

The third quarter of 2008 saw a surge in abductions and disappearances, arrests and the use of torture. Extrajudicial killings continue to be committed, with Mindanao suffering the most number of civilian casualties.

The Arroyo government's policy shift in peace negotiations to all-out war in Mindanao after renegeing on its Memorandum of Agreement (MOA) with the Moro Islamic Liberation Front, has again intensified conflict in the Southern island and has already displaced thousands.

These figures reveal the deteriorating human rights situation in the Philippines as the US-backed Arroyo regime continue to commit gross and systematic violations against the Filipino people.

Attacks in Mindanao

Mindanao is again under seige. Nineteen (19) of the documented victims of extrajudicial killings from July to September 2008 all came from the said island.

Maximo Baranda, 47 years old, former chairperson of Compostela Workers Association (CWA), an affiliate member union of Kilusang Mayo Uno (KMU or May First labor movement), was shot dead by three unidentified armed men at Purok 5, Riverside Quarry, San Jose, Compostela Valley on July 19, 2008 at about 1:40 in the afternoon. He sustained seven gunshot wounds.

Prior to his death, Baranda served as the adviser of CWA that is engaged in a Collective Bargaining Agreement (CBA) with the management.

Barely a month after Baranda's death, a community activist was gunned down in the same province. On August 15, 2008 at around 1 P.M., Roel Doratot, 33, municipal electoral staff of Bayan Muna (People First) Party was gunned down in the same province. (UA Alert 18 August 2008)

Doratot, who earns a living as a "habal-habal" driver (a motorcycle that can load as many as 6 people), was plying his route when shot by assassins in Purok Narra, Brgy. Banlag, Monkayo, Compostela Valley, 300 meters away from the 66th Infantry Battalion, Philippine Army (IBPA) detachment.

One of his assailants was wearing a black helmet and stood beside a parked XRM motorcycle with no plate number. The other assailant was wearing a ski mask. Doratot was shot on the chest, in the head and at the back with a .45 caliber pistol.

All out war

Meanwhile, the renewed all out war policy against the Moro Islamic Liberation Front claimed the lives of seventeen civilians.

In the morning of September 8, seven people were killed, including five children, after government planes blasted a small civilian boat in Maguindanao province. The boat was part of a convoy of refugees evacuating from Sitio Dagading, Brgy. Tee, Datu Piang, Maguindanao.

Killed in the bombing were Daya Manunggal Mandi and his children 18-year old Aida who was around five-months pregnant; Faidza, 1; Baily, 10; King, 8; and Adtayan Mandi, 5.

The Philippine military insisted those killed in the air strikes were rebels, but local government officials in Datu Piang said the victims were all innocent civilians. They even went on to say that the MILF had recruited child soldiers.

The soldiers later retracted their statement and claimed that the

Violation of Civil and Political Rights	Number of Incidents	Number of Victims
Extrajudicial, summary and arbitrary killing	38	43
Frustrated killing	5	13
Enforced or involuntary disappearance	6	7
Abduction	9	19
Torture	31	48
Illegal arrest	51	124
Illegal detention	38	84
Forced/fake surrender	9	11
Physical assault and injuries	48	186
Threat, harassment and intimidation	153	9,709
Indiscriminate Firing	6	112,812
Illegal search and seizure	20	427
Forcible evacuation and displacement	38	137,190
Hamletting	2	2,172
Use of schools, medical, religious and other public places for military purposes; and endangerment of civilians	10	5,527
Violation of children's right to protection or safety by the state or its agents	21	468
Food and other economic blockade	4	5,562

Based on reports gathered by Karapatan

Table 2

Victims of Extrajudicial, Summary or Arbitrary Execution under the Arroyo Government

Annual Totals: January 21, 2001 to September 30, 2008

Year	Total	Organized	Women
2001	99	35	11
2002	118	44	13
2003	123	32	14
2004	83	41	9
2005	187	101	14
2006	210	108	25
2007	70	35	12
2008 (Jan-Sep)	43	8	5
Total	933	404	107

Based on reports gathered by Karapatan

victims were collateral damage.

The air strike coincided with the Ramadan, Islam's holiest month.

Forcible evacuation brought about by heavy military operations also wreaked havoc in communities of both Moro and Christians in North Cotabato, Lanao and Maguindanao. From July to September, victims of forcible evacuation increased by 93%, with Maguindanao registering the most numbers of victims at 109,487.

