

## HEADLINES NEWS REVIEW MARCH 2015

### **HEADLINES & POLITICS**

Both are pro-farmer, anti-landlord but differ on PH land reform strategies	2
EU-supported project to protect thousands of Lumads in Mindanao -RMP	2
PM CJ: French climate loan ‘unjust’ and unacceptable’. Reparations not loans!	3
‘Aquino Cabinet like a fraternity’	3
Duterte is No. 3 in presidential preference poll	4
Communities reject mineral reservation plan in Saranggani -ATM	4
Envi groups renew call to scrap Mining Act -ATM	5
De Lima: Mamasapano clash an encounter, not massacre	5
DOCUMENT: PNP Board of Inquiry's Mamasapano Report	6
FULL TEXT: Draft Senate report on Mamasapano	6
MILF submits own Mamasapano report to Senate	6

### **INSTITUTIONS**

FOI bill gets budget, passes critical hurdle	6
----------------------------------------------	---

### **CURRENT CASES OF HUMAN RIGHTS VIOLATIONS**

Labor group files case in intl labor conventions	6
Criminalization and anti-union measures heightened in 2014 -CTUHR	7
Sharia court employee shot dead in Jolo	7
Labor leader found dead in Batangas	7
Int’l mission sees rights violations in Agusan Sur evacuation	8
Soldiers threaten an indigenous woman human rights defender	9
Indigenous leaders harassed	9
Lumad shot dead in Bukidnon ‘bungkalan’	10
Agusan governor survives ambush	10
Evidence vs. arrested NDFP consultant, 12 others planted, rights group says	10
Release of women political prisoners pushed	11

**UPDATES ON CASES OF HUMAN RIGHTS VIOLATIONS**

Tagum killings: NBI files murder raps vs ex-mayor, 28 others	11
Court issues new warrant vs 4 police in Panesa torture case	11
Possible plea bargain raised at pre-trial but Laude family firm	12
Yet another questionable murder case filed against an arbitrarily detained activist	12
A land rights activist was killed in front of his wife and cousin	13
CA issues writ of habeas data and amparo on behalf of human rights lawyer	13

**MAGUINDANAO MASSACRE**

Ampatuan son out on P11.6-M bail	14
DOJ probes 50 new suspects in Maguindanao Massacre	14

**PEACE PROCESS**

80% of House to back BBL amendments	14
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**FURTHER READINGS**

Torture in the Philippines over the past 30 years -APT	15
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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).

## HEADLINES &amp; POLITICS

InterAksyon.com, 09.03.2015

**Both are pro-farmer, anti-landlord but differ on PH land reform strategies**

MANILA, Philippines - They both come from the left of the political spectrum and are both denouncing the greed of landlords. However, they differ in their strategies on pushing for agrarian reform and often find themselves on the opposite sides of the political fence.

This difference -- that goes back to the so-called "Great Left Divide" in the early 1990s that saw the revolutionary movement splintering into warring factions called the RAs (re-affirmists) of Jose Maria Sison and RJs (rejectionists) led by Popoy Lagman that later on further split into many groups of mainstream and moderate left-- is once again highlighted following the recent call of Catholic prelates led by 74 bishops to overhaul and extend the implementation of the 27-year-old Comprehensive Agrarian Reform Program (CARP).

On Monday, the militant peasant group Kilusang Magbubukid ng Pilipinas (KMP), identified with the mainstream left, urged Congress to send to the "legislative archive" House Bill 4296 that seeks to extend the Department of Agrarian Reform (DAR)'s authority to issue notices of coverage to agricultural landholdings that should be distributed to farmers but have not yet been placed under the CARP.

**CARP failed to break up land monopoly**

According to KMP chairman Rafael Mariano, who also heads the Makabayan coalition, extending the "bogus" CARP through HB 4296's enactment, will mean the continuation of CARP evasion, exemption, and conversion of big farms by "big landlords, including landlords in Congress who continuously own and control vast haciendas."

Mariano said that the CARP that started in 1988 during the term of President Corazon Aquino failed to break up land monopoly that up to now, 27 years since its implementation, vast landholdings [...] remain under the control of influential families such as the Aranetas, and Cojuangcos.

Ironically, HB 4296 is one of the two bills that landless tillers mostly from Negros Occidental want passed by the House of Representatives on third and final reading. [...]

The bill, which was certified in June 2014 by President Benigno Aquino III as a priority measure, is being supported by Akbayan party-list led by Rep. Walden Bello, another left-leaning group, whose leaders bolted from the mainstream left during the Great Left Divide.

**CARP isn't perfect, but we gained a lot from the program**

Farmer-leader Alberto Jayme, Negros chapter president of national peasant federation Task Force Mapalad, which is being supported by Akbayan, said that while CARP had its imperfections, it could not be denied that farmers in many haciendas in Negros were able to free themselves from slavery through the program.

"[...] Not all land monopolies were broken up. That's true. But it cannot be denied that through the continuous actions of farmers, using provisions in the CARP Law, many haciendas had already been distributed to us like the landholdings formerly owned by the Arroyos, Cuencas, Gustilos, Lacsons, Jalandonis, Coscolluelas, and Ledesmas.

HRonlineph.com, 10.03.2015

**EU-supported project to protect thousands of Lumads in Mindanao -RMP**

The Rural Missionaries of the Philippines-Northern Mindanao Sub-Region (RMP-NMR) will launch on March 10, 2015 the "Healing the Hurt Project" to promote the Mindanao indigenous communities' social, economic and political rights. The activity will be held at the grounds of the RGS-abandoned hospital in the center of Barangay Balit, San Luis, Agusan del Sur.

The three-year project is supported by the European Union (EU)

Jayme, who started working as a Negros sugarcane farmworker when he was nine years old, is among the CARP beneficiaries of the 50-hectare Hacienda Erico in Sagay City, which used to be controlled by lessor Jaynem Sy. Jayme, was awarded 2.58 hectares of the landholding.

"[...] In year 2000, I, with fellow farmers, fought for my right to the land I was tilling through the CARP. After the long struggle, I and my fellow workers in the hacienda were finally awarded lands in 2013. We're not rich but we're no longer the slaves of the hacendero. I was able to send my two children to college, my wife no longer works as a maid in Manila, and we can now eat more than three times a day.

Jayme said that to "cure" CARP's imperfections, farmers were also pushing for the immediate passage of House Bill 4375, which seeks to create an independent Agrarian Reform Commission to review the actual accomplishment of CARP and investigate circumventions and violations of the CARP Law with a view to cause these landholdings to be redistributed to qualified beneficiaries.

HB 4375 does not yet have a counterpart measure at the Senate and needs to be certified by the President as a priority measure.

**It will just serve landlord in Malacanan**

"[...] Anakpawis, another party-list group identified with the mainstream left, is [...] opposing CARP's resurrection and is pushing for the passage of another agrarian reform measure - House Bill 252 or the Genuine Agrarian Reform Bill (GARB) - that seeks free land distribution and nationalization of agricultural lands.

Under the present CARP, landowners mandated to give up their land are compensated by the government while farmer-beneficiaries (FB) are mandated to amortize for 30 years the lands awarded to them. The GARB proposes the distribution of lands to FBs at no cost. The bill would not give any compensation to landowners.

"[...] It also aimed to protect agricultural lands from foreign interests by nationalization and ensure that the fruits of the land (are) enjoyed by the Filipino people," said Anakpawis party-list Rep. Fernando Hicap.

**Anti-CARP 44**

On Monday, it was reported that the DAR included members of the Makabayan bloc at the House as among those blocking the passage of HB 4296.

In a report by the *Philippine Daily Inquirer*, it said that the 44 anti-CARP lawmakers were composed of the House's most powerful, including Gonzales, the richest including Negros and other Visayan lawmakers, and the most radical, who belonged to party-list groups belonging to the Makabayan bloc and identified with the mainstream left such as Bayan Muna, Anakpawis, Gabriela, and Kabataan.

KMP's Mariano assailed the department for including the Makabayan lawmakers in the anti-CARP 44 list, saying "Aquino's spin doctors and the DAR included the Makabayan bloc in its so-called list of anti-CARP lawmakers to maliciously portray them as anti-land reform and attack GARB." [...]

with a grant of €623,766.65 (around PhP31M). About 17,000 indigenous peoples (IPs) or Lumads from 43 communities in the provinces of Misamis Oriental, Bukidnon, Agusan del Norte and Agusan del Sur stand to benefit from the project.

The project will contribute to the protection and strengthening of indigenous peoples' traditional structures and community-based organizations. These organizations are at the forefront of

the IP's fight for access to ancestral domain and resources.

RMP-NMR head Sr. Ma. Famita Somogod, MSM, said that aggressive industrialization in Mindanao had led to intrusions by corporations into the IPs' ancestral domains, which have led to their discrimination and sometimes outright violence.

In less than a decade, RMP-NMR, together with other human rights institutions, has documented several cases of extrajudicial killings (EJKs) of indigenous leaders. Of the more than 30 Lumads killed since June 2010, at least five of them are datos, the traditional leaders of indigenous communities. The killings have consequently led to the insecurity of thousands of indigenous families.

Jomorito Goaynon (Datu Imbanwag), chairperson of the Action-partner Kalumbay Regional Lumad Organization, said "the killing of a datu is a big blow to an indigenous community because the community depends on him on almost every aspect of the community life, from personal conflicts within families to feuds between clans."

HRonlineph.com, 10.03.2015

### PMCJ: French climate loan 'unjust' and unacceptable'. Reparations not loans!

Manila, Philippines - Climate Justice activists denounced the recent offer of France President Hollande to the Philippines of pushing 50 million Euros (\$56.6 million) for the Philippines, stating that it is unacceptable and raised issues concerning about the Manila Declaration on Climate Change.

