadapan. Both students remain missing to this day.

Palparan's camp had sought a review of the ruling of Judge Teodora Gonzales of April 3 which denied the petition of

Palparan, M/Sgt. Rizal Hilario and S/Sgt. Eduardo Osorio to quash their arrest warrants and hold-departure orders. It also asked the court to conduct a preliminary investigation into the charge that they were behind the 2006 disappearance of the two student-activists.

On July 19, the Bulacan judge also dismissed the motion for reconsideration filed by Palparan's camp and gave them 60 days or until Oct. 15 to petition the appeals court.

But it was only on Oct. 14 that Palparan's camp asked the CA to grant a 10-day extension to file the certiorari, or until Oct. 25, because of their "heavy work load."

The appellate court denied the petition, saying the Rules of Court disallow any extension of time to file a petition for certiorari.

Philippine Daily Inquirer, 17.10.2012

### 16M Filipinos malnourished

By Tarra Quismundo, Ana G. Roa

MANILA, Philippines—The number of undernourished Filipinos increased by two million in the past two years, according to a study conducted by international food and agricultural organizations.

"The State of Food Insecurity in the World 2012," a global assessment of nutrition levels, showed that 16 million Filipinos are considered undernourished from 2010 to present.

This figure represents an increase from the 14 million recorded between 2007 and 2009, and also indicates a rise in malnutrition

rates out of the total population: 17 percent in the past two years, up from 15.9 percent in the earlier assessment period.

The study, jointly undertaken by the United Nations Food and Agriculture Organization (FAO), the World Food Programme (WFP) and the International Fund for Agricultural Development (Ifad) and released to commemorate World Food Day on Tuesday, found that one in eight people or 870 million all over the world, "do not get enough food to be healthy and lead an active life."

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### Costly chemicals, agri inputs blamed in hunger incidence surge

**DAVAO CITY** – Costly imported inputs and chemicals in the local agriculture is to be blamed in the higher incidence of hunger, a Cotabato-based advocacy group claimed.

In a statement [...], Magsasaka at Siyentipiko para sa Pag-unlad ng Agrikultura (Masipag) in Cotabato province, cited the latest survey by the Social Weather Station (SWS) conducted [...] for the Third Quarter 2012 survey.

SWS reported that hunger incidence in the country is 21.0 percent or an estimated 4.3 million families. This is an increase of three points from the May 2012 survey which revealed that 18.4 percent of Filipinos experienced involuntary hunger. [...] In Mindanao, SWS found that families affected by hunger rose [...] from 28.3 percent (est. 1.4 million families) to 30.3 percent (est. 1.5 million families).

[...] "The results of the survey only prove that the existing system of agriculture in the country does not answer to the needed food security of our populace," said Ramer Tandoy of Masipag in Cotabato.

[...] Masipag said that when farming first became dependent on chemicals, synthetic and imported inputs that were institutionalized through the green revolution program in 1960s, the incidence of poverty and hunger steadily increased in the countryside, especially among the farmers.

The situation worsened, Masipag added, when the government agreed to commercialize the genetically-modified (GM) corn seeds in 2002. According to a recent joint study by Masipag and independent think-tank Ibon Foundation, GM corn increased the required farm inputs by 40 percent and posed health dangers to farmers and consumers in general.

Masipag also said that crop-use conversion, the planting of export crops such as oil palm, Cavendish bananas, pineapple and the genetically-modified crops are not solutions to the problem of poverty and hunger.

Masipag called on farmers to practice organic farming. [...] "We farmers, who practice organic farming, are living proof to the positive impact of organic agriculture."

Organic farming assures farmers of food security, control to seeds and technology, and above all, an increase in income of up to 50 percent, the advocates added.

Meanwhile, Jose Graziano da Silva, the director general of Food and Agriculture Organization (FAO) of the United Nations said the continuing food price volatility requires improved global governance of food security because food prices and volatility have increased in recent years.[...]

*Davaotoday.com, 17.10.2012*

Bulalat.com, 22.10.2012

### Kin of victims, rights groups urge Aquino to sign anti-enforced disappearance bill

By Ronalyn V. Olea

**MANILA** – "The President should not wait a minute longer in enacting this bill into law."

This was the statement issued by Desaparecidos, an organization of families of victims of enforced disappearances with the passage of the Anti-Enforced Disappearance bill by both the Senate and Congress, October 16. The Anti-Enforced or Involuntary Disappearance Act of 2012, which penalizes the crime of enforced disappearance, was sent to the president for signature.

"A door opens for us, families of the disappeared, in seeking justice for our missing loved ones," Mary Guy Portajada, Desaparecidos secretary general, said.

If enacted, the law would be the first to criminalize enforced disappearances in Asia, according to Human Rights Watch.

The Anti-Enforced or Involuntary Disappearance Act of 2012 adopted the definition of enforced disappearance being used by the International Convention for the Protection of All Persons from Enforced Disappearance (ICCPEd). "Enforced disappearance" is the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.

According to the Human Rights Watch, the act penalizes violators with a life sentence or decades in prison. It also prohibits amnesty for violators and declares that the government cannot suspend the law even in times of war or public emergency.

The act also upholds command responsibility, stating that the commanding or superior officer of the unit or personnel implicated in an enforced disappearance case is just as liable as the person who carried out the crime.

It also deems unlawful secret detention facilities and directs the government to make a full inventory of all detention facilities in the Philippines. It orders the government to create a registry of every detainee, complete with all relevant details including information on who visited the detainee and how long the visit lasted.

The act also mandates and authorizes the governmental Com-

mission on Human Rights "to conduct regular, independent, unannounced and unrestricted visits to or inspection of all places of detention and confinement." It allocates 10 million pesos (approximately US\$250,000) to the commission, which will be tasked with the initial implementation of the law.

Human Rights Watch noted that the act also makes the "order of battle" – a document prepared by the military identifying alleged threats and enemies – illegal, stating that "it cannot be invoked as a justifying or exempting circumstance." Under the act, any person who receives an "order of battle" from their superiors "shall have the right to disobey it." The international watchdog said many victims of enforced disappearances and extrajudicial killings have been listed or said to have been listed in such "orders of battle."

Both Desaparecidos and Human Rights Watch called on Aquino to sign the United Nations International Convention for the Protection of All Persons from Enforced Disappearance and transmit it to the Senate for ratification. On October 30, 2011, the Convention was finally enforced but the Philippine government failed to ratify it.

"It will be a year now since the enforcement of the Convention, and it is an opportune time for the Aquino government to ratify this international document," Portajada said. She said that while domestic law will punish perpetrators in the country, the Convention ensures that the State will be held responsible for the abduction and disappearance of its citizens."

"Congress has done a great job in taking the initiative to pass a law on enforced disappearances," Brad Adams, Asia director at Human Rights Watch, said.

"Enforced disappearances, often involving torture and extrajudicial killings, have been a blot on the Philippines' human rights record since the Ferdinand Marcos dictatorship," said Adams. "President Aquino can show his administration's commitment to ending this black chapter of Philippine history. He can also assume a role as a regional leader on human rights."

In Asia, only Japan has signed and ratified the Convention, placing Asia behind other regions of the world, according to Human Rights Watch.

**Palparan**



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Desaparecidos challenged the Aquino administration to arrest, prosecute and punish retired Gen. Jovito Palparan Jr. and former president Gloria Macapagal-Arroyo for the crime of enforced disappearance.

Palparan was charged with kidnapping and serious illegal detention in relation to the enforced disappearance of University of the Philippines (UP) students Karen Empeño and Sherlyn Cadapan. He and another suspect remain at large ten months after a Bulacan court issued warrants of arrest against them.

Philippine Daily Inquirer, 09.10.12

### SC issues TRO vs cyber law

By Tech Torres

MANILA, Philippines—The Supreme Court stopped for 120 days the implementation of the Cybercrime Prevention Act of 2012.

At the same time, the high court has set an oral argument on January 15 to hear both parties for and against the law.

In a 13-page ruling, the high court consolidated all the 15 petitions against the Cybercrime Law.

"Now, therefore, effective immediately and for a period of 120 days, you, respondents, your agents, representatives or persons acting in your place or stead are hereby enjoined from implementing and/on enforcing Republic Act 10175 (Cybercrime Prevention Act of 2012)," the high court resolution dated Oct. 9 stated.

At the same time, it ordered the government's lawyer, the Solicitor General to comment within 10 days on the petitions filed against the law.

The high court also set the case for oral argument on Jan. 15 at 2pm.

