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## **Community leaders, teachers of Lumad school in CARAGA harassed with trumped-up cases**

Dear friends,

Community leaders in Lianga, Surigao del Sur, and teachers of Alternative Learning Center for Agricultural and Livelihood Development, Inc. (ALCADEV) and Tribal Filipino Program of Surigao del Sur (TRIFPSS) are facing trumped-up charges of child trafficking, concocted by the 75<sup>th</sup> Infantry Battalion-Philippine Army (IBPA) and the 402<sup>nd</sup> Infantry Brigade – Philippine Army. The leaders charged are all members of the Malahutayong Pakigbisog alang sa Sumusunod (MAPASU), a regional organization of indigenous communities opposed to mining, militarization and other anti-people State policies. This case has shown how the military have sunk to deplorable maneuvers of using children against teachers and leