

## Action Network Human Rights- Philippines

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HEADLINES & POLITICS  
InterAksyon.com, 04.12.2012

### EU continues to be concerned with extra-judicial killings in the Philippines

By Veronica Uy

The European Union continued to express concern over extra-judicial killings in the Philippines despite recognizing improvements in the country's human rights situation. EU Ambassador to the Philippines Guy Ledoux made this assessment at the "Protecting Victims of Human Rights Violations" forum of the National Council of Churches in the Philippines on Tuesday. During his remarks, the ambassador cited the murder of Italian priest Fr. Fausto Tentorio, who was gunned down while leaving his parish in Arakan, North Cotabato on October 17, 2011. Tentorio, whose murder reverberated worldwide, prompting even Pope Benedict XVI to send his condolences, was believed to have been killed by a local militia group reportedly under military control for his fierce defense of tribal rights and opposition to mining in the area. "Although the murderer has been arrested by the police, to my knowledge, no significant progress has been made regarding the identification of the mastermind of this murder. The issue of extra-judicial killings remains a concern," he said. The ambassador said he hopes that the superbody created by President Benigno Aquino III two weeks ago—the Inter-agency Committee on Extra-Judicial Killings, Enforced Disappearances, Torture, and Other Grave Violations of the Right to Life, Liberty, and Security of Persons—will result in the conviction of the masterminds in past and current EJK cases. 'Human rights superbody a duplicate'

For his part, Deputy Speaker Erin Tanada, who was also a guest speaker at the forum, said he believes the superbody only duplicates the mandates and jobs of existing law enforcement agencies. Instead, the President should "tell law enforcement agencies to do their job. That would also give them a clear mandate," Tanada said when asked for a better option to the creation of a

human rights superbody. The administration should also "step up in its advocacy work in solving human rights violation cases in the country," he added. Ambassador Ledoux nevertheless believes that the President himself is committed to human rights. For one, he said, he has "selected (Justice Secretary Leila) de Lima, a human rights defender, former chair of the Commission on Human Rights, to be part of his cabinet." "The will to improve the human rights situation is there," he said.

When asked about the 15 journalists who have been killed since the President assumed office more than two years ago, he said "the fact on the ground is not very positive. I am sad to see Filipino journalists getting killed." He believes the creation of the human rights superbody is a signal that the President is aware of the problem on the ground. "The challenge is to accelerate the process of cases that need to be resolved," the ambassador said. Ledoux also noted other positive developments in relation to the human rights situation in the Philippines: the ratification of the Rome Statute of the International Criminal Court; the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Opcat); Congress' adoption of the Anti-Forced Disappearances Act, which is only awaiting the President's signature; The signing of the bilateral partnership and cooperation agreement with the EU, which would among other things, increase consultations and cooperation on human rights-related issues between the Philippines and EU; and the adoption of the ASEAN Human Rights Declaration, which must be implemented "in accordance with the universality of human rights and international human rights standards."

Philippine Daily Inquirer, 05.12.2012

### Jonas Burgos' ma loses hope with spy chief appointment

By TJ Burgonio

After President Aquino approved the promotion and appointment of the chief of the country's top military spy agency, the mother of missing activist Jonas Burgos said she had lost hope that the human rights situation would improve.

Brig. Gen. Eduardo Año, who is facing charges over Burgos' abduction, along with 45 other military officials, took his oath of office before the President as head of the Intelligence Service of the Armed Forces of the Philippines (Isafp) in Malacañang on Monday.

At the time of the Burgos abduction, Año was head of the operating arm of the intelligence group of the Philippine Army. Last year, Edita Burgos filed a complaint in the Department of Justice against Año, then a colonel, and other officers in connection with the abduction of her son. As of last month, the case was still under preliminary investigation, according to Edita.

Defense Secretary Voltaire Gazmin was among those present during the ceremony.

"Before, I clung to little hope that the human rights situation would improve. The President was really busy, and that in time they would look at the cases of victims of enforced disappearances. With that development, I don't think that will ever happen," Edita Burgos said on the phone.

"I don't think the human rights situation will improve while he's President," she added.

By approving Año's promotion and new designation, Mr. Aquino was relaying the message to the military "to continue with

the abuses," Burgos said.

#### Palace reaction

Malacañang sought to mollify Edita Burgos, wife of press freedom icon Jose Burgos Jr., by saying that the President shared a common experience with the human rights victims themselves, his family being a victim of the Marcos regime.

"I hope that Mrs. Burgos does not lose hope, especially since the President is also serious [about the human rights situation]," Undersecretary Abigail Valte, deputy presidential spokesperson, said in a briefing.

"It's no secret what the President's family had gone through, and he knows how it feels," Valte added, referring to the assassination of the President's father, former Sen. Benigno Aquino Jr., on his return from exile in the United States in August 1983. "And that is where the need to help others comes from."

According to Burgos, Año is among the respondents in a case filed by her family over the disappearance of Jonas. The activist was seized from a Quezon City mall on April 28, 2007, allegedly by military agents.

#### DOJ probe

Burgos said the least that the President could have done was wait for the Department of Justice (DOJ) to complete the preliminary investigation of the case.

"I felt weak upon learning that somebody who is a respondent in my case was appointed and promoted," she said.

"Of course, I don't expect the President to know all the cases



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against different military agents. I'm sure he's aware of the case of Jonas," she said.

The militant human rights group Karapatan condemned the promotion of Año.

"By promoting Brigadier General Año to Isafp chief, Aquino practically absolves him of his responsibility in the abduction and disappearance of Jonas Burgos, and his role in terrorizing communities in Quezon province this year," said the group's secretary general, Cristina Palabay.

### 'Culture of impunity'

Militants have taken the Aquino administration to task for its failure to stop the "culture of impunity" and prosecute perpetrators of disappearances, extrajudicial killings and other human rights violations.

On Nov. 22, the President responded by ordering the creation of an interagency committee on extralegal killings, enforced disappearances, torture and other grave violations. There should be no room for these forms of violence and abuses of power by state or non-state forces, he declared.

Chaired by Justice Secretary Leila de Lima, the committee will make an inventory of unsolved cases and those under investigation, and hold a preliminary investigation and trial in its first 30 days.

The committee shall then assign special teams to investigate the cases for the possible identification of perpetrators, with special

Sun.Star, 05.12.2012

## Police, military commit to protect human rights

By Emmanuel Louis Bacani

MANILA -- The Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) expressed commitment to protect and promote humans rights amid allegations of abuses in the ranks of law enforcers.

[...] More than 200 soldiers representing the AFP pledged to end the act of torture and cruelty in the military, reciting Article 5 of the Universal Declaration of Human Rights which states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

[...] On the other hand, the PNP said protecting human rights is not only an institutional effort as it entails individual commitment from policemen.

"By law and by demands of faith and morality, we in law enforcement are called upon to uphold civil political, economic and socio-cultural rights. We do so, not only because the law demands it; we must uphold human rights simply because it is the right thing to do," said PNP chief Director General Nicanor Bartolome.

"We must remember that to serve and protect the people entails the task of upholding the rights of every person - without any excuse, with no delay and without discrimination. Failure to uphold human rights is failure to deter crimes," he added.

Task Force Detainees Philippines, 07.12.2012

## Rights groups commemorate Political Prisoner's Day

On the occasion of human rights week, rights group Task Force Detainees of the Philippines (TFDP) commemorated the annual Political Prisoners' Day last December 7, 2012 at the New Bilibid Prison in Muntinlupa. Together with other human rights groups and 58 victims of political incarceration in NBP, they reiterated their call for President Benigno Aquino III to release all political prisoners.

According to Emmanuel Amistad, Executive Director of TFDP, the Aquino government has yet to prove its sincerity fifteen months after last year's dialogue in response to the hunger strike undertaken by political prisoners.

"More than one year after the hunger strike for freedom and human rights, brought about by the death of Tatay Umbrero, the

focus on "high profile" ones perpetrated under the Arroyo administration.

### Promotion of military official linked to Burgos' abduction deferred

MANILA - The promotion of Brig. Gen. Eduardo Año, who is implicated in the abduction of activist Jonas Burgos, and his appointment as the new chief of the Intelligence Services of the Armed Forces of the Philippines (Isafp) has been deferred by the Commission on Appointments.

[...] On Dec. 3, Año was sworn in by President Benigno S. Aquino III as the new chief of the ISAFP. AFP spokesperson Col. Arnulfo Burgos, said in a text message to *GMA News*, that Año's promotion "was deliberated on by the Board of Generals and endorsed by the Secretary of the Department of National Defense and was duly approved by the president and commander-in-chief of the AFP."

[...] Minutes before the swearing in of the military officials, Sen. Joker Arroyo read a letter from Sen. Sergio Osmeña III, through his chief of staff, asking to defer the promotion of Año to another date. He said he wanted to question Año regarding the opposition raised by Mrs. Burgos. Senator Arroyo, for his part, adopted his colleague's request as his own.

All 50 military officials stood up and were sworn in before the Commission on Appointments, except for Año. [...]

*Bulatlat.com, 20.12.2012*

The PNP and AFP are observing the National Human Rights Consciousness Week amid allegations of abuses in both institutions. In the police force, numerous officers had been dismissed from their posts in the previous months due to various offenses such as extortion.