During his visit to the Philippines, President Hollande peddled 50 million Euros, or \$56 million in loans, through the French Development Agency in order to fund disaster prevention projects.

"It is the obligation of France to provide climate finance to the Philippines, but it should not be in the form of loans. It should be unconditional climate funds for the Philippines to fulfil their obligation under the United Nation Framework Convention on Climate Change (UNFCCC) and as payment for reparations to the Filipinos affected by the climate crisis," said Gerry Arances, national coordinator of PMCJ.

[...] France is a signatory of the UNFCCC that compels developed countries to provide finance to developing countries to address adaptation needs and to increase capacity in dealing with climate change, among many others.

Rappler.com, 11.03.2015

### 'Aquino Cabinet like a fraternity'

By Bea Cupin

MANILA, Philippines - Loyalty instead of competence.

This was how [resigned Akbayan Representative Walden Bello](#) described President Benigno Aquino III's style of governance, adding that his Cabinet was being run "like a fraternity" where "loyalties, rather than competence" was prime.

"He's a very stubborn president, and I think this is one of his flaws. Another flaw is that he is very loyal to his subordinates who are either very corrupt or incompetent. [...]" Bello told reporters [...].

The President's loyalty to his friends in government is one of the many things that have haunted him more than a month after "Oplan Exodus," a January 25 police operation that saw at least 65 people, including 44 elite cops, dead.

The Philippine National Police Special Action Force (PNP SAF) operation, which aimed to neutralize two terrorists, was kept a secret from military and police officials.

In contrast, Aquino's close friend, Police Director General Alan Purisima, was a "key person" in the operation despite his being preventively suspended over graft charges at the time. [...]

Purisima eventually resigned as PNP chief after the Mamasapano incident.

Aquino, who says he should not be held responsible for the

Additionally, more than a hundred other Lumad leaders are currently facing fabricated and malicious charges, hindering them from carrying out their human rights work because of pending warrants of arrest, subpoenas, and other form of judicial harassment and intimidation. Moreover, the present day insensitivity of institutions that promote the culture of chauvinism and discrimination results to xenophobia of the majority Filipinos against the Lumads that further leads to the perpetuation of rights violations against the latter.

The village of Balit is seen as the most appropriate setting for the start of the activities as it recently witnessed the killing of its leader, Datu Angis. Currently, more than a thousand individuals have sought sanctuary since they felt the insecurity of their areas after his death. The launching will double as a solidarity action with the evacuees and the bereaved family of Datu Angis. Other project partners include IBON Foundation, the Union of People's Lawyers in Mindanao, and the Community Based Health Services-Northern Mindanao.

"As a survivor of Yolanda, the strongest typhoon to landfall caused by climate change, the loan is unjust because it shows that France is even willing to profit from us instead of being accountable to the climate crisis by paying for our adaptation, losses and damages, as well as resiliency needs," said Professor Toto Bulayog, PMCJ Eastern Visayas.

Climate debt is debt owed by rich countries like France to developing countries for largely contributing to the climate crisis, which according to PMCJ must be paid for adaptation, aside from their responsibility to radically reduce their emissions and provide funds for low-carbon and renewable energy transformation in developing countries. [...]

From previous statements during the visit of president Hollande, PMCJ also demanded that France and other developed countries commit to ambitious emission reductions, to stop investments on coal immediately and other forms of dirty energy, and to sufficiently finance the adaptation needs of developing countries, like the Philippines, and mitigation actions with particularly emphasis on energy transformation towards renewable energy systems for peoples and communities. [...]

deaths in Mamasapano, instead pointed fingers at former PNP SAF Police Director Getulio Napeñas, who was the ground commander of the ill-fated operation.

'Written off as ally'

Bello announced on Wednesday that he had resigned as Akbayan's representative in Congress and was consequently withdrawing his support for the President over what he had labelled a "cover-up" of "Oplan Exodus." At least 65 people died during the operation, including 44 elite cops, 18 Muslim rebels, and 3 civilians.[...]

For Bello, the President's statements on Monday, March 9, wherein he pinned the blame solely on Napeñas was the "the last straw." [...]

Akbayan coalesced with the ruling Liberal Party (LP) when Aquino ran for president in 2010.

It was not the first time that Bello publicly criticized the President. Bello criticized the Aquino administration's controversial Disbursement Acceleration Program and called for the resignation of key Cabinet officials. He also called for Purisima's suspension in 2014, right when the police general was being thrown corruption allegations left and right. [...]

Bello did, however, clarify that he was not supporting calls for

the President to resign, nor would he be in favor of impeaching Aquino. [...]

Replacement soon

[...] Akbayan's internal process of choosing a replacement for

Rappler.com, 17.03.2015

## Duterte is No. 3 in presidential preference poll

MANILA, Philippines - For the first time, Davao City [Mayor Rodrigo "Rody" Duterte](#) of the Partido Demokratiko Pilipinas-Lakas figured in presidential preferences for 2016.

The tough-talking Duterte has been pushing for federalism, saying it will [help solve](#) the peace and order problem in Mindanao, the Philippines' poorest island group that has been plagued by a 4-decade-old Muslim secessionist movement.

Nationwide, 12% of respondents said in a Pulse Asia survey on presidential preferences they would vote for him as president. An equal number said they would vote for Manila Mayor and former President Joseph "Erap" Estrada.

The two are tied at 3rd place after front runner Vice President Jejomar "Jojo" Binay, who garnered 29%, and Senator Grace Poe, who got 14%.

Binay's 29% is 3 percentage points higher than his 26% in November 2014. Since that time, he has been linked to corruption scandals in Makati, including the alleged overpricing of the [Makati City Hall parking building](#).

His spokesman Rico Quicho said the survey results reaffirm the "people's desire for a competent and experienced leader to lead the country forward. Despite the never-ending attacks by political opponents on the accomplishments of the Vice President, the people have come to understand and accept that all these are just loose allegations without any basis in fact and in law."

### Support

As expected, Duterte's support base is in Mindanao, where he

HRonlineph.com, 24.03.2015

## Communities reject mineral reservation plan in Saranggani -ATM

Saranggani - Sanguniang Bayan of Kiamba and Maitum and Mines and Geosciences Bureau Region 12 are currently under fire with the local communities after news broke out that a municipal-wide consultation will be done aiming to create an ordinance declaring 11 thousand hectares of land as mineral reserves.

"We received news last week that the Sanguniang Bayan and MGB-Region 12 are pushing for this municipal-wide consultation for an ordinance and we were really surprised since they have already attempted to do this two years ago and failed," said Pastor Jerry Bangon, Chairman of Kiamba Municipal Tribal Council (KMTC) and a member of the local IP community.

SOCKSARGEND CARE, a local anti-mining campaign center in

Bello has started, he added. Under party-list rules, Akbayan will have to replace Bello with a nominee whose name was previously submitted to the Commission on Elections. [...]

was preferred by 34%. Binay was strongest in the Visayas, where he got 35%, while Poe was strongest in the National Capital Region (NCR), where she got 18%. Estrada was strongest also in Mindanao, where he got 18%.

The survey comes after the bloody Mamasapano clash on January 25. The encounter resulted in the death of 67 people, including 44 Special Action Force troopers, 5 civilians, and 18 Moro Islamic Liberation Front rebels. Subject of various investigations, the massacre was seen to be the worst political disaster to face the Aquino presidency. [...]

Senator [Ferdinand "Bongbong" Marcos Jr.](#), who chairs the Senate [committee on local government](#) and public works, entered the top 5 presidential preferences list with his 6% rating, higher than his previous 4%. He previously ranked 7th.

Scoring higher than Marcos in the March survey was Senator Miriam Defensor Santiago, whose 9% rating was lower than her previous 12%. Santiago ranked 4th after Estrada and Duterte, followed by Marcos at 5th.

Senator Alan Peter Cayetano took the 7th spot with 3%, followed by Senator Antonio "Sonny" Trillanes IV with 2%, former rehabilitation secretary Panfilo "Ping" Lacson with 1%, and former senator Richard "Dick" Gordon also with 1%.

### Vice-presidential preference

For vice president, the top choice was Poe with 29%, followed by Escudero with 16%, Cayetano with 13%, and Duterte and Marcos, both tied with 11%. [...]

Mindanao also lambasted the municipal-wide consultation.

"Communities have already spoken and expressed their opposition to this plan due to environmental and socio-economic concerns and yet here they are again pushing for this as if our message has not been clear the first time," said Rene Pamplona, Coordinator of SOCKSARGEND CARE. [...]

Kiamba and Maitum are known for the lands' abundance in gold, silver, iron, copper and other base metals.

Based on MGB data, there are two (2) Mineral Production Sharing Agreements (MPSA) in Saranggani and six (6) MPSA applications in process. It also has one (1) on going mineral exploration and 10 applications.

Upon passage, the said ordinance will convert 11 thousand Has worth of forest and agricultural lands which will affect thousands of families depending on the agricultural production of the area.

It will also convert three (3) ancestral domains belonging to T'boli-Blaan-Manubolo, T'boli-Blaan and T'boli-Manubo-Ubo and Mt. Busa, a common watershed area for the municipalities of Kiamba and Maitum, into mineral lands.

According to Bangon the United Nations' Indigenous Community and Conserved Area (ICCA) has an international law governing Indigenous Peoples' (IP) rights declaring common watersheds such as Mt. Busa as off-limits to economic activities such as large-scale mining.

"Sanguniang Bayan and MGB Region 12's attempt to destroy Mt. Busa is clearly an abomination to IP cultural and traditional rights." said Bangon.

