



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.

The Action Network Human Rights – Philippines advocates the sustainable improvement of the human rights situation in the Philippines. Members are: Amnesty International, Bread for the World – Church Development Service, Misereor, Missio Munich, philippinenbüro e.V., the International Peace Observers Network (IPON) and the United Evangelical Mission (UEM).



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HEADLINES & POLITICS

Inquirer Mindanao, 04.09.2013

P64M in pork used as 'intel funds'

By Danilo V. Adorador III

SURIGAO CITY – A not-so-intelligent move: convert pork barrel into intelligence funds for local government officials.

In January, Surigao del Norte Rep. Francisco Matugas (1st district) was charged with plunder at the Ombudsman for the alleged misuse of his pork, also known as Priority Development Assistance Fund (PDAF), by funneling at least P64 million to at least 15 towns between 2009 and 2010.

Matugas had earmarked the funds for "intelligence purposes" of 15 town mayors, nine of whom belong to the province's second district—outside the lawmaker's jurisdiction. The funds were released in the run-up to the 2010 elections when Matugas' wife, incumbent Gov. Sol Matugas, was running for governor.

Local intelligence funds are discretionary in nature, and are not subject for audit by the Commission on Audit (COA).

Out of reach by state auditors, pork barrel-funded intelligence funds are even more graft-ridden than those that end up in the hands of bogus nongovernment organizations (NGOs), said Fernando Almeda Jr., one of the six complainants in the plunder charge against Matugas.

"At least with NGOs, you can audit the transactions. You can't do the same with intelligence funds," said Almeda, pointing out that local chief executives are only required to submit liquidation reports to the Office of the President.

In his defense, Matugas said the funds were needed so that recipient towns can combat communist insurgents in their areas. He also argued that when he sought a legal opinion from the Department of Interior and Local Government, Undersecretary

Austere Panadero found "no legal impediment" to the use of pork as intelligence funds.

State auditors disagreed with DILG's opinion and in 2010 issued a notice of disallowance against Matugas' practice of allocating pork for intelligence purposes.

The lawmaker filed an appeal at COA but in a decision released on Sept. 13, 2012, COA affirmed its earlier ruling and maintained that the use of pork as intelligence funds—specifically for counterinsurgency campaigns—is illegal.

[...] It also recommended that Local Government Undersecretary Panadero be held liable for issuing a faulty legal opinion.

A last-termer, Matugas' name also emerged in the recent pork barrel scam involving the use of billions of pesos that went to bogus NGOs.

A COA special audit report showed that the Surigao del Norte lawmaker had endorsed some P19.8 million to Dr. Rodolfo A. Ignacio Sr. Foundation Inc. (Draisfi), Kabuhayan at Kalusugang Alay sa Masa Foundation Inc. (KKAMFI) and the Philippine Environment and Economic Development Association (Peeda).

COA noted that these NGOs submitted unverifiable lists of recipients, or had listed recipients who denied receiving livelihood projects; had listed nonexistent suppliers, or had listed suppliers who denied transacting with the NGOs; had submitted fake receipts and other questionable documents and had not bothered to provide documents when required by COA.

Matugas has denied any wrongdoing. [...]

Sun.Star, 09.09.2013

Recto: Almost 4,000 OFWs in jail, 108 in death row

ALMOST 4,000 overseas Filipino workers are detained in jails, Senate President Pro Tempore Ralph Recto said on Monday.

"At least 3,732 Filipinos were languishing in jails in 53 countries at the beginning of the year... Of this number, 108 were in death row in six countries, with 69 in Chinese jails awaiting execution or clemency," Recto said.

"Malaysia hosted the most number of Filipinos behind bars, with 2,236, mostly immigration cases as the country had launched a crackdown against undocumented aliens. Next was China, including Hong Kong and Macau [...].

Meanwhile, total number of OFWs in trouble with their host country's law as of December last year is 7,601 where work disputes or immigration-related was recorded at 2,236.

"What is worrisome is the number two cause, which is the possession or trafficking of illegal drugs. This accounted for 646 cases. In fact, most of those in death row were there because of drugs," Recto said. [...]

The third cause is "morality cases" with 510 Filipinos in jail.

Recto, citing the Department of Foreign Affairs (DFA) records, said running afoul with local customs sent 151 men and 11 women in Saudi Arabia and Qatar to the slammer. Their violation: drinking alcohol.

Six women in Riyadh, Saudi Arabia, on the other hand, were facing "witchcraft" charges, according to the DFA report cited by Recto.

Other cases were theft (297), murder and homicide (114), fraud (105).

However, diplomatic posts failed to specify the nature of 3,446 cases.

In line with this reports, the senator called for the augmentation of the "Assistance-to-National Fund."

Under the proposed 2014 budget of the DFA, the said fund will increase to P300 million from P150 million this year.

"But this is still a drop in the bucket compared to the P 1 trillion that OFWs are forecast to remit this year," Recto said. [...]

Rappler.com, 14.09.2013

PH most 'GMO-friendly' country in Southeast Asia?

By Pia Ranada

MANILA, Philippines - [...] While Golden Rice is still being tested, a total of 44 GMOs have been approved by the government: 40 for direct use as food, animal feed and food processing and 4 for planting as crops. Most of these are genetically-altered corn, soybean, potato, canola, cotton, sugarbeet and alfalfa. [...]

All of these approved GMOs are products of big multinational agro-chemical companies like Monsanto, Syngenta, Bayer and Pioneer which own patents to these crops.

Daniel Ocampo, Sustainable Agriculture Campaigner of environment group Greenpeace, is disturbed by how "friendly" the

Philippines is to GMOs despite more than 60 countries in the world, including Japan, Australia, and countries in the European Union already putting restrictions and bans on GMOs. [...]

Thelma Soriano, senior agriculturist of [Biotech Core Team](#), the government agency charged with approving and monitoring GMO applications, said, "[...] The Philippines is just open to all agricultural tools, methods, and technologies that can be of help to the Filipino farmer, so long as this is safe for human and animal consumption and the environment. [...]



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Soriano admitted that Biotech Core Team (BCT) "has never encountered denying a GM crop for direct use for food, feed or for processing. So far, all of the GM crops applied for these purposes have first been developed as a complete finished product and approved for direct use as food, feed or processing in the country of origin."

ManilaTimes.net, 16.09.2013

Lawyers to file raps to UN for foreign activist detention

By Titus Edison Calaur

A group of human rights lawyers on Monday are set to file charges against immigration officials for the detention and deportation of a foreign student who allegedly participated in a political rally.

The National Union of People's Lawyers (NUPL) said that they are set to file charges for the alleged harassment of Kim Chatillon-Meunier, a 24-year-old student from Canada, for allegedly participating in the rally against President Benigno Aquino 3rd's State of the Nation Address (SONA).

"We shall in time, together with our international colleagues, pursue filing the appropriate complaints before the UN Human Rights Committee," the group said in a statement.

NUPL secretary general Edre Olalia said that the detention of Chatillon-Meunier violated the 1948 Universal Declaration of Human Rights and the 1966 International Covenant and Political Rights. He said that these laws mandate governments to respect

This, despite the existence of the [Organic Agriculture Act \(Republic Act 10068\)](#) that clearly excludes GMOs in its definition of the agricultural systems the government should be promoting. [...]

basic freedom of citizens and foreigners.

Chatillon-Meunier was arrested Aug 13 by immigration officers at Naia terminal 3 after being placed under "watchlist". She was then transferred to Camp Bagong Diwa in Taguig City.

The lawyers explained the Chatillon-Meunier was only a student finishing her internship requirement in the country. They added that she did not participate in the political rally and only acted as an observer.

"They should not have stopped her from leaving in the first place and put her behind bars like a hardened criminal for almost two days," the Olalia said. "This is plain harassment and unnecessary aggravation," he added.

The group confirmed that Chatillon-Meunier was released from the detention center 4:45 p.m. on Sunday. They said that she was escorted to NAIA 3 for her flight to Hong Kong at 7 pm. [...]

INSTITUTIONS

The Philippine Star, 05.09.2013

CA OKs 16 envoys, 49 AFP officers; ISAFP chief bypassed

By Marvin Sy

MANILA, Philippines - The Commission on Appointment has confirmed the nominations of 16 ambassadors and 49 senior officers of the AFP led by chief of staff Gen. Emmanuel Bautista. Only Brig. Gen. Eduardo Año, chief of the Intelligence Service of the Armed Forces of the Philippines (ISAFP), failed to secure the nod of the CA for his promotion.

Año's promotion was opposed by Edita Burgos, mother of activist Jonas Burgos, who has been missing since April 28, 2007.

Burgos said that she was convinced that Año had a direct hand in the alleged abduction of her son when he was still the head of the Intelligence Security Group (ISG) of the AFP.

In a statement he read before the CA yesterday, Año belied all of the allegations of Burgos.

Año said he has already responded to the complaint of Burgos before the Department of Justice, the resolution of which he expects will come out soon.

"In the five years since the reports of the disappearance of Jonas Burgos came out, official and formal investigations were conducted by the CIDG, NBI and CHR. In all those investigations, my name was never mentioned and even the ISG which I headed in 2007," Año said in Filipino.

He pointed out that a resolution was issued by the Court of Appeals in July 17, 2009, dismissing the writ of habeas corpus and writ of amparo petitions filed by Burgos.

Burgos appealed the ruling and in subsequent investigations conducted by the Commission on Human Rights, Año said that again his name was never mentioned. [...]

Año's confirmation was deferred for the second time because of a written request by Sen. Sergio Osmeña III, CA member, to ask some questions.

Capiz Rep. Antonio del Rosario, chairman of the committee on national defense of the CA, agreed to defer the consideration of Año's promotion until the next hearing when Osmeña is ready to ask his questions.

General faced opposition over Morong 43 case

Before Año, Brig. Gen. Aurelio Baladad also faced oppositions to

Bring back raps vs generals, kin of Burgos ask

By Jerome Aning

Philippines - The lawyers of the family of missing farmer-activist Jonas Burgos has asked the Department of Justice (DOJ) to reconsider its decision dismissing arbitrary detention charges against military intelligence chief Gen. Eduardo Año and another Philippine Army officer. In a 20-page motion for reconsideration dated Sept. 23, a copy of which was provided the media on Friday, lawyers Edre Olalia and Ricardo Fernandez, on behalf of Jonas' mother Edita Burgos also asked the DOJ to reinstate charges of obstruction of justice against retired Armed Forces of the Philippines chiefs of staff Hermogenes Esperon Jr. and Alexander Yano, retired Philippine National Police Director General Avelino Razon Jr. and former Philippine Army commanding general Romeo Tolentino.