The PNP has since admitted that there are some erring police officers accused of unlawful activities but assured that the institution does not tolerate such acts of misconduct.

In the military, on the other hand, some soldiers were tagged in the recent killing of indigenous tribe members in Mindanao.

Last October, several members of the army's 27th Infantry Battalion were allegedly involved in an encounter that killed a pregnant B'laan woman and her two children in Davao del Sur. Meanwhile, the recent promotion of two military officers tagged in allegations of torture and abduction was criticized by a human rights group.

The group Karapatan assailed the promotion of [...] Brigadier General Aurelio Baladad, new deputy chief of staff for operations.

[...] Baladad is facing torture charges filed by the Morong 43 health workers.[...]



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was again reactivated under former President Gloria Macapagal Arroyo that eventually released eight political prisoners in her last term of office.

Secretary Leila De Lima assigned Usec. Francisco Baraan to lead PCBREP.

"We were informed that last October PCBREP recommended five political prisoners for release. Until now their papers are pending and we fear that it will be on hold especially with gov-

Asia Times Online, 13.12.2012

### Aquino wrong by rights

By Mark Dean

MANILA - [...] In spite of Aquino's repeated rhetoric of reformism, backed by his story of being the son of a victim of an extra-judicial killing - Benigno "Ninoy" Aquino, the anti-Marcos senator assassinated in 1983 on the tarmac of the Manila airport that now bears his name - the killing of campaigning activists have not ebbed.

Indeed, the promotion last week of a military general with a well-known abduction case pending against him was seen as a bitter slight amidst a human rights-themed week during which the army aimed to promote an image of working for "human rights-based governance" and the government launched an inter-agency committee focused on solving and prosecuting old and new human rights cases.

In Aquino's state of the nation address in June he emphasized: "We will protect everybody's rights, even of those who oppose us." However, rights alliance Karapatan estimates that in the two years to that moment - the duration of Aquino's presidency - there were 99 extra-judicial killings, 11 enforced disappearances, 67 cases of torture and 216 cases of illegal arrest with detention.

#### False dawns

The year began with hope of a human-rights breakthrough. An arrest warrant was issued for General Jovito Palparan under charges related to the 2006 kidnapping of two still missing University of the Philippines students and a peasant farmer now believed to be dead. But Palparan, a man loathed and feared in equal measure by activists for his record of abuses and unabashed vitriol for leftists, has disappeared, surfacing only through statements decrying the legitimacy of the court case against him.

Progress in the country's other headline human-rights story, 2009's "Maguindanao massacre", has been sluggish at best. Three years on there are no convictions for the 57 killings, with 93 wanted men still at large.

The year has also been marked by increasing international recognition that Aquino's rights rhetoric is failing to match reality. In May's Universal Periodic Review of the United Nations' Human Rights Council, 22 countries lined up to condemn continuing extra-judicial killings, enforced disappearances, torture, and impunity in the Philippines.

The United States noted that "impunity in human-rights violations" continues; France was "alarmed by extra-judicial killings and enforced disappearances and continuing violations against journalists and human-rights defenders"; Japan said, "extra-judicial killings continue as a significant political issue". Six countries asked the Philippines to act on the unmet requests of UN special rapporteurs to visit the Philippines to examine the human-rights situation.

In July, Dutch national and land reform campaigner Willem Geertman was shot dead just outside his office in Central Luzon. While the government initially followed the police line of a robbery gone wrong, witnesses reported Geertman as having been forced to his knees before being executed with shots to the head. Fellow campaigners have pointed to "military agents" as culpable.

In the same month, a joint statement from the UN Special Rap-

porters' attitude towards the issue. We are referring to Presidential Spokesperson Lacierda's statement that there are no political prisoners in the country," said Amistad.

"TFDP has documented more than 300 political prisoners and detainees languishing in jails nationwide. We challenge PNoy and Secretary De Lima to stand by their commitment. Release all victims of political incarceration," Amistad concluded.

Press Release, Action Network Human Rights-Philippines (AMP), 10.12.2012

### German Human Rights Advocacy Group demands stop of politically motivated killings in the Philippines

Cologne/Germany- 146 unresolved politically motivated killings of Philippine activists is the disillusioning balance of almost two and a half years of the Government of President Aquino.

On the occasion of the International Human Rights Day on December 10 the Action Network Human Rights - Philippines (AMP) points out to the increasing number of victims among the indigenous peoples.

Since July 2010, 32 leaders of indigenous groups and members of their families have been killed. All of them had raised their voices against cases of landgrabbing and militarization of their ancestral domains in the context of large scale mining and big agribusiness.

"We are very much concerned about this increase in killings", says Dr. Jochen Motte, chair of the AMP.

The last victims were Juvy Capion, the pregnant wife of a prominent opponent of mining, and her two sons. They were killed by soldiers of the AFP in the highly militarized mining area of Tampakan on October 18, 2012.

The alleged perpetrators often are members of the security forces of the Philippines and of paramilitary groups that are employed as "Investment Defense Forces" to protect the economic interest of foreign companies in the Philippines.

"The Philippine police seem to lack the required sincerity to carry out the necessary investigations within their own ranks or in the ranks of the military and paramilitary groups to arrest the perpetrators", criticizes Maike Grabowski, the coordinator of the AMP. "So far, none of the alleged culprits have been finally convicted. Therefore, the government of the Philippines that promised to resolve the human rights violations of the past and to stop their continuation has lost its credibility. Without determined action and effective reform the prevailing culture of impunity will hardly change."

The Action Network Human Rights - Philippines, therefore, repeats its demands to President Aquino to:

- Dismantle and disarm all existing private armies
- Demilitarize the ancestral domains of indigenous peoples
- To establish adequate mechanisms to protect human rights defenders against displacement, harassment, trumped-up charges, enforced disappearance and killing
- To abolish executive order No. 546 which allows the military to employ the police and civilian groups as "force multipliers"
- To create the conditions for independent and speedy investigations and court proceedings against alleged perpetrators of human rights violations
- A reassessment of the current mining policy

Furthermore, the AMP calls on the German Government and the European Union to consequently name and condemn human rights violations in the Philippines and to advocate for visits of UN Special Rapporteurs to the country.

porteurs on human-rights defenders, and on extra-judicial, summary or arbitrary executions, told of a "significant increase" in reports of killings and death threats against human-rights defenders since the murder of Italian priest Fausto Tenorio in 2011.

Non-governmental organizations (NGOs) have also been scathing in their criticism. Human Rights Watch's 2012 World Report



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notes "the military and police still commit human rights violations with impunity", with the government making "little progress" in spite of its promises. Nominal pressure has been exerted by the US. However, while the Philippine government is keen to recoup the US\$10 million withheld from its military aid conditional on improvement in human rights violations, it represents only 10% of a military assistance budget that is unlikely to wane in the face of increasing tensions in the South China Sea. The political will of Aquino to carry through his claimed reformist mantra is questionable. Human rights rapporteurs are refused entry, and human rights specialists who have engaged in work with the administration speak of little determination to reform. Given the significant institutional blocks to meaningful human-rights reform, without strong political will there remains little hope of progress. The cases of Palparan and the Maguindanao massacre demonstrate that the move from arrest warrant to arrest, prosecution and conviction is seldom achieved in the Philippine criminal justice system. Prominent voices on the need for judicial reform, such as renowned human-rights lawyer Jose Manuel Diokno, have spoken of the continued presence of political "backers" in a flawed judicial system, with a particular focus on the Supreme Court.

The European Union, building on an 18-month project to improve prosecution of human-rights cases which ended last year, plans the launch of a "justice for all" program that will channel some 10 million euros (US\$12.9 million) to 2015 in the hope of generating equitable access to justice and an improvement in criminal justice for "disadvantaged" groups, including human rights and social activists.

### Entrenched clientilism

At the political level, the Maguindanao massacre was a signpost of the entrenched national-provincial clientilism that remains a hallmark of the Philippine political system. The accused Ampatuan clan brought national electoral victories to then president Gloria Arroyo in 2004; her closest rival recorded no votes in three towns under the clan's control.

### INSTITUTIONS

Philippine Daily Inquirer, 24.12.2012

## Lacson surprised by names in 'Order of Battle' now banned by new law

By Cathy Yamsuan

MANILA – [...] Sometimes an "order of battle" would include the name of a government official that intelligence reports would link to crimes like drugs and kidnapping. Sen. Panfilo Lacson recalled being surprised upon reading the name of one such individual.

[...] Lacson told the Philippine Daily Inquirer later [...] that he had encountered such names when he was still director general of the Philippine National Police (PNP) and while still involved in other law enforcement agencies.

In the interview, the senator added that the crafting of an OB was not a whimsical matter and involved the intelligence networks of the military, the PNP and the National Bureau of Investigation.

"It is a product of an intelligence workshop of the military, NBI, PNP...based on the summary of information (SI) about a group of persons or a specific individual," Lacson said. An SI could be based on intelligence reports gathered by the government's intelligence community or from information that had already been "confirmed by other sources."