"Also, this ordinance that they are planning to pass will not just destroy our common watershed and agricultural lands but our other bodies of water as well, especially in Kiamba since almost half of the municipality are coastal areas. In short, this ordinance will kill our ecosystem in general." added Bangon.

Meanwhile, national environmental non-government organization, Alyansa Tigil Mina (ATM) expressed its support to the communities rejecting the municipal-wide consultation.

"These people, these communities are the ones who know what they need and what they want. Kiamba and Maitum are fighting for an environment that is socio-economically sustainable and as for the Indigenous Peoples, their rights to preserve their ancestral lands." Said Jaybee Garganera, National Coordinator of Alyansa Tigil Mina.

"We are calling on MGB region 12 and the Sanguniang Bayan of Kiamba and Maitum to listen and respect the voices of the communities and adhere to their purpose of prioritizing the welfare of the people and the environment." concluded Garganera.

The Philippine Star, 30.03.2015

## De Lima: Mamasapano clash an encounter, not massacre

By Edu Punay

MANILA, Philippines - Contrary to the conclusion of the Senate, the firefight in Mamasapano, Maguindanao on Jan. 25 that left 44 policemen dead was an encounter with the Moro Islamic Liberation Front (MILF) and not a massacre, Justice Secretary Leila de Lima said yesterday.

But the Department of Justice (DOJ) will determine if the MILF committed an "overkill" and violated international humanitarian laws by summarily executing the Special Action Force (SAF)

commandos.

De Lima noted the MILF also suffered 18 casualties while five civilians died in the encounter.

"Definitely, the Mamasapano incident was an encounter, no doubt about that," De Lima said in a statement yesterday, citing the evidence gathered by the DOJ-National Bureau of Investigation (NBI) team.

### Envi groups renew call to scrap Mining Act -ATM

Environmental activists in chains dragged by a "golden grim ripper" marched towards the House of Representatives to call on the Congress to Scrap RA 7942, also known as the Mining Act of 1995 as the law marks its 20th year.

The action spearheaded by the group Alyansa Tigil Mina (ATM) which is celebrating their bi-annual movement 'Mining Hell-Week' gained the support of 100 strong activists, Civil Society Organizations (CSO) and Non-government organizations (NGO) that shared the call to repeal the mining law and enact the Alternative Minerals Management Bill (AMMB).

"This year marks 2 decades of impunity and injustice that the Mining Act of 1995 has brought to our country and countrymen." said Jaybee Garganera, National Coordinator of ATM "We stand here today to call on our legislators to assess this flawed law and to bring justice where justice is due."

In a statement released by ATM, the group noted that the Mining Act of '95 brought more negative impacts as opposed to its promised supposed benefits.

ATM also stated that the academe and economists can attest that the industry has very little impact to our economy with 0.7-1% and 0.7% contribution to GDP and employment, respectively. [...]

"Right now we are not sure how the government define 'sustainable development', but we hope that destroying forests and watersheds, marginalizing indigenous and rural communities, putting peoples' health at risk and robbing off people's means of livelihood, aren't it." said Garganera.

Environment and Human Rights campaign center Tao Muna! Hindi Mina! (TMHM), also expressed their solidarity for the protest and backed the call noting that the "Mining Act of 1995 has not only spurred environmental destruction, but human rights violations as well."

"Because of Mining Act of 1995's corporate-centered and lenient provisions, we have been witnessed to extra-judicial killings brought by militarization in mining sites." said Egay Cabalitan of TMHM. [...]

Nueva Viscaya Representative Carlos Padilla and AKBAYAN partylist Representative Barry Gutierrez were two among the legislators that voiced out their call for the scrapping of the law and the enactment of the Alternative Minerals Management Bill. [...]

"It is about time that we stop favouring the large-scale mining companies that are shamelessly exploiting and corrupting the real value and worth of our natural resources. We need an alternative policy that will stop the plunder of our country's natural richness." said rep. Gutierrez. [...]

"The country needs a policy that prioritizes the people and the environment, a policy that upholds human dignity, biodiversity and rightfully value our country's mineral resources. We have a bill that can make all these reality, I urge my co-lawmakers to take a stand against this impunity and enact the Alternative Minerals Management Bill." he added.

HRonlineph.com, 10.03.2015

A public hearing will be held on March 25, in Kiamba Municipal Gym where Sanguniang Bayan will present the Mineral Reservation plan in Kiamba and Maitum. It aims to consolidate the opinions and reactions from different sectors regarding the proposed plan and ordinance.

The public hearing will be attended by representatives from MGB Region 12, National Commission on Indigenous Peoples (NCIP) and from the affected communities.

“The term ‘massacre’ is a non-legal and more often emotionally loaded term. We will not confine our report to the issue of whether there was a massacre or not,” she said.

Instead, De Lima hinted their findings would determine if there was an “overkill” of the SAF commandos by the MILF fighters.

“The DOJ report will instead frame the question in terms of whether or not international humanitarian laws were violated by the MILF, resulting into the summary killing of SAF combatants who are already hors d’ combat (unable to fight). This is a more technically legal manner of framing the subject matter,” she pointed out.

De Lima was referring to violation of Republic Act 9851, which localized crimes under International Humanitarian Law.

[...] “If international humanitarian laws were violated by the MILF, or even by members of the SAF, either individually or as a group, the DOJ report will determine this,” she said.

De Lima also gave assurance the DOJ will come up with a fair and objective report amid the ongoing peace process between the government and the MILF. [...]

#### INSTITUTIONS

Inquirer.net, 05.03.2015

### FOI bill gets budget, passes critical hurdle

By DJ Yap

MANILA, Philippines – The Freedom of Information (FOI) bill passed a critical hurdle at the House of Representatives on Wednesday after the budget for its implementation was approved by the appropriations committee.

Akbayan Rep. Barry Gutierrez, one of the authors of the consolidated bill, said the appropriations committee has approved the budget component of the FOI bill without objections.

The FOI bill, which has the support of civil society and media organizations, will allow public access to all official records, except state secrets and other classified communications.

The Senate has already passed its own version of the FOI bill.

But it has moved very slowly in the lower chamber, with President Aquino refusing to certify it as urgent despite the public clamor for its passage.

[...] He [Gutierrez] said the budget was one of the crucial components of the bill that would determine if it could be successfully implemented. [...]

Access to any record

Under Section 30 of the proposed FOI law, the funds needed to carry out its provisions are to be charged against the agencies’ current budget, and thereafter included in the budget law.

After clearing the budget, the FOI bill will be delivered back to the public information committee and then transmitted to the

#### CURRENT CASES OF HR VIOLATIONS

DavaoToday.com, 28.02.2015

### Labor group files case in intl labor conventions

DAVAO CITY – The Kilusang Mayo Uno Southern Mindanao filed “a formal complaint against the Philippine government with the International Labour Organization (ILO) for violating Convention 87 and 98” before the Department of Labor and Employment (Dole) XI Thursday.

#### DOCUMENT: PNP Board of Inquiry's Mamasapano Report

MANILA, Philippines – The Philippine National Police Board of Inquiry (BOI) completed its report on the tragedy in Mamasapano, Maguindanao on Thursday.

The BOI culled data from sworn statements and subscribed affidavits, interviews, survey of the actual site, secondary sources.

The complete report is available [here](#).

Philstar.com, 13.03.2015

#### FULL TEXT: Draft Senate report on Mamasapano

MANILA, Philippines – The Senate panel that probed the Mamasapano incident released its findings and recommendations contained in a 129-page draft report on Tuesday, March 17.

[...] In the 12-page executive summary of the report released by Senator Grace Poe, chairperson of the Senate committee on public order and dangerous drugs, the Senate panel said that President Benigno Aquino III “must bear the responsibility” for the botched operation. [...]

The draft report is based on testimonies [...], as well as documents submitted, including the police Board of Inquiry report, Aquino's public statements, and all applicable laws. [...]

The executive summary of the report is available [here](#).

Rappler.com, 17.03.2015

#### MILF submits own Mamasapano report to Senate

By Ernie Reyes

MANILA, Philippines – The Moro Islamic Liberation Front has submitted to the Senate the full report of its special investigation commission on the January 25 Mamasapano incident. [...]

While Marwan is said to have been killed, the mission also left 44 police commandos, 18 MILF fighters, and at least five civilians dead, and the Mindanao peace process hanging in the balance. [...]

“We trust that this report is treated with fairness, and we hope that all the information provided herein will be helpful in your evaluation of the incident,” Mohagher Iqbal [chairman of the MILF negotiating panel and chairman of the Bangsamoro Transition Commission] said.

The full MILF report is available [here](#).

InterAksyon.com, 24.03.2015

plenary for debates.

Under the FOI bill, every Filipino citizen shall be given access to “any record under the control of a government agency,” including “official acts, transactions or decisions, as well as government research data used as a basis for policy development.” The bill emphasizes a “legal presumption in favor of access to information,” in which any request for information may be denied only if it clearly falls under 11 exceptions.

These include classified state secrets relating to defense and national security concerns, records of minutes and advice given and opinions expressed during decision-making or policy formulation of the President, and other security-related information whose disclosure may compromise military or law enforcement operations.

Also excepted are drafts of executive, administrative, regulatory and judicial orders, resolutions, decisions, memoranda or audit reports are also exempted, as well as any information obtained by any congressional committee in executive session, and privileged communications in legal proceedings.

According to the ILO websites, the Convention 87 is “Freedom of Association and Protection of the Right to Organise” and Convention 98 is “Convention Right to Organise and Collective Bargaining Convention.”

Carlo Olalo, spokesperson of KMU-SMR, said that workers are

“deprived of such rights under the convention which the Philippines is a signatory as cases of harassments, threats and intimidation go unabated.”