Edita Burgos said there was enough circumstantial evidence to link Año, along with Col. Melquiades Feliciano and Maj. Harry Baliaga Jr., to her son's abduction more than six years ago. The lawyers said that all three military officers had knowledge of Jonas' abduction because they were involved in the investigation of a soldier who had ties to communist leaders, one of whom was a certain Ramon whom the military believed was Jonas. In a decision issued on Sept. 3, the DOJ recommended that only Baliaga be indicted for arbitrary detention. Feliciano and Año were exonerated due to lack of probable cause. No murder case was filed because the activist's body has yet to be found. [...]

Philippine Daily Inquirer, 29.09.2013

his promotion coming from Alexis Montes and Eleanor Jara. Montes claimed that Baladad had first-hand knowledge of the detention and torture of his group of health workers dubbed as the Morong 43.

The Morong 43 were supposedly medical and health care professionals who were said to be undergoing training in Morong, Rizal when they were arrested because of their alleged involvement with the communist New People's Army.

Ilocos Norte Rep. Rodolfo Fariñas said that Montes' claims against Baladad were apparently based on speculations only and could not be used as basis to destroy the illustrious career of the

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military officer.

With the dismissal of the complaints of Montes and Jara,

Baladad's promotion was confirmed. [...]

Ayansa Tigil Mina (ATM) Press Release, 07.09.2013

Solon, advocates call SC to declare mining law unconstitutional

Anti mining groups called on the [High Court](#) to come out with its decision on a 2008-petition questioning the constitutionality of Sections 80-81 of the Mining Act of 1995 (RA 7941) and [Department of Environment and Natural Resources](#) Administrative Order 2007-12.

Specifically, the sections pertain to supposed income derived from Mineral Processing Sharing Agreements (MPSAs) and Financial and/or [Technical Assistance](#) Agreements (FTAAs).

Decision despite government pronouncements on new mining fiscal regime

Years after the petition were filed; it was only this July this year when the [Oral Arguments](#) were concluded. Meanwhile, Senate President Drilon and executive officials are announcing the government's initiative to push for a new mining fiscal regime, increasing income from mining produce.

Akbayan Rep. [Ibarra](#) "Barry" Gutierrez said, "It is my fervent hope that the Supreme Court decides quickly and favorably on our petition against Sections 80-81 of the Mining Law, which are deemed inimical to the national interest. Under the prevailing policy regime, there is a huge inequitable distribution of benefits and costs that puts the host communities and the government at a disadvantage. The 1995 Mining Act favors large [mining companies](#), neglects social, health and environmental problems that

mining entails, and has failed to uplift the lives of our people." Furthermore, since mining activities are in areas where the most vulnerable sectors reside, such Indigenous Peoples, farmers and fisherfolks, the prevailing policy works to the detriment of the rights and interests of those that need the most in terms of government support and protection, Rep. Gutierrez added. [...]

He also said: "We have heard during the Oral Arguments how the La Bugal-B'laan vs. Ramos case decided in 2004 has failed to give a fair sharing of benefits from mining, between the State and the mining companies. In effect, in our mining contracts, we are at the losing end." [...]

Rep. Gutierrez is also one of the authors of the Alternative Minerals Management Bill (AMMB)—a bill that seeks to repeal RA 7942. SOS Yamang Bayan Network pushes for the AMMB; it aims to put in place framework for the sustainable and responsible use of our mineral resources.

SOS Yamang Bayan Network National Coordinator Erwin Quiñones added: "What we need is not a piecemeal reform by way of amending the fiscal regime of the flawed Mining Act of 1995 but a totally new policy framework that will not only ensure equitable sharing of mineral products but also ensure the protection of community rights and environmental sustainability." [...]

ManilaTimes.net, 09.09.2013

Palace intel fund bigger than AFP's

By Jhoanna Ballaran

Why is the Office of the President's (OP) intelligence funds bigger than that of the Armed Forces of the Philippines (AFP)?

ACT Teachers Rep. Antonio Tinio threw this question at Executive Secretary Paquito Ochoa during the budget hearing for the Office of the President (OP) on Monday.

Tinio's curiosity was roused after he went over the OP's maintenance and other operating expenses (MOOE) worth P1.998 billion.

He found that P508 million, a fourth of the MOOE, is broken down into confidential expenses (P240 million), extraordinary and miscellaneous expenses (P18 million), and intelligence expenses (P250-million).

In comparison, the AFP only has P350 million in intelligence funds, Tinio noted.

"Isn't it relatively big? One-fourth of the MOOE for an agency are confidential funds? Isn't that unusual?" Tinio prodded Ochoa.

Ochoa replied it is not unusual for the OP to have such a budget

since sub-agencies under the Executive department, including the Anti-Terrorism Council and Security Council, also need such funds. [...]

The President has the power to augment the budget as he deems fit, Ochoa said, and this power extends to the agencies under the Executive. [...]

The OP has an approved budget of P2.790 billion for 2014, a 3.32 percent increase from this year's. The biggest slice—71.61 percent—goes to the MOOE, 21.81 percent goes to personnel services, and 6.57 percent to capital outlay.

Despite the huge allocation for the confidential and intelligence funds, Ochoa cannot confirm where the P643 million in rewards for the capture of 200 wanted high-profile communists and Abu Sayyaf leaders will be drawn.

At the budget hearing of the Department of National Defense last week, AFP Chief Emmanuel Bautista told the lawmakers that the money for the reward will come from the OP.

ManilaTimes.net, 16.09.2013

House proposal bats for Vizcaya as mining-free zone

By Leander C. Domingo

BAYOMBONG, Nueva Vizcaya: In a move to stop further dislocation of tribal communities in the province, a House Bill was filed in the House of Representatives seeking to declare the province as a "mining free zone."

House of Representatives Deputy Speaker Carlos Padilla made the proposal under House Bill 1298, which also seeks to prohibit "all mining operations" in the province.

The bill was originally filed in the 15th Congress as House Bill 5800, which was approved by the House on November 28, 2012.

This was transmitted and received by the Senate on November 29, 2012. However, the Senate failed to act on this measure.

"The bill is so important to my province and to my constituents

because it affects not only the present but even the future generation of our people. Hence, it is being refiled in the 16th Congress," said Padilla, also the lone congressional district representative of Nueva Vizcaya.

In his proposal, Padilla cited Alyansa Tigil Mina (ATM) report on the mining situation in the Philippines [...].

Padilla said mining in the Philippines has damaged forests, agricultural lands, river systems and marine resources, which have "dislocated tribal and indigenous peoples communities."

He said Nueva Vizcaya is not only self-sufficient but also a net exporter of rice and that a big portion of its vegetable sold in the markets of Metro Manila come from the province. [...]

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Padilla also pointed out that the province strategically serves as a watershed for major irrigation and hydro facilities hosted by neighboring provinces and regions such as the Magat dam in Ramon, Isabela; Pantabangan dam in Nueva Ecija; the Ambuklao and Binga dams in the Cordillera, and San Roque dam in Pangasinan.

He said that inevitably, the destruction of Nueva Vizcaya's watershed will have a negative effect on these irrigation and power facilities. [...]

Upland communities which constitute almost seventy percent of Nueva Vizcaya's land area are inhabited by tribal communities of Ibaloi, Kalanguya, Kankanai, Bugkalot, Dadiangan, Isinai, Gaddang, Iwak, Tuale, Dumagat and the like.

Padilla said these tribesmen are the people who are producing the best citrus, root crops and quality vegetables; their skills, hard work and industry have immensely contributed to the progress of Nueva Vizcaya.

If the bill is approved, Padilla said, however, that for those already existing mining operations, the provincial government with the Department of Environment and Natural Resources in partnership with various stakeholders "shall review their contracts and agreement."

At least three large-scale foreign mining firms are located in the mineral-rich towns of Kasibu and Quezon in the province. The Asia-Pacific mining firm OceanaGold Philippines Inc. is in its full commercial operations since May while the British-owned FCF Minerals Corp. is now in its construction phase and about to start production.

Another Aussie firm Royalco Philippines Inc. is in its exploration stage but reportedly announcing its withdrawal because of strong resistance from villagers and Church-based anti-

mining groups.

Mining company withdraws case vs IP leaders in Nueva Vizcaya

By Macky Macaspac

A mining company in Nueva Vizcaya withdrew cases they filed against indigenous people and is set to cease operations in Nueva Vizcaya.

In a motion to withdraw complaint filed in Regional Trial Court Branch 37, in Bayombong, Nueva Vizcaya, the Royalco Philippines Inc. manifested that they are withdrawing their complaints against 10 anti-mining leaders, including a parish priest.

The company will also stop their mining exploration in barangays Pao and Kakiduguen in Kasibu.

The mining company last June filed a temporary restraining order against the 10 indigenous leaders for refusing to lift people's barricades and subsequently filed damages and indirect contempt against them.

In a message to *Pinoy Weekly*, lawyer Fidel Santos, counsel of the defendants, confirmed the withdrawal of the cases filed against leaders of the protesting indigenous people.

Santos said that the company, in their motion to withdraw, cited "concern over peace in the communities" and "brewing conflicts" among the Bugkalot tribes as their reasons for withdrawing both the case and its operations.

But Santos said that it was the people's assertion and vigilance that made the mining company back out. [...]

Santos said he hoped that Royalco is sincere in withdrawing its operations in the province. Nevertheless, he called on the people to continue their vigilance. [...]

Peoples organizations are set to hold a fact-finding mission on September 17 to 21 in three mining areas: Didipio and Runruno, where another mining company operates (Oceana Gold) and Royalco's the drilling operations in Balance, Nueva Vizcaya.

Pinoyweekly.org, 15.09.2013

Inquirer.net, 18.09.2013

Senate panels approve FOI bill

By Maila Ager

MANILA, Philippines – The proposed Freedom of Information (FOI) bill was approved by a joint panel in the Senate on Wednesday after holding only two hearings.

The first hearing was held by the committees on public information, civil service, and finance last September 4 while the second and final hearing was conducted at 10 a.m. this Wednesday.

Senator Grace Poe, head of the committee on public information, said they were "determined" to submit its report on the floor on September 24, sponsor it for plenary debates on September 25 and hopefully gets the approval of the chamber within the year.