In the 15 separate petitions, these are the provisions of the Cybercrime Prevention Law that are being questioned before the high court;

Sec. 4(c)(4), which criminalizes libel, not only on the internet, but also on "any other similar means which may be devised in the future;"

Sec. 5 (b), which punishes those who attempt, aide or abet the commission of a cyber offense;

Sec. 6, which raises by one degree higher the penalties provided for by the Revised Penal Code for all crimes committed through and with the use of information and communications;

Sec. 7, which provides that, apart from prosecution under the law, any person charged for the alleged offense covered will not be spared from violations of the Revised Penal Code and other special laws;

Sec. 8, penalties corresponding Section 5 (b)

Sec. 11 which lists duties of law enforcement authorities, including the submissions of "timely and regular reports including pre-operation, post-operation and investigation results and such other documents as may be required to the DoJ;

Sec. 12, which authorizes the real-time collection of traffic data;

Sec. 13, authorizes law enforcement authorities to collect or record, by technical or electronic means, traffic data in real-time;

Sec. 15, authorizes law enforcement authorities to search, seize and examine computer data;

Sec. 17, which authorizes service providers and law enforcement agencies to "completely destroy the computer data subject of a preservation and examination" order;

Sec. 19, which authorizes the DOJ to block access to computer data when such data "is prima facie found to be in violation of the provisions of this Act;" and

Sec. 20, which states that those who fail to comply with provisions of Chapter IV (Enforcement and Implementation), specifically orders from law enforcement agencies, shall face imprisonment of prison correctional (6 months and 1 day to 6 years) in its maximum period or a fine of P100,000 or both, for each non-

Protajada said that under the Gloria Macapagal-Arroyo administration, Karapatan documented 206 victims of enforced disappearances.

#### Disappearances continue

"To this day, activists are still being abducted by authorities and 'disappeared.' This law would be an important step towards ending these abuses," Adams said.

Karapatan has documented 12 victims of enforced disappearance since Aquino assumed office. [...]

#### Greens slams arrest of activist due to Facebook post

MANILA -- The country's largest environmental coalition slammed the recent arrest of an anti-mining activist in Cagayan province using a Facebook post as main evidence for a libel suit.

Green Convergence for Safe Food, Healthy Environment and Sustainable Economy (Green Convergence), in a statement, condemned the arrest of Esperlita Garcia for stating in Facebook the destructive black sand mining in Gonzaga municipality and the local authorities' unbecoming behavior in dealing with those who oppose mining.

"What is the basis of this arrest? Publicizing information is not libelous and should not be stopped whether it appears in print or online," said Marie Marciano of Saniblakas ng Taongbayan Foundation (Salika), external vice president of Green Convergence.

"Surely, the Cybercrime Prevention Law does not mean to prevent such publication but if said law were the purported basis for her arrest, the judge who issued the warrant for her arrest should have known that this law has not taken effect as the Supreme Court has issued a 120-day Temporary Restraining Order on it," Marciano added.

She also stressed that "Garcia's arrest is clearly illegal and should not be tolerated by the Department of Justice nor by any freedom-loving Filipino."

Garcia is president of Gonzaga Alliance for Environmental Protection and Preservation (GAEPP), network-member of the Federation of Environmental Advocates in Cagayan Province (FEAC) and the national alliance pushing for mining policy reforms, Alyansa Tigil Mina (ATM).

She is also a member of the board of trustees of Save Sierra Madre Network Alliance Inc. (SSMN). Both ATM and SSMNA Inc. are members of Green Convergence.

"In view of climate change, it is criminal to minimize by even an inch the stretch of land that serves as buffer between human settlements and the rising sea level," said Dr. Angelina Galang, environment professor at Miriam College and President of Green Convergence.

[...] "Green Convergence, therefore, supports Esperlita Garcia in her brave campaign for our country's environment and we call on President Benigno Aquino and the relevant government agencies to stop this obvious harassment and to correct this great injustice," Galang added.[...]

Sunstar, 22.10.2012

compliance;

Sec. 21, which states the jurisdiction of Regional Trial Courts (RTC) and designated cybercrime courts over violations of any of the provisions of the law; and Sec. 22 pertaining to international cooperation from all relevant international instruments, international arrangements, and domestic laws in the implementation of RA 10175.

Petitioners said the law violates the public's constitutional rights including right to due process, equal protection, freedom of speech, right to privacy, protection against unreasonable searches and seizures, protection against double jeopardy, among others.

"Indeed, the Internet is not evil per se, but the statute in question views cyberspace as inherently evil and treats those who use it in violation of a rule with unjust discrimination by providing a penalty higher than an act committed without the use of an internet," one of the petition stated.

The law is envisioned as a measure against hacking, identity



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theft, spamming, cybersex and online child pornography. But citizens and groups who protested on social networking sites, blogs and out in the streets fear politicians will use it to silence critics.

The law contains a provision that says libel — which is already punishable by up to six years in prison — is also a cybercrime. It doubles cumulative penalties for online offenses and allows government agencies to search, seize and destroy computer data

Philippine Daily Inquirer, 19.10.12

### RH bill opponents willing to study watered-down version

By Christian V. Esguerra

MANILA, Philippines—Congressmen opposed to the reproductive health bill promised on Friday to study a proposed “watered-down” version introduced by the House leadership before they went on a two-week break Thursday.

But Cagayan de Oro Rep. Rufus Rodriguez said a substitute to House Bill No. 4244 could not simply be taken up in plenary at this stage in the legislative process. He said it would have to be referred back to the proper committee, which would present the new version to the plenary.

“It is not acceptable procedurally and in substance,” he told the Inquirer by phone.

At the outset, Rodriguez rejected the intention of HB 4244 to use public money to distribute free contraceptives. He said he was standing by his position even if the new version now allows only RH devices that “do not prevent the implantation of a fertilized ovum as determined by the Food and Drug Administration.”

“This bill will promote a culture of permissive sex, a culture of contraception, and eventually, a culture of abortion,” he said.

An Waray Rep. Florencio Noel, who is also opposed to the RH bill, said he would spend the congressional break studying the fine points of the proposed substitute bill.

“I don’t think it is the intention of the House leadership to ram it through everyone,” said Noel, who clarified he was not part of the group that discussed the introduction of a revised RH bill.

Speaker Feliciano Belmonte said Thursday that the new version “answers a lot of the objections to the original bill.”

Davao Today, 27.10.2012

### Group helping prostituted women scorns UN’s bid to legalize prostitution

By Alex Lopez

DAVAO CITY, Philippines – A Davao-based group assisting prostituted women has equated the legitimization of prostitution to that of the state’s abandonment of its responsibility towards women and children.

Just this month, the United Nations recommended the decriminalization of prostitution, arguing that removing legal penalties for prostitution would allow (*Human immunodeficiency virus*) HIV prevention and treatment program to reach prostituted women and their clients more effectively.

Jeanette Laurel-Ampog, executive director of women advocacy group Talikala Foundation shot down UN’s argument, citing that such a move will not benefit prostituted women. She said it would be like giving gifts to pimps, human traffickers and operators of clubs, saunas and other prostitution fronts, offering them more means to exploit women and children.

Laurel-Ampog contended that legalizing prostitution will allow fiercer competition among sex dens, clubs and other prostitution establishments and will increase cases of prostitution among women and children. She argued that prostitution is not a profession but a form of abuse, exploitation and discrimination against women and children. She added that legalizing prostitution would be similar to decriminalizing abuse, exploitation and discrimination.

deemed libelous.

Human rights and media groups have unsuccessfully campaigned for years to downgrade libel from a criminal to a civil offense, saying politicians often use the law to harass journalists and other critics.

Many Facebook and Twitter users in the Philippines and the portals of the main media organizations have replaced their profile pictures with black screens as a protest against the law.

Rep. Edcel Lagman, a principal author of the bill, said the proposed amendments “do not dilute or destroy the essence of the original bill.”

The proposed substitute’s declaration of policy now says that the State would guarantee “public” — not “universal” — access to “relevant information and education on medically safe, legal, ethical, affordable, effective and quality reproductive health care services, methods, devices, and supplies.”

Priority would now be given to “the needs of poor women and men in marginalized households as identified through the National Household Targeting System for Poverty Reduction and other government measures of identifying marginalization.”

“The State shall also promote openness to life, provided that parents bring forth to the world only those children that they can raise in a truly humane way,” it adds.

The proposal does not say how young or old a “poor” man or woman should be to benefit from free RH services, methods, devices, and supplies, a lingering question among critics of the measure.

The new version also amends Sec. 7, which mandates “all accredited health facilities” to “provide a full range of modern family planning methods.” An exception is “the case of specialty hospitals and hospitals owned and operated by a religious group.”

“However, these hospitals may render such services on an optional basis,” the proposed amendment states.

Gabriela Women Party-list representative Luz Ilagan also criticized the UN recommendation. In a statement, Ilagan said UN’s proposal will not in any way ensure the protection of women, children and men forced to engage in the flesh trade.

She lamented that Philippine laws punish only women in prostitution and treat them as criminals instead of going after big syndicates and traffickers of women. “Our laws do not penalize pimps, bar owners and operators or those who pay to use and abuse these women,” Ilagan pointed out.

The progressive solon added legalizing prostitution would not even guarantee protection against HIV and other sexually transmitted diseases. Ilagan said protection from such diseases can only be effectively carried out through a massive awareness and education campaign as well as ensuring women’s access to health services.