Olalo said that the government is “assimilating” Oplan (operation plan) Bayanihan, the government’s anti-insurgency campaign, into labor issues.

Olalo said in Pantukan, Compostela Valley, union members of Musahamat Farms 2 Workers Labor an affiliate of KMU and the National Federation of Labor Unions (NAFLU) “were interrogated by elements of the 71st Infantry Battalion (Philippine Army) who were wearing full battle gear.”

The workers were allegedly “videotaped and made to pose in front of paraphernalia of the underground communist movement, as if they were rebel surrenderees,” he said.

He said that one of their leaders, Vicente Barrios, president of the Nagkahiusang Mamumuo sa Suyapa Farm (Namasufa) “was fired upon and held at gunpoint by Jesus Jamero, contractor of Japanese banana company Sumifru (Sumitomo Fruits Corporation) and is still receiving death threats.”

Olalo said that Artemio Robilla, president, and Danilo Delegencia, board-of-director of the Dole-Stanfilco (banana company) Workers’ Union (DWU) in Maragusan, Compostela Valley, are facing “trumped-up criminal charges for the killing of the company’s supervisor Notalio Mamon last February 3, 2014.”

He said that Robilla and Delegencia “were instrumental in helping illegally dismissed workers to claim their retirement benefits which the company refused to pay.”

He said the act was a “retribution and repression masterminded by the company and the Army and fueled by the regime’s Oplan Bayanihan in an attempt to stamp out militant trade unionism in the area.”

Meanwhile, Joel Maglunsod, vice-president for Mindanao of KMU said the first case they filed in the ILO was in 2009 against Wiper (Workers’ for Industrial Peace and Economic Reform).“

“They employ the same tactics to prevent the workers from organizing themselves and fighting for their rights,” said Maglunsod.

Brian Campbell, an attorney of International Labor Rights Forum (ILRF), in his testimony before the Committee on Appropriations, Sub-Committee on State, Foreign Operations of the United States Congress last March 2009 describe the WIPER as “composed entirely of plain clothed military officers.”

Rappler.com, 07.03.2015

## Sharia court employee shot dead in Jolo

MANILA, Philippines – A Sharia court employee was shot dead by a still unidentified suspect in Jolo, Sulu, on Wednesday, March 4.

Court interpreter Ibohajar Puntukan – earlier described by police as the First Sharia Circuit presiding judge – was driving home to Barangay Alat when he was attacked at around 2:45 pm in Barangay Raymundo, police investigators said.

Puntukan, 63, was rushed to the Sulu Provincial Hospital for

Attorney Jonas Balais, arbiter-mediator of Dole-XI, said “an ILO complaint has to do with state agencies’ violation the rights of workers in freedom of organization and bargaining which the Dole itself has no jurisdiction,” said Balais.

“But since they (KMU) filed a case, we can check the allegations and we can already make a report out of their complaint and submit it to our national office,” Balais said.

He said that for ILO cases, they will form an “inter-agency committee for coordination and monitoring of ILO conventions 87 and 98” group. This includes the National Conciliation and Mediation Board and the National Labor Relations Commission to “look into the merits of the case by interviewing all those who are involved like the workers and others involved as there are allegations.”

Maglunsod said that they consider an ILO case an “elevation” of a case filed before the Dole and the courts in the country.

Maglunsod, however said, that “workers must have unity for any case to prosper even if it’s filed in international arenas.

### Criminalization and anti-union measures heightened in 2014 - CTUHR

In the year 2014, CTUHR documented a total of 82 cases of trade union and human rights violations that affected almost 10,000 workers. [...]Dismissals, refusal to bargain with the union, and union busting are the most glaring economic violations affecting several thousands of workers. At least one worker was extra-judicially killed while hundreds more were harassed, threatened and detained. Number of victims of legal offenses increased by 75 percent as more unionists were slapped with false criminal charges. Violations of labor standards were also documented even as the government reported high compliance rating of private enterprises with less than 200 workers.

Violations of labor standards

CTUHR documented several cases of labor standard violations notably non-payment of minimum wages. [...]

The government reported a 98 percent compliance to labor standards of enterprises with 200 or more workers with 11 regions including CARAGA registered 100 percent compliance rate, 99.2 percent for Region IV-A or CALABARZON and 99.8 percent in the National Capital Region. However, it must be noted that the government adopts a “self-assessment” procedure for big enterprises. This means that companies with 200 or more workers need not be inspected by labor standard inspectors; rather these companies evaluate their own compliance with the labor standards. But for companies with less than 200 workers, the DOLE inspected 29,248 enterprises in 2014 and found 84.6 percent compliance rate [...].

Loose regulations and enforcement of occupational health and safety standards keep workers barely protected from occupational deaths and hazards resulting in 11 more worker deaths in the year 2014. [...] Similar to DOLE’s guidelines on basic labor standards, companies with 200 or more workers merely undergo self-assessment to check their compliance to OHS standards. In the year 2014, the DOLE reported having inspected 3,711 workplaces with less than 200 workers, 88.3 percent of which complied to OHS standards. Full article at ctuhr.org

HRonlinph.com, 06.03.2015

treatment but died at 10 pm the same day.

Police investigators are still determining the motive behind the crime.

Supreme Court spokesperson Theodore Te said in a statement that Chief Justice Maria Lourdes Sereno has directed Court Administrator Jose Midas Marquez and Deputy Court Administrator Raul Bautista Villanueva to head to Jolo on Monday find out the status of the police investigation. [...]

Inquirer Southern Luzon, 10.03.2015

## Labor leader found dead in Batangas

By Maricar Cinco

A trade union leader was found dead in Batangas City over the weekend in what militants described as the first extrajudicial killing in the Southern Tagalog region’s labor sector this year.

The body of Florencio “Bong” Romano, 63, was discovered

around 6 a.m. on Sunday on the roadside in Barangay (village) Sorosoro in Batangas City, according to Hermie Marasigan, president of the Pagkakaisa ng Manggagawa sa Timog Katagalugan-Kilusang Mayo Uno (Pamantik-KMU).

It bore a single bullet wound in the chest inflicted by a 9-mm pistol and bruises all over, Marasigan said in a phone interview on Monday, citing autopsy results.

Romano was the regional coordinator of the Organized Labor Association in Line Industries and Agriculture, and a labor volunteer of the National Coalition for the Protection of Workers' Rights (NCPWR). Both groups are affiliated with Pamantik-KMU.

The Batangas City police has remained clueless over the motive for the killing. Supt. Manuel Castillo, city police chief, said in a separate phone interview that Romano, based on their investigation, "has no business in Batangas City," 28 kilometers from Lipa where he stayed.

Marasigan said Romano could have been killed elsewhere and his body was dumped in Sorosoro. The body was already stiff when it was found by a village official, he added.

The labor leader, he said, was last seen around 7 p.m. on Saturday.

He visited a friend in Barangay Loddod in Lipa City, which was 30 minutes by tricycle from the NCPWR office in the city, where

he was staying, Marasigan said.

Romano's wallet, containing some P3,000 cash, and cell phone were also recovered. Police were able to trace his relatives through his cell phone.

"We firmly believe he is a victim of an extrajudicial killing. It was not like he was robbed," Marasigan said.

Romano's wife, Maxima, 68, said she last saw her husband on Jan. 17 when he came home to his family in Sta. Rosa City in Laguna province.

"We have already accepted his job because that's what he chose, but he never failed to provide for his family," Maxima said.

"He never mentioned any threat to his life or any enemy. That's why this came as a surprise," she added.

Castillo declined to make any conclusion, saying it "could also be something personal."

In September 2013, Pamantik declared the disappearance of another labor leader, Benjamin Villeno, in Cavite province. It said Villeno was abducted based on his last communication that he was being "followed" by suspected members of state agencies.

Sun.Star Cagayan de Oro, 12.03.2015

## Int'l mission sees rights violations in Agusan Sur evacuation

By Anjo J. Bacarisis

AN INTERNATIONAL solidarity mission belies military claims that their troops are not in public facilities in the Banwaon-lumad populated villages in San Luis town, Agusan del Sur.

In a dialogue facilitated by Davao Mayor Rodrigo Duterte last February 25, 2015, the commander of the 26th Infantry Battalion of the Philippine Army (26IB-PA), Lieutenant Colonel Rolando Dumawa denied the presence of troops in barangay halls, day-care centers, and other public facilities in the area.

### Military encampment near public facilities

According to the report of "The Balit Mission: An international journey in defense of the displaced Banwaons" conducted in the area on March 9, 2015, showed that the military is using the barangay halls near daycare centers as camps while conducting its Community Organizing for Peace and Development (COPD) activities.

In an interview with village chieftain Roberto Ceno in Barangay Nuevo Trabaho, he confirmed the presence of the military in their barangay hall and other public facilities for two months now.

In Barangay Policarpo, about two kilometers away from Barangay Balit, residents also admitted that the military has been using the barangay facilities as base camps amid the denial of one of the village councilors.

The residents there told the mission that the military quickly left the public facilities in the area when they learned that the international solidarity mission was arriving.

Meanwhile, San Luis vice-mayor Jose Chua said he is aware that the military is conducting COPD in the barangays but has no idea that public facilities have been utilized by the military.

Chua told the mission there were no human rights violations in the area since he did not receive any report about it.

However, four months ago village chieftain Necasio "Angis" Precioso, Sr. of Balit, San Luis, Agusan del Sur was shot to death by alleged agents of the 26IB after he opposed the COPD activities in the village. Angis was a prominent environmental activist and Banwaon leader who opposed the entry of mining and logging operations in their ancestral domain. [...]

Bishop Raul Amorcillo of Iglesia Filipiniana Independiente of Bukidnon Diocese said he noticed during the mission that a martial law like situation in the indigenous communities persists.