Rappler.com, 24.09.2013

Laws that discriminate against women

By Ana P. Santos

MANILA, Philippines – Under Philippine law, a woman may be accused of adultery or having sexual relations with a man that is not her husband. [...] However, under the same law, a man may only be accused of concubinage.

The difference? There are three and they are not limited to what happens in between the sheets.

Concubinage requires evidence to prove that a man is having sex with a woman who is not his wife under scandalous circumstances, that he is keeping the woman [with whom he is carrying on sexual relationship with] in the conjugal home or that he is cohabiting with her in another dwelling.

Concubinage requires proof while adultery may be premised on circumstance.

The Philippine Commission on Women (PCW), the government agency tasked with championing gender equality, has included the amendment of the Infidelity Law in the Women's Priority Legislative Agenda for the 16th Congress. The PCW is also call-

"In our committee, one thing is clear—it is important now to enact into law the Freedom of Information or FOI bill," Poe said in Filipino at the start of the hearing.

"With this law, we can give every Filipino a chance and the power to actively participate in monitoring how the government spends public's money," she said.

Poe said alleged abuses in government would have been prevented if the bill has long been passed in Congress.

The bill was approved in the Senate during the last Congress but failed to get the same approval at the House of Representatives.

ing for the amendment or repeal of other specific provisions of the Revised Penal Code and Family Code, an amendment to the Anti-Rape Law and Anti-Sexual Harassment Law and the enactment of the Magna Carta of Workers in the Informal Economy

"Certain laws really need to be amended, either they are updated to reflect the issues of the current times or they should be repealed altogether," said Anette Baleda, PCW Chief of the Policy Development and Advocacy Division.

Archaic and outdated

The Infidelity Law is based on the [Revised Penal Code](#) issued in 1930.

The Revised Penal Code superseded the Spanish Legal Code, which was in place from 1886-1930.

"The rationale for this [infidelity] law was to protect the lineage of the family. Women who have sexual relations with a man who is not her husband may get pregnant and bring in foreign



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blood to the family," said Baleda.

[...] Under the Revised Penal Code, the penalty for women who commit adultery ranges from 2 years, 4 months and 1 day to a maximum of 6 years. The penalty for men who commit concubinage ranges from 6 months and 1 day to a maximum of 4 years and 2 months.

A policy note issued by the PCW proposes addressing the inequalities in this law while still protecting the institution of marriage by not distinguishing between the infidelity of a man from the infidelity of a woman [...].

But a women's rights NGO has a different view and is calling for the complete repeal on the penal provision on adultery.

"Equalizing the penalty for marital infidelity does not promote equality of women. The provision on adultery infringes on one's right to sexuality. Moreover, in reality, the batterer-husbands are the ones who file such adultery cases to harass their wives," said Clara Padilla, executive director of [EnGendeRights](#).

Discriminatory

Other similar provisions in the Revised Penal Code included in the Women's Legislative Agenda that the PCW says discriminate against women is Article 247 on Death or Physical Injuries Inflicted Under Exceptional Circumstances.

Article 247 states that if any legally married spouse who unexpectedly catches his or her spouse having sex with another and shall kill or seriously harm one or both of them shall face the penalty of *destierro*, which prohibits the convicted person from entering court-designated places or a specified radius of those places. [...]

Philippine Daily Inquirer, 28.09.2013

SC asked to declare RH law unconstitutional

By Jocelyn R. Uy

MANILA, Philippines—An official of the Catholic Bishops' Conference of the Philippines (CBCP) on Friday asked the Supreme Court to declare as unconstitutional the reproductive health (RH) law following allegations that pork barrel was used as "incentive" to push its approval.

"We would like the high tribunal to take cognizance of this

Philippine Church 'right' despite Pope Francis comments

MANILA, Philippines- Philippine Catholic leaders are standing firm against contraception, abortion and homosexual marriage despite Pope Francis' comments urging a change of tone on those issues, the national Church said Tuesday. [...]

"He is not saying that what the Church deemed before as wrong is now right. He is merely telling us to be more compassionate," Catholic Bishops Conference of the Philippines president Jose Palma said in reaction to the recent papal statement.

"He won't be saying contraceptives, and even abortion, are now okay. No! Do not expect that to happen," Archbishop Palma said in comments made Monday.

In an interview published last week, the Argentine pontiff urged a break with the Church's harsh "obsession" with divorce, gays, contraception and abortion.

Philippine Church leaders have led a decade-long campaign against a birth control law that required the state to hand out free condoms and birth control pills, and provide post-abortion medical care.

The Supreme Court suspended the law in March so that judges could hear formal petitions from a range of Church-backed groups arguing that it was unconstitutional. [...]

Edcel Lagman, a former legislator who wrote the birth control law, told AFP the pope's comments had put the Filipino Church leaders on the defensive, saying they belonged to its "ultra-conservative wing".

"I think they will have to reconcile their doctrines and make themselves attuned to the liberal thinking of the new pope. There is no way to go but to follow the pope," he said.

Lagman said the Filipino Church's conservative activism was rooted in its key role converting locals to Christianity as part of the Asian islands' 17th-century colonisation by Spain.

"The Church feels it should meddle in the affairs of the State," he added.

Agence France-Presse, 24.09.2013

"Our recommendation is to have this provision repealed all together. The provision on daughters discriminate against women and killing is killing; people should not be allowed to take the law into their own hands," explained Baleda.

Another provision, Article 351 on Pre-Mature Marriage prohibits women to re-marry within 301 days from the death of her husband or prior to delivery if she was pregnant at the time of his death.

"The period [...] is again linked with protecting the lineage of the family. With the modern scientific ways we now have to prove paternity, we are recommending that this provision be repealed," said Baleda.

Why is it taking so long?

There have been a number of laws and international agreements the Philippines has entered into promising equality and the promotion of the rights of women.

[...] First of all, we have to look at the historical composition of Congress; they are mostly men. We say that we have a macho Congress. Secondly, even if we have female legislators, it doesn't mean that they are automatically pro-women." [said Rhoda Avila, secretary-general of the Democratic Socialist Women of the Philippines (DSWP)]. [...]

"The PCW is optimistic that the proposed measures will be passed in the 16th Congress, especially now that the House of Representatives has 79 women legislators and the Senate with six women senators, the highest in the history of Philippine politics," said in a released statement. -

serious allegation and declare the RH law unconstitutional (if only for the fact that it was passed through bribery and through illegal means," according to Fr. Melvin Castro, executive secretary of the CBCP Episcopal Commission on Family and Life.

On Wednesday, Sen. Jingoy Estrada disclosed in his privilege speech that the graft-tainted Priority Development Assistance

Fund (also known as pork barrel) was used by the executive branch as "incentive" for lawmakers to push several issues, including the controversial family planning measure.

Estrada was expected to use his speech to answer allegations that he got as much as P183.79 million in kickbacks from PDAF allocations coursed through bogus nongovernment organizations connected to detained businesswoman Janet Lim-Napoles. Instead, the senator zeroed in on alleged abuses in the use of the PDAF, claiming that P50 million was given to lawmakers for their support in the impeachment of former Chief Justice Renato Corona.

The Palace denied Estrada's allegations.

"It was the senator who said the PDAF was used to push for the RH measure so we are appealing to the SC to consider such a serious allegation [in deciding on the case]," Castro said.

The high court last month concluded oral arguments on the Responsible Parenthood and Reproductive Health Law after five hearings that started in July.

The law, which was signed by President Aquino in December last year, allows the state to use public funds to provide poor couples with contraceptives, educate the youth on reproductive health matters and improve maternal health.

CURRENT CASES OF HR VIOLATIONS

Asian Human Rights Commission - Urgent Appeal Programme, 03.09.2013

Overt surveillance on a peasant leader in

Action Network Human Rights- Philippines

Bataan

Dear Friends,

The Asian Human Rights Commission (AHRC) writes to inform you that renewed surveillance is being carried out on peasant leader in Bataan.

The victim has actively participated in campaigns and human rights activities. A series of surveillance operations had been recognize by his family at their residence.

CASE DETAILS: (Based on the documentation by Alliance for the Advancement of People's Rights (KARAPATAN))

On 2 August 2013 at 11am Rodolfo "Ka Rudy" Sambajon, Secretary General of Makabayan Coalition-Central Luzon, a local chapter of the Patriotic Coalition (Makabayan) and the National Chairperson Emeritus of the National Federation of the Small Fisherfolk Organization in the Philippines (Pamalakaya), noticed a man riding a Kawasaki motorcycle passing by when he arrived at his home in Orani, Bataan. [...] Ka Rudy's son [...] reported that he had seen the same man coming out of an alley near their house and looking around.

On 4 August, Ka Rudy's wife sent him a text message warning him not to go home. She noticed unfamiliar men going around their place and especially hawkers whom she suspected to be government intelligence agents.

The incident happened almost three weeks after Ka Rudy joined a Quick Response Team (QRT) on 14 July 2013 to look into the case of the reported abduction of farmers in Bataan by soldiers of the 24th Infantry Battalion of the Philippine Army (IBPA). Also in July, the National Office of Karapatan received a report that Ka Rudy has been targeted for assassination by the 72nd Military Intelligence Company, a unit of Sgt. Antonio Hilario. Antonio Hilario is the brother of M/Sgt. Rizal Hilario, a co-accused of Ret. Maj. Gen. Jovito Palparan for the enforced disappearance of

the two University of the Philippine students Sherlyn Cadapan and Karen Empeño.

BACKGROUND INFORMATION:

In 2002, Ka Rudy, then the National Chairperson of National Federation of the Small Fisherfolk Organization in the Philippines (Pamalakaya), was in a protest action against the demolition of houses in Brgy. Ambulong, Tanauan City, Batangas. [...]

On 14 March 2002, an estimated 400 elements from the Batangas, Laguna, and Manila Philippine National Police backed up some 150 members of a demolition team arrived. The residents and their supporters barricaded the area but the police and demolition team attacked the barricade. [...] One of the police men got angry and pulled out his gun and threatened to shoot Ka Rudy. A farmer, Roberto Dumampo, saw this and struck the police's hand. The gun fired and the bullet nearly hit the head of Dumampo. This led to gunfire by the police during which seven people [were] injured [...].

On December 2006, Ka Rudy was harassed after he joined a fact-finding mission on the cases of extrajudicial killings and frustrated extrajudicial killings in Orani, Bataan.

[...] For his own safety, Ka Rudy decided to leave his home and stayed in peasant communities where he is organizing or helping out farmers on land disputes.

For more than four years, Ka Rudy was unable to go home for fear that his family might experience the same harassment from suspected military agents.