In its report entitled “Sex Work and the Law in Asia and the Pacific,” the UN said criminalization of prostitution increases workers’ susceptibility to sexually-transmitted diseases, including HIV by fuelling stigma and discrimination, limiting access to sexual health services, condoms and harm reduction services; and adversely affecting the self esteem of sex workers and their ability to make informed choices about their health.

The UN report also said that that legalizing prostitution would

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allow prostitutes to organize within their communities and register their organizations, obtain identification documents so that they can fully access services and entitlements, engage in advocacy and respond to the health and safety needs of their peers.

However, Laurel-Ampog of Talikala said the stigma of abuse, exploitation and discrimination of prostituted women and children cannot be eliminated through legalization process. She pointed out that since prostitution is a form of abuse, exploitation and discrimination, legalizing it is not an assurance that abuses against prostituted women and children will be eradicated.

Bulatlat, 19.10.201

### Absence of justice marks first death anniversary of Italian missionary

By Ronalyn V. Olea

MANILA - A day before the first death anniversary of Fr. Fausto "Pops" Tentorio, Justice Secretary Leila de Lima told the United Nations Human Rights Committee in Geneva, Switzerland that the missionary's death "has not been validated as an extrajudicial killing."

De Lima said the police are still investigating the case and that there are other angles being looked into. She headed the 26-member Philippine delegation to the 106th session of the UN Human Rights Committee. The UN committee conducted a review on the compliance of the Philippines to the International Convention on Civil and Political Rights (ICCPR).

De Lima's statement came as a surprise to organizations calling for justice for Tentorio who was slain by two unidentified men on October 17 last year in Arakan Valley, North Cotabato.

"It is clear that the killing of Fr. Pops was politically motivated," Sr.M. Francis Añover, national coordinator of the Rural Missionaries of the Philippines (RMP) said in an interview with *Bulatlat.com* during the commemoration of Tentorio's first death anniversary in Manila. Tentorio served as a board member of RMP's chapter in Davao.

With such statement, Añover said the "prospect for justice is bleak."

Karapatan secretary general Cristina Palabay said a new witness came forward in April implicating members of Alamara, a paramilitary group linked with the Armed Forces of the Philippines (AFP), to the murder.

The Justice for Fr. Fausto "Pops" Tentorio Movement (JPM) deemed that ""there are powerful and influential people blocking the search for justice."

#### Calls for justice

Wearing tubao on their heads, members of the Promotion of Church People's Response (PCPR), Katribu and other groups marched from Liwasang Bonifacio to Plaza Miranda to demand justice for Tentorio.

Fr. Giovanni Re, head of PIME in the Philippines, said that similar activities were also being held in Arakan Valley, Davao City and Kidapawan City. A mass was also celebrated in Italy.

In his homily during the Mass at the Minor Basilica of the Black Nazarene, popularly known as Quiapo Church, Auxiliary Bishop of Manila Broderick Pabillo, said in Filipino, "As we commemorate the death of Fr. Tentorio, let us call on the government to put an end to extrajudicial killings."

Pabillo, also head of the National Secretariat for Social Action, Justice and Peace (Nassa) of the Catholic Bishops Conference of the Philippines, said that Tentorio's murder is a case of extrajudicial killing. "It is a killing not sanctioned by law," Pabillo said.

She cited the cases of prostituted women in countries where prostitution is legal. "Prostituted women are often barred to rent rooms. They still experience discrimination," Laurel-Ampog said.

"Poverty is among the root causes of prostitution and should be addressed seriously by the government," said Laurel-Ampog.[...] "There should really be a probe to find the root cause of why women and children sell themselves," she added.

Talikala is a non-stock, non-profit social development organization that envisions gender-fair relations between women and men, who enjoy equality and full participation towards the development of peoples and society.

Pabillo said that after Tentorio's death, many more farmers, indigenous peoples, workers in Mindanao and elsewhere have been victims of extrajudicial killings. "Even under this administration, unjust things still happen," he said.

According to Pia Malayao of Katribu partylist, of the 114 victims of extrajudicial killings under the Aquino administration, 25 percent of the victims came from indigenous peoples sector.

"What wrong did Fr. Pops do?" Pabillo said. "He was a missionary who had been in Mindanao for more than 30 years, helping the indigenous peoples, giving them education, organizing them."

Pabillo said what happened to Tentorio was such "a shame" for the Philippines.

#### Impunity

"Why can't the government resolve this case?" Pabillo asked. "In almost all cases of extrajudicial killings, the perpetrators have not been prosecuted."

"That is why there is a culture of impunity. No one is being held responsible, they [perpetrators] are emboldened to commit such crimes," he said.

Pabillo said it could only mean two things. "Either the government is weak and inutile or government agencies are involved in these incidents."

The Catholic bishop said some people in government are involved in grabbing the land of small people to give way to logging, plantations and mining. "The farmers and indigenous peoples have the right to land," Pabillo said.

Pabillo said the government must use its power, utilize its machinery to resolve cases of extrajudicial killings.

Speaking after the Mass, Italian Ambassador in Manila Luca Fornari, said: "Italy is waiting for justice. The world is waiting for justice."

"We are here today because we do not want that the case will be forgotten," Fornari said.

"What makes us so indignant is not the crime alone but the continuing injustice and impunity," the diplomat added.

In Kidapawan City, more than 3,000 Lumads joined the protest.

In a statement, the PCPR said that one year after the killing of Tentorio, the atrocities and injustices committed against the indigenous peoples, which were witnessed by Tentorio continue.

The PCPR reiterated its call for the disbanding of all paramilitary groups and the junking of Aquino's counterinsurgency program Oplan Bayanihan.

After the mass, Pabillo, Re and Fornari led the lighting of 365 candles at the Plaza Miranda.

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MindaNews, 18.10.2012

### Mother, two sons killed in Tampakan mine site clash

By Bong S. Sarmiento

KORONADAL CITY - A mother and her two children were killed early Thursday morning in the mines development site of foreign-backed Sagittarius Mines, Inc. following an encounter between government forces and tribesmen opposing the mining project.

The slain mother, Juvy Capion, 28, was the wife of Daguel Capion, leader of the armed band who declared war against Sagittarius Mines allegedly for disrespecting the rights of the B'laan tribesmen.

Killed along with Juvy were her sons Jordan, 13 (child to her first husband), and John Mark, 6, her child with Daguel.

Lt. Col. Alexis Noel Bravo, commander of the Army's 27th Infantry Battalion, claimed that a tipster informed soldiers about the presence of Daguel in Purok Uno, Sitio Alyong, Barangay Kimlawis in Kiblawan, Davao del Sur.

"Our troops were fired upon while approaching the area so they retaliated," the military official said in a radio interview.

A gunfight lasted for several minutes after which the armed men retreated to the forest, Bravo said.

Daguel Capion had admitted to the killing in March last year of three workers of a construction company hired by Sagittarius Mines for a road project, out of disgust to the mining company.

Daguel was reportedly injured in this morning's clash. Also injured was a female relative of Dot Capion, tribal chieftain of Bong Mal. Daguel Capion and Dot Capion are also relatives, although the latter is supportive of the mining venture.

Sources say the firefight occurred in an area where the victims were doing farm work in Bong Mal.

Although the tribal chieftain supports the mining venture, it is also the hotbed of opposition against the Tampakan project.

Rene Pamplona, the advocacy officer of the Diocese of Marbel, which is assisting tribal communities opposing the operation of Sagittarius Mines, said they have documented various human rights violations in Bong Mal even before Monday morning's deaths.

In September, the Diocese of Marbel and some tribal members from Bong Mal held a dialogue with Commission on Human Rights chief Etta Rosales in Cotabato City.

The CHR vowed to conduct an immediate investigation on the reported human rights violations but the probe has yet to begin.

Jesus Vicente Garganera, national coordinator of Alyansa Tigil Mina, questioned the military operation that resulted to the death of the mother and her two children.

"Our impression is there is a status quo order on military actions in Tampakan since May 2012 to prevent further escalation of violence in the area, as the B'laans [then] set up barricades against SMI and the military not to enter [their] ancestral domain," Garganera said in a text message.

In an interview early this month in Sitio Alyong, Juvy lamented the hardships the family faced after Daguel's opposition to the mining company forced him to go into hiding.

"It's very difficult because the men were in hiding and they couldn't help in the farm work," she said.

Before Daguel took up arms and went into hiding, the family enjoyed a relative economic prosperity, owning a sari-sari store, two motorcycles and a billiard table, she recalled.

Daguel had been maintaining vast tracts of lands planted to corn.

Now the contents of the store are gone. Only the billiard table is sustaining Juvy and her children's needs, she said then. The motorcycles are still with them.

Fr. Peter Geremia, assistant parish priest of Arakan in North Cotabato and head of the Tribal Filipino Desk of the Diocese,

condemned the killing of Juvy and the two children.

"This is an extreme act of violence. Why are those opposing SMI becoming the target of violence?" the priest said on the phone.

Geremia, who was earlier assigned to the Columbio parish in Sultan Kudarat, one of the towns straddled by the Tampakan project, recalled that Juvy stayed at the parish's training center when she was young.