### Confrontation

The contingent of "The Balit Mission" went to the main camp of

the 26IB in Talacogon town in Agusan del Sur to confront its officials about the presence of its troops in public facilities.

Captain Soquera, logistics officer of the 26IB, said the group should file a complaint and request for a dialogue so he can forward it to his officers.

During the mission's visit at the 26IB, Soquera said Lieutenant Colonel Dumawa was not available for the dialogue.

### Rights violations

"The Balit Mission" is an offshoot of the increasing human rights violations in the area. The killing of Precioso Sr. who was also a Banwaon datu and the evacuation of around 1000 individuals due to alleged militarization prompted local and international organizations to gather facts on the current plight of the Lumads in the province.

Precioso Sr. was a human rights defender who fought against the entry of mining corporations in Agusan del Sur since 1995.

The Banwaons in 14 communities in the hinterlands of San Luis municipality fled from their homes fearing the military activities in their communities since January.

The Banwaon datos of the communities affected are claiming that COPD has been intended to pave the way for the entry of large mining companies in their ancestral domain.

Most of the evacuees are women and children.

According to Community-Based Health Services (CBHS) in Northern Mindanao, about 40 percent of the evacuees have amoeba. Nine of them have been diagnosed with Tuberculosis while common colds and flu are still the most prevalent cases in the evacuation site.

"The Balit Mission" also confirmed the records of Karapatan northern Mindanao Region (Karapatan-NMR) that there were 25 cases of threat, harassment and intimidation and two cases of extrajudicial killings in the area.

Three children had died due to sickness while staying at the evacuation site.

The mission also recorded 93 cases of different human rights violations in San Luis, Agusan del Sur, since the COPD activities started early this year.

### No militarization

In a previous interview with Sun.Star Cagayan de Oro last month, Captain Krisnen Peter Sarsagat, Civil Military Operations (CMO) officer of 26IB, said the displacement of the Banwaons living in the town's hinterland areas has to do with the villagers' decision to leave their homes following their perception that they might be caught in a crossfire between the

soldiers and the New People's Army (NPA) rebels. Although Sarsagat admitted there were skirmishes near the Banwaons' tribal communities, he said those were "isolated." He said the military is not solely there to "clear" the area of

Asian Human Rights Commission, 19.03.2015

## Soldiers threaten an indigenous woman human rights defender

Dear Friends, The Asian Human Rights Commission (AHRC) writes with deep concern regarding ongoing threats by soldiers to a woman human rights defender. She had been forced to act as their guide in military operations pursuing rebels. If she refuses or tells them there are no rebels in the area, they threaten her. The victim is a member of an indigenous group. CASE DETAILS: (Based on the documentation by the Citizens Alliance Unified for Sectoral Empowerment - Davao del Sur (CAUSE))

On 26 February 2015, at 8am, Gloria Sanuntay, a member of Solidarity of Indigenous Peoples in Sarangani (T'boli Lumad Kasbakas Di Sarangani (LUMAKAS)), was inside her house in Maasim, Sarangani Province, when soldiers attached to the 27th IBPA came looking for New People's Army (NPA) rebels. When Sanuntay told one of the soldiers, "[...] there are no NPA here Sir," the soldiers threatened that if anything happens to them (presumably an ambush by rebels), they would come back for her.

The soldier's threats cannot be taken lightly. Prior to the incident, on November 6, 2014, at 10pm, Sanuntay had been forced by soldiers to act as their guide again in pursuing rebels. Sanuntay's house is in the mountains and she is familiar with the local area. Usually, soldiers deployed in such places are not familiar with the terrain, so they coerce local villagers to serve as their guides.

Before Sanuntay was forced to act as their guide, the soldiers first asked her if she was a member of the indigenous group, LUMAKAS. After she confirmed to them that she is a member, they forced her to guide them. The soldiers ignored her question on why they were asking about her and her organization. Two days earlier, on 4 November 2014, at 12:40pm, Sanuntay was bathing her child by the river near her home. She heard gunfire coming from Sitio Tubak, Barangay Lumasal, a mountainous area in Maasim, Sarangani Province. Frightened and

Maoist insurgents but to conduct COPD aimed at helping the villagers through "bridging the gap between the people and government agencies."

worried for their safety, she immediately reported to Ponting Sendo, a village council member. After investigating the incident, Sendo advised her not to evacuate just yet until they had enough information as to what happened. However, two days later, on November 6 at 10pm, soldiers came to her home. One of the soldiers claimed that Sendo had instructed her to accompany them; however, it was confirmed later that Sendo did not give such an instruction. Nevertheless, Sanuntay was forced to accompany the soldiers against her will. She had to walk for two hours towards the highway of Barangay Lumasal, about six kilometers from her house, effectively making her a human shield to the rebels. They gave her five kilos of rice and 35 pesos (less than 1USD) as a token for accompanying them.

Gloria believed that by purposely targeting her to serve as their guide, it confirms the existing prejudice of the soldiers against her and her group. She and her organization are labeled "anti government" and "supporters of the rebels."

ADDITIONAL INFORMATION: Gloria Sanuntay's case confirms the ongoing concerns of the "harassment, stigmatization and threats against human rights defenders, in particular environmental and indigenous rights defenders."

In December 28, 2012, United Nations Special Rapporteurs had expressed their concern about the on-going threats by Government representatives in the military. [...] In their joint urgent appeals, they requested the Government to: ...adopt urgent measures to protect the life of human rights defenders, including the realization of prompt, impartial and independent investigations into the reported acts of violence, and to ensure an environment where human rights defenders can carry out their peaceful and valuable work without fear of violence and repression.

Bulatlat.com, 26.03.2015

## Indigenous leaders harassed

By Dee Ayroso

An indigenous peoples' alliance condemned what they called "harassment" by the military against seven indigenous leaders who negotiated for the military pull-out in the communities and successful return home of Banwaon evacuees in Agusan del Sur. The Kalipunan ng mga Katutubong Mamamayan ng Pilipinas (Katribu) in a statement March 26 said that a member of the Citizen's Auxilliary Force Geographical Unit (Cafgu) filed a petition for a writ of amparo and habeas corpus against Jomorito Goaynon, chair of the Kalumbay Regional Lumad organization of Northern Mindanao, and Tina Julieta Tawide, media officer of the Kahugpungan sa mga Lumadnong Organisasyon sa Caraga (Kasalo).

Also charged were indigenous activists Meliza Amado Cuartero, Ejoy Precioso, Saguitan Tugay, Julieto Tawide Gomez, and Reneboy Helarion Cuartero.

The petition was filed by Teddy Tumbaga Ostos, a Cafgu member and resident of Mahayhay, San Luis, Agusan del Sur.

Goaynon and Tawide are both council members of Katribu.

Katribu said that Ostos claimed in his petition that the seven indigenous leaders convinced the community of Banwaons to evacuate, and were now detaining his son and his family.

"This petition for habeas corpus and a writ of amparo is an act of harassment," said Piya Macliing Malayao, Katribu spokesperson.

"We are certain that the military, the reason why the Lumad people in San Luis, Agusan del Sur decided to evacuate their homes, are behind this ludicrous charge. We are disgusted at the lengths that the military would go to impede us from seeking and asserting our rights," she said.

On March 21, [969 Banwaons returned home](#) after two months in evacuation in Balit village, San Luis, Agusan del Sur.

"[The evacuation was](#) a community decision, and in fact, an act of defiance against militarization and human rights violation being committed against them by the 26th IB," Malayao added.

The petition also implicated the local indigenous people organization Tagdumahan, an affiliate of Katribu, and the Rural Missionaries of the Philippines (RMP).

Katribu said that a total of 169 indigenous peoples' leaders had been slapped with trumped-up charges, illegally arrested and detained under the Aquino administration.

"An investigation must be done if Ostos was under duress or threatened to concede into filing this petition. The accused are

well-known and respected community leaders. These people have stood undaunted on the side of the lumads even in the face

Bulatlat.com, 24.03.2015

## Lumad shot dead in Bukidnon 'bungkalan'

By Dee Ayroso

Private security guards of a disputed ranch in Bukidnon shot dead a Lumad peasant, and wounded two others, a regional Lumad group said.

Tata Baito, a member of the Tribal Indigenous Oppressed Group Association (Tindoga) was shot dead in Butong village, Quezon town, reportedly by the private guards of Pablo "Poling" Lorenzo at 9 a.m., March 24, while he was with other Tindoga members on their way to cultivate plots.

His companions Japsem Bagna and Ricky Tumbaga were wounded.

Jomorito Goaynon, chair of the regional Lumad organization Kalumbay in Northern Mindanao Region said in statement that two groups of Tindoga members were fired at separately by Lorenzo's guards.

"As the Lumads were on their way to the site, an estimated 20 to 30 armed men and security guards of Pablo Lorenzo open fired

of harassments and threat to their very lives," Malayao said.

at them. Meanwhile, Baito, together with Bagna and Tumbaga were on their way to the bungkalan when they were "ambushed".

The "bungkalan" - the Filipino word for "cultivation" - is a peasant initiative to reassert their right to the land. Goaynon said that Tindoga had mobilized some 200 individuals for the "bungkalan" since March 16.

Tindoga is composed of Manobo-Pulangihons who had been displaced after government leased the land to Lorenzo. [Tindoga is claiming 630 hectares](#), most of which is covered by the Rancho Montalvan Inc., whose lease with government expired in 2009.

The bungkalan was meant to plant food crops in preparation for the mild El Niño phenomenon, Goaynon said.

Since 2012, Tindoga had reported other incidents of violent attacks by Lorenzo's guards, but this was the first time that "a life was lost," Goaynon said.