[...]While some names belonged to those who had existing warrants and were known to have criminal records or are

In 2006, Arroyo issued Executive Order 546, allowing local officials to hold private armies to fight insurgents; the Ampatuan private army was instead used to ensure it would retain the perks of office. Aquino made an election promise to revoke the order. He has failed to do so. Beyond private militias lies the reform of a military that remains politicized and far from under civilian control. The military has long considered itself a bulwark against communist insurgency, with its leaders often seeing themselves as leading a crusade against a political party of which membership is not illegal. While the military's political influence has oscillated, under former dictator Ferdinand Marcos it gained increasing political influence, size and funding, rising to become what one academic termed Marcos' "Praetorian Guard". Article 2 of the 1987 Constitution declares that civilian authority is "at all times, supreme over the military", yet the reality of interdependence between civilian and military elites seems to remain.

Palparan's self-avowed anti-communist political party, Bantay, was barred by the Philippine Commission on Elections (Comelec) from running in upcoming elections under the party-list system, created to ensure marginalized groups are represented in congress but subsequently used by non-marginalized groups to secure seats. Palparan himself held a seat until he became a fugitive from the law. Comelec based its decision on the notion that an anti-communist platform did not represent a "marginalized" sector. The Supreme Court overruled the decision last month stating Comelec arbitrarily limited the definition of "marginalized". [...]With elections looming, Aquino will be keen to make progress on the cases of the Maguindanao massacre and Palparan. Success in either would be well publicized and lend credence to his reform rhetoric. However, halting abuses against grassroots activists - the cases that continue to remain off the radar of the mainstream media - will be the real test of a reform effort that must cut across political and legal systems and create a new dynamic between civilians and the military. [...]

charged with criminal offenses, Lacson said there were also cases when a name was unfortunately included due to "intelligence reports that are not always true [...]."

Lacson said the main purpose of an OB was to "guide" the military and the police in identifying the personalities who deserved to be "covered by more intelligence efforts."

"The OB gives a focus since there would be dossiers that provide material pertaining to the activities and venues of the modus operandi of certain people," he noted.

Trouble started when the OB was abused or when protocol was not followed, Lacson said.

Asked whether he has encountered stories of enforced disappearances (or state-sponsored abductions and murders), Lacson did not give a categorical answer but noted that in some cases, "there would be overeager law enforcement units or personalities that could not build a case or cannot gather enough evidence to stand in court even if they are certain that a person is deeply involved in (an illegal activity).

Lacson said frustration would force these individuals to resort to "such things [...]."

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Lacson stressed that during his stint in the military and PNP, enforced disappearances were not tolerated but added that the practice existed [...].

"[...] There were information that were simply a shot at the moon. You knew that the writer of the OB was making things up or he had an axe to grind for political reasons, that's why he put the name there. It was really forced," he added.

[...] Also in the interview, Lacson confirmed previous reports that the practice of enforced disappearances was most rampant [...] during the martial law years when the military was emboldened by the perception that it was "impregnable" and lost its "sense of vulnerability."

However, he noted that members of the leftist movement who were quick to make noise about human rights violations suffered by their colleagues should also check their own backyard for possible offenders.

"[...] They also snatched many people from their own ranks and these people were never seen again. These people disappeared and were summarily executed by them," the senator said over radio.

"It's a pity that we view the issue of human rights in a one-sided manner...We tend to focus only on (violations committed by) law enforcement (agents), but there are also numerous human rights victims among the ranks of the police and military but these are hardly documented by the Commission on Human Rights," he added.

Lacson added he was certain [...] that leftist groups committed more cases of enforced disappearances. [...]

Lacson said there were numerous cases when civilians living in

Sun.Star, 11.12.2012

### Senate okays no bail fees for poor prisoners

By Virgil Lopez

MANILA -- Poor prisoners facing criminal offenses can now post bail without paying the corresponding fees, a bill approved on final reading in the Senate on Monday stated.

Under House Bill 5395, the accused can be released if his offense is not punishable by death or life imprisonment and put under the custody of a qualified member of the barangay, city or municipality where the accused resides, said Senator Francis Escudero, chairman of the committee on justice and human rights.

He said the proposed legislation is in consonance with the principle of presumption of innocence while the State proves their guilt in the commission of an offense.

An amendment introduced by Senator Miriam Defensor Santiago will allow the court to use their discretion in determining whether an accused is indigent and is qualified to post bail without paying the fee.

Pilipino Star Ngayon, 11.12.2012

### Aquino signs into revised AFP Modernization Act

MANILA - President Benigno Aquino III on Tuesday signed into law the revised Armed Forces of the Philippines (AFP) modernization Act. The President said that the new law, which extends the military modernization program for another 15 years, will "boost the AFP's capability upgrade program as it shifts from internal to external defense capability."

Bulatlat.com, 13.12.2012

### Passing of law protecting rights defenders urged

By Janess Ann J. Ellao

MANILA - Makabayan senatorial bet and current Bayan Muna Rep. Teddy Casiño called on his fellow lawmakers to push for the passage of House Bill 5379 or the Human Rights Defenders

### Military denies keeping 'hit-list'

By Alexis Romero

MANILA - The military denied yesterday keeping a list of perceived enemies of the state.

Speaking over radio station dzBB, Armed Forces spokesman Col. Arnulfo Burgos Jr. said the military only has a list of wanted criminals from the Philippine National Police.

"We do not practice the crafting of a hit list or order of battle," he said. Burgos said they are furnished with a list of wanted criminals since the military supports the police in law enforcement.

[...] The Anti-Enforced or Involuntary Disappearance Act of 2012 prohibits the keeping of an order of battle, a list of individuals perceived to be enemies of the state.

Under the law, government agents cannot use the order of battle to justify carrying out kidnappings.

Members of security forces are required to disobey superiors who issue an illegal order.

Militant groups have accused state forces of resorting to kidnapping, torture and killings to silence critics of the government.

[...] Advocates of human rights said the government has failed to punish those behind kidnappings and killings.

Human Rights Watch has reported "strong evidence of military involvement" in seven killings and three enforced disappearances of activists since the Aquino administration took over on June 30, 2010. [...]

*The Philippine Star, 24.12.2012*

far-flung areas were visited at home and forced to support the movement.

"[T]he factors to be considered should not just be the salary and property of the accused but also others that in the judgment of the court are relevant and that the capacity of the accused to support not just himself, but also his family or other people who are dependent on him for support and subsistence, may also be taken into consideration," Santiago said.

She also proposed additional mechanisms to assure that the accused will appear in court if necessary.

[...] Santiago introduced another amendment that will allow children to be released to the custody of his or her parents, as provided in Republic Act 9344 or the Juvenile Justice and Welfare Act of 2006, instead of a custodian who is not his or her relative.

For his part, Senator Panfilo Lacson said the sanggunian shall include in its resolution a list of recommended organizations from whose members the court may appoint a custodian.

[...] The law allocates a budget of P75 billion for the first five years of implementation of the modernization program subject to the capacity of the Department of National Defense (DND) to utilize and implement the program in accordance with the Defense System of Management (DSOM).

Act to commemorate International Human Rights day.

[...]The bill aims to guarantee the rights of human rights defenders. Among these rights are: 1) Right to promote and protect



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human rights 2) Right to information about human rights 3) Right to develop and advocate human rights ideas 4) Right to participate in public affairs 5) Right to access to human rights violations victims and, if necessary, provide legal assistance or facilitate the provision of the same and 6) Right to unhindered access to communication with human rights bodies.

It also includes: 7) Right to refuse to violate human rights 8) Right to participate in activities against human rights violations 9) Right to solicit, receive and utilize resources 10) Right to establish a sanctuary to human rights victims 11) Right to file an action involving human rights violations – human rights organizations as complainants and, finally, 12) Right to access documents of government units and personnel, paramilitary units and personnel, and military affiliate and government assets. [...] Geneva-based Observatory for the Protection of Human Rights Defenders said in its preliminary report that, “there is compelling evidence that human rights defenders, in particular those advocating for land and environmental rights, are under serious threat, are constantly vilified, intimidated and ‘terrorized.’ A climate of pervasive and systematic impunity is at the heart of this alarming situation. Urgent protection measures and unequivocal steps to address the lack of accountability for attacks on human rights defenders are now required.”

Casiño said human rights defenders in the Philippines are facing human rights violations themselves in the course of their work. These include killings, death threats, abductions and kidnappings,

arbitrary arrest and detention, and other actions of harassment and intimidation. [...]

### Recent attacks on human rights

Several days before the commemoration of the International Human Rights day, Karapatan documented cases of human rights violations. First is the killing of three activists namely Rolando Quijano, a farmer and member of the Alliance of Farmers Union in Zamboanga del Sur, and two anti-mining activists Cheryl Ananayo and cousin-in-law Randy Nababay from Nueva Vizcaya.

Church worker Aniceta Yaun Rojo, vilified as ranking official of the Communist Party of the Philippines, was arrested on Dec. 7, on charges that she was behind the killing of a military officer early this year. Two union organizers – Randy Vegas and Raul Camposano – from Courage, a federation of government employees, were also arrested on Dec. 3 in two separate incidents.