In 2010, Ka Rudy learned from his colleagues that motorcycle-riding men wearing ski masks were looking for him at the house he was staying in Bataan. [...]

The surveillance at Ka Rudy's house by suspected police and military agents continued until 13 September 2010.

Sun.Star Cebu, 04.09.2013

124 fell victim to human trafficking since January

By Charlene N. Villasin

THE Department of Social Welfare and Development (DSWD) 7 recorded 124 persons who became victims of human trafficking in Central Visayas from January to August this year.

The figure includes the five girls who were rescued in an operation in the northern Cebu towns of Daanbantayan and San Remigio last Saturday dawn.

Most of the victims are minors and women.

Last July, the Regional Anti-Human Trafficking Task Force (RAHTTF) 7 rescued eight women, including a 17-year-old and a hearing-impaired girl, in an entrapment in Moalboal town. They were reportedly "sold" to foreigners for P5,000 each, according to RAHTTF 7.

Two months earlier, authorities rescued three minors from an alleged cybersex operation in Cordova. Law enforcers arrested a couple who allegedly engaged the minors in online pornogra-

phy.

Penalty

Under Republic Act 10364, the Expanded Anti-Trafficking in Persons Act, human trafficking carries a penalty of up to 15 years of imprisonment and a fine of at least P500,000 to P1 million.

Under the law, any person who buys or engages the services of a trafficked person for prostitution shall be imprisoned from six years to 12 years and fined from P50,000 to P100,000.

Mylene Yecyec of DSWD 7 said trafficking victims are placed in a shelter where they undergo counseling.

They get livelihood assistance and skills training.

DSWD also provides assistance during the victim's appearance in court.

National Council of Churches in the Philippines - Urgent Alert, 05.09.2013

Statement On The Harassment Of UCCP Pastor June Ver Mangao

Two unidentified men on a motorcycle went to the house of UCCP member Deborah P. Olarte, in Brgy. Masikap, Mabitac, Laguna on August 20, 2013 between 10:00 to 11:00 a.m. Olarte's residence was three houses away from the UCCP chapel where Pastor June Ver F. Mangao is assigned. Olarte is a younger sister of UCCP Bishop Eliezer M. Pascua.

The men did not introduce themselves but one of them said that he is a resident of Barangay Paagahan.

[...] The men asked for the pastor's name and if he is available. Olarte answered "Pastor June Ver" and that he is not in the chapel. One of the men asked if the pastor will be available on Saturday. Olarte answered she did not know.

The two men then proceeded to the residence of Arsenia Agira in Brgy. Paagahan. Agira is also a UCCP member and UCCP-Mabitac Council chairperson. [...]

The [...] man introduced himself as a member of the CAFGU (Civilian Auxiliary Force Geographical Unit). [...]

The CAFGU member asked questions about the pastor in Mabitac such as his name, the province he came from and, where he and his family live. [...]

Later, the two men in motorcycle visited the house of Susana Palentinos, a deacon of the UCCP in Mabitac. [...] The men said a local police man directed them to her. The men asked [...] if she attends church service at the UCCP in Mabitac. The men also



Action Network Human Rights- Philippines

asked her if she knew the pastor in charge of the church. The men gave a description of the said pastor. Palentinos said she did not know the pastor. One of the men even asked if she has a picture of the pastor that made Palentinos suspicious.

On the same day, Pastor June Ver was in a gathering at the UCCP in Luisiana, Laguna. At past 6:00 in the evening, an unregistered number called him on his cellphone. Pastor June Ver answered the phone and asked who the caller was. The male voice on the other line replied, "Why? Who are you?" Pastor June Ver told the caller, "[...] Since you called up my number, I want to know your name." The male voice replied, "That is not important. Aren't you Pastor Mangao?"

Becoming apprehensive, Pastor June Ver ended the call.

[...] That night, members of the UCCP did not leave the pastor to ensure his safety. Early morning of the following day, August 23, Rev. Paller accompanied Pastor June Ver to a safer location.

On the evening of August 23, Olarte's husband, Fedi, noticed a blue motorcycle stopped in front of the chapel. Onboard the motorcycle were two men whose faces were covered with the helmets they wore. The motorcycle [...] was the same motorcycle used by the men who were looking for Pastor June Ver on August 20.

Theguardian.com, 05.09.2013

Philippine newspaper editor shot dead by gunman on motorcycle

[...] Vergel Bico was shot twice in the head on Wednesday as he rode his motorcycle in Calapan City in Mindoro Oriental province. The gunman fled on a motorcycle, which was driven by another man.

The police chief D'Artagnan Katalbas said the motive was not yet known but investigators were not ruling out the possibility that the killing was related to Bico's work as a journalist. "We are looking at suspected guns for hire here," Katalbas said.

Bico, 41, was editor of the weekly Kalahi newspaper in Calapan, about 75 miles south of Manila.

Ronald Bula, publisher of the *Bandera Pilipino* weekly, where

Sun.Star Baguio, 06.09.2013

Sagada officials condemn watershed bombing

By Gina Dizon

SAGADA, MOUNTAIN PROVINCE -- Barangay officials of northern Sagada and other local government officials condemned the bombing operations of the Philippine Air Force aided by the Regional Public Safety Battalion of the Philippine National Police last August 29 and 30.

Local peace initiatives were called to maintain peace in the community including the banning of both elements of the New People's Army and other armed forces including the Philippine Army from entering the community and the perpetuation of Sagada as a peace zone, Jaime Dugao, the Indigenous Peoples representative to the Municipal Board, said.

Pidlisan tribes composed of six northern barangays earlier called for the demilitarization of Pidlisian from both NPA and the AFP and other armed groups in the late 1980s when a certain elder woman was hit in the crossfire between NPA and the AFP inside the community.

Calls for demilitarization were repeated anew in 2008 and 2010.

In a recent meeting following the August 29-30 incident, barangay officials of the Pidlisian tribes [...] joined some local government officials in condemning the bombing of the Demang watershed ranges located in the tri boundary of Aguid, Sagada; Mainit and Dalican, Bontoc.

Safe drinking water and irrigation for the villagers' rice fields were the major concerns aired during the assembly.

ManilaStandardToday.com, 09.09.2013

On August 25, the UCCP Mabitac church members noticed an unidentified male at the chapel. [...]

On August 29, UCCP pastors, lead by Bishop Arturo Asi and Conference Minister Rev. Victor Paller, conducted a dialog with Mabitac Mayor Ronald Sana. [...]

Mayor Sana summoned Mabitac police Chief Supt. Sonieza. Sonieza confirmed that the two men were intelligence agents of the 1st Infantry Battalion, under the command of Col. Jose Augusto Villareal. Another police named Jackie Bartolome added that these intelligence agents were verifying the pastor's "connections with leftist groups." The Mayor and police refused to give the names of the two military intelligence agents.

Meanwhile, a delegation of pastors and interns from the UCCP National Office left the compound of the South Luzon Jurisdiction (UCCP-SLJ) to return to Quezon City. One of the delegates reported via text messages that two men riding-in-tandem on a bluish Kawasaki were following them until they reached Antipolo. [...]

Several times in 2011, unidentified persons believed to be military intelligence agents, were also reported to be looking for Pastor June Ver.

Bico worked as a columnist for two years before leaving last October, said Bico had recently written about illegal gambling in another Mindoro town.

Last week, the [radio commentator Fernando Solijon was shot dead](#) by a motorcycle-riding assailant in southern Iligan City.

The National Union of Journalists of the [Philippines](#) said Solijon had criticised local politicians on his programme and linked a village chief to illegal drugs.

Nearly 160 journalists have been killed in the Philippines since the fall of the dictator Ferdinand Marcos in 1986, the union said.

Reports noted that water springs tapped for domestic water including some portions of the Mabileng communal irrigation system were hit by recent indiscriminate bombings including irrigation systems servicing the rice paddies at Ambuchaaw and Demang, Aguid, Sagada; Pakanan, Mainit; Matbo and Mapagpag, Dalican, Bontoc.

Aguid barangay chairman Maximo Duyog in an earlier interview said trees must have been hit recalling earlier military bombings, which hit watersheds in the northern areas, as he expressed alarm that gunpowder and bomb explosives pose threat to the villagers' water sources.

The officials also condemned the encampment of the New People's Army inside the community. Members of the RPSB entered the community August 29 to validate an NPA camp which led to an NPA-RPSB encounter and the wounding of two policemen.

Meanwhile, the Cordillera Human Rights Alliance (CHRA) condemned the air strikes and strafing by the Philippine Air force within the Demang mountain ranges.

The CHRA reported the bombings affected the municipalities of Sagada, Besao, Sadanga and Bontoc in Mountain Province and Tubo, Abra.

Indigenous peoples belonging to Fidelisan, Dallic and Bontoc tribes were also affected as air strikes targeted the communal hunting grounds, forest area, coffee and swidden farms and watershed of the five municipalities.

Action Network Human Rights- Philippines

Activist shot dead in Iloilo

By Florante S. Solmerin

A 39-year-old activist was shot dead a member of the police's Regional Special Operation Group last Aug. 25 in Barangay North Baluarte, Iloilo City, said an e-mailed statement from the National Union of People's Lawyers.

NUPL secretary-general Edre Olalia said victim Greg Magusara was a village resident and a member of Kaisog, an urban poor alliance.

"[He] was breadwinner for his family in Negros Occidental. His family sought the help of the Karapatan-Panay which in turn referred his case to the NUPL-Iloilo Chapter," Olalia said.

Olalia identified the suspect as "a certain PO2 Calungsod" who said he acted in self-defense.

"[Magusara] was watching 'tumbo or 'cara y cruz in North Baluarte when a team of police officers from the Regional Special Operations Group arrived. One of them without provocation, pulled his handgun and shot Magasura.

Bulatlat.com, 13.09.2013

Church worker nabbed in Misamis Oriental

By Ronalyn V. Olea

MANILA — A long-time lay worker of a Catholic-run organization was arrested by elements of the Philippine Army, Sept. 8.

Joel Q. Yadao, a member of the Rural Missionaries of the Philippines (RMP), was arrested at around 11 a.m. inside the compound of a Roman Catholic Church in the municipality of Villanueva, Misamis Oriental, according to RMP-Northern Mindanao Region. Yadao, 44, was meeting another lay worker in preparation for the October peasant month campaign.