Abduction and disappearance

A surge in abduction and disappearance has been monitored, increasing the number of victims from two in the second quarter of the year to seven in the third quarter.

In Central Luzon, three victims were documented in Bataan. The victims were identified as Florencia Espiritu and Nelson Balmania, both members of Kilusang Magbubukid ng Pilipinas (Peasant Movement of the Philippines or KMP) abducted on September 21 in Purok 2, Barangay Daang Bago, Dinalupihan; the following day Elmer de la Cruz, peace consultant of the National Democratic Front in Bataan was abducted in the municipality of Hermosa. (UA Alert 24 September 2008)

In Cordillera, a case of disappearance was also reported. This is the first recorded disappearance in the region since 2001. On September 17, James Balao, member of the Cordillera People's Alliance (CPA) never made it to their family home in La Trinidad, Benguet. His family is unable to reach and he is still missing as of this writing.

Table 3

Victims of Enforced or Involuntary Disappearance under the Arroyo Government

Annual Totals: January 21, 2001 to September 30, 2008

Year	Total	Organized	Women
2001	7	1	2
2002	9	3	2
2003	11	2	1
2004	26	10	5
2005	28	6	0
2006	78	26	16
2007	33	13	4
2008 (Jan-Sep)	7	5	1
Total	199	67	31

Based on reports gathered by Karapatan

According to Cordillera Human Rights Alliance (CHRA), Karapatan's chapter in the region, Balao had began reporting regular surveillance to his family since June. He reported that he often observed a white and a blue van tailing him from his residence to his daily activities. (CHRA UA Alert 18 September 2008)

Arrests and torture

Arrests likewise increased by 45% since the 2nd quarter. Intense military operations usually result in mass arrests.

A case in point is in Negros Occidental, where 13 peasants, all members of PAMACAD (Paghiusa sang Mangunguma sa Caduhaan) affiliated with KMP were all arrested at the same time.

Seven (7) members of the Revolutionary Proletarian Army (RPA), acting on the authority of the AFP had arrested the farmers, collectively known as the Cadiz 13, on July 5, 2008, at around 6:30 in the morning in Brgy. Bonifacio and Brgy. Caduhaan, Cadiz City.

Armed men forced them to pose atop of piled logs and took their photos. Elements of the RPA and some armed men belonging to Task Force Ilahas ordered them to board a Canter (a Mitsubishi or Fuso passenger vehicle) and they were delivered to the Cadiz PNP station.

They were accused of illegal logging activities and charged with violating section 77 of Presidential Declaration 705 as amended.

Atty. Ryan Deldo of the Public Attorney's Office, allegedly let them sign inquest letter on July 9, 2008, saying that they will be released as soon as they sign the said document.

Four of the thirteen remain incarcerated, namely Romulo Villanueva, Santiago Antipuesto, Jaime Lamberto, and Jose Perez.

Torture victims also increased by 75% since the previous quarter.

Eight peasant organizers and their driver coming from the village of Tartaria in Silang, Cavite all suffered inhumane and cruel treatment at the hands of military and police operatives (UA Alert 5 September 2008).

At around 3:10 A.M. of August 31, 2008, eight peasant organizers, all affiliated with the KMP, left Tartaria, Silang, Cavite where they had previously attended a consultation of peasants in preparation for the annual Peasant Month of October.

The victims were Renato Alvarez, 65, chairperson of Kalipunan ng mga Magsasaka sa Kabite (KAMAGSASAKA-KA); Franco Romeroso, 27; Neshley Cresino, 27; Felix Nardo, 24; Yolanda Caraig, 49; Janice Javier, 23; Bernardo Derain, 32; Jomel Igana, 19; and their driver Mario Joson, 56.

They have boarded a yellow utility vehicle called "multicab" (short for multi-purpose cab) that is driven by Joson and were expected to arrive in an hour or so in Tagaytay, but they did not reach their destination and their cellular phones could not be contacted.

Eight of them were found the following day, detained at the Philippine National Police (PNP) Regional Office in Camp Vicente Lim in Canlubang, Calamba City, Laguna. Nardo was taken to the Crime Investigation Detention Group (CIDG).

According to the victims their hands were tied and their mouth and eyes were plastered with packaging tapes. They were driven around until they were brought to what they believed was a safe house where they underwent torture and interrogation.