Juvy was rescued with the other tribesmen from the forests after hiding from the guards of a logging concession, he recalled.

Security problems have been hobbling the Tampakan project of Sagittarius Mines. On New Year's Day 2008, communist rebels attacked the firm's base camp in Barangay Tablu and burned properties and facilities worth P12 million.

Last June, B'laan tribesmen opposing the mining project killed a consultant of Sagittarius Mines and a police escort in the mines development site. It came three days after an unidentified suspect killed a security guard of the mining company also in the mines development site.

#### Mining action on hold

MALACAÑANG YESTERDAY signaled it could wait for Congress to craft a new law on mine revenue-sharing before acting on the appeal of Sagittarius Mines, Inc. (SMI) for an environmental permit for its \$5.9-billion copper-gold project in Tampakan, South Cotabato.

Asked at a forum of the Foreign Correspondents Association of the Philippines at the Manila Hotel if he was inclined to decide in favor of the project, President Benigno S. C. Aquino III said, "there has to be a reformulation of the governing law with regards to the mining industry...I think, the safest position would be to await these new amendments to the laws so that we don't grant something that we would be changing almost as soon as we granted it."

Pressed afterwards to confirm if he was referring to SMI's project, Mr. Aquino replied: "Again, I don't have that confidence at this point in time that the existing laws do adequately protect our environment, or do we adequately share the resource that belongs to the people of this country."

"When you talk of investments of that magnitude, exactly how much of these investments will redound to more jobs -- not just for the initial construction phase, but rather for several decades -- that will justify the risks that we do have on the environment..." Mr. Aquino said. "So would you want me to exercise my stewardship in a reckless manner and grant all of these mining agreements left and right while recognizing the fact that there are inadequacies in our current systems, procedures and rules and regulations and laws?"

Pressed again to state if SMI in particular would then have to wait for the new law, Mr. Aquino replied: "That seems to be the more prudent way to look at it, and the prudent way to undertake our relationship with the mining industry in general."

Asked afterwards if such delay would risk a pullout of the investment concerned, he replied: "So, that's the name of the game, *ano*. Do I risk the environment... the loss of our resources for some temporary gain at this point in time?"

Asked to clarify the President's statements, Secretary Ramon A. Carandang of the Presidential Communications Development and Strategic Planning Office, who was present at the forum, said Mr. Aquino "needs to have comfort about before they (SMI) can be allowed to proceed... There are certain things he needs clarification on before allowing them to proceed."

SMI last July 27 elevated to Malacañang its appeal for an environmental permit after its application was rejected by the Environment department, despite endorsement by its Environmental Management Bureau, citing South Cotabato's ban since mid-2010 on open-pit mining. Sought for comment on Mr. Aquino's remarks, John B. Arnaldo, SMI's External Communications and Media Relations manager, reiterated by e-mail: "Any decision to construct the mine would depend on obtaining these required approvals as well as a decision by shareholders on whether or not to invest \$5.9 billion in the Philippines."

BusinessWorld Online. 17.10.2012



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MindaNews, 19.10.2012

### Soldiers in Tampakan operation facing probe; militants warn of whitewash

By Lorie Ann Cascaro

DAVAO CITY (MindaNews/ 19 October)—The commander of the 27th Infantry Battalion (IB) and his men involved in the operation that killed a mother and her two sons in the mines development site of foreign-backed Sagittarius Mines Inc. in Tampakan, South Cotabato on Thursday will face a military investigation, an official said on Friday.

Immediately, the Bagong Alyansang Makabayan in SOCCSKSARGEN Region warned a possible whitewash of the incident it described as a massacre.

Relieving Lt. Col Alex Bravo, 27th IB commander, Lt Dante Jimenez, company commander and several others soldiers from their posts “is covering up all their alleged human rights violations,” Ryan Lariba, the group’s spokesperson, said in a phone interview.

Killed Thursday morning was Juvy Capion, wife of Daguel Capion, a leader of the B’laan armed group that is opposing the Tampakan mining project.

Also killed were her sons Jordan (Pop), 13, and Mark John (Jan-Jan), 6. Jordan was Juvy’s son by her first marriage.

Capion was reportedly wounded in the incident, which Bravo had described as an encounter.

Bravo, Jimenez and the rest of the members involved in the operation were directed to report to the 10th Infantry Division for investigation, Lt. Col. Lyndon Paniza, the division’s spokesperson, said in a phone interview Friday.

Paniza said that a board of inquiry has been created to investigate the possible violation of the rules of engagement by the participating troops in the operation.

He clarified that Bravo was not sacked from his post, only Jimenez and the 11 soldiers under his command.

Lariba said that the entire 27th IB should be pulled out from

Tampakan “to put an end to all the human rights violations against the indigenous people in the mountains of Tampakan.”

He said the 27th IB has violated the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law.

Bayan and other human rights and environmental advocates staged Friday a protest at the office of Sagittarius Mines in General Santos City to condemn the killing of Juvy and her sons.

Sagittarius Mines, which is controlled by Xstrata Copper, the world’s fourth largest copper producer, plans to extract massive copper and gold deposits in the mountains of Tampakan using open-pit, a mining method banned by the South Cotabato government.

Manolo Labor, a Sagittarius Mines official, said the military was not there solely to protect SMI, “but to maintain peace and order in the area.”

Labor denied allegation that SMI has private armies, saying the company only had “blue guards” or security guards to secure their employees and offices.

Juanito Malid, chieftain of the Salnaong tribal council and an uncle of Juvy, said in a phone interview they were shocked by the incident.

“We never thought that could happen to them. Their skulls bore holes from gunshots,” said Malid, who supports the Tampakan project.

The mining project of Sagittarius Mines has caused a division among the clan.

Juvy and her sons were to be buried Friday afternoon beside their home in Datal Biao, Barangay Danlag in Tampakan, said Malid, a first cousin of Capion, the leader of the armed B’laan fighting up the Tampakan project.

Visayan Daily Star, 17.10.2012

### Army admits slay soldiers using pseudonyms

The Philippine Army has finally admitted in court that two men accused in the murder of Bayan Muna member Benjamin Bayles were members of the 61st Infantry Battalion who had been using pseudonyms, Karapatan-Negros Secretary General Fred Caña, claimed in a press release yesterday.

Adjutant Col. Alexis Gopico testified before the Himamaylan Regional Trial Court Thursday that the suspects in the Bayles murder are indeed former soldiers who have been discharged by the Philippine Army, Caña said.

Gopico said accused Roger Bajon was actually Private First Class Rafael Cordova and accused Ronnie Caurino’s real name is Private First Class Reygine Laus, Caña said, in the press release. He added that the two accused were members of the 3rd Platoon,

Bravo Company of 61st Infantry Battalion formerly based in Sitio Barasbarasan, Brgy. Manlucahoc, Sipalay City and were discharged from the service in May 2011 after they were implicated in the Bayles murder case, the press release said.

Bayles was killed by two gunmen in Himamaylan City in July 2010.

Edre Olalia, National Secretary General of National Union of People’s Lawyer, who was at the hearing, said the cases of extrajudicial killings of activist and members of the progressive people’s organizations were perpetrated by a special operation team whose members are enlisted personnel of the Philippine Army, the press release added.

Visayan Daily Star, 29.10.2012

### Cases vs. RPA men won’t stall peace pact

By Gilbert Bayoran

The filing of cases against any member of the Revolutionary Proletarian Army-Alex Boncayao Brigade who violates laws, as well as those facing complaints before the Department of Justice for the death of Kabankalan Regional Trial Court Judge Henry Arles, will not affect the signing of the closure agreement with the government, Presidential Adviser on Peace Process Undersecretary Luisito Montalbo said yesterday. Montalbo, however, said that those who are involved in illegal activities should be arrested and charged in court, stressing that they will be given due process.

Six members of the RPA-ABB are among the respondents in the killing of Arles in the complaint filed before the DOJ.

Montalbo, who has been shuttling between Negros and Manila to follow up the closure agreement, said it cannot be used as a shield by those who are accused or convicted of criminal activities.

The RPA-ABB leadership has denied involvement of their members in the assassination of Arles on April 24 in Ilog, Negros Occidental.

“We will let the rule of law take its course, regardless of whether RPA members are involved or not, that is independent from the peace process,” Montalbo said.

The closure peace agreement aims to transform the RPA-ABB into a civilian, political, economic organization; and to main-



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stream its members into their communities, provide them with livelihood and employment, and move them towards disarmament and the dismantling of their military structure.

OPPAP records show that, of the 716 profiled RPA-ABB members, 607 are in Negros Occidental, 58 in Negros Oriental, and the rest are scattered in Panay and some areas of Mindanao and Luzon.

Montalbo said there is a strong clamor for a proper closure to the operations of the rebel group, based on his consultations with political leaders and civil society groups.

"The people want this chapter closed. The regional, provincial, municipal and down to the barangay councils - they all have

spoken. The clamor from the ground has been very palpable," he said.