The Philippine Star, 27.03.2015

## Agusan governor survives ambush

By Jaime Laude

MANILA, Philippines - Communist rebels ambushed yesterday a convoy of the Agusan del Norte governor, but the official was unhurt.

1st Lt. Patrick Martinez, deputy spokesman for the 4th Infantry Division, said Gov. Angelica Rosedell Amante-Matba was unharmed, but one of her police officer escorts was wounded in the attack that occurred at about 11:20 a.m. in Barangay Camagong, Nasipit town.

"Policemen escorting the governor fought back and repulsed the rebels," Martinez said.

Matba was on her way to Sitio Mimbahandi for a turnover ceremony of a new school building when the rebels waylaid her convoy.

Other reports said the ambush occurred while Matba was on her way home.

Army troops, in coordination with their police counterparts, were tracking down the rebels, Martinez said.

The attack came three days before the New People's Army celebrates its founding anniversary.

Bulatlat.com, 31.03.2015

## Evidence vs. arrested NDFP consultant, 12 others planted, rights group says

By Janess Ann J. Ellao

MANILA - The human rights group Karapatan assailed the arrest of a peace consultant of the National Democratic Front of the Philippines, and 12 other civilians, in a joint military and police operation in Quezon City and Caloocan City last Mar. 4.

Ruben Saluta, an NDFP peace consultant, invoked his Jasig Document of Identification No. ND978240, with his assumed name Lirio Magtibay. This, however, was not recognized.

Jasig Document of Identification refers to the so-called "safe conduct pass" issued under the Joint Agreement on Safety and Immunity Guarantees (Jasig), which entitles negotiators, consultants, and staff involved in the peace process immunity from surveillance, arrest, among others.

Karapatan said the 13 arrested should be released at once, saying that their arrest and detention "is illegal and smacks of foul play and dirty tricks." Their arrest, the group added, was based on a search warrant issued by the Quezon City Regional Trial Court Branch 78 for illegal guns.

"When they did not find those fictitious items listed on the warrant, the members of the raiding team 'planted' guns and explosives and labeled them 'evidence.' All three houses were searched and the raiding teams hauled their belongings," said Cristina Palabay, secretary general of Karapatan.

Arrested with Saluta is his wife Presentacio Saluta, who he was visiting in a house in Quezon City, the rights group said. Others who were arrested include Joseph Cuevas, and those who were renting rooms such as Alexander Raymund Birondo, his wife

Winona Onate-Birondo and Ruben Rupido.

Two more houses were raided by the joint police and military operation in Caloocan City. All residents, too, were consequently arrested. They are: Osias Abad, Emmanuel Bacarra, Rosalia Rebolstar-Bacarra, Roy Baldostamo, Manolito Estrella, Emmanuel Villamor, and Monette Alcantara.

Karapatan stressed that those arrested are not related to each other, except that they are "independent sublessors and sublessees of each other."

A witness, a certain Roger Reyes Rodriguez, however, claimed that he met Saluta in the province of Antique. The latter, Karapatan said, claimed he was recruited as "gun for hire" in Manila.

Rodriguez linked all three separate households claiming that he was brought by Saluta from one house to another in search of a gun that he liked.

Palabay assailed how such "incredulous sworn affidavit" served as basis for the search warrants.

On Mar. 5, Saluta and five others were brought to the Criminal Investigation and Detection Group office in Camp Crame, Quezon City at around 1:25 a.m. Later that night, they were brought before the Prosecution Office at the Quezon City Hall of Justice for inquest without a lawyer of their choice.

Meanwhile, those arrested in Caloocan City were presented for inquest before the Caloocan City Prosecution Office. They were able to contact Karapatan and the National Union of Peoples'

Lawyers (NUPL), which agreed to represent them.

"All 13 are now at a cramped holding area at the Major Crimes Investigation Unit (MCIU) and the Anti-Organized Crime Unit of the CIDG in Camp Crame. The nine men are currently in a 3 x 4 meter cell, along with four other prisoners," said Karapatan.

"The four women are locked up in a similarly-sized cell, which on some days they share with other prisoners as well. Many of those arrested are in their 60s and suffering from various serious

ailments," Palabay added.

Karapatan said such arrest shows the continuing violation of Jasig and the rampant practice of illegal arrest and detention, incriminatory machination, and illegal search and seizure by state security forces in the country.

There are at least 700 victims of illegal arrest and detention under the Aquino administration, 15 of whom are NDFP consultants.

#### UPDATES ON CASES OF HR VIOLATIONS

DavaoToday.com, 03.03.2015

### Release of women political prisoners pushed

By Zea Io Ming C. Capistrano

DAVAO CITY - Four days before the commemoration of the International Women's Day, a group of human rights activist will hold protest actions to call for the release of women political prisoners.

Members of human rights group Karapatan in Southern Tagalog will hold their protest in front of the Department of Justice in Padre Faura, Manila and Taguig Regional Trial Court in time for the hearing of two other female political prisoners namely Evelyn Legazpi and Pastora Latagan.

The two were arrested last February 7, 2012. Members of the 202nd Infantry Brigade and 22nd military intelligence company claimed that they are members of the New People's Army. Legazpi is a regional council member of the urban poor group Kalipunan ng Damayang Mahihirap (Kadamay) in Southern Tagalog while Latagan is a staff of the said group.

Karapatan will also be highlighting the cases of Andrea Rosal and Miradel Torres during the protests. Rosal is the daughter of the late NPA spokesman Roger Rosal. Rosal was arrested March 27 last year. She was accused of being an NPA leader. Her daughter who was born on March 17 died a day after her birth due to lack of oxygen. Militant groups blame the "unreasonable delays" in bringing Rosal to the hospital for the baby's death.

Rappler.com, 04.03.2015

### Tagum killings: NBI files murder raps vs ex-mayor, 28 others

MANILA - How do you rid a city of "weeds" - that is, thieves, snatchers, drug pushers, and other undesirables?

For former Mayor Rey Uy, it would be by forming the Tagum Death Squad (TDS) and paying its hired guns P5,000 for every criminal they killed, the National Bureau of Investigation (NBI) discovered.

Based on this, the NBI filed multiple murder and frustrated murder complaints against Uy and 28 others before the justice department on Wednesday, March 4.

NBI Director Virgilio Mendez said the death squad created by Uy killed more than 80 persons over a period of 4 years. Uy was Tagum mayor from 2004 to 2013.

"He (Uy) provided payment and equipment for the operations, using the Civil Security Unit (CSU) as cover to lawfully issue guns and motorcycles used in the killings. TDS members received salaries as employees of CSU doing nothing but just pass the time until instructions are given to kill somebody," Mendez said.

"The extra-judicial killings were made purposely to convey a strong message to criminals or would-be criminals that Tagum City was not a place for them," the NBI chief added in the transmittal letter for the complaint.

Uy was named in the complaint as principal or co-conspirator for allegedly ordering the killing of the victims.

[...] Members in various capacities of the TDS, composed of a

Meanwhile, Miradel Torres, a member of Gabriela in Quezon Province, was arrested when she was four-months pregnant June 20 last year. On June 25, despite doctor's orders for a complete rest due to threatened abortion, Torres was transferred to the Taguig City Jail where she shares the detention cell with three other inmates, said Cristina Palabay, Karapatan secretary general.

After giving birth, Torres was sent back to Taguig City Jail with her two-month old son on January 27.

Reverend Gil Sediarin of Karapatan in Southern Tagalog said "it would be a farce celebration of [the International Women's Day] if these women political detainees would continue to languish in jail."

"They are mothers and daughters whose only 'fault' was to fight for the welfare of the majority of the oppressed Filipinos," Sediarin said.

According to Samahan ng mga Ex-Detainees Laban sa Detensyon at Aresto (SELDA) there are 491 political prisoners in the country as of November last year. 220 of them were arrested under the President Benigno Aquino III. There are 43 female political prisoners, 53 are ailing, 42 are elderly and six are minors.

police officer, ex-convicts, gangsters, and former members of the New People's Army. [...]

The complaint was based on the findings of the Task Force Tagum Death Squad (TFTDS), which looked into 82 murder incidents in the following areas from 2008 to 2012: Tagum City and Dujali town, both in Davao del Norte; Maco and Wahab towns in Compostela Valley; and Butuan City in Agusan del Norte.

Mendez said the Tagum Death Squad was formed to get rid of criminals in Tagum, but its members were later hired by private parties to eliminate business competitors, enemies, and even police officers who were not on their side.

Two former members of the death squad - Romnick Minta and Jomari Abayon - executed affidavits detailing the group's operations. They said members who wanted to quit or refused to take part in an operation were also eliminated. The two survived attempts on their lives.

It was the Human Rights Watch (HRW) which brought the issue of extra-judicial killings to Justice Secretary Leila de Lima, who used to chair the Commission on Human Rights.

They told De Lima in 2014 that it was possible the death squad killed more than 200, the oldest being 62 and the youngest being 9. The boy was reportedly killed after being accused of stealing money and phones from a Tagum Center store.

The NBI invited Uy for questioning but did not show up.

Bulatlat.com, 05.03.2015

### Court issues new warrant vs 4 police in Panesa torture case

By Janess Ann J. Ellao

MANILA – A Calamba municipal court has released a warrant of arrest against four police officers charged with the crime of less serious physical injuries in relation to the abduction, torture and illegal detention of security guard Rolly Panesa.

This was the second warrant issued for the arrest of Police Insp. Bonifacio Guevarra, SPO1 Christopher Flores, P02 Ariel Dela Cruz and P02 Joseph M. Fernandez.

The four had earlier posted bail, after the first arrest warrant was issued by the Calamba Regional Trial Court Branch 36 on charges of violation of the anti-torture act and the law on the rights of arrested and detained.