[...] Both Vegas and Camposano are active in helping employees of the Metro Manila Development Authority in their fight to get their Collective Negotiations Agreement incentive.

“The Philippine government is a signatory to the Universal Declaration of Human Rights. It is duty bound to protect, respect and promote human rights. I call on the president, who is the AFP’s Commander-in-Chief, to stop labelling and targeting human rights defenders as enemies of the state,” Gabriela Rep. Emmi de Jesus said. [...]

The Philippine Star, 18.12.2012

## Senate approves FOI bill, 17-0

By Christina Mendez

MANILA - Voting 17-0, the Senate approved on third and final reading yesterday the People’s Ownership on Government Information (POGI) bill, its version of the Freedom of Information (FOI) Act.

[...] Under the POGI bill, the government agency should explain before the court why it did not release the information.

Full disclosure of information on projects, transactions, documents and records pertaining to public interest must be made public by posting the information on government websites, and preferably translated into major Filipino dialects for easier comprehension, the measure indicated.

The proposed measure also mandates government agencies to grant requests for access to information within 15 days from receipt of request.

Certain exceptions to the people’s right to information were cited in the bill, including, among others, information pertaining

to national security, where information may be withheld if the revelation of information will create a clear and present danger of war, invasion or any external threat to the country.

It also exempts records of minutes, advice or opinions expressed during decision-making or policy formulation proceedings of all branches of government.

The measure also exempts requests for information pertaining to the personal information of a natural person other than the requesting party to protect their right to privacy, unless he or she has consented, in writing, to the disclosure of information.

Honasan sponsored Senate Bill 3208, also known as the POGI Act of 2012 while Legarda, Alan Cayetano, Antonio Trillanes IV and Drilon were co-sponsors.

The measure also seeks to address the legal loopholes that have allowed government agencies to openly disregard the people’s right to information.

The Philippine Star, 18.12.2012

## Incoming PNP chief want competent, disciplined cops

By Non Alquitan

MANILA, Philippines - Incoming Philippine National Police (PNP) chief Deputy Director General Alan Purisima wants the 154,000-strong police force to be competent in their assigned tasks.

[...] Aside from competence, Purisima said he would also discipline and professionalize the PNP, urge its members to excel in public service, and impose organizational development from within to improve the welfare of policemen.

Under his leadership, Purisima said the PNP would embark on a massive training program to develop policemen’s skills so they would be adept in the jobs assigned them.

“The policemen should have proper training relevant to their assigned tasks. A policeman cannot be an investigator if he has no proper training as an investigator. He should not be a beat patroller or a member of the Special Weapons and Tactics (SWAT) team if he is not armed with proper training,” he said.

As director of the National Capital Region Police Office (NCRPO), Purisima started training policemen in Metro Manila on investigation and SWAT courses. [...]

He vowed to instill discipline in the police force and warned that those involved in “kotong” or extortion and other criminal activities would be out of the service. [...]

The Philippine Star, 18.12.2012

## Comelec pushes for dismantling of private armed groups

## Action Network Human Rights- Philippines

MANILA - To enable more voters to cast their ballots freely, the Commission on Elections (Comelec) yesterday pushed for the immediate dismantling of all private armed groups.

Comelec Commissioner Rene Sarmiento said there is a need for the Philippine National Police (PNP) not only to neutralize but to dismantle such armed groups at the soonest possible time.

Sarmiento warned that the armed groups could influence the results of the coming 2013 elections if they are not dismantled.

The PNP earlier reported that there are at least 85 private armed groups in at least 30 provinces that are controlled by politicians. The PNP has defined these groups as organized and comprised of two or more persons who use their weapons to intimidate

others for political or economic purposes.

Sarmiento said the problem of private armed groups influencing results of elections could not be resolved by the automated election system (AES).

[...] "These are the groups that tell people not to vote anymore or do not go to polling precincts anymore. They harass and terrorize the people so they won't vote," Sarmiento explained.

Without such gun-toters, Sarmiento expressed confidence that more voters nationwide will be able to vote freely and ensure successful elections.

Bulatlat.com, 23.12.2012

## New law gives some hope to kin of victims of enforced disappearance

Ronalyn V. Olea

MANILA - "It's a small relief," Belith Batralo, whose brother Cesar has been missing, said of the enactment of a law criminalizing the practice of enforced disappearance.

Republic Act No. 10350 or the Anti-Enforced or Involuntary

Disappearance Act of 2012 was signed by President Benigno Aquino III, December 21. The law makes enforced disappearance a distinct crime, separate from kidnapping, serious illegal detention, or murder. [...]

The law defines enforced disappearance as the "arrest, detention, abduction or any other form of deprivation of liberty committed 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 places such person outside the protection of the law." The definition is derived from the International Convention for the Protection of All Persons from Enforced Disappearance.

[...] Belith recalled how she and other members of Desaparecidos, an organization of relatives of victims of enforced disappearance, lobbied for the passage of the bill. "Aquino then was still a senator when we first went to the Senate."

Mrs. Edith Burgos, mother of missing activist Jonas, deemed that Aquino signed the law because of local and international pressure from human rights groups and supporters.

### Salient features

The new law [...] imposes a punishment of life imprisonment to those directly involved in the crime of enforced disappearance as well as on superior officers who order or are otherwise implicated in a disappearance. Perpetrators of such crime are also prohibited from receiving any form of amnesty.

The law cannot be suspended even during periods of political instability, or when there is a threat of war, state of war, or any public emergency.

A provision of the law states that those accused of enforced disappearances may not invoke "orders of battle" - military documents that identify alleged enemies - as justification or an exempting circumstance.

The law also requires public officers to give inquiring citizens full information about people under their custody. It also requires investigating officials who learn that the people they are investigating are victims of enforced disappearance to relay the information to their families, lawyers and concerned human rights groups.

The law also provides free access to the updated register of detained or confined people to those who have a legitimate interest in the data. All detention centers must have such a register.

### Implementing the law

For Mrs. Burgos, the law "brings hope, somehow." She quickly added, however: "But we cannot relax. We have to be vigilant."

Cristina Palabay, Karapatan secretary general, challenged the Aquino government to file charges against all perpetrators of enforced disappearances from Gen. Jovito Palparan Jr. to Gen.

Press Release, Asian Federation against Involuntary Disappearance, 21.12.2012

### Anti-Enforces Disappearance Law: A precious Christmas gift to all Filipino Desaparecidos

The Asian Federation Against Involuntary Disappearances (AFAD) joins the Families of Victims of Involuntary Disappearance (FIND) and other human rights groups in the Philippines in jubilation for Pres. Benigno Simeon Aquino III's signing into law the Republic Act No. 10350, otherwise known as the Anti-Enforced Disappearance Act of 2012.

[...] Not only does the law aim to address the phenomenon of enforced disappearance, which has persisted in the country even after Martial Law; it is also worthy of emulation by other Asian countries being the first domestic law against enforced disappearance in a region marred by disappearances reported to the UN in recent years and bereft of strong regional mechanisms for human rights protection.

Although the Republic Act 10350 is one concrete answer to the problem of enforced disappearance, it is not its absolute answer. [...] Other legal measures and institutional reforms must be made in order to complete the mantle of human rights protection for everyone. It is therefore, imperative for the Philippine government to accede to the International Convention for the Protection of All Persons from Enforced Disappearance as a fulfillment of its voluntary pledges and commitment before the UN Human Rights Council. Further, the Philippines also needs to recognize the competence of the UN Committee on Enforced Disappearance as provided for by Arts. 31 and 32 of the Convention.

The Convention and the domestic law are complementary legal measures that can enhance the capacity of any state party to effectively perform its human rights obligations particularly the guarantee and protection of the right not to be subjected to enforced disappearances.

[...] The government must ensure its full implementation to make it an effective tool for accountability, thus contributing to end impunity.

Implementing Rules and Regulations (IRR) for the law's effective implementation must be formulated and jointly promulgated by government representatives and families of the disappeared within 30 days upon the law's effectivity. The IRR can make or break the law. The formulation of the IRR must be within the minimum international human rights standards and must fully capture the law's very spirit and letter.

While the signing of the law is an executive act, it is a people's act - an act especially of the families of the victims and human rights advocates - they indefatigably struggled and continue to struggle to make it happen. [...]

The Anti-Enforced Disappearance Law is a major leap in our struggle for truth, justice, redress, reparation, memory and guarantees of non-repetition. [...]



## Action Network Human Rights- Philippines

Eduardo Año.

Palparan is charged with kidnapping and serious illegal detention for the enforced disappearance of University of the Philippines students Sherlyn Cadapan and Karen Empeño while Año is implicated in the abduction of Jonas Burgos.

[...] In a statement, the Human Rights Watch called the new law "a major milestone in ending this horrific human rights violation [enforced disappearance]."

CURRENT CASES OF HR VIOLATIONS

MindaNews, 05.12.2012

### 200 Lumad families flee as Army bombards rebel lairs in NorthCot

By Malu Cadelina – Manar

KIDAPAWAN CITY – At least 15 mortars landed in four villages in Magpet town in North Cotabato in a bombardment operation staged by the military since Tuesday, reports from a tribal organization said.