According to RMP-NMR, a certain Capt. Joe Ryan Manalo of the Philippine Army led the arresting team. Yadao is charged with double murder and multiple murder in connection with the pre-2013 elections armed encounter between Mayor Ruthie Guingona's convoy and the New People's Army (NPA) in the hinterlands of Gingoog City.

Davaotoday.com, 14.09.2013

Leader of Agusanon Manobos killed, hacked in front of children

By Earl O. Condeza

Davao City — A leader of the Agusanon Manobos who evacuated and camped in the city last month was gunned down and hacked to death by unidentified armed men in front of his two children on Friday.

Karapatan Southern Mindanao said Benjie Planos, officer of the group Kahuggungan Alang sa Kalambuan (KASAKA), was driving his motorcycle home with his two children in Barangay Kauswagan when assailants attacked him.

In a text message to Davao Today, KASAKA spokesperson Marilyn Edgames confirmed that unidentified men stopped Planos and forced his kids to disembark. Planos was then shot with a shotgun. His ears and nose were hacked afterwards.

The two kids who witnessed the whole incident were left un-

harm. In a statement, RMP-NMR coordinator Sr. Ma. Famita N. Somogod, MSM, condemned the "trumped-up charges" against Yadao and called for his immediate release.

"We denounce this act of judicial harassment to disable Joel from doing his human rights work for the peasants of eastern Misamis Oriental," Somogod said.

"[...] Somogod said the RMP-NMR office and its staff have been put under intensified surveillance this year, which caused dislocations in their work for the rights of poor farmers and indigenous peoples. [...]"

PNP's Usig scored anew on media killings

By JM Agreda

QUEZON CITY -- Task Force Usig of the Philippine National Police (PNP) lacks focus in solving journalist killings perpetrated by many, at times, at large and well-connected masterminds imbibing the culture of impunity.

But for Police Senior Inspector Al Paglinawan of the PNP Directorate for Investigation and Detective Management and Task Force Usig, they can only do so much to address media killings whose investigations have either gone cold due to law enforcers' lack of investigation skills and the seeming lack of training in handling various pieces of evidence.

The task force with only a handful of investigators, created in 2004, is not only focused in speeding up investigations and coming up with air tight case against perpetrators of media killings as it also handles murders of political activists, labor leaders, foreign national deaths and enforced disappearances.

Paglinawan said since they started monitoring cases of media killings, they have logged and validated some 43 work-related cases, 32 or 74 percent of these with cases filed in court, eight or 19 percent cold cases, two cases closed and two cases under investigation.

But journalist groups such as the National Union of Journalists in the Philippines and other monitoring groups such as the Center for Media Freedom and Responsibility have disparities in their numbers with those of the police.

The Committee to Protect Journalists in its 2013 Impunity Index ranks the country third worldwide only next to Iraq and Somalia in terms of unsolved media killings. This despite President Benigno Aquino III's pledge to reverse impunity in media killings has given the country the third spot worldwide in its fourth consecutive year with 55 journalist murders that have gone unsolved in the past decade.

For once, the biggest single blow to Press Freedom in the country, the Ampatuan Massacre which caused the killing of some 32 journalists and media practitioners is not considered as a work-related violence by the PNP but is still being tagged as an election related violence.

For Freedom Fund for Filipino Journalist legal counsel Prima Quinsayas, the Aquino administration is not serious in solving these cases of media killings, firstly, as the country's chief executive has failed to make a three-word pronouncement such as his administrations will "Stop Killings Now."

Even the Commission on Human Rights has different numbers on their monitoring of media murders. Lawyer Banuar Falcon of CHR's legal and investigation division said since 2001 to 2012, they have monitored 44 cases and 77 victims of media killings.

Unlike the PNP, Falcon said they do not distinguish between work related killings or not and stressed that media murders "killing a media practitioner already forfeits the public right's to know something."

This apparent disparity in media killing statistics [...] and President Aquino's lack of commitment to end the killings have caused a drag in the resolution of cases against perpetrators, says Quinsayas. [...]"

Sun.Star Bacuio. 17.09.2013



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were behind Planos' murder.

Edgames condemned the killing saying it was meant to silence the Manobos and stop the opposition to the palm oil plantation.

Last July, harassments from the military and the Baganis prompted some 800 Agusan Manobos to leave Loreto, especially after appeals to Agusan del Sur provincial officials bogged down.

The evacuees stayed in Davao City for 17 days, and returned

Karapatan Press Release, 17.09.2013

Karapatan condemns the series of arbitrary arrest and illegal detention of civilians, calls it a repeat of mistaken identity cases

What was supposed to be a vacation turned out to be a nightmare for three local tourists Aileen Cruz, Rey Busania, and Ofelia Inong when they were arrested without any warrant on September 10 by joint operatives of Regional Special Weapons And Tactics (SWAT), the Philippine National Police led by Senior Supt. Ulysses J. Abellera, and the Armed Forces of the Philippines.

Cruz, Busania and Inong were brought and detained at Mt. Province Provincial Police in Bontoc. The three were only brought to the fiscal's office on September 11. Cruz and Busania were initially cleared of any cases. Inong was shown a warrant of arrest against her under the name of "Lolita Loguibis", an alleged finance and logistics officer of the NPA. The PNP claimed that Inong is "Loguibis".

Even without a charge, Busania was not released. Later in the day, a warrant of arrest from Madella, Quirino was issued against Busania.

The arrest followed the series of indiscriminate bombing in the northern villages of Sagada supposedly in pursuit of members of the New People's Army. The bombings destroyed communal rice fields, hunting grounds, and water source.

"The military's claim that Rolly Panesa is 'Benjamin Mendoza' was proven wrong and unjust. Now they did it again to Ofelia Inong by insisting she is 'Lolita Loguibis' supposedly a finance and logistics officer of the NPA. 'Loguibis' reportedly has a PhP

home after securing assurance of their safety in a dialogue with Loreto Mayor Dario Otaza and Eastern Mindanao Command Commanding Officer Lt. General Ricardo Rainier Cruz III.

The dialogue, brokered by City Mayor Rodrigo Duterte, concluded with an agreement providing, among other things, that the military and local authorities in Agusan should have "no retaliatory action against the bakwits and the leaders of KASAKA."

Free Ericson Acosta Campaign, 17.09.2013

Call for release of Ericson Acosta, land reform advocates arrested in Hacienda Luisita

We have a pork barrel king and a despotic landlord for a President.

The Free Ericson Acosta Campaign (FEAC) calls for the immediate and unconditional release of former political prisoner and cultural worker Ericson Acosta and 11 other delegates to a Hacienda Luisita fact-finding mission violently arrested by the Philippine National Police (PNP) Tarlac early today.

Palace washes hands off congressman's arrest in Luisita

By Willard Cheng

MANILA - Malacañang said it had no hand in the reported arrest of a party-list representative and others who were said to be participating in a fact-finding mission in Hacienda Luisita.

Presidential spokesperson Edwin Lacierda said the arrest of Anakpawis party-list Rep. Fernando Hicap and several others in Hacienda Luisita was a "law enforcement issue" and is letting the courts handle it.

"I was surprised that there was an incident that happened in Hacienda Luisita, and then we got a report late [...]. They have both sides, versions of the story, so we'll let the appropriate courts handle the issue," Lacierda told reporters.

Activist group Pamalakaya said Hicap and 11 other agrarian reform advocates were conducting a fact finding mission at the hacienda when they were arrested by Tarlac police under the command of police deputy chief Jovy Pagarigan. [...]

They are facing charges of illegal assembly, trespass to dwelling, direct assault and malicious mischief

ABS-CBN News, 18.09.2013

2.05M bounty on her head, just as 'Mendoza' had PhP 5.6 million," said Karapatan secretary general Cristina Palabay.

"This reward/bounty system is getting out of hand and becoming more dangerous, victimizing any person, at random, for the military and police to get the reward money," Palabay lamented. The PhP 5.6 million bounty for the arrest of 'Benjamin Mendoza' was rewarded to an unidentified person for Panesa's arrest. We don't even know where that PhP 5.6 million of people's money went. This reward-bounty system must stop!" Palabay said.

In Misamis Oriental, Joel Quintana Yagao, a lay co-worker of the Rural Missionaries of the Philippines (RMP) was arrested on September 8. [...]

Karapatan-Northern Mindanao secretary general Fr. Chris Ablon and his co-workers in RMP attest Yagao has been a long time lay co-worker assisting farmers in their struggle for their right to land and life.

"This is how arbitrary the Aquino government is, and its counter insurgency program Oplan Bayanihan," said Karapatan secretary general Cristina Palabay. "The government's arbitrariness is so obvious it takes anyone, even civilians, for false charges."

Prior to Yagao's arrest, two other farmers in Gingoog were arrested for the said shooting incident. [...]

Karapatan demanded the immediate release of Yagao, Busania, Inong, and all political prisoners. "Stop arbitrary arrests and illegal detention!" the group said.

In a text message, Ericson Acosta describes the arrest as follows: *We were charged with malicious mischief, illegal assembly, direct assault, and trespassing. I lost my slippers during the violent arrest and we were only read the Miranda rights at the police headquarters where we are currently detained.*

With me arrested are Anakpawis Representative Fernando Hicap, Danilo Ramos of Anakpawis party-list, Florida Sibayan, acting chairperson of Alyansa ng Magbubukid sa Asyenda Luisita (AMBALA), Sister Patricia Fox of the Zion Sisters, Kerima Tariman, Rene Blazan, Karl Mae San Juan of Anakpawis, Ronald Matthew Gustillo, Luz Versola, Pong Sibayan of Unyon ng mga Manggagawa sa Agrikultura (UMA).

Walking back to Balete, where the picket line of the farm-workers is located, we were violently arrested upon the order Supt. Razalan. The arresting police force consisted of seven armed men in plain clothing and armed supervisors of Cojuanco-owned Tarlac Development Corporation.

Four women were injured during the arrest including AMBALA acting chair Florida Sibayan, who passed out and incurred a head contusion. [...]

If the police will not drop charges against us, we will remain here for the night as it is Makabulos Day.

In a desperate move to maintain its illegal and contested ownership of the more than 6000-hectare Hacienda Luisita, the Cojuanco-Aquino family mobilizes the repressive forces of the police and military to terrorize and inflict violence on land reform advocates and famers.



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Hacienda Luisita has historically been the economic base upon which the Cojuangco-Aquino built and maintained its political power. With the Supreme Court decision ordering the distribution of this vast land to the farm-workers, the Conjuangco-

Aquino family, through no less than President Benigno Aquino III, continues to wield its political power to enforce fascism against the farm-workers and advocates of genuine land reform advocates.