Ephraim Cortez, Panesa's counsel, said the new warrant of arrest will render practically ineffective the bail the accused earlier posted. As of now, the four have the option of either filing a motion for reconsideration or posting another bail, which is roughly P12,000 each, he added.

Ofel Beltran-Balleta, a paralegal of the rights group Karapatan who was present during the Feb. 23 hearing, said it was the third time that the accused did not attend.

Panesa was abducted with his three family members in Cubao on Oct. 6, 2012. The military claimed he was "Benjamin Mendoza," an alleged leader of the Communist Party of the Philippines in Southern Tagalog who has a bounty of P5.6 million. The Court of Appeals, on August 2013, [granted the petition for habeas corpus and ordered Panesa's release](#).

The proceeding at the Calamba Regional Trial Court Branch 36

has hardly moved with various motions being filed by the accused, said Cortez. Most recent of which was a motion to dismiss, in which the accused stated that the case against them was filed even before they received the resolution of the Department of Justice (DOJ).

But Cortez, who is also the assistant secretary general of the National Union of Peoples' Lawyers, belied such claims, saying that the DOJ resolution was sent to the correct address. He referred to such attempts to stall the court proceedings as "contrived."

Pending petition for review

Karapatan, in a statement, noted that the DOJ has yet to issue a resolution on the pending petition for partial review filed by Panesa.

The DOJ dropped high-ranking officials as respondents in the case despite the fact that the accused subordinates clearly acted "based on the chain of command," said Cristina Palabay, secretary general of Karapatan.

The DOJ resolution, which led to the filing of charges against the four, not only dropped charges against high-ranking officials, but also did not acknowledge the mental and psychological torture that Panesa experienced from being blindfolded, handcuffed and interrogated for prolonged periods, Cortez added.

Palabay added that, "justice will only be truly served if the DOJ will resolve the petition for partial review and criminally charge in court those they dropped in the complaint."

InterAksyon.com, 10.03.2015

## Possible plea bargain raised at pre-trial but Laude family firm Pemberton has to do time

By Ansbert B. Joaquin

OLONGAPO CITY, Philippines -- The possibility of a plea bargain for US Marine Lance Corporal Joseph Scott Pemberton was taken up during the pre-trial hearing Tuesday of the charges filed against him for the death of Filipino transgender Jennifer Laude.

Harry Roque and Evelyn Ursue, the lawyers of the Laude family, stopped short of categorically saying they would not agree to a plea bargain but made it clear their clients want to see Pemberton behind bars.

At a press conference following the hearing, which Pemberton attended, Roque said the introduction of the plea bargain was a new provision of the rules of procedure.

"We are in the process of studying the possibility of having a plea bargain, but the position of the Laude family has not wavered -- we want justice for Jennifer and the whole Filipino nation," Roque said.

"The Laude family does not agree to any situation wherein the

accused will not be punished by incarceration. He has to be punished to serve as a warning to others that, when they are in our territory, they have to abide by the laws of the independent Philippines," he stressed.

Jennifer's mother and sister both confirmed they want to see Pemberton jailed for the death of Jennifer, who was found choked to death, her face in the toilet bowl, in the room of the Olongapo lodge where she and the American had checked themselves in the night of October 11 last year.

"What is definite is that Pemberton will be jailed," another Laude lawyer, Virgie Suarez, said.

"There would be out-of-court talks between prosecutors and accused within the week, but what we can assure you is justice and that Pemberton will definitely be jailed," she said. "There will be no justice if there will be no incarceration."

Asked if the accused had made any offers, Roque said there was none. [...]

Asian Human Rights Commission, 11.03.2015

## Yet another questionable murder case filed against an arbitrarily detained activist

On December 10, 2014, we wrote about Renante Gamara, a labour activist, who was tortured and detained on fabricated charges. He was expecting a decision from the Regional Trial Court (RTC) in Taguig City on his pending appeal to have charges against him dismissed. Gamara was arrested on April 3, 2012 in Las Pinas City, Metro Manila charged with kidnapping and murder.

The court is legally obliged to resolve Gamara's petition since his appeal was submitted for a resolution or a decision since November 3, 2014.

But RTC Judge Toribio Ilao cancelled the hearing on December 11, 2014, the same day he was supposed to render his decision on Gamara's petition. Judge Ilao cancelled the hearing reportedly due to illness, and because his court was conducting an inventory of court cases. He reset the hearing for March 14, 2015. [...]

Yesterday, the Asian Human Rights Commission (AHRC)

learned that on March 5 "another warrant of arrest for the alleged crime of murder was served on him" just ten days before Gamara's scheduled hearing. March 14, 2015 is the deadline set for Judge Ilao to resolve whether or not to dismiss the earlier criminal case against Gamara.

In her letter to the AHRC, Nicolette Bravante Gamara, Gamara's daughter, wrote:

We are enraged by the continued criminalization of my father, our family, friend and colleague, Renante Gamara.

Ten days before his long-awaited scheduled hearing, which is essentially the deadline for the Pasig RTC Branch 266 in Taguig City to resolve the Motion to Dismiss the Kidnapping with Murder accusation, another warrant of arrest for the alleged crime of murder was served on him.

The WOA was dated June 3, 2013 and was allegedly investigated in May 2012, months after he was detained in Camp Crame.

Moreover, the alleged crime was committed just days before he was arrested in Las Piñas City.

The timing and other circumstances of the warrant are proof of its political motivation: to further criminalize, vilify and keep behind bars our dear friend, Renante.

This is the same questionable and false accusation used to arrest and inhumanely detain the then-pregnant Miradel Torres, a Gabriela organizer and a women's rights advocate.

The AHRC has followed Gamara's case since March 2013. In our numerous appeals, statements and press releases, we questioned the legal procedures undertaken by the investigators and prosecutors in this case. We raise our concerns on the denial of Gamara's right to be afforded a fair trial in the criminal cases against him.

On May 24, 2013, we drew the government's attention to Gamara's allegations of torture by his arresting officers; the absence, if not denial of legal counsel, at the time of his arrest. [...]

The Commission on Human Rights (CHR) responded to our appeals by conducting its own investigation. However, we are

not aware of any action taken against those government officers accused by Gamara of torturing and illegally arresting him. The AHRC did appreciate the intervention of the CHR in this case.

During these two years, we are not aware of any other pending criminal charges against Gamara. So, we are deeply concerned that the police and prosecutors did not disclose details of the arrest warrant dated June 3, 2013 much earlier. We have yet to obtain particulars about this new charge. It is very clear that the information relevant to the issuance of this warrant of arrest—nature of the charge, the complainant, the witnesses—was deliberately concealed from Gamara. The purpose might be: to ensure that he is unprepared, could not respond to the charges on time, and to assure that he is kept in continuous detention.

The AHRC is of the opinion that the non-disclosure was deliberate. It is an out-right violation of his right to be informed of the nature of the charges against him. The withholding of the details of his arrest order plus the release of it only days before the court is to render its judgement on the petition of dismissal, gives rise to serious questions on the impartiality of the legal process in this case.

Asian Human Rights Commission, 12.03.2015

## A land rights activist was killed in front of his wife and cousin, for refusing a bribe to stop helping landless farmers

The Asian Human Rights Commission (AHRC) regrets to inform you that three months after a land rights activist was killed in Negros Occidental, there is no progress in the investigation of his case. He was assisting farm workers to organize their community as they attempted to claim ownership of the land they were cultivating. After he refused to accept a bribe to stop his activities, he was shot dead in front of his wife and cousin. CASE DETAILS: (Based on documentation by the Task Force Detainees of the Philippines (TFDPP))

On 29 November 2014 at 9pm, Rolando Panggo, 47, of Barangay (village) Payao, Binalbagan, Negros Occidental, was shot dead by unknown gunmen at the crossing in Hacienda Garrason in Barangay San Jose, Binalbagan, Negros Occidental. At the time of his death, he was a community organizer for the Worker's Party (Partido Manggagawa). Panggo's party was holding a meeting of farm worker members in sugarcane plantations. They were making preparations for activities to mark Bonifacio Day (on November 30) in Binalbagan, Negros Occidental. At 9pm, his wife Nemsie, her husband and his cousin, Rolly Herollo, were riding a single motorcycle on their way home. When they reached the crossing in Hacienda Garrason, Barangay San Jose, Binalbagan, Negros Occidental, a car with five unknown persons overtook them and blocked their path. Two of them alighted from their car walking towards Panggo. They

forcibly dragged him away then shot him dead at close range. The gunmen ordered Panggo's cousin, Herollo, to drop to the ground, then kicked him in the head. Nemsie said her husband sustained eight gunshot wounds, one in the left side of his head, the others to his right shoulder and back. Herollo told Nemsie that he heard the perpetrators saying: "[...]You are a troublesome person. You interfere even in land problems.

ADDITIONAL INFORMATION: In 1994, a Spanish-Filipino sugarcane planter, Manuel Lamata, leased the property of Hacienda Salud, and it became landholding up to the present. In June 2013, the farm workers of Hacienda Salud sought the assistance of Partido Manggagawa (PM). He was asked to intervene on their behalf in their pending petition to have the farmland covered under the Comprehensive Agrarian Reform Program (CARP). Panggo was assigned by his organization to assist the farmers in the communities of Binalbagan and Isabella. From that time, Panggo worked with the members of the Hacienda Salud Farm Workers Association (HASAFAWA). Days before Panggo's murder, his wife Nemsie remembered that three of Lamata's men came to their house. They allegedly offered Panggo cash and a farm lot if he would stop his activities, namely, organizing the farm workers in their claims on the land of Hacienda Salud. Panggo refused the offer.