The Manuvu Aromanen Pasakaday Association (MAPA) in Magpet said the mortars fired by elements of the Army's 57th Infantry Battalion landed in Barangays Bagumbayan, Noa, Amabel, and Bantac, mostly Lumad-dominated villages located in the hinterlands.

No one, however, was hit by the shelling, according to Myrna Iyong, secretary-general of MAPA.

The bombardment, which started around 2 p.m. Tuesday and lasted until 11:30 a.m. the next day, displaced some 200 families from the affected Barangays, she said.

"Our people in Magpet want to live in peace. We want to be

[...] The Human Rights Watch called on the Aquino administration to also sign the International Convention for the Protection of All Persons from Enforced Disappearance and transmit it to the Senate for prompt ratification. According to the watchdog, only Japan has so far ratified the convention in Asia.

[...] Karapatan has documented 12 cases of enforced disappearances under the Aquino government.

spared from the fighting," said Iyong.

Iyong and her group condemned the intensified military operations the 57IB and the Army's Special Forces launched against New Peoples' Army (NPA) rebels since last week.

On Nov. 26, the soldiers, while patrolling in Barangay Doles in Magpet, chanced upon some 20 NPAs and exchanged gunfire, reports said.

At least 14 households or 53 individuals evacuated to Barangay Doles and set up their temporary shelter inside the compound of the barangay hall.

Armed clashes renewed last Tuesday when patrolling soldiers again chanced upon a group of rebels in Barangay Doles. [...]

Lt. Nasrullah Sema, chief of the civil military operations of the 55IB, said their troops in the area needed fire support so they fired 105mm mortars in areas they suspected as rebel bases.

Asian Human Rights Commission – Urgent Appeal Programm, 06.12.2012

### Reprisal on urban poor leader and villagers for cooperating with UN expert on housing

On November 29, 2012 at 3pm, Marites Bacolod was inside the Barangay Hall of Corazon de Jesus, San Juan City, to collect her Barangay

(village) Clearance Certificate when the policemen "invited her for an interview" to their police station. Here, Marites learned that she and nine other residents of Corazon de Jesus were subject to arrest for charges of "simple disobedience to an agent of a person in authority." The clearance she was to collect had evidentiary value on Marites and villagers to claim the land where their property had been demolished.

The arrest orders were issued after Marites and her companions failed to appear in a court hearing in May 24, 2012. Marites, however, was not aware about any court hearing and did not receive any notice or documents about her case and the arrest warrant.

When Marites, a person with disability who uses crutches due to an accident, questioned the legality of her arrest, the police placed her in handcuffs, harassed her and repeatedly pushed her to force her to ride inside the tricycle going to the police station. Many residents witnessed the incident. Marites argued that she would only go with the policemen if they could explain why were arresting her. She told her fellow villagers not to be afraid and to fight for their rights. Four other members of the Special Weapons and Tactics (SWAT) were also involved in her arrest.

Despite the actions of the policemen being illegal those who had witnessed the arrest were too frightened to help because the policemen in civilian uniform had warned them that that "anyone who will help Marites Bacolod, shall also be arrested and detained." Also, when Marites was at the police station where she was detained, an intelligence officer approached her and told her that they were in pursuit of her other colleagues from

Sandigan ng Maralitang Nagkakaisa - Corazon de Jesus (SAMANA).

Prior to her arrest, Marites and other villagers had conducted a series of meetings in the community and filed complaints with the United Nations (UN) complaint mechanism, notably with Ms. Raquel Rolnik, United Nations Special Rapporteur on Adequate Housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context. [...] The largest meeting was on November 17 beside the newly built city hall of San Juan and within the Corazon De Jesus community. It was attended by the majority of the families victimized by the forced eviction.

They complained about the violent eviction of their community in January 11, 2012. Marites and nine other leaders and residents of Corazon de Jesus had also been charged earlier with illegal assembly for opposing the demolition; but, the case had already been dismissed.

Marites and other residents have refused to accept the relocation site for them in Montalban Rizal because it removes them from their source of livelihood. [...]

On May 2012, Ruel Sumaguingsing, the chairperson of their village, had already refused to issue Marites her Barangay (village) Clearance Certificate and to ten other young residents of Corazon de Jesus for

reasons that their houses had already been demolished. Ruel's refusal to issue certification that Marites and her fellow villagers would legally deny them the right to continue their claim on the land in the community.

[...] It is clear that the arrest of Marites, the charges filed on her and other residents, were a result of their demand to reclaim the land they had lived in for many years.

## Action Network Human Rights- Philippines

Bulatlat.com, 09.12.2012

### 3 activists killed before Human Rights Day

By Ronalyn V. Olea

MANILA – One farmer and two environmental advocates have been killed in two separate incidents on December 7.

Rolando Quijano, a farmer and active member of Alliance of Farmers Union in Zamboanga Del Sur (AFUZS) was shot to death at around 12:00 noon last Friday at purok 4, Ocapan village, San Miguel town in the province of Zamboanga Del Sur by suspected elements of the 53rd Infantry Battalion – Philippine Army, according to initial data gathered by Kilusang Magbubukid ng Pilipinas (KMP).

Antonio Flores, KMP spokesman, said: "Quijano's relatives and colleagues believe his death was due to his active opposition to large-scale mining and illegal logging in Zamboanga Del Sur." KMP said 53rd IBPA has built a military detachment inside the village.

On the same day at around 6 p.m., two anti-mining advocates—Cheryl Ananayo, a member of Didipio Earthsavers' Multipurpose Association (Desama), and her cousin-in-law Randy Nabayay – were also killed by unidentified assailants in Didipio, Nueva Vizcaya.

According to initial data gathered by the Kalikasan People's Network for the Environment (PNE), Ananayo was carrying her three-month-old baby and her four year-old child when the assassins attacked. Both children are unharmed. Desama is a people's organization opposed to the ongoing implementation of the 17,626-hectare Didipio gold-copper project in Kasibu, Nueva Vizcaya owned by Australian large-scale miner OceanaGold Corporation. The Financial and Technical Assistance Agreement (FTAA) of Oceana Gold in Didipio commenced only this November.

Asian Human Rights Commission, 19.12.2012

### Fabrication of charges is 'widespread & systematic'

Today, the Asian Human Rights Commission (AHRC) released an appeal about the fabrication of charges on Roy Velez and Amelita Gamara, two known leaders helping urban poor communities in Metro Manila who are victims of forced evictions and violent demolitions. A local court in Labo, Camarines Norte issued an order to arrest them for charges of murder for their alleged involvement in the attack on a camp that killed four soldiers on April 29, 2012.

When this attack happened, Roy and Amelita could not have been physically present at the incident. Roy has witnesses to prove his defense of alibi [...]. Also, Amelita [...] has witnesses to prove that she was in Metro Manila on the day and days before the attack happened. Roy and Amelita, nevertheless, were charged for murder and order for their arrest issued on October 18, 2012.

As in earlier cases of the fabrication of charges, Roy and Amelita were not aware about the charges laid on them until the court issued an order for their arrest. It was only after the court issued orders to arrest them that they were able to respond to the allegations. This pattern no longer surprises the AHRC. In fact, it is very common practice of prosecutors to indict human rights and political activists with serious criminal offenses, most of the charges have no recommendations for bail [...].

"Oceana Gold's crimes to the environment and the people started way before its commencement this last November, and it continues to grow," Clemente Bautista, national coordinator of Kalikasan PNE. "As early as during its mine development stage, it has already caused massive siltation that led to the disappearance of aquatic species in some affected rivers. Its campaign of attrition towards the indigenous people's communities included threats of bulldozing homes, actual demolition operations, and letting loose gunfire upon civilians. We can think of no other person or institution with a track record and motive." [...]

#### Impunity

"It seems that the mining regime perpetrated by the Aquino government is not content with the death toll of environmental activists this year, now pegged at 15 cases in 2012 alone. Is this how Aquino wants to celebrate Human Rights Day, with more impunity towards our beleaguered environment defenders?" said Fr. Oliver Castor, spokesperson of Task Force-Justice for Environment Defenders (TF-JED). [...]

Meanwhile, KMP's Flores noted that Quijano's death occurred while 74 farmers and Lumad from Mindanao are here in Manila for Manilakbayan (Journey to Manila) to protest the unabated killings linked to the large-scale mining in the South."

Aida Seiesa, secretary general of KMP-Southern Mindanao, expressed outrage over the killing of Quijano.

"While we are here calling on government agencies to stop the killings in Mindanao, state security forces killed one of our colleagues," Seiesa said in Filipino in an interview with *Bulatlat.com*. [...]

[...] On paper, notably the Revised Rules of Criminal Procedure, it is clear that before any individual is indicted in court that they should be informed of the charges against them, that they should be given opportunity to make their defence; and that the prosecution, based on numerous jurisprudence, should exercise "due diligence". And this includes the element of "probable cause" has to be met. [...] This rule should have been the gate-keeper of arbitrary and wrongful prosecutions, and the role of the prosecution department is to take primary responsibility to uphold this.

[...] This Rule on Criminal Procedure, however, is inherently inquisitorial and arbitrary in operation. Under the rule, to be informed and to reply to the charges is not treated as a "fundamental right" of the accused that is required at the minimum to ensure fair trial; but, as a matter of "procedural right" that can be abrogated by the prosecution and the court. The result is arbitrary issuance of arrest and detention orders.