UPDATE ON CASES OF HR VIOLATIONS

Inquirer Southern Luzon, 01.09.2013

Marinduque folk lose case vs mine firm

By Maricar Cinco

SAN PEDRO, Laguna—A regional trial court in Marinduque threw out a case filed against Placer Dome Inc., the mining company that a group of fishermen sued for the damages caused by 16 years of dumping tons of mine tailings into the Calanacan Bay on Marinduque Island.

The dismissal order, penned by Judge Emmanuel Recalde of the Regional Trial Court (RTC) Branch 38 in Boac, came as negotiations for a settlement continued between the Marinduque provincial government and Barrick, the global gold-mining firm that absorbed the Vancouver-based Placer Dome in 2006. Placer Dome was the parent company of the now defunct Marcopper Mining Corp., which was responsible for the 1996 toxic mine tailing disaster on the island.

In the RTC order dated July 5 [...] the court granted Placer Dome's motion to dismiss the class suit filed against them by the Calanacan Bay Fisherfolk Federation.

The fishermen filed the case on July 23, 2004, and claimed actual damage to people's health and livelihood as results of the dumping of the company's toxic wastes into the Calanacan waters.

"The court finds the contentions of Placer Dome as regards [the]

lack of personal jurisdiction to be sound. There appears to be no dispute that Placer Dome [and Barrick] are nonresident, foreign corporations," read Recalde's order [...].

The court, however, denied the motion to dismiss the charges against Marcopper, which was a corespondent in the class suit. Marcopper had ceased operating after the 1996 mine disaster.

The Calanacan case was one of the seven damage claims and environmental complaints filed separately by Marinduque residents in Philippine courts against the mining corporation and its officials.

The rest of the cases, including a petition for the rehabilitation of the Calanacan Bay and the rivers of Boac and Mogpog filed in the Supreme Court, remained pending.

The provincial government, through Gov. Carmencita Reyes in October 2006, filed a \$100-million law suit against Placer Dome in a district court in Nevada.

Marinduque's counsel in the Nevada case, Walter Scott, said the ongoing negotiations with Barrick were "intended to bring some resolution to the situation, where [Marinduque] gets funds," and put to rest an almost two-decade-old mining issue. [...]

Asian Human Rights Commission – Urgent Appeal Programme, 02.09.2013

Police attempt to arrest a falsely charge activist whose arrest order had been cancelled

Dear friends,

The Asian Human Rights Commission (AHRC) writes to inform you that police officers attempted to arrest a labor activist despite a court order revoking the warrant. The policemen went to the victim's house, harassed his wife and demanded that she disclose his whereabouts.

UPDATED INFORMATION (Based on the information received from Tambuli ng Mamamayan Network and Defend Job Philippines):

At 8 am [...] September 1, Police Officer (PO) Padua, who claimed to be attached to the Warrant of Arrest Section of the Las Pinas City Police Office (LPCPO), and three others, went to the house of Roy Velez in Las Pinas City to arrest him.

Velez is one of the activists who were falsely charged for allegedly killing ten soldiers and a civilian in Tinoc, Ifugao on April 25, 2012 and for the killings of four soldiers in Labo, Camarines Norte on April 29, 2012 in ambushes.

Velez' wife, Anna, met the police officers and asked why they were looking for him. But Padua yelled at her, and intentionally waved the copy of warrant of arrest on the murder case in Lagawe, Ifugao for the entire neighborhood to see. Anna argued that the arrest order has already been revoked, but they kept on shouting at her: "Where is he?! Where is Roy Velez?!"

When Anna asked for a copy of the arrest order, the policemen refused. They eventually left because the victim was not at home.

In our earlier appeal, we reported that on July 26, 2013, Romeo Habbiling, presiding judge of the Regional Trial Court, Branch 14,

Lagawe, Ifugao, made an order partly in favor of Velez and his three other co-accused, revoking the arrest orders issued on them. The court held the victims should be given opportunity to answer the allegations on them.

The AHRC considers the attempt to arrest Velez by law enforcers an attack on the authority of the judiciary. The action of the police is not only illegal, but intolerable as it ignores and undermines the power of the judiciary as the final arbiter of the law. [...]

The AHRC calls upon the Philippine National Police (PNP) to take responsibility for the actions of their policemen, in particular PO Padua and his three colleagues. If no action is taken against these policemen, it would be a clear indication that the PNP, as a policing institution, have no control over the policemen they employ.

Unless this is corrected it will send a message to the public that the police can take the law into their own hands, disregard the judiciary and get away with it.

Davaotoday.com, 02.09.2013

Oil palm company rehires 'unjustly' axed 293 union workers

By Mick Basa

Davao City – The country's largest oil palm plantation based in Agusan del Sur rehired its 293 workers who were 'unjustly' terminated last year after a 62-day strike, the Center for Trade Union and Human Rights (CTUHR) reported.

The CTUHR said the Filipinas Palm Oil Plantation, Inc. (FPPI)

"decided to rehire" the union members after its management settled with union officials.

"They have been rehired in casual status. Some may not be coming back since others have found other jobs," the statement quoted FPPI workers union president Elmer Jamerol.

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The workers were dismissed on October 2012 when DOLE conducted an ocular inspection on reported labor violations, said CTUHR. The company made 'an apparent retaliatory move' by dismissing workers who were interviewed by DOLE, except for 11 others who were re-hired after signing waivers.

The workers complained to DOLE about the company's non-payment of 13th month and holiday pay, non-implementation of service incentive leave, absence of rest day, and the non-provision of personal protective equipment to the 600 workers in the plantation, lack of mandatory social benefits, health care and housing premium.

The company's action prompted the union to stage a strike for 62 days starting in November 27, 2012. The labor secretary

Bulatlat.com, 04.09.2013

Military, police sued for torture, unlawful arrest, perjury

By Ronalyn V. Olea

MANILA – Rolly Mira Panesa is trying to rebuild his life but he refused to just forgive and forget.

Panesa, a security guard, was [...] arrested by state security forces on October 5, 2012. Panesa, who the military accused as being alleged communist leader Benjamin Mendoza, was



Security guard Rolly Panesa, who the military claims is CPP officer Benjamin Mendoza, showing marks of what human rights activists say was the torture he underwent after his capture by the military last year. (file photo from Karapatan)

charged with rebellion and detained for almost 11 months at Camp Bagong Diwa, Taguig City.

On August 30, Panesa was released from prison after the Court of Appeals granted his habeas corpus petition and [ruled that it was a case of mistaken identity](#). [...]

Charges

Panesa filed charges of torture, unlawful arrest, incriminatory machination and perjury against several military and police officials and witnesses presented by the military in court. [...]

In his complaint-affidavit, Panesa said he is not Benjamin Mendoza. He recounted how he and his companions were arrested on October 5, 2012. "They did not present us any warrant. They did not inform us why we were being arrested," Panesa told *Bulatlat.com*.

Lawyer Ephraim Cortez of the NUPL told the media that even as the authorities knew he was Rolly Panesa and even after

Asian Human Rights Commission Statement, 05.09.2013

Why journalists should be convicted for libel for publishing a police report?

After nine years of trial, on September 3 Stella Estremera, editor-in-chief of Sun.Star Davao; and Antonio Ajero, the newspaper's former publisher, were convicted by a local court in Digos City for a criminal case of libel. They were convicted based on the complaint of Baguio Saripada, a former city government employee, after his name was included in the list of 32 suspected drug users and pushers who surrendered to the police. The

handed down its assumption of jurisdiction on January 18 this year but the workers only lifted the strike on January 31.

DOLE issued a return-to-work order to FPPI which the company denied.

But now with the rehiring of these workers, Jamero said the union is fighting for the regularization of the 293 workers.

FPPI is the largest oil palm plantation in the Philippines, with 8,000 hectares of land area in Francisco, Agusan del Sur, according to the Congressional Oversight Committee on Agricultural and Fisheries Modernization.

The company is owned by Filipino (60%) and Indonesian (40%) investors which started operating in 1981.

Panesa presented documents and IDs issued by government agencies, they still refused to believe and release him.

Torture

Although Panesa admitted he could no longer remember the beatings he was subjected to after the arrest [...]. "I knew I was beaten up because my eyes, lips and cheeks were swollen. There was blood in my ears," he said in Filipino in his affidavit.

Dr. Geneve Rivera who examined Panesa four days after the arrest said that injuries inflicted on Panesa were not more than seven days old. [...]

Rivera added that the Bureau of Jail Management and Penology in Camp Bagong Diwa refused to receive Panesa because he was "bloodied." [...]

Cortez said those who arrested Panesa should be held liable for violating the Anti-Torture Law and the Republic Act 7438 or the Rights of Persons Arrested, Detained or Under Custodial Investigation.

Meanwhile, [in a report](#), Armed Forces public affairs chief Lt. Col. Ramon Zagala insisted that Rolly Panesa is Benjamin Mendoza despite the CA ruling on Panesa's case. "We are very firm that Rolly Panesa and Benjamin Mendoza is one and the same person based on facts and witnesses," Zagala said in the report.

In its August 27 decision, the CA Fifth Division said police officers were lying when they stated that confidential informants were with them before and during the arrest of Panesa.

Two weeks before the CA decision came out, AFP chief of staff Emmanuel Bautista himself awarded P5.6 million (\$128 thousand) to tipsters who provided information that led to the arrest of Panesa.

Cristina Palabay, Karapatan secretary general, said the CA has effectively questioned all the testimonies of the "confidential witnesses" presented by the military.

"There really are crooks in the government who think they are above the law, like lawyer Alex Alberto Popanes of the Philippine Army Judge Advocate General's Office (PA-JAGO), who, even with the Court of Appeals' (CA) decision to release Panesa, tried to delay the latter's release by arrogantly pressuring the jail warden and officials of the Bureau of Jail Management and Penology (BJMP). [...]" Palabay said.

Popanes is charged with incriminatory machination. [...]



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involving journalists in the Philippines.

However, unlike previous convictions on libel cases, Estremera and Ajero were convicted not because their article was critical, but because they quoted a police report in it. In that report, the source of information by the Reporter is a police blotter or report.

In Estremera and Ajero's case, the judgement is a regression to the standard of test and the threshold of what constitutes a crime of libel.

In the Philippines, libel is still a criminal offence in Article 355 of the Revised Penal Code (RPC), and imposes a penalty of imprisonment and fine. The Government defended the keeping of libel as a criminal offence by law to protect 'reputation' and 'constitutional rights' of the aggrieved person. It argued that the "enjoyment of a private reputation is a constitutional right" and that individuals are protected by law from "slandorous attack".