InterAksyon.com, 25.03.2015

## CA issues writ of habeas data and amparo on behalf of human rights lawyer in Isabela

By Brian Maglunsod

MANILA - The Court of Appeals (CA) has directed the Armed Forces of the Philippines (AFP) to identify those within its ranks who have conducted surveillance operations and committed acts of harassment against a female human rights lawyer who belonged to the National Union of People's Lawyer (NUPL) in Isabela province last year. The appeals court's former Special Sixth Division granted the writs of habeas data and amparo of lawyer Maria Catherine Dannug-Salucon, who claimed she was a victim of military and police surveillance and was even harassed on several occasions in March 2014 after she took up the cases of several individuals identified as members of the New People's Army (NPA). Aside from granting the writs, the appeals court also ordered the

military to produce for possible destruction all information, records, photographs and dossiers related to their surveillance on the petitioner. Named as respondents in the writs are President Benigno Aquino III, Defense Secretary Voltaire Gazmin, resigned Philippine National Police (PNP) Chief, Alan Purisima, then AFP Chief of Staff Emmanuel Bautista, Philippine Army Commanding General Hernando Iriberi, General Eduardo Ano, General Benito Antonio De Leon and Chief Superintendent Miguel De Mayor Laurel.

But the CA dismissed the case against Aquino, Gazmin and Purisima.

In its decision, the CA said that, even if Dannug-Salucon some-

times relied on hearsay in her petitions, she was still able to prove her allegation. "We find that petitioner was able to prove by substantial evidence her allegations that she was subjected to surveillance operations and harassment by individuals working under the command of the respondents," the CA said.

#### MAGUINDANAO MASSACRE

Sun.Star, 09.03.2015

### Ampatuan son out on P11.6-M bail

MANILA -- Sajid Ampatuan, one of the principal accused in the Maguindanao massacre trial, was released on bail Monday after he posted a surety bond of P11.6 million.

The release order was issued by Quezon City Regional Trial Court branch 221 Judge Jocelyn Solis-Reyes.

"The prosecution panel failed to establish strong evidence that would warrant the continued detention of Sajid Islam while the trial is ongoing," the court said.

Ampatuan posted P200,000 for each of the 58 counts of murder through Travellers Insurance and Surety Corporation.

Ampatuan, a son of Andal Ampatuan Sr., the alleged mastermind in the Maguindanao massacre, was the province's acting governor at the time of the massacre where 58 people died, 32 of

Rappler.com, 17.03.2015

### DOJ probes 50 new suspects in Maguindanao Massacre

MANILA, Philippines - The justice department conducted on Tuesday, March 17, the first hearing in the preliminary investigation of the "second wave of suspects" in the Maguindanao massacre - 50 individuals, including town mayors and 14 members of the Ampatuan clan.

Maguindanao Governor Esmael Mangudadatu, who led the complainants, told reporters, "The new case will not cause a delay in the ongoing trial of the first batch of the Maguindanao massacre case filed before the Quezon City Regional Trial Court."

Conducting the preliminary probe is a 5-person panel headed by Assistant City Prosecutor Niven Canlapan.

Before this second batch of suspects, 198 suspects had been indicted, among them former Maguindanao Governor Andal Ampatuan Sr and his sons, former Datu Unsay Mayor Andal Jr and former Autonomous Region in Muslim Mindanao Governor Zaldy Ampatuan.

Maguindanao massacre is the worst election-related violence in the Philippines and the world's biggest single attack on journalists. In November 2009, a convoy carrying Mangudadatu, his family and supporters, and media men was stopped by Ampatuan's men and were killed - to prevent Mangudadatu from filing his certificate of candidacy to challenge the clan.

#### PEACE PROCESS

The Philippine Star, 06.03.2015

### 80% of House to back BBL amendments

By Jess Diaz

MANILA, Philippines - At least 80 percent of 290 members of the House of Representatives want changes in the proposed Bangsamoro Basic Law (BBL) and would reject the measure in its current form if it were put to a vote, two Mindanao congressmen said yesterday.

[...] "I will reiterate - we are for peace, we are not anti-peace, but we want the BBL to be fair, just, acceptable, feasible and, more importantly, consistent with the Constitution and the law," he [Zamboanga City Rep. Celso Lobregat, member of the ad hoc committee on the draft BBL] said.

He said the draft would undergo scrutiny and rewriting in the committee and in plenary "provision by provision, section by

The Court also said the respondents failed to assail the veracity of Dannug-Salucon's allegations, as they relied more on the reports of their men on the ground -- that she was not the subject of any surveillance operations -- rather than exerting efforts to verify the allegations.

them were media workers.

"As we said before, the grant of bail to Sajid, who was acting governor at the time of the massacre and would certainly have been in on the murderous plot, can only be attributed to the prosecution's faulty presentation of its case. At best, because of incompetence, at worst as part of some nefarious deal," said the National Union of Journalists of the Philippines (NUJP).

Despite his temporary freedom, Ampatuan is barred from leaving the country after the lower court granted a motion requesting to put Ampatuan under a hold departure order (HDO).

Lawyer Elaine Tan, Bureau of Immigration (BI) spokesperson, confirmed that Ampatuan is not allowed to go out of the archipelago. [...]

Fifty-eight persons died, while Mangudadatu escaped the massacre and later won as governor.

The 43 complainants - relatives of those slain - said the "change of political atmosphere" in Maguindanao has emboldened "many witnesses came out to tell what they personally know about the horrible incident."

"In the course of the Ampatuan, Maguindanao, massacre case, the witnesses presented in court have testified that several other persons who were not charged were involved in the planning, execution, and cover-up of what is known as the worst election-related case in the Philippines," the complainants said.

"To attain full justice, we, the heirs of the Ampatuan, Maguindanao, massacre victims file the multiple murder case against the [mentioned] persons who participated in the gruesome commission of the crime."

The complainants said there had been efforts to silence new witnesses. Last November 18, Denix Sakal was killed in an ambush while Sukarno "Butch" Saudagal was wounded. On December 10, former Mayor Akmad Ampatuan of Datu Salibo and his two companions were wounded in an ambush.

[...] The investigating panel gave the defense lawyers until April 16 to submit their counter-affidavits.

section." [...]

[...] Lobregat said aside from several provisions Rodriguez [Cagayan de Oro City Rep. Rufus Rodriguez, chair of the ad hoc committee on the draft BBL] has declared as constitutionally questionable, many Mindanao congressmen want the issue on the decommissioning of MILF forces addressed in the law itself, rather than in an executive agreement.

"It should be included in the law, so that when there is a violation, it is a violation of law, instead of an executive agreement," he said.

#### Timeline worries

Lobregat said they have another concern on decommissioning -

timeline. He said that with only 30 percent of MILF armed forces set for decommissioning by the time a plebiscite and election of new regional officers are held, the rebels would have 70 percent of their arms during the plebiscite and election.

[Davao City Rep. Karlo] Nograles cited unresolved issues regarding the justice system in the envisioned Bangsamoro region. [...]

#### **Timetable irrelevant**

At the Senate, Sen. Miriam Defensor-Santiago said setting a timetable for the passage of the BBL is irrelevant, as the measure would inevitably land in the Supreme Court if it gets approved. Emerging from a hearing of the Senate committee on foreign relations, Santiago told reporters that BBL, in its present form, contains several provisions that are unconstitutional. [...]

#### **Constitutional**

But for Justice Secretary Leila de Lima, there is nothing unconstitutional in the proposed BBL. At Malacañang, Presidential Communications Operations Office Secretary Herminio Coloma Jr. also reiterated President Aquino's message to lawmakers that the Mamasapano incident should underpin the need for the passage of the BBL.

De Lima said the BBL had gone through careful scrutiny by the Department of Justice and other concerned agencies.

"As part of the executive, I support the BBL. They consulted with me the justice system portion, and we support that," she said.

"The draft has been approved for presentation in Congress," she pointed out. [...]

A member of the government peace panel, for her part, rejected claims by some lawmakers that the BBL would allow pork allo-

cation for the Bangsamoro.

[...] [National Commission for Muslim Filipinos Secretary Yasmin] Lao said the BBL simply aims to alleviate poverty in areas being proposed to be part of the Bangsamoro.

She also belied claims by BBL detractors that Bangsamoro spending would be exempted from Commission on Audit (COA) scrutiny.

"If they've read the BBL at all, they'll know that the auditing system in the proposed Bangsamoro will be conducted on two levels. The internal auditing to be conducted by the Bangsamoro will be subject to the auditing of the national COA," she said. [...]

Former ambassador Macabangkit Lanto bewailed what he called a disinformation campaign being waged against the BBL.

In a statement, Lanto said nothing in the BBL provides for an independent and separate Commission on Elections, Commission on Human Rights, Civil Service Commission, ombudsman and police force.

Non-government organizations (NGO) advocating for the rights of children called on lawmakers yesterday to continue pursuing peace through the crafting of BBL.

Meanwhile, a coalition of more than 20 child-focused organizations called Bata Muna urged Congress to strengthen the proposed BBL by including a specific provision for the protection of children in situations of armed conflict.

Close to 40,000 children have been displaced by fighting in Maguindanao and North Cotabato between government forces and rebels.

#### FURTHER READINGS

HRonlineph.com, 18.03.2015

### Torture in the Philippines over the past 30 years -APT

Global research on the prevention of torture: Presentation of country study

What are the key factors that can reduce torture and ill-treatment? This question has been the focus of a three-year research project, based on 16 country studies from all regions of the world. On Tuesday 17 March, Atty. Ricardo Sunga, University of the Philippines, presented the research project and gave an overview of the situation in the country.

[...] The complete, global research report will be published in 2016. The findings are of great importance and will help design more effective strategies to prevent torture, in the Philippines and internationally. [...]