While in blindfold, they were forced to sign a document and photographs of them were taken. They slept on the cold concrete floor while their hands were tied.

On 2 September 2008, at about 2 PM, a release order issued by

the Provincial Chief Prosecutor Emmanuel Velasco was received at the police headquarters. According to the order, there is no sufficient basis against the 9 victims charged with illegal possession of firearms and therefore should be set free.

Denials of the Writ of Amparo and the failure to protect victims

Victims of enforced disappearance whose cases are the subject of petitions for the writ of amparo and habeas data cannot be taken separately. They have the same stories of abduction, detention and torture and they all point to one culprit. Yet, justice still eludes the victims and their families, diminishing the glimpse of hope that the issuance of the Writ of Amparo opened for the victims of human rights violations.

In July, the Court of Appeals (CA) sacked the petition for a protection order under the Writ of Amparo filed by Francis Saez, witness to the killing of human rights worker Eden Marcellana and peasant leader Eddie Gumanoy on April 22, 2003.

It rejected as well his petition under the writ of habeas data to direct the Armed Forces to remove his name from a purported order of battle and to scrap a document he had purportedly signed under duress.

Saez was coerced into becoming an asset of the military by telling him that he was in the Order of Battle. He stayed with them for about a year in 2007 and was made to spy on legal organizations in Mindoro. He said however that he could not stomach what he did and in December 2007 sought the help of Karapatan in seeking remedy from the court.

Military respondents admitted in court that there was such a thing as an order of battle and that petitioner Saez stayed with them. The CA granted the military's request that their witnesses come under concealment and that only the counsel and the petitioner be allowed to be present, despite the fact that the witnesses admitted that they were not intelligence

January 21, 2001 to September 30, 2008		
Region	EJK	ED
CAR	31	1
Cagayan Valley	28	4
Ilocos	7	1
Central Luzon	137	66
Southern Tagalog	165	29
Bicol	131	12
NCR	39	6
Eastern Visayas	91	24
Central Visayas	22	3
Western Visayas	24	6
Northern Mindanao	7	1
Caraga	32	11
Socskargen	22	4
Weste Mindanao	35	10
Southern Mindanao	80	13
ARMM	82	8
Total	933	199
<i>Organized</i>	<i>404</i>	<i>67</i>
<i>Women</i>	<i>107</i>	<i>31</i>

Based on reports gathered by Karapatan

operatives but were clerks and driver. It also denied, Saez's motion to require respondents' witnesses to name who was the commanding officer of the witnesses on the ground of confidentiality.

Two weeks after the CA's rejection of the Saez petition, the consolidated petitions of Writ of Habeas Corpus and Amparo filed by Mrs. Editha Burgos, mother of disappeared activist, Jonas Burgos, was also dismissed.

The CA dismissed the Petition for Habeas Corpus and denied the Motion for Inspection of Places. Ironically, the court ordered the police and the military to make available the documents and continue with its so-called investigations.

During the proceedings, the petitioner presented evidence to show that the vehicle used in kidnapping Jonas Burgos was under the custody of the military. The top military man suppressed the presentation of the Provost Marshall Findings which in effect would presume that the contents therein would be adverse to the Respondents.

Still in July, the CA denied Elizabeth Principe's petition for a writ of amparo. Principe was abducted by the military in November 2007, which was cured by presenting a warrant but she was never endorsed to the police. Principe said she was tortured -

Table 5
Victims of EJK and ED under
GMA's Presidency (by sector & special group)
January 21, 2001 to September 30, 2008

Sector/Special Group	EJK	ED
Peasant	430	121
Moro	69	9
Indigenous People	85	8
Worker	57	16
Children	68	4
Unborn	12	0
Urban Poor	41	7
Church	24	1
Youth and Students	23	10
Fisherfolk	22	3
HR Worker	22	1
Gov't Employee	9	1
Entrepreneur	15	7
Teacher	9	0
Media	6	0
Lawyer	5	0
Others	24	6
Unclassified	12	5
Total	933	199

Based on reports gathered by Karapatan

blindfolded for more than 42 hours and handcuffed throughout her detention.