Sun.Star Cagayan de Oro, 17.09.2013

Lumads to DENR: 'Stop the encroachment of our lands'

By Anjo Bacarisas

AROUND a hundred members of the Talaandig and Higanooon tribes from Bukidnon trooped to the Department of Environment and Natural Resources (DENR) in Northern Mindanao Monday afternoon to express their concern over the encroachment of logging and mining companies and other agri-business entities into their ancestral lands.

[...] "The rapid expansion of corporate plantations, mining, and logging corporations have brought destruction to the lumads' ancestral lands," said Perfecto Goaynon, chairperson of the Bukidnon-based indigenous people (IP) group Pigyayungaan.

He added that apart from the damage that these corporations have brought to the once peaceful hinterlands, the brainwashing of some lumad leaders by the corporations' forerunner have caused division among the once united lumad communities.

"Unfortunately, out of more than a million hectares of land that

[...]

The impact of the court's decision, if it is not corrected, would be that any journalist, who reports and quotes official reports can be prosecuted, tried and imprisoned. We are deeply concerned by the negative impact of the court's decision. This decision exposes any journalist to unnecessary risks or threats of criminal prosecution.

This could further lead to self-censorship, a decline in critical thinking, and of demanding accountability from government employee and officials.

The AHRC, therefore, urges the local court to reconsider its judgement. If this judgement is neither corrected nor challenged, it will give rise to serious repercussions to the already fragile and narrowing space of the exercise of freedom of expression in the country. [...]

were approved by the Mines and Geosciences Bureau (MGB), 60 percent of it are within the ancestral domains of the lumad communities," he said.

Kalumbay Regional Lumad Organization chairperson Jomorito Goaynon said that 51 mining companies filed an application to MGB to operate in Bukidnon, especially in the Pantaron range.

"Five out of those 51 mining companies are now operating in the province," Jomorito said.

Based on the data gathered by Kalumbay, the development aggression under Aquino's administration have taken 35 lives since 2010.

The death of Matigsalug leader Jimmy Liguyon and the IP leader from Opol, Gilbert Paborada, are the most woeful reminder that the government is not on their side. [...]

Cordillera Human Rights Alliance, 17.09.2013

Balao Family Statement

Dear everyone, James was lost to us on this day [17.09.2008]. Maybe you remember. Yes, he is the same person still missing. James Balao, our brother - the same person abducted by the military and the same man we, his family and closest friends seek to this day. Five long years of worry, unsettling emotions and feelings, anger and anguish, frustration, being threatened ourselves for trying to find him... name it...we have gone through it.

Five long years passed, to those who have him, please, have a heart and let him come back home to us. If you killed him, like what our late father said, give us back his bones so that we can give him a proper burial

James was abducted under President Gloria Macapagal-Arroyo and her brutal internal security policy Oplan Bantay Laya. She was heartless. Hundreds went missing like James and more than a thousand people were killed and tortured. Enemies of the State subjected to the terror of the policy are teachers, doctors, nurses, journalists, educators, agriculturists, social workers, even stu-

dents, farmers, indigenous peoples - honorable men and women who have the will to serve their fellow men. These are the people who tirelessly help the people safeguard their land and rights.

It is painful to see that this violation continues to this day with no desaparecido reunited with his or her family and that to this day, the present President allows enforced disappearances under his Operation Plan Bayanihan.

Together with our family, the Cordillera Peoples Alliance, Cordillera Human Rights Alliance, Desaparecidos, various local and international groups, we continue our search for James Balao and the campaign to end enforced disappearances.

We want our brother back home. We need him and we miss him. His friends need him too and so do the people whom he had served

We will not stop until we find him.

For justice and freedom,

Nonette Balao, Winston Balao, Joni Balao-Strugar

Pinoyweekly.org, 20.09.2013

Indigenous people in ComVal declare war vs large-scale mining

[...] Various tribes of indigenous people in Compostela Valley signed a unity pact, called *tampura*, to fight a large-scale mining corporation affiliated with San Miguel Corp. that is set to operate in the area.

Heads of Mangguangans, Mandayas and Matigsalug condemned the SMC-affiliated and Cojuangco-owned Agusan Petroleum and Minerals Corp. (AgPet) for "renewed encroach-

ment to their land, while they still have to recover from the ravages caused by Typhoon Pablo."

The unity pact involved lumad prayers and a slaying of a red rooster led by Datu Matunao, a Matigsalug leader. The indigenous leader led the throwing of the rooster's head in the direction of the Compostela town Hall signifying their condemnation of large-scale mining.



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AgPet had acquired an exploration permit for mining of more than 12,000 hectares in Compostela Valley.

The indigenous tribes launch a "pangayao", or a traditional war waged by tribes which have a warrior or bagani system.

The leaders said it is the first time that the various tribes united, along with other sectors, in opposing a foreign company encroaching upon their ancestral lands.

Karlos Trangia, one of many Typhoon Pablo survivors, said the unity pact, or "tampura", shows how the indigenous tribes are

now being pushed to united against large-scale mining and the operations of the Armed Forces of the Philippines that has been securing these operations.

"We will continue to stand our ground until our last breathe to defend our land and life. We have yet to see our crops yield new fruits, to see that trees will bloom again in the forests of ComVal and now, AgPet - SMC in cahoots with the Aquino government will destroy our lands, our life for good. But this we shall not allow to happen," said Trangia.

Sun.Star Bacolod, 23.09.2013

Kins of slay victims ask for probe results

By Teresa Ellera

THE families of victims of extrajudicial killings in Escalante, Negros Occidental are asking the administration of President Benigno Aquino III to come out with a report of the Task Force Escalante about the series of killings in their city.

Teresita Damalerio, mother and sister of two victims of summary killings in Escalante, said they were not given the permit to hold a rally at the public plaza last Saturday by the Escalante City Mayor's Office.

Despite the absence of permit, the group led by the Save Negros Movement, an alliance of families of the victims and their allies and Partido Lakas Ng Masa, a national political independent party that had launched a nationwide political campaign in support of the victims since 2013, continued with the rally.

Damalerio said they have been expecting the report of the task force that was created by the President in 2012.

Damalerio lost her son, Ferjun, in November 2007 and brother Sergio Villadar three years later.

She said the tragedies prompted her to link arms with other relatives of summary slay victims in Escalante to collectively campaign for the end of impunity in the city, and for the masses to be empowered politically.

This is so they will not be treated as pawns in the power struggle among local political elites, she said.

From 2007 to 2013, a total of 28 men were killed in the city.

PLM secretary-general Leody de Guzman said the Escalante massacre haunts not only in the city, but also in the entire country because impunity is still employed.

"Instead of killing and oppression, we should rather focus on development and giving employment to the people to end poverty in the countryside", De Guzman said.

MAGUINDANAO MASSACRE

Philstar.com, 18.09.2013

Defense quizzes CHR prober report on Maguindanao massacre

By Mike Frialde

MANILA, Philippines - Defense lawyers in 2009 Maguindanao massacre case on Wednesday sought to demolish the credibility of an investigator of the Commission on Human Rights (CHR) who was presented as a witness by the prosecution for the massacre's 58th victim, Midland Review photojournalist Reynaldo Momay.

During the re-cross examination of CHR investigator Ronie Rosero, at the hearing done at the secured courtroom of the Quezon City Regional Trial Court Branch 221 inside the Quezon City Jail annex at Camp Bagong Diwa, defense lawyers alleged that his report on the case of Momay was riddled with omissions and was allegedly biased in favor of the side of now Maguindanao Governor Esmail "Toto" Mangudadatu.

Defense lawyers in particular zeroed in on the alleged omissions made by Rosero in his addendum to his after mission report which he submitted to then CHR chairman Leila de Lima.

In particular, defense lawyers grilled Rosero on why he did not mention in his addendum that the backhoe used in unearthing the bodies of the massacre victims was owned by the Mangudadatus, that video footages following the massacre were

furnished to the CHR by the Mangudadatus and why details on how Momay's alleged "partial left upper denture" was recovered at the massacre site in Sitio Masalay, Ampatuan town were left out in the addendum to the after mission report.

Prosecution lawyers have earlier presented to court the recovered partial left upper denture as proof of Momay's presence in the massacre site. Aside from the denture, investigators have not found Momay's remains or any other evidence to place Momay at the massacre site.

The recovered partial upper left denture was earlier identified as Momay's by his daughter, Ma. Reynafe Momay-Castillo.

Rosero however countered that the supposed omissions in his addendum report have been included in his supplemental report.

Rosero also denied allegations made by defense lawyers that he had withheld information from the CHR which he then allegedly passed on to prosecution lawyers.

Meanwhile, Maguindanao Governor Mangudadatu is expected to take the witness stand Thursday as the hearing of the massacre case continues at the sala of Judge Jocelyn Solis-Reyes.

ZAMBOANGA STANDOFF

Human Rights Watch Press Release, 19.09.2013

Abuses by Government, Rebel Forces in Zamboanga Conflict, Both Sides Need to Do All They Can to Prevent Further Loss of Civilian Life

(Zamboanga City) – Philippines security forces and Muslim rebels have committed serious abuses during fighting in the southern city of Zamboanga, [Human Rights Watch](#) said today. After taking over five coastal villages on September 9, 2013, the [Moro National Liberation Front](#) (MNLF) took dozens of residents hostage, though many have since been released. The [Philippine military](#) and police have allegedly tortured or otherwise

mistreated suspected rebels in custody.

In one incident, rebels used Christian hostages as human shields, whom Philippine government forces attacked, apparently indiscriminately, Human Rights Watch said. [...]

The government responded to the rebel intrusion by sending in thousands of troops, blocking off the villages, and "clearing" most areas of rebel elements, officials said. More than 112,000



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residents have been displaced by the fighting as of September 18, according to the [Department of Social Welfare and Development](#).

Human Rights Watch has interviewed villagers held hostage, MNLF rebel suspects, relatives of victims, police officials, and officials from the Commission on [Human Rights](#).

Allegations of Mistreatment

On September 18, Philippine authorities announced that rebellion charges were being prepared against 70 of the 93 suspected members of the MNLF in custody. [...]

Human Rights Watch interviewed six suspected MNLF rebels jailed at the Zamboanga Central Police Office who alleged that they had been mistreated. Five said police or military agents interrogated them by putting a plastic bag over their head, suffocating them. They said they were also punched and kicked by their interrogators. The suspects said their interrogators sought to force them to confess to being MNLF members. One told Human Rights Watch he admitted as much because he "couldn't stand the pain anymore." [...]