[...] Here, going into hiding is the workable solution for many accused. It is not because they are guilty, but for them to have the opportunity to make their own legal defence. [...] However, again under the country's jurisprudence "fleeing is an indication of guilt".

## Action Network Human Rights- Philippines

[...] For many years, the AHRC has documented numerous cases showing an ongoing pattern of widespread and systematic abuse and the use of legal procedures, particularly by the prosecutors under the Department of Justice (DoJ), no longer for the purpose of prosecuting those who committed the criminal offense against the State, but to justify their politically motivated arrest and detention. The prosecutors now look at, not on the merit or the probability the crime had been committed as they ought to be, but ensures the process in the criminal prosecution is complied with--legally or otherwise.

The AHRC is deeply concerned about this pattern and urges the government of the Philippines, notably the Department of Justice (DoJ), to correct this wrong. The prosecutors who are responsible and complicit in these acts of the fabrication of charges must be held accountable. The DoJ must uphold its primary responsibility to protect the fundamental rights to liberty of the

UPDATES ON CASES OF HR VIOLATIONS  
Bulatlat.com, 09.12.2012

### Protestant Church calls on Aquino to act on murder of tribe leader, stop the killings

By Ronalyn V. Olea

MANILA - Taking the cudgels for the widow of slain anti-mining tribe leader in Bukidnon, bishops of the United Church of Christ of the Philippines (UCCP) wrote to President Benigno Aquino III seeking justice for Jimmy Liguyon.

Liguyon, a UCCP leader, was shot to death in front of his family on March 5 by Alde Salusad and his men, members of the New Indigenous People's Army Reform (Nipar), in Dao village, San Fernando, Bukidnon. Nipar is a paramilitary group under the Philippine Army's 8th Infantry Battalion.

In a gathering, December 8 at the UCCP office in Quezon City, Liguyon's wife Sharon recounted how her husband was killed. Sharon said Salusad even declared that Liguyon was killed for opposing the entry of mining in their community. Nine months after, the suspect remains at large despite a standing warrant of arrest.

Bishop Reuel Marigza, general secretary of the United Church of Christ in the Philippines (UCCP), calls on the Aquino administration to arrest the primary suspect in the killing of anti-mining tribe leader Jimmy Liguyon. [...]

#### Lawlessness reigns

Sharon said that after the killing of Liguyon, residents of their community decided to evacuate for fear of Salusad and his men. [...] The UCCP said other tribe leaders were threatened by Benjamin Salusad, brother of Alde Salusad, leader of the Special CAFGU Active Auxiliary under the Army's 8th Infantry Battalion (SCAA), that they would be next for refusing the entry of mining and logging operations in the gold-rich Dao village.

[...] Speaking for their church, Marigza urged Aquino to act decisively to dismantle both the Nipar and SCAA paramilitaries "who continue to threaten, harass and kill the people of Dao village."

Bishop Melzar Labuntog of the UCCP Northwest Mindanao said they held dialogues with local government officials on the murder of Liguyon. "It is frustrating to be told that they cannot arrest Salusad."

#### Vigilance

The UCCP bishops sought an audience with Justice Secretary Leila de Lima. They were met by Undersecretary Francisco Baraan III.

"Undersecretary Baraan assured us they would work for the attainment of justice," Labuntog said. "We've been hearing that for the past nine months. We hope that something would really come out of the dialogue."

people, instead of using its power as a political tool to target a particular group of people--notably human rights and political activists.

### Right Lawyer warns of resurgence of 'John Doe arrest warrants'

By Marya Salamat

MANILA - Is the Aquino government renewing the use of John Doe-named warrants of arrest previously used by the Macapagal-Arroyo government? Three cases have been recorded so far in just one week leading to Dec 10 Human Rights Day. On Dec 3, two organizers of public sector employees' confederation COURAGE were arrested in separate incidents in Metro Manila and were later surfaced in Camarines Norte. On Nov 29, a former community organizer in Palawan and now a resident of Rizal was arrested in his house in Cainta by the Rizal police. In all arrests, a human rights lawyer said there were irregularities.

Wilson 'Bogs' Manggao, a father of two and in his early 30s, was arrested by the Cainta police on Nov 29 by reason of a warrant of arrest issued on February 20, 2008 by the Regional Trial Court of Palawan, Branch 49, for murder. He was allegedly part of the NPA team that abducted and eventually killed a certain Agustin Alvarez in Brgy. Marutinas, Puerto Princesa City on January 17, 2003.

[...] Manggao's wife Christine used to work with Karapatan [...] in Palawan. Wilson Manggao, meanwhile, used to be a community organizer in Puerto Princesa. [...]

The perpetrators of the said offense were listed as "John Does." But a witness reportedly under military protection surfaced on February 1, 2008 and supplied the names of the supposed perpetrators.

According to lawyer Remigio Saladero Jr., no preliminary investigation was conducted by the Prosecutor's Office of Puerto Princesa before the Information and warrant of arrest were amended to include one "Wilson Manggao" alias "Ka Macmac".

Lawyer Saladero said the warrant for Wilson's arrest is defective because it does not give his name correctly. It was issued for one "Wilson Mangao;" Wilson's correct name is "Wilson Manggao".

Wilson's wife, assisted by the Rizal National Union of People's Lawyers (NUPL-Rizal), filed a petition for habeas corpus before the Court of Appeals last December 11, 201 [...]

[...] The petition says "It is necessary to afford adequate protection to the constitutional rights of petitioner's husband and prevent the strong arm of the law from being used in an oppressive and vindictive manner."

[...] Wilson's case is reminiscent of the case of 72 political activists, popularly called the ST 72, in 2008, where a "John Doe" warrant was also issued initially, but were later amended to include the names of 71 suspects after a supposed "deep penetration agent" of the military surfaced. As in Wilson's case, the ST case did not also undergo preliminary investigation. The warrant also contains erroneous names and addresses of the 71 accused.

"The resurgence of John Doe arrest warrants is disturbing", lawyer Remigio Saladero Jr., one of Wilson's lawyers and a member of the ST 72, told Bulatlat.com. [...] Saladero urges human rights defenders and activists to "strongly condemn this development in the Aquino administration's Oplan Bayanihan."

Bulatlat.com, 15.12.2012

Baraan ordered the National Bureau of Investigation (NBI) to assist the Philippine National Police (PNP) in arresting the suspect.

#### Other victims

According to the Stop the Killings of Indigenous Peoples Network (SKIPNet), there have been 33 indigenous peoples killed under the Aquino administration, 24 of whom are from Mindanao.

The SKIPNet decried that not one of these cases "have been seriously looked into or processed by the justice system."

[...] The network called on the Aquino administration to hold accountable the perpetrators of extrajudicial killings of indigenous peoples and vowed to raise the issue at the international level.

Meanwhile, Norma Dollaga of Kasimbayan, said that under the Aquino administration, the operative meaning of injustice has been the Oplan Bayanihan, the counterinsurgency program of the current administration. [...]

## Action Network Human Rights- Philippines

Bulatlat.com, 16.12.2012

### 'Higher-Ups' who commanded the different teams in the Olalia-Alay-ay slay identified

By Marya Salamat

MANILA - In the recent two consecutive hearings within a week of the long-delayed trial of former soldiers accused in the Olalia-Alay-ay double murder, Filipino workers heard once again from the state witness the circumstances of how the labor leader and his companion were abducted and slain by state forces in 1986. But add to that, this time, as the lawyer of one of the accused cross-examined the state witness. [...]

The state witness' testimony on the abduction and slaying of KMU leader and lawyer Rolando Olalia and his companion, labor organizer Leonor Alay-ay, identified soldiers from the lowly rank of sergeant up to captains and colonels as co-conspirators. But it also revealed aspects of the pecking order and relationship of the higher-ups and the lowly operatives within the military. [...]

To lawyer Kapunan's questions about the likely involvement of Col. Gringo Honasan and then Defense Sec. Juan Ponce Enrile, state witness Sgt. Medardo Dumlao Baretto told the court he does not know that because he had not seen them. [...]

"Higher-ups" in the military are present in his testimony only as the unnamed ones giving general orders, but they themselves did not take part in the nitty-gritty or actual tasks involving their job order on labor leader Ka Lando Olalia.

[...] Lawyer Lorna Kapunan told him that "In the hierarchy, that higher-up was then Defense Sec. Juan Ponce Enrile." [...]

#### **Abduction, torture and murder of labor leader part of military exercise?**

[...] Based on Baretto's testimony, at least three groups of operatives "worked" on Olalia. Baretto's group is called as an 'augmentation group,' as they only augmented the team of Sumido "to do the job on Olalia so it would be finished," as Col. Kapunan had told them more than 26 years ago.

Lawyer Kapunan said her client's order was just for the team to do surveillance on Olalia.

Two other teams of soldiers taking orders from Dicon joined Baretto's group as they tailed Olalia that fateful day of Nov 12 in 1986. It was then Dicon who assumed "operational command" of all the operatives, according to Baretto.