Montalbo reiterated that RPA-ABB members are not allowed to display high-powered firearms, except those issued with special gun permits. As stipulated in the closure agreement, the firearms will be turned over to the government within the prescribed time.

Anyone who continues to carry or display one without a license becomes an enforcement question, the police and Armed Forces of the Philippines are expected to enforce the law, Montalbo said.

Urgent Action, Karapatan, 5.10.2012

## Teenager killed in violent demolition in Tarlac City

On October 2, at around 8 am, some 70 residents of San Roque village in Tarlac city had put up a barricade, to resist the demolition of their homes by the Tarlac City government. Around 100 police men arrived, armed with M16 rifles, handguns and shields. They were followed by eight members of the PNP Special Weapon and Tactics (SWAT) who were also in full-battle gear, armed with baby armalites and bullet-proof vests. Around 100 demolition team also arrived, along with two fire trucks, that trained their water cannon on the residents.

John Khali Lagrimas, 14, along with four others, was standing on the roof of a furniture shop that was on the row of houses to be demolished. At around 9:30 am, gun shots rang out and John fell on the next roof. Other residents brought him down and rushed him to the Ramos General Hospital, where he was de-

clared dead on arrival.

The residents pleaded with the police not to fire their guns, but to no avail, as the firing continued for almost an hour. The SWAT kept watch and pointed their guns at residents who tried to resist, as the demolition team proceeded to destroy the houses. Meanwhile, a resident who was with John when he was shot had identified Eduardo Reyes, one of the leaders of the demolition team, as the one who shot John.

A report from Karapatan-Central Luzon said that the land claim was still be heard in court, but Sheriff Julius Guiang of Regional Trial Court branch 63 pushed through with the demolition without a court order. PNP Chief Arnel Ramos did not also inform the residents on their involvement in the demolition.

Urgent Appeal Case, Asian Human Rights Commission, 09.10.2012

## Another indigenous leader killed for opposing the incursion of a US-based palm oil company

The Asian Human Rights Commission (AHRC) deeply regrets to inform you that another indigenous leader has been killed in Misamis Oriental. [...]

On 3 October, 2012 at 3pm, Gilbert Paborada, (47), of the Higaonon tribe, was shot dead by two unknown men as he was alighting from a motorela (local three-wheel tricycle) in front of his house in Puntod, Cagayan de Oro City. He died on the spot. The attackers were riding on a white motorcycle.

According to witnesses, one of the gunmen approached Gilbert and shot him in the head. He sustained a total of five gunshot wounds two of which hit him in the chest; others hit his body, abdomen and hand.

Before Gilbert was killed, like other human rights and political activists murdered earlier in the Philippines, he had also experienced a series of threats. In his case, the threats were allegedly directly from the staff and security guards of the A. Brown Company, a US-based company operating a palm oil business in Opol, Misamis Oriental. On one occasion, in February 10, 2011, security guards of A. Brown Company threatened to shot Gil-

bert and other indigenous villagers because of their refusal to leave the land they are occupying to give way for the company's operation.

The group has since been opposing the threat of land grabbing and incursion by the A. Brown Company. The nature of the company's business threatened to replace tropical fruits crops in the community in which they rely on for their subsistence. The group has already raised serious concerns on this. Gilbert was the chairperson of Pangalasag (indigenous term for shield), a community-based Lumad or indigenous group opposing this expansion.

One of the Lumad leaders had said that Raffy Magbanua, representative of A. Brown Company, had asked Gilbert to stop his campaigns and threatened him that "he might regret what (would) happen to his life." However, despite the threats that Gilbert and his groups had been experiencing, and which they reported to the authorities, neither him nor the group were offered any protection and neither were the threats investigated in any shape or form.

Bulatlat.com, 16.10.2012

## Woman leader in Batangas survives slay try

Ronalyn V. Olea

MANILA - A local leader of progressive women's group Gabriela was lucky to have escaped death.

On October 14, Daisy Ayo, 37, was selling fish at a local public market in Luksuhin village in Calatagan town in Batangas. At around 2 p.m., she noticed two men riding in tandem on a motorcycle. The men stopped in front of her [...]. Suddenly, the man at the back seat [...] pulled out a 45 caliber gun.

Three gunshots were heard. Ayo said she did not know how she managed to come out alive. She sustained a gunshot wound on her left leg. She was brought to the Madonna General Hospital

in Balayan town for treatment.

"Because I have been fighting for our right to our land, I had been threatened that I would be abducted or killed," Ayo, a mother of four children, told *Bulatlat.com* in a phone interview.

### Land dispute

Ayo's family lives in Sambungan village, which is part of the 2,000 hectares of land in ten coastal villages that was claimed by the rich Ayala-Zobel clan and then sold to third parties.

Jobert Pahilga, legal counsel for the Calatagan farmers and fisherfolk and executive director of Sentro para sa Tunay na



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Repormang Agraryo (Sentra), said Ayo and other fisherfolk families in Calatagan are legal owners of the land.

In its March 1998 decision, the Supreme Court ruled that the disputed land taken by the Zobel-Ayala is classified as public land. Thus, under the Public Land Act, Pahilga said the families living there for more than 30 years are considered legal owners of the land.

Pahilga said the fisherfolk families have, for more than a decade, been asking the Department of Environment and Natural Resources (DENR) to complete the process of entitling the land in favor of the fisherfolk families. Under the Public Land Act, the DENR is tasked to "perfect the title." However, Pahilga said the agency has been sitting on the petition of Calatagan farmers and fisherfolk families and the land has not been distributed to the farmers and fisherfolk up to now.

Ayo has been active in the dialogues and other activities in defense of their land. She deemed that the attack on her has everything to do with their campaign.

### Threats

Before the incident, Ayo said, she knew she was being monitored. "For several times, I noticed men tailing me; they wore bonnets," Ayo said.

One time, she said, a man who refused to identify himself asked one of her children about her whereabouts.

She said soldiers from the Philippine Air force are stationed in their villages. The soldiers, Ayo said, "protect portions of the land being claimed by wealthy families."

Two years ago, Ayo said, she was visited several times by men in uniform. "They told me they would like to investigate my involvement in our campaign for the land."

Asked about the particular unit of the military, Ayo said she was not able to identify them. "I was afraid to ask them. They were armed," Ayo said. Some of the soldiers held long rifles; others had handguns.

Ayo also related that leaflets maligning Gabriela as a front or-

ganization of the Communist Party of the Philippines (CPP) and New People's Army (NPA) were distributed in public places. She said she knew that the military was behind it.

"That's a lie," Ayo said. "Gabriela is a legitimate party list group elected in Congress," she said.

Vilification of people's organizations has continued under the Aquino administration. Many of the victims of extrajudicial killings and other human rights abuses belonged to organizations tagged by the military as CPP fronts.

### Not isolated

Ayo was not the first Calatagan leader to be subjected to harassment.

On February 8, 2009, Wilfredo Gonzales, former president of Haligi ng mga Batangueñong Anak Dagat (Habagat), was driving a [...] truck along Bukal Village in Calatagan, when he and his passenger Noli De Castro were shot at, according to a fact-sheet from Karapatan. The two died on the spot due to multiple gunshot wounds.

The assailants were two men on board a motorcycle and whose faces were covered with ski masks. Gonzales was also active in protest actions related to the land dispute.

In a statement, Rjei Manalo, secretary general of Gabriela-Southern Tagalog, condemned the attack on Ayo. "Only the Armed Forces of the Philippines and the Zobel clan have the motive to kill Ayo," Manalo said in Filipino.

Manalo said that under the Aquino administration, 18 have been victims of extrajudicial killings from Southern Tagalog region. "Even women and children are not spared from state violence," she said.

Ayo has come home yesterday and is recovering from the gunshot wound. "If this is what I get for defending our land and for helping others, so be it," she said.

She called on the Aquino administration to pull out the military from their villages.

Urgent Action, Karapatan, 18.10.2012

## Military abducted and tortured security guard and family in Quezon City, Philippines; claimed they were "CPP officials"

On October 5, 2012, at around 11:30 pm, Rolly Panesa, his partner Marites Chioco, her daughter and son-in-law had just come from visiting relatives and were on their way to their house in Project 4, Cubao, Quezon City.

As they walked along Aurora Boulevard, in front of Ministop convenient store, at least four men in plainclothes seized them. Marites saw a man grabbed Rolly by the neck which forced him to the ground, while others grabbed Marites, her daughter and son-in-law, and forced them into a gray van while Rolly was forced into another vehicle.

Inside the van, Marites and her family were handcuffed and blindfolded. They asked why they were arrested but their captors did not answer. They were blindfolded throughout their trip, which lasted for two hours. They later learned that they were brought to the regional AFP headquarters in Camp Vicente Lim, Calamba City, Laguna province, south of Metro Manila.