Claiming insufficiency of evidence, the CA dismissed on July 31, 2008 the petition for the Writ of Amparo by urban poor leader Lourdes Rubrico, 63, who was abducted in Cavite on April 3, 2007 by armed men identifying themselves as government agents. Her abductors used a brown van with license plate XRR 428 traced to Army Major Darwin Sy. Rubrico was released on April 10 after agreeing to become a military asset. Unknown to her captors, she was able to secure Philippine Air Force documents that would indicate that she was detained at an office inside the Fernando Basa Air Base in Batangas. (UA Alert 17 April 2007)

She and her children were cross-examined while the respondents never presented any witness, nor made any offer of evidence.

Table 6
Victims of EJK and ED under GMA's Presidency
(by sectoral & multi-sectoral organization)

January 21, 2001 to September 30, 2008

Organizations	EJK	ED
Bayan		
KMP	107	14
KMU	23	3
Anakbayan	13	3
Pamalakaya	7	2
Kadamay	7	0
LFS	5	1
Courage	3	0
PCPR	2	0
SCMP	1	0
Kalikasan	1	0
Piston	0	1
Secretariat/cpa	3/0	1/1
Karapatan		
Selda	2	2
Kasimbayan	2	0
Chapters	20	1
Other Organizations	21	3
Partylist		
Bayan Muna	133	13
Anakpawis	49	8
Gabriela Women's Party	2	0
Kabataan	2	0
Suara Bangsa Moro	1	2
Anak ng Bayan	0	1
NDFP Consultants/Staff	0	11
Total	404	67

Based on reports gathered by Karapatan

Table 7
Victims of Illegal Detention
under the Arroyo Government

Annual Totals: January 21, 2001 to September 30, 2008

Year	Total	Organized	Women	Children
2001	361	106	54	9
2002	135	40	10	5
2003	133	54	28	6
2004	203	66	32	13
2005	127	22	19	8
2006	207	71	31	5
2007	335	56	57	31
2008 (Jan-Sep)	206	50	40	8
Total	1,707	465	271	85

Based on reports gathered by Karapatan

During the proceedings, the CA did not include several persons who were not served with notices, either because they transferred places or could not be located.

On September 12, Rodolfo Noel Lozada Jr.'s petition for Writ of Amparo was likewise denied for what the court said was insufficiency of evidence. Lozada is the key witness in the Senate inquiry into the national broadband network (NBN) deal.

Lozada testified that he was taken by unidentified men and that he was still receiving threats against his physical self and also via judicial actions and was still under surveillance.

The respondents did not offer any evidence to disprove his allegations.

During the proceedings, the Supreme Court denied to supplement the Petition and the issuance of subpoena to hostile and adverse witnesses on the ground that these were not relevant.

The CA granted the habeas corpus petition for missing activists Sherlyn Cadapan, Karen Empeno and Manuel Merino on September 17, 2008, reversing its earlier decision last year.

The CA said, "The testimony of Raymond Manalo can no longer be ignored and brushed aside" and that "his narration and those of the earlier witnesses, taken together, constitute more than substantial evidence warranting an order that the three be released..."

The CA decision however has denied inspection of places and production of documents. Up to this time, the military has denied having the three under their custody.

Determined to obtain justice

Raymond Manalo, who with his brother Reynaldo escaped his military captors after more than a year of torment, is fighting back by filing administrative, civil and criminal charges against soldiers of the Armed Forces of the Philippines.

The criminal and administrative case was filed at the Office of the Ombudsman while the civil case was filed at the Quezon City Regional Trial Court on September 12, 2008 in the afternoon.

Raymond was detained in different military camps in Central Luzon and testified in court that he had witnessed extrajudicial killings and incidents of torture within military camps. He said that he witnessed Manuel Merino being burned within the perimeter of the 24th IBPA Alpha Company detachment in Brgy. Bliss, Limay, Bataan. ☘

Table 8
Political Prisoners (PPs)
as of September 30, 2008

Area of Detention	Total no. of PPs	Women	Minors	Arrested under GMA
Cagayan Valley	1	0	0	1
Central Luzon	8	1	0	8
Southern Tagalog	18	4	0	18
NCR	152	5	6	125
Bicol	17	2	0	17
Western Visayas	15	2	0	15
Central Visayas	15	0	0	15
Eastern Visayas	16	3	0	16
Southern Mindanao	12	0	0	12
Socskargen	4	0	0	4
Western Mindanao	16	5	0	16
Caraga	1	0	0	1
Total	275	22	6	248

Based on reports gathered by Karapatan