Asked what Baretto's group had made of Dicon's statement that at any time from the time Olalia was brought to the safehouse, 'the higher-ups might give the order to kill Olalia,' Baretto replied "I just accepted the order." [...]

#### **Olalia murderers still free, and accused Kapunan's exit looms?**

The last two hearings, in which lawyer Kapunan cross-examined state witness Medardo D. Baretto, produced the information,

first supplied by lawyer Kapunan, that Col. Kapunan's orders on the Olalia job had involved "only surveillance."

That it turned into another operation which led to the slaying of Olalia and Alay-ay was now made to look like due to the deeds and orders of *other* military colonels. But these others and all those named in the actual killing, except for Sgt. Dennis Jabatan who was seen stabbing at Olalia, were still at large.

[...] As for Col. Kapunan's order to Baretto's team to clean up the mess created in the Olalia job, lawyer Kapunan asked the state witness whether it was standard operating procedure to use "clean plates" in surveillance jobs.

Baretto replied that "clean up" in this case does not just refer to surveillance, because at the time Olalia and Alay-ay had been slain, the problem was already there and the plate number BBB 678 was already identified and reported (as involved.) Baretto said he and Sabalza had thought Kapunan's clean up orders meant they should just be careful that the vehicle was not linked to the Special Operations Group under the Defense Department.

#### **RAM problem and coup d'état**

After the Olalia-Alay-ay murder, Baretto and some of the soldiers and officers he mentioned as involved in the abduction and slay continued to work in the military or the government.

RAM launched a coup d'état in 1987, almost a year after the murder of Rolando Olalia, and again in 1989. [...]

Baretto and other members of RAM applied for amnesty after it was offered by the government, but Baretto's application was denied by the Amnesty Commission. [...]

Other RAM members were given amnesty under the Ramos administration in 1994.

The year before that, in 1993, Baretto, as member of the police force, went to work "as cadre in the security group then being formed for the Witness Protection Program." [...] At the time, Kapunan was a consultant to the Department of Justice, which oversees the Witness Protection Program.

In 1996, Baretto resigned "irrevocably" from his job in the Witness Protection Program. That year, too, he left RAM. And based on his earlier testimony in court, that year, he also wrote the body of what became his sworn statement on the abduction and slay of Rolando Olalia and Leonor Alay-ay.

[...] He disclosed that in revealing what he knows of the Olalia-Alay-ay slay, he has become "a problem for RAM... "If I were gone, they (RAM) won't have a problem anymore."

MAGUINDANAO MASSACRE

Inquirer.net, 05.12.12

### It's final: Zaldy Ampatuan listed as accused in Maguindanao massacre

By Tech Torres

MANILA, Philippines - The Supreme Court stood pat in its June 2012 ruling affirming the Court of Appeals decision ordering the inclusion of former Governor Zaldy Ampatuan of the Autonomous Region in Muslim Mindanao (ARMM) in the list of accused in the Maguindanao massacre.

In a three page resolution made public Wednesday, the high court denied the motion filed by Ampatuan for lack of merit.

[...] The former governor went to the high court after the Court of Appeals, on April 18, 2012, denied Ampatuan's bid to be excluded from the 58 counts of murder slapped against his father Andal Ampatuan Sr., his brother Andal Ampatuan Jr. and

over a hundred more accused.

The appeals court through its Special Former Eleventh Division through Associate Justice Noel Tijam said Ampatuan has enough opportunity to prove his innocence in court.

"The trial is still ongoing and petitioner is neither barred nor denied the right to foist whatever valid defense he has. For the entire duration of the trial, he has ample opportunity to confront and discredit the witnesses against him," Tijam said.

In May 5, 2010, former Justice Secretary Alberto Agra issued a resolution reinstating Ampatuan as a primary accused in the multiple murder case.



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The assailed resolution reversed Agra's own April 16, 2010, order absolving Ampatuan of any complicity in the Nov. 23, 2009, massacre allegedly orchestrated by his then powerful clan. The appeals court explained that to order the DoJ to conduct a reinvestigation on the case "would cause a grave injustice both to the prosecution as well as to the defense." It added that it is not empowered to dictate upon the DoJ how a preliminary should be conducted."

The Philippine Star, 15.12.2012

### QC court urged to turn backhoe operator in massacre as state witness

By Janvic Mateo

MANILA - The prosecution panel in the 2009 Maguindanao massacre case has asked the Quezon City regional trial court (RTC) to include in the list of witnesses the arrested backhoe operator who buried the victims after the killings.

In a 12-page petition for discharge and exclusion, the panel led by City Prosecutor Archimedes Manabat asked Judge Jocelyn Solis-Reyes of RTC Branch 221 to exclude accused Bong Andal from the case so that he could turn state witness against the principal accused.

[...] Andal was arrested on Nov. 24 in Midsayap, North Cotabato in an entrapment operation conducted jointly by the local police and the Army's 40th Infantry Battalion.

He earlier expressed his intention to be a state witness, prompting the prosecution panel to ask Reyes to allow him to be detained at the Philippine National Police (PNP) Custodial Center in Camp Crame, Quezon City since his life would be in danger if he "will be confined at the detention facility with other accused against whom he wishes to testify."

Reyes has since allowed Andal to remain in Camp Crame.

The rest of the massacre suspects – including alleged mastermind former Maguindanao governor Andal Ampatuan Sr. – are detained at the Quezon City-Jail Annex in Camp Bagong Diwa in Bicutan, Taguig City.

Members of the Ampatuan clan and their henchmen allegedly

### PEACE PROCESS

The Philippine Star, 09.12.2012

### Ferrer takes oath as new peace panel head

By Jose Rodel Clapano

MANILA - Senior government peace panel member Miriam Coronel-Ferrer yesterday took her oath as the new chair of the government peace negotiating panel for talks with the Moro Islamic Liberation Front (MILF), Presidential Adviser on the Peace Process Teresita Deles announced yesterday.

Ferrer, professor at the University of the Philippines, replaced former UP law dean Marvic Leonen as chairman of the peace panel after he was appointed associate justice of the Supreme Court.

[...] Deles said Ferrer has been with the panel since 2010 and serves as adviser of the technical working groups on power sharing and normalization.

"Professor Ferrer is a staunch advocate of human rights and an expert in conflict resolution and justice. She served as the director of the Programme on Peace, Democratization and Human

MindaNews, 20.12.2012

### Senate, House pass resolutions supporting EO on Bangsamoro Transition Commission

By Carolyn O. Arguillas

DAVAO CITY - The Senate and the House of Representatives on Wednesday passed resolutions supporting the December 17 Executive Order creating the Transition Commission that would pave the way for a new autonomous political entity called

### Zaldy Ampatuan enters not guilty plea

MANILA, Philippines - Former Autonomous Region in Muslim Mindanao Gov. Zaldy Ampatuan on Wednesday entered a not guilty plea for the 57 counts of murder in connection with the Maguindanao massacre case.

"I'm not guilty," Ampatuan told Judge Jocelyn Solis-Reyes of the Quezon City Regional Trial Court branch 112 during his arraignment at the makeshift courtroom in Camp Bagong Diwa in Taguig City where he and other accused are now detained.

Ampatuan is one of the principal accused in the carnage. Also implicated is his father ex-Maguindanao Gov. Andal Ampatuan, Sr. and brother, former Datu Unsay town Mayor Andal Ampatuan, Jr.

The three Ampatuans stand trial for the killing of 57 people, including 32 journalists and media workers, in Maguindanao on Nov. 23, 2009.

Aside from the three men, several members of the local police and the Ampatuans' private army were also charged with multiple murder cases.

Around 91 people, including several members of the Ampatuan clan, are still at large.

Philstar.com, 12.12.12

committed the massacre where 58 people were killed on Nov. 23, 2009 in Maguindanao.

The clan's patriarch Ampatuan Sr., several of his sons and relatives and members of their so-called private army were accused in the killings.

[...] The Ampatuans denied the allegations against them.

Meanwhile, the PNP Police Regional Office-Autonomous Region in Muslim Mindanao (ARMM) has asked the court to return to them a vehicle and some of the firearms used by the prosecution panel as evidence during the trial proceedings.

In an urgent motion for intervention, legal officer Enrique San Miguel asked Reyes to order the return of a scout car and 17 firearms that were certified as belonging to the PNP ARMM.

[...] The vehicle and the firearms should be released to beef up police operational forces in preparation for the upcoming elections. [...]

Rights and also the deputy director, and subsequently director, of the UP Third World Studies Center at the University of the Philippines," Deles said.

Ferrer was among those involved in the Nobel Peace Prize-winning campaign to ban landmines, Deles said.

Ferrer co-founded the Philippine campaign in 1995 and joined international fact-finding missions investigating violence in Cambodia and human rights violations in East Timor and Nepal.

As peace negotiations move towards the homestretch, Deles reiterated the government's commitment "to finish the comprehensive agreement with the MILF before the year ends in our endeavor to achieve just and lasting peace in Mindanao that will benefit all Filipinos." [...]

"Bangsamoro" by June 30, 2016.