Marites said that her blindfold was removed when she was interrogated. A military officer who did not identify himself referred to her as "Ka (Comrade) Luisa" and asked about her throat operation. Marites answered that she is not Luisa and never had a throat operation. In spite of Marites's insistence of her identity and Rolly's, the military officer repeatedly referred to her as "Luisa" and to Rolly as "Benjamin Mendoza." The officer alleged that Marites was lying, and even insisted that she had been arrested twice before in Lemery, Batangas and in Lucena City. The interrogation went for hours.

Rolly was blindfolded the whole time he was interrogated and tortured by two men, by his estimate. Rolly said that his interro-

gators insisted that he was "Benjamin Mendoza," because he had a mole on the nape like Mendoza. When he insisted that he is Rolly Panesa, he was repeatedly struck in the head and torso.

On Oct. 6, Saturday morning, Marites was allowed to go out of the interrogation room, and she saw her daughter and son-in-law sitting in a hut outside the office, still blindfolded. Hours later, she was allowed to see Rolly, who was in another room.

She cried when she saw that he was badly tortured: he was still blindfolded, his cheeks were bruised, his mouth swollen, his lower jaw pushed in, and his right ear was bleeding. The soldiers insisted that he was Benjamin Mendoza, but Rolly tried to speak his name through his broken mouth.

Hours later, the military told Marites, her daughter and son-in-law that they were allowed to go home. They were asked to sign a paper, which the latter two signed without reading because they were afraid that they will not be freed if they refused. Marites opted to stay behind with Rolly.

On October 7 Sunday, news reports came out quoting the Armed Forces of the Philippines' Southern Luzon Command (SolCom) that they had captured "Benjamin Mendoza, 61 years old," and "a member of the Central Committee of the Communist Party of the Philippines (CCP) and the Southern Tagalog Regional Party Committee." The AFP claimed that also nabbed were Benjamin's wife "Luisa," and two unidentified companions." The AFP said that Mendoza was a top-ranking rebel leader and that there was a Php 5.6 million reward for his capture, but did not present him to the media.

Marites said that on Sunday, she helped Rolly take a bath, and it



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was only then that the military allowed to temporarily remove his blindfold. Marites said she slumped down on the floor when she saw that Rolly's eyes were deep red and swollen after two days in blindfold, and he yelled in pain when his eyes got wet. Later, Marites said the military brought in several detainees who were asked if Rolly was Benjamin Mendoza, but the detainees did not recognize Rolly.

That afternoon, Marites decided to go home to get some clothes and medicine for Rolly. The military officer who interrogated her again called her "Luisa" and said she was "very caring, naturally because you were a nursing graduate." Marites insisted that she was only a high school graduate. At that point, she told the soldier that she will bring back documents that will prove to them their identities, such as their birth certificates.

The interrogator accompanied Marites as she was to be brought by car to the bus terminal. At 5 pm, as the car was leaving the camp, the officer pointed her to "your companions, they're celebrating"-- a group which turned out to be Karapatan's quick reaction team (QRT) that went to Camp Vicente Lim to search for the abducted victims. The military refused to show Rolly and Marites to the QRT, which included two lawyers.

Marites recounted that when she got home, she found all their things scattered. A bag of documents - which contained their birth certificates, National Bureau of Investigation clearance, Rolly's certificates and awards from the security agency, Phil-Health and other ID cards, and pictures - was missing. Also gone were Rolly's new bottle of perfume, new wristwatch and three broken cellphones owned by Marites' daughter.

On October 8, Monday, while still blindfolded, Rolly was boarded in a vehicle with the same persons who interrogated and beat him. They brought him to the Regional Trial Court Branch 226 in Taguig City which issued a commitment order for the detention of a "Danilo Benjamin Mendoza, alias Rolly Panesa/Wigberto/Lawrence/Kenji" for rebellion and frustrated murder. A 2008 warrant of arrest named a Danilo Benjamin Mendoza along with 14 others as charged with frustrated murder. The court merely added Rolly's name among the aliases of the wanted person.

Among those charged was Tirso Alcantara, the National Democratic Front of the Philippines consultant who had been in military custody at the Phil. Army headquarters in Fort Bonifacio for almost two years, and NDF consultant Philip Limjoco who was disappeared in 2006.

Also on October 8, at about 4pm, Rolly was brought to Camp Bagong Diwa (CBD) in Taguig City but the detention center officials refused to receive him without a medical certificate. Rolly was then brought to an unknown clinic where he was "checked up" while still blindfolded. He was then taken to the Rizal Medical Center (RMC) in Pasig where his blindfold was

finally removed, and his wounds were cleaned. He was given antibiotics and pain reliever, but no x-ray was done. Rolly said that when he was asked at the emergency room what his name was, and he gave his name, his police/military escort hit him in the head.

From RMC he was brought to Camp Bagong Diwa where he is currently detained.

On Oct. 16, news reports quoted SolCom spokesman Col. Generoso Bolina as claiming that "Rolly Panesa is another alias of Benjamin Mendoza, secretary of the Southern Tagalog Regional Party Committee."

Karapatan Press Release, 10.10.2012

### Political prisoners under Noynoy Aquino now more than 400

As of September 30, 2012, Karapatan has documented a total of 401 political prisoners in various detention facilities all over the country. Jimmyliisa Badayos, daughter of desaparecido Jimmy Badayos, and Calixto Vistal are among the latest victims of the government's practice of abduction and illegal detention.

On October 5, Badayos and Vistal, were accosted by members of the AFP Military Intelligence Group of Camp Lapu-Lapu and the PNP-Criminal Intelligence Bureau of Camp Sotero Cabahug in Cebu City. The two were at the gates of the EuroForest Products Industries, Inc. in Mandaue City, Cebu when they were accosted and forced to board a waiting vehicle. They resisted but they were ganged up. Badayos was even physically manhandled by one of the abductors. Her shoulder bag was also taken from her and, she would later find out that the military had planted a gun in it and had shown this to media.

Karapatan secretary general Cristina Palabay said that, "it has been a year, in September 2011, since Malacanang publicly echoed Ferdinand Marcos' statement that "there are no political prisoners" in the country. Since then, 55 more people were arrested and detained for trumped up criminal charges."

Badayos and Vistal were brought to Camp Sotero Cabahug in Gorordo Avenue in Cebu City where they were interrogated. They were denied their rights and detained without any legal basis. Instead, they were accused of being NPA leaders. They were brought in and out their cells for further interrogations and photo sessions which really alarmed them.

Karapatan said that of the 401 political prisoners, 123 were arrested and detained since Noynoy Aquino assumed presidency, "but Noynoy Aquino refuses to acknowledge them as political prisoners to cover up for his eroded pro-human rights façade," added Palabay.

[...] Meanwhile, Calixto Vistal was taken by 30 heavily armed men from his cell at Camp Sotero Cabahug at 2:30 A.M., October 8, allegedly for tactical interrogation but has not been returned to his cell to date.

Karapatan expressed disgust over the recent spate of arrests, detention and killings saying that the "Aquino government is on a rampage and is oblivious to the unabashed impunity by which all these violations are committed."

Philippine Daily Inquirer, 15.10.2012

## Stop vigilante killings in Tagum, bishop urges

By Frinston L. Lim

TAGUM CITY—Bishop Wilfredo Manlapaz of the Diocese of Tagum is rallying Catholics here to rise against summary executions perpetrated by vigilantes.

"We have been hearing reports about killings perpetrated by unknown persons, and for various motives, against hapless victims. This wanton disregard for human life has to stop," Manlapaz said during a Church-led rally on Thursday.

Over 5,000 people attended the "Tikang sa Kalinaw (March for Peace)" rally here. Manlapaz urged the city people to pressure government officials to act on the killings. For the past two months, 18 people have been killed, he said.

Investigators have pointed to grudges, "love triangle" and business rivalry as possible motives for the killings, according to Superintendent Rimas Lambert, city police chief.

Lambert has vehemently denied the existence of a vigilante group called the Underground Death Squad. "Most of the killings appeared to be the work of gun-for-hire groups," he said.

The protesters also recited the Oracio Imperata, a collection of prayers recited during grave need or calamities, against the killings and released lighted lanterns into the air.

"(These killings) is a concern not only of the basic ecclesial communities (BEC) but also of the entire society in general," Sonny Manego, president of the city's BEC chapter, said.



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Inquirer.net, 15.10.2012

### Gov't and MILF seal preliminary peace pact

MANILA, Philippines- The Philippine government and the leaders of the Moro Islamic Liberation front (MILF) signed Monday at Malacañang Palace a preliminary peace pact aimed at ending decades of fighting in Mindanao.

The agreement was sealed by the government and MILF panels around 3 p.m.

"[...]Today, we are here to put an end to the adversarial relationship between the Bangsamoro and the Philippine nation. Today it humbles me to say before you, we stayed our course, perseverance has prevailed," MILF Chief Al Haj Murad Ebrahim said in a speech before the landmark signing of the agreement.

[...] The agreement was the first major step toward a final settlement that grants minority Muslims in the Mindanao broad autonomy in exchange for ending the violence that has killed tens of thousands of people and crippled development. Many of the rebel leaders interviewed said a lot of work lies ahead in convincing Filipino Muslims to accept a new administrative region.