At the [Philippine National Police's](#) Camp Batalla in Zamboanga City, three men and two boys aged 14 and 17 were handcuffed to each other since September 12. [...] Police officials said on September 18 that the five were no longer suspects and would soon be released.

Police officials told Human Rights Watch that they had arrested dozens of people since the fighting erupted but had since released most of them. One of those arrested was a man with a mental disability who was accused of being an MNLF rebel – the police at first refused to release him or permit his family to see him, but eventually freed him without charge.

Under Philippine law, authorities must charge criminal suspects within 36 hours or release them. Most of the rebel suspects in custody had not been charged after up to 10 days in cramped jails. Interior Secretary Mar Roxas told a media briefing on September 18 that charges had not been brought because the offices of the Department of Justice in Zamboanga City have been closed since the crisis began.

"The government has a responsibility to ensure that everyone taken into custody, including suspected rebels, are treated humanely," Adams [Asia director at Human Rights Watch] said. "Closing down the [Justice Department](#) offices is no excuse for seeing that those arrested are properly charged or released."

Rebel Hostages and "Human Shields"

The MNLF rebels that took over the coastal villages at one time held perhaps hundreds of residents hostage in different locations and used them as human shields to deter Philippine army attacks, Human Rights Watch said.

Michelle Candido, 27, told Human Rights Watch that she, her husband George, and son Jeomi, 2, were inside their home on Lustre Street in Zamboanga City on the morning of Monday, September 9, when they heard gunshots. [...] They sought refuge at a Christian church down the street but were intercepted by the rebels. The rebels herded them into the church where they were joined by more than 50 other residents, six of them Michelle's relatives. All were Christians as the rebels had freed those who were Muslim.

"They did not hurt us but they warned us that if we tried to

escape, they would shoot us," Candido said. At 10 p.m. that night, the hostages, including many children, were moved to a daycare center where they were fed snack food and soft drinks.

Two days later, on September 11, the rebels tied up the hostages and directed them to move to the center of the street outside. For two days, amidst sporadic sniper and automatic weapon fire in their area, from 10 a.m. until evening, the hostages would stand outside under the sun. They would shout "Ceasefire!" every time a helicopter passed by or if they saw soldiers aiming their rifles at them [...].

At around 10:30 a.m. the hostages were ordered out into the street with rebels armed with rifles taking cover behind them, using them as human shields. Candido said that as soon as they were out, gunfire erupted between the military and the rebels. [...] One of the hostages was struck by gunfire and killed.

The hostages and the rebels tried to seek cover. For several hours, until 4 p.m., the shooting continued, stopping intermittently, Candido said. [...]

Three military vehicles, which Candido described as tanks but likely armored personnel carriers that were widely used in this conflict, then arrived:

We got up and shouted "Ceasefire!" But the tanks started shooting at us. One old man was hit and died. One man in a yellow shirt died, too. The firing went on and on until we had no choice but jump into the sewer, whose cover had been removed by the rebels so they can turn it into a shield. [...]

The shooting continued and suddenly there was a huge explosion right above the sewer. "We must have lost consciousness for a moment," Michelle said. When she came to, she felt Jeomi's head and it was bloodied, but he was alive. Her right pinkie finger had been hit. Her husband was unharmed. [...]

The next day, the rebels let Michelle and her child go, but not her husband. Jeomi died at the hospital 24 hours later and George was among those released on September 17.

International Law

In the fighting since September 9, both state security forces and the MNLF have acted in violation of international law. The "taking of hostages" and "cruel treatment" by all parties to a conflict is specifically prohibited by international treaty law. Customary international law also prohibits deliberate attacks on civilians, attacks that do not discriminate between civilians and combatants, and attacks in which the anticipated harm to civilians is greater than the expected military gain. Parties must take all feasible steps to protect civilians and avoid deploying in densely populated areas. The use of "human shields" – deliberately using non-combatants to deter an attack – is a serious violation. However, violations by one side never justify violations by the other. Thus, the holding of hostages and use of human shields by the MNLF does not permit the Philippine army to conduct attacks in disregard of the civilians who have been placed at risk.

International law prohibits torture and other ill-treatment of persons in custody. [...] The government has an obligation to investigate those responsible for the mistreatment of persons in custody and discipline or prosecute them as appropriate. [...]

PEACE PROCESS

InterAksyon.com, 18.09.2013

'Process not ended' but 'peace constituency' needed to press NDF, GPH to resume talks

By Nonoy Espina

OSLO, Norway – [...] The peace process involving communist rebels and the government "has not ended" and could even resume within the remaining term of President Benigno Aquino III.

However, Norwegian Special Envoy Ture Lundh, the third-

party facilitator in the negotiations between the government and the National Democratic Front, said there is a need for a "stronger, bigger peace constituency" to pressure both parties to continue talking and seeking a negotiated end to the almost 45-year old communist insurgency, the longest-running in Asia, if not the world.



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Asked about the status of the peace talks with the NDF [...], Lundh called it "a process" of "continuous communication" and stressed that, "The most important thing is that the process has not ended."

From late last year to late February this year, NDF and government representatives embarked on a series of discussions in Amsterdam and The Hague -- there was also what Lundh called "a very good meeting" with President Benigno Aquino III in Malacanang -- on a so-called "[special track](#)" that could have accelerated the peace process.

This was actually based on a 2005 NDF proposal for a "truce and alliance based on a general declaration of common intent" that the rebels suggested be discussed "on a special track" separate from the formal peace talks, or "regular track."

Under the proposal, both parties would form a "Committee of National Unity, Peace and Development" to implement agrarian reform, rural development and national industrialization.

"On the basis of the above-mentioned points, a truce would be declared and implemented," NDF chief negotiator Luis Jalandoni was quoted by news reports as saying early in the discussions. [...]

The optimism was such that, at the December 2012 meetings in The Hague, the panels of "special representatives" from both parties agreed to the longest Christmas season [ceasefire](#) in the history of the insurgency, running 27 days from midnight of December 20 to midnight of January 15, 2013. [...]

"Both (parties) had a realistic hope that the special track would really be able to (let them) reach (a peace) agreement much faster," Lundh recalled.

MindaNews.com, 20.09.2013

Progress made in 10-day GPH-MILF talks but no annex signed

By Carolyn O. Arguillas

DAVAO CITY - The government and Moro Islamic Liberation Front (MILF) ended their ten-day talks Friday afternoon in Kuala Lumpur with none of the two remaining annexes signed.

The two panels, however, signed a Joint Statement "welcoming the gradual return to normalcy in the lives of the people of Zamboanga City" and acknowledging the "challenge.. to ensure that the peace process... should make a lasting contribution to the task of building peace and understanding among all peoples in Mindanao." [...]

She [Government peace panel chair Miriam Coronel-Ferrer,] explained that it is taking them a long time to thresh out the details in the last two annexes but it is "necessary to ensure that the end results will bring about positive change and less conflicts. Not the other way around." [...]

The panels began their 10-day talks in Kuala Lumpur on September 10, a day after some 200 MNLF forces under founding chair Nur Misuari laid siege on at least four of 98 villages in Zamboanga City, holding hostage at least 170 residents.

Day One of the talks ended with a Joint Statement signed by both condemning "in the strongest terms the violence concurrently being inflicted in Zamboanga City." [...]

Ten **days**

FURTHER READINGS

Hronlineph.com, 25.09.2013

UN Special Rapporteur on torture Juan E. Méndez's report focusing on the UN Standard Minimum Rules for the Treatment of Prisoners (SMRs)

The publication of the Special Rapporteur on torture and other cruel, inhuman, and degrading treatment and punishment, Juan E. Méndez ([SRT](#)) latest thematic report focusing on the [United Nations Standard Minimum Rules for the Treatment of Prisoners](#) (SMRs) as they relate to legal standards pertaining to torture and cruel, inhuman and degrading treatment or punishment. [...]

The report reflects on several areas that are being targeted for review and analyzes their relationship with the international prohibition of torture and ill-treatment by identifying procedural standards and safeguards that States are obliged to implement in this respect. [...] Please click [here](#) to view the complete report.

So promising, in fact, that according to the NDF, presidential political adviser Ronald Llamas suggested that Aquino and Sison might [meet](#) in Hanoi, reminiscent of a much touted one-on-one with Moro Islamic Liberation Front chairman Al Haj Murad Ebrahim in Tokyo.

[...] "But after a couple of months, bad things, misunderstandings started coming out." [Lundh said]

The discussions on the special track eventually [collapsed](#) during the February meetings, with the NDF blaming government for its insistence on "simultaneous unilateral and indefinite cease-fires in disparate areas only to reduce the level of violence" but without discussing the main roots of the conflict, while the rebels were accused of obsessing on their "precondition" for the release of jailed consultants.

Since then, there has mostly been recrimination from both sides, with government announcing a "[new localized approach](#)" that would bypass the rebels' national leadership and which the NDF said was "cover" for government plans to scuttle the talks, and a spike in armed clashes following rebel announcements of more operations against government targets.

[...] "That's where it is right now, (with both parties) looking for ways to move forward." [...]

However, he did say that, "We definitely see the possibility of the process resuming" within the remainder of Aquino's term, which ends in 2016.

Nevertheless, he said another player, albeit one that may not be so visibly involved, may need to come into play more openly to help make this happen -- the peace constituency. [...]

[...] [MILF peace panel chair Mohagher] Iqbl told MindaNews they spent "seven or eight days" on the Annex on Power-sharing and that the number of consensus points has increased. [...] The parties also reached several consensus points on the Annex on Normalization, he said.

Canada heads Independent Commission on Policing

The panels on February 27 this year signed the Terms of Reference for the Independent Commission on Policing (ICP).

The ICP was convened by the Parties on September 10, Day One of the talks. As agreed, the ICP shall start work by mid-October.

The ICP is provided in the Framework Agreement on the Bangsamoro (FAB) that the parties signed in Malacanang on October 15, 2012. The FAB provides that the [...] that the parties would work for the creation of a new autonomous political entity named the Bangsamoro.

Under the FAB's Chapter VIII on Normalization, the parties agreed that the Independent Commission be organized "to recommend appropriate policing within the area."

[...] Randal J. Beck, Assistant Commissioner of the Royal Canadian Mounted Police (RCMP), has been appointed Chair of the ICP [...]