EO 120, signed last Monday, provides for the creation of the 15-member all-Bangsamoro Transition Commission (TransCom) that is tasked, among others, to draft the Bangsamoro Basic Law



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of the future “Bangsamoro,” the political entity that would replace the five-province, two-city Autonomous Region in Muslim Mindanao.

Government peace panel chair Miriam Coronel-Ferrer and Moro Islamic Liberation Front peace panel chair Mohagher Iqbal welcomed the resolutions.

[...] President Aquino is expected to name the TransCom members, soon.

### Support

The 15-member body is composed of seven representatives from the government and eight from the MILF. It will be chaired by the MILF.[...]

### Unfinished annexes

The FAB was signed in Malacanang on October 15. The two panels were expected to have finished all four Annexes – on power-sharing, wealth-sharing, normalization and Transitional Arrangements and Modalities –before the end of the year. But the panels ended their four-day negotiations evening of December 15 without signing a Joint Statement on what transpired during the talks and without setting the date for the next meeting.

The Philippine Star, 15.12.2012

## Peace talks with NPA hit rough patch

By Jose Rodel Clapano

MANILA - While the administration is gaining headway in peace efforts with the Moro Islamic Liberation Front (MILF), lawyer Alexander Padilla’s progress in peace overtures with the Communist Party of the Philippines-National Democratic Front (CPP-NDF) are not as encouraging.

[...] While the government and the MILF have expressed trust in each other’s peace panels, the government and the NDF peace panels have accused each other of failing to show sincerity and implement confidence-building measures to persuade one another to go back to the negotiating table.

The New People’s Army (NPA) has continuously staged attacks on military camps and installations in Mindanao.

It has also raided mining firms in Mindanao, resulting not only in damage to property, but to the death of many innocent civilians and soldiers.

One of the significant incidents that ripped the possibility of the government and NDF returning to the negotiating table was the NPA grenade attack in Paquibato District in Davao City that injured 47 persons, mostly children.[...]

The NPA has reportedly paid P5,000 for each of the 47 victims.

[...] On Sept. 1, the NPA’s Medardo Arce Command in Southern Mindanao said its operatives threw a grenade at a fiesta gathering in Paquibato District, Davao City.

In a statement, the NPA claimed the grenade was intended for a nearby military detachment, but mistakenly lobbed into civilians gathered for a circus performance.

Padilla rejected NPA spokesman Rigoberto Sanchez’s statement that those responsible for the Paquibato attacks will be dealt with accordingly through the NPA’s “revolutionary justice.”

“This revolutionary justice has been exposed as a sham by many including United Nations Special Rapporteur Philip Alston in a Report in 2008, without regard to the rule of law including basic rights (e.g. the right to counsel, to evidence),” he said.

[...] “In signing the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) through its political entity the NDF, the NPA has in effect held itself accountable to these standards.”

The government monitoring committee said surrendering the NPA members involved in the grenade attack in Paquibato District is the only way for the NPA to prove that it is a champi-

on of human rights and international law. But panel chairs Miriam Coronel-Ferrer of the GPH and Mohagher Iqbal of the MILF said significant progress has been made in all four annexes.

The Annex on Transition, according to MindaNews sources, is 99% complete but for the leadership of the Bangsamoro Transition Authority (BTA) which will govern the area in the transition between the ARMM and the Bangsamoro by June 30, 2016.

The MNLF maintains the BTA should be MILF-led while the government is proposing that the BTA be Bangsamoro-led.

Under the FAB, the President is supposed to certify as urgent bill the Bangsamoro Basic Law drafted by the TransCom.

The Bangsamoro Basic Law will also provide for the creation of the BTA and as soon as it is promulgated and ratified, the ARMM will be “deemed abolished” and “all devolved authorities shall be vested in the Bangsamoro Transition Authority during the interim period.” [...]

### Inherit peace

Ferrer told MindaNews that even as the Annexes have not been completed, the TransCom can already begin work [...].

on of human rights and international law.

The government monitoring committee said the NPA’s justice system has never been transparent.

“The NPA’s refusal to submit themselves to the Philippine justice system, does not change the fact that the group is not above international HR and IHL principles and laws [...],” the government monitoring committee said.

The government monitoring committee is the counterpart of the NDF-monitoring committee. Both committees form the Joint Monitoring Committee, an entity that oversees and ensures compliance to CARHRIHL.

### Double time

Presidential adviser on the peace process Teresita Deles had vowed to work double time this year to achieve the administration’s goal of a political settlement on all armed conflicts before 2016.

One of the unresolved issues between the government and NDF is the NDF’s insistence in the release of all its members in jail due to involvement in criminal activities.

Jose Ma. Sison said the government is showing neither sincerity nor confidence in continuing to refuse to release all 13 NDF consultants from jail.

Padilla said a screening process has been done by the government, but the disc that supposedly contains the names of the CPP-NPA-NDF’s consultants could not be opened because it is encrypted.

“There is no way that we could properly identify who are the rightful consultants of the NDF and those who are not,” he said. Talks between the government and the CPP-NPA-NDF resumed in February 2011 in Oslo, Norway after a six-year hiatus. [...]

### Returning the peace

Government peace panel member Jurgette Honculada [...] cited statistics from the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) showing that the conflict between government and the CPP-NPA has claimed the lives of 29,553 people from 1978 to 2010. [...]

Honculada said that when the government and the CPP-NPA-NDF peace panels met in June in Oslo, both sides raised their bills of particulars.

She said the CPP-NPA-NDF listed over half a dozen issues pertaining to safety and immunity guarantees for their consult-



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ants (JASIG), bilateral agreements, the release of political prisoners, terrorist listing of the CPP-NPA and Jose Ma. Sison, and indemnification of human rights victims.

"[...] GPH panel focused on a demand to lower the level of violence on the ground, with particular reference to the use of land mines and child soldiers by the NPA," she said. [...]

### ABB closure

The Rebolusyonaryong Partido ng Manggagawa-Pilipinas/Revolution Proletarian Army/Alex Boncayao Brigade (RPM-P/RPA/ABB), breakaway group of the NPAs, has signed a closure agreement with the government.

OPAPP Undersecretary Luisito Montalbo said that resolutions of support from various local legislative bodies such as the Provincial Peace and Order Council (PPOC) Negros Occidental affirmed "the signing of the Closure Agreement between the GPH

(Government of the Philippines) and the RPM-P/RPA/ABB Tabara Paduano Group (TPG) will not only contribute to the peace and order situation of the province, but most importantly, to the entire region of Western Visayas and the country as a whole."

"The peace and order councils of Region VI; the provinces of Negros Occidental, Negros Oriental, Aklan, Antique and Iloilo; the cities of San Carlos and Cadiz; and the municipality of Amlan, Negros Oriental have all issued their resolutions supporting the closure track," he said.

Montalbo said the RPM-P/RPA/ABB, which signed a peace agreement with the government in 2000, will transform itself into an "unarmed, socio-economic organization" with the signing of the closure agreement. [...]

The Visayan Daily Star, 22.12.2012

## Gov't, NDF agree on joint ceasefire

By Gilbert Bayoran

The National Democratic Front and the government have agreed to observe a 27-day ceasefire from Dec. 20 to Jan. 15 next year, a bilateral declaration that is considered by Presidential Adviser

on Peace Process Teresita Quintos-Deles as the longest ceasefire between the two parties.

### FURTHER READINGS

Rappler.com, 05.12.2012

## Peace pact with MILF faces 'huge' obstacles - ICG

MANILA, Philippines - The Framework Agreement signed between the Philippine government and the Moro Islamic Liberation Front (MILF) is a breakthrough but still "far from a final peace," according to the International Crisis Group (ICG).

The International Crisis Group released a 29-page report about

the negotiations, framework agreement and different perspectives to the ongoing peace process.

To view the ICG report, please [click here](#)

Asian Human Rights Commission, 09.12.2012

## A Letter from Prison

The ACHR published a letter from Political Prisoner Termogen "Cocoy" Tulawie.

To fully view his letter, please [click here](#).

Asian Human Rights Commission, 11.12.2012

## Strong rights, no remedy

The Asian Human Rights Commission (AHRC) has released its 15-page Report on the situation of human rights in the Philippines this year. The report, titled "/Strong rights, no remedy/," gave detailed analysis on the absence, if not lack of adequate

remedy and redress to any forms of violation of rights in the country's system of justice.

To view the AHRC report, please [click here](#).

Asian Human Rights Commission, 20.12.2012

## Legal critique of Abadilla Five and Vizconde cases released

The Asian Human Rights Commission (AHRC) is publishing today a 24-page legal critique of two controversial decisions issued by the Supreme Court (SC), [...] in comparison to judicial decisions in common law countries.

The case /People v. Lumanog/ is about the SC's decision affirming the conviction and sentence to life imprisonment of five

torture victims: Lenido Lumanog, Augusto Santos, Cesar Fortuna, Joel and Rameses de Jesus, in September 2010. They were convicted for the murder of Rolando Abadilla, a police colonel during the Marcos regime, on June 13, 1996.

To view the complete critique, please [click here](#)

Karapatan, 05.12.2012

## 2012 Year End Report

Karapatan's 2012 Year-End Report on the Human Rights Situation in the Philippines is now available for downloading.

To view the KARAPATAN report, please [click here](#).