A product of 15 years of negotiations facilitated by neighboring Malaysia, which wants stability on its doorstep, the agreement sets in motion a roadmap to a final document that the MILF and Aquino's government plan to clinch before his six-year terms ends in 2016.

The signing was witnessed by Aquino, Malaysian Prime Minister Najib Razak and rebel chairman Al Haj Murad Ebrahim, [...]. Describing the deal as "a chance to restore dignity" to Mindanao, the Malaysian leader vowed to support the pact: "We will stand with you to make this agreement work."

[...] But Razak warned that the deal "will not save a life unless all parties stand on the principles on which this agreement rests."

"All those involved in Framework Agreement laid foundations for an enduring peace Framework Agreement does not solve all problems; it sets parameters for peace, restores dignity to people of south," he said. "[...] After decades, peace is within reach," he said.

The 13-page document outlines general agreements on major issues, including the extent of power, revenues and territory granted for a new Muslim autonomous region to be called Bangsamoro.

It calls for the establishment of a 15-member Transition Commission to draft a law creating the new Muslim-administered region. The 11,000-strong rebel army will be deactivated gradually "beyond use," the agreement says, without specifying a timetable.

#### 'Moro question'

Murad reminded everyone of the root of the Moro rebellion.

"Never in my wildest dream since I was a child, or when I joined the Bangsamoro struggle more than 40 years ago, that one day I will see the interior of this building (Malacañang) that once housed the Spanish and American governors-general, and now the Presidents of the Philippines," said Murad.

Explaining his presence at the seat of power of the Christian-dominated country, he said he was mandated by the Bangsamoro people to "witness a historic agreement" for a "just and enduring peace in the Bangsamoro homeland."

Murad cited almost five centuries of foreign domination that gave birth to the "Moro question."

In one sentence, Murad summed up the historical context of the Moro struggle for self-rule.

"We have seen the loss of our traditional Moro sultanate, the starvation of our sovereignty as a free Moro nation, and consequently our relegation into a state of captivity that eradicated our Bangsamoro identity, and reduced our ancestral homeland into small parcels of gerrymandered territories called provinc-

es," he said.

This, he said, "led to the marginalization our people within a larger dominant Philippine society that verily took cognizant, if at all, of our forebears and unbroken struggle for freedom even before the Philippine republic saw the light of the day in 1898 and 1946."

Murad said this "unjust condition" sustained the Moro conflict since the 1970s, giving rise to the MNLF and later MILF, and the 1976 Tripoli Agreement and 1996 Jakarta Agreement.

#### Aquino suspends oil drilling in ARMM

By TJ Burgonio, Ryan D. Rosaura

CAMP DARAPANAN, Maguindanao—President Benigno Aquino III Wednesday announced that the government was putting on hold all oil and gas drilling projects in the Autonomous Region in Muslim Mindanao (ARMM) as requested by the Moro Islamic Liberation Front (MILF). Aquino said he agreed with MILF chair Murad Ebrahim's suggestion that no bidding or contract award should be done until the government and MILF reach a final agreement on wealth-sharing under a peace deal that would create a new entity called Bangsamoro to replace the ARMM. [...]

Murad said several areas inside the ARMM have been found to be rich in oil or gas deposits. Three of these are in Liguasan Marsh, Central Mindanao and the Sulu Sea, he said.

"We are not against exploitation of our natural resources, including oil and gas, provided that they redound to the benefit of our people," Murad said.

[...]In mid-2011, the government offered to investors 15 so-called energy blocks, or areas for oil and gas exploration, covering a total of some 100,339 square kilometers, which are "mainly located in frontier regions."

One energy block is in the Cotabato Basin, covering around 456,000 hectares that straddles parts of South Cotabato, North Cotabato, Davao del Sur, Maguindanao and Sultan Kudarat provinces.

The Department of Energy (DOE), in a report, said the estimated amount of oil in the area is 202-million barrels and at least 821-billion cubic feet of gas.

Another area for exploration is in the Sulu Sea covering 432,000 hectares with water depths ranging from 1,500 to 5,000 meters, according to the DOE.

Of the eight wells drilled in the Sulu Sea, "five have significant oil and gas shows," the DOE said.

This area, the DOE said, has around 209-million barrels of oil and 716-billion cubic feet of gas.

*Inquirer Mindanao, 31.10.2012*

However, he said that Salamat had decided to "engage in peaceful negotiations" in 1997, believing that a "negotiated political settlement is the most civilized and practical way to solve the Moro problem."

Despite the devastating offensives by the government in 2000, 2003 and 2008—which displayed close to a million internally-displaced persons in strife-torn provinces in the south—the MILF "continued to pursue (peace talks) with unflinching determination and great personal sacrifice despite tremendous pressures from some restive quarters of our Moro populace ... and provocation of forces hostile to the Bangsamoro cause."

"Today ... we have stayed the course. Our perseverance has prevailed over those whose position is to perpetuate war and conflict in Mindanao and Sulu for personal aggrandizement," said Murad, noting 16 years of peace table negotiations resulted in a peace accord.

#### Dismantling the oppressive system

In response, the President understood that many had resorted to "the path of vengeance and violence," but he vowed to dismantle the culture of impunity in the country.

"I myself lost my father to an oppressive system; I myself thirsted for justice, and was deprived of it then by the dictatorship. I empathize with our Bangsamoro brothers and sisters, and can



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only vow to work as hard as I can to see that the culture of impunity is dismantled, and that the foundations of righteousness and cooperation are laid," he said.

"We will give our people what is truly due them: a chance to direct their lives towards advancement in a democratic, peaceful, and safe society," he added.

The President claimed that the agreement did not only mark a new chapter in the country's history.

"It now defines the very path we take as a people—one where opinions are heard and hope is shared; where understanding and consensus breed meaningful solutions for all stakeholders; one where every child is offered the opportunity to shape his own destiny," said Aquino.

[...] He also expressed gratitude to Deles and Leonen, for working tirelessly with their counterparts from the MILF, and exercised "great patience in the face of probing inquiry—from me especially," and the governors of the ARMM provinces for supporting the agreement. [...]

### Unfinished work

He [the President] did not finish his speech without issuing a challenge to the panels tasked to complete the annexes of the agreement.

"Much work remains to be done in order to fully reap the fruits of this framework agreement. [...] The details to be laid out in the annexes, in particular, provide us with a solid opportunity to expand the common ground[...]," said the President.

He wanted to help the MILF transform itself into a genuine political party that can help facilitate the region's transition towards a truly peaceful and progressive place. [...]

### Mere piece of paper

The chief negotiator of the MILF conceded that the framework agreement was a mere piece of paper unless it would be fully implemented on the ground.

Both panels from the government and the MILF are holding formal exploratory talks in November in Kuala Lumpur to tackle the annexes on wealth, power-sharing and normalization of the agreement, and the touchy issue of decommissioning MILF's forces.

"Let me tell you that no doubt the framework agreement on the Bangsamoro is the best possible peace pact that can be signed by the parties. Pushing them too far will be like asking them to tread the pathways of independence or send them to the brink of war," Iqbal told reporters after signing the agreement with government chief negotiator Leonen in Malacañang. [...] While it was historic and substantive, the framework agreement that serves as a blueprint for a final agreement that will set up an autonomous Moro homeland was still a "piece of paper," Iqbal said [...].

"It will not implement itself. It requires the sincere intervention of the parties to the negotiation and the all-out support and proper leverage of the friends of the peace process — both local and international —and, without saying, members of the media before we can ensure that this agreement will be fully implemented," he said.

[...] "It is a paper that enumerates the political commitments of the Government of the Republic (of the Philippines) to the Moro Islamic Liberation Front and what it creates is not something that is exclusive to the MILF. It will create a new Bangsamoro Basic Law that will create the Bangsamoro which is the regional arrangement that we will have down south," he said.

Leonen said both panels would begin exploratory talks [...] in the hope of crafting a final agreement "before the end of the year."

[...]The issue of decommissioning MILF forces would also be

tackled at the exploratory talks, Iqbal said. Relatedly,[...] the Armed Forces of the Philippines would turn over its law enforcement functions to a reformed police force, Leonen said.

"There is something in the agreement which might assist in terms of determining the form and the function and the relationships of the policing in the area and that is called the Independent Review Commission," he said.

The commission, composed of representatives and experts, would examine best practices in reforming the police, Leonen said.

### MILF delisted as threat in Central Mindanao

By Ramil Bajo

KORONADAL CITY, Philippines - The military no longer considers the Moro Islamic Liberation Front (MILF) as a threat to troops in the provinces of South Cotabato, Sultan Kudarat, Sarangani and Cotabato.

Maj. Gerald Monfort, 27th Infantry Battalion executive military officer based in Tupi town, said troops are now focusing on the New People's Army (NPA) in the mountainous areas of South Cotabato.

The NPA remains a threat in South Cotabato, Sarangani, Sultan Kudarat and North Cotabato, he added.

Monfort said the MILF's removal from the list of threat groups was due to the signing of the framework agreement with the government.

"MILF is deleted from the list of threat groups operating in South Cotabato," a radio station based in Koronadal quoted Monfort as saying.

Last week, the NPA burned a spraying truck of a Japanese-funded banana firm in a remote part of Barangay Dumangas in T'boli town in the upper valley area of South Cotabato.

*The Philippine Star, 29.10.2012*

"I hope that there is no doubt, there is no security vacuum that is going to be left. That is not the intention of the GPH (government of the Philippines) and I would like to believe that the MILF, too, does not intend that the agreement will cause any security vacuum in that particular area," he said.

Now that the engagement with the government has reached a more complex level, Iqbal admitted that it would be difficult for the Moro rebels to proceed.

"They are used to fighting; they are not used to governance. So it would be very difficult for us. But with the help of the friends from the peace process, and international community, we have to empower our people," he said.

On the government side, Leonen said the challenge lay with bringing the matter to Congress and the local government units every step of the way, and explaining it before the international community.

### Reaching out to Misuari

Iqbal confirmed that the MILF was reaching out to various leaders of the Moro National Liberation Front after its chair Nur Misuari ranted about the agreement.

"We are negotiating for the entire Bangsamoro people not just for the MILF. And, if you look at the Framework Agreement, the direct role of the MILF is only in the transition and after that it's free for all," he said.

Leonen said the Transition Commission would include members of the MNLF. [...]

"He's not joining," Iqbal said when asked if it was wise to include Misuari in the list. "He denounced the agreement."

[...]Both parties said neither the breakaway faction of the MILF, the Bangsamoro Islamic Freedom Fighters (BIFF), nor Misuari was a cause for worry.

"You know, when we finally find the real solution or the real medicine all the sufferings will fade away," Iqbal said. [...]

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MindaNews, 19.10.2012

### EO on Bangsamoro Transition Commission out “in two to three weeks”

By Carolyn O. Arguillas

DAVAO CITY — The Executive Order creating the 15-person Transition Commission (TransCom) that will prepare the groundwork for the Bangsamoro political entity by 2016 will be issued “in two to three weeks,” Secretary Teresita Quintos-Deles, Presidential Adviser on the Peace Process, said.

Deles told MindaNews the EO would be out “in two to three weeks in light of undas holiday.” Undas refers to All Saints’ Day and All Souls’ Day (November 1 and 2) which fall on Thursday and Friday this year. The Friday before that, October 26, is Eid’l Adha, the Islamic Feast of Sacrifice, which was declared a holiday by President Aquino’s Proclamation 488 issued on October 9.

The GPH and MILF peace panels will resume talks in Kuala Lumpur next month to finish the annexes on power-sharing, wealth-sharing, and normalization.

The Framework Agreement on the Bangsamoro (FAB) signed last Monday in Malacanang provides that the TransCom will have an all-Bangsamoro membership of seven from the Philippine government (GPH) and eight from the Moro Islamic Liberation Front (MILF), including the chair.

The TransCom will be created through an Executive Order “and supported by Congressional Resolutions” and will have three main tasks:

- to work on the drafting of the Bangsamoro Basic Law with provisions consistent with all agreements entered and that may be entered into by the Parties;
- to work on proposals to amend the Philippine Constitution for the purpose of accommodating and entrenching in the constitution the agreements of the Parties whenever necessary without derogating from any prior peace agreements; and
- to coordinate whenever necessary development programs in Bangsamoro Communities in conjunction with the MILF Bangsamoro Development Agency (BDA), the Bangsamoro Leadership and Management Institute (BLMI) and other agencies.

#### Reflective, Responsive

The GPH and MILF agreed in its Decision Points on Principles on April 24 this year, to work for the creation of a new autonomous political entity that will replace the Autonomous Region in Muslim Mindanao (ARMM).

In its Joint Statement on October 7, the peace panels said the Framework Agreement “serves as the overarching architecture for the Mindanao peace process and provides the foundation for a just and enduring peace in Mindanao.” It also defines the powers and structures of the new entity that will replace the ARMM and “sets the principles, processes and mechanisms that will shape the new relations between the Central Government and the Bangsamoro.”

In his October 7 address to the nation to announce that a Framework Agreement has been reached, President Aquino said the agreement “creates a new political entity, and it deserves a name that symbolizes and honors the struggles of our forebears in Mindanao, and celebrates the history and character of that part of our nation.”

“That name will be Bangsamoro,” he said.

In his closing statement on October 7, GPH peace panel chair Marvic Leonen, who refers to the FAB as “the mother agreement,” said the Bangsamoro should be “not only be reflective of collective aspirations of its constituents, but also responsive to the political, social and economic means of its communities on the premise that it is by providing that space for self-governance can the people truly maximize their potentials and develop their political, economic, social and cultural institutions.”

#### Transition period cut by half

The transition period under the FAB is actually half the number of years from the original proposal of the MILF peace panel.

In its draft proposal handed over to the GPH panel on February 9, 2011, the MILF proposed a seven-year transition period: a one year pre-interim period and six years interim period, which shall immediately commence at the end of the pre-interim.

MILF peace panel chair Mohagher Iqbal told MindaNews Thursday that they agreed to a shorter transition because “there is no other way except to do it,” referring to the opportunity of a possible negotiated political settlement under the Aquino administration.

A big part of their originally proposed seven-year transition period would be beyond 2016, under a new President who may or may not be as supportive of the peace process as Aquino, whom the MILF leadership believes has shown strong political will in getting the peace process to move forward.

Defying protocol, President Aquino invited MILF chair Al Haj Murad Ebrahim to a meeting to discuss the peace process. After the two-hour meeting held in Japan on August 4 last year, the two leaders vowed to fast-track the peace process so that a peace agreement can be forged within the first half of his six-year term and implementation can immediately begin.

The President said he could only promise what he could deliver within his term, which ends at noon of June 30, 2016.

The 15-year GPH-MILF peace process has spanned four administrations - from Ramos to Estrada to Arroyo to Aquino - and at least three major wars - the “all-out war” waged by the Estrada administration in 2000, displacing nearly a million villagers, the 2003 “Buliok” war under the Arroyo administration which displaced a little over 400,000 and the 2008 war following the aborted signing of the Memorandum of Agreement on Ancestral Domain, which displaced some 600,000.

The 2008 mass displacement was “the biggest new displacement in the world” out of 4.2 million newly displaced in 2008, the Geneva-based Internal Displacement Monitoring Centre (IDMC) said in its April 2009 report.

#### TransCom, Transition Authority and ARMM abolition

As agreed, the TransCom will be “independent from the ARMM and other government agencies” and once it submits the draft Bangsamoro Basic Law, the President will certify it as an urgent bill.

“Upon promulgation and ratification of the Basic Law, which provides for the creation of the Bangsamoro Transition Authority (BTA), the ARMM is deemed abolished” and “all devolved authorities shall be vested in the Bangsamoro Transition Authority during the interim period.” As soon as the BTA is in place, “the ministerial form and Cabinet system of government shall commence” and it “may reorganize the bureaucracy into institutions of governance appropriate thereto.”

The BTA is tasked to “ensure that the continued functioning of government in the area of autonomy is exercised pursuant to its mandate under the Basic Law.”

The BTA will be “immediately replaced in 2016 upon the election and assumption of the members of the Bangsamoro legislative assembly and the formation of the Bangsamoro government.”

The TransCom’s creation through Executive Order” is to be “supported by Congressional resolutions.”

Deles said the EO has been drafted and they are targeting its release “in two to three weeks.”

Congress takes a break from October 20 to November 4, will resume sessions from November 5 to December 21 and will go on Christmas break from December 22 to January 20.

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Sun Star, 23.10.2012

### 250 families flee as rouge Moro rebels attack Cotabato village

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By Emmanuel Louis Bacani

MANILA -- About 250 families were evacuated from their homes in a North Cotabato village as an encounter transpired between authorities and armed men believed to be members of a breakaway Moro rebel group.

The National Disaster Risk Reduction and Management Council (NDRRMC) said Monday's encounter between authorities of Barangay Lower Pataan and 20 heavily armed men forced the affected families to seek shelter in a public elementary school in Kabacan town.

The armed men are suspected members of the Bangsamoro Islamic Freedom Fighters (BIFF) who are lead by a certain Commander Pax.

The NDRRMC also reported that a certain Romeo Pizarro, a member of the Citizen Armed Force Geographical Unit (Cafgu),

was wounded and given immediate medical treatment.

The alleged Moro rebels withdrew after joint elements from the Kabacan Municipal Police Station, Cafgu unit, and the Army's 7th Infantry Battalion were deployed to the village.

The NDRRMC did not disclose additional information but a television report said the encounter stemmed from a land dispute issue.

The military has claimed that the recent alleged BIFF attacks in some Mindanao areas have nothing to do with the framework peace agreement signed this month by the national government and the Moro Islamic Liberation Front (MILF).

The BIFF broke away from the MILF and has expressed opposition to the latter group's peace negotiations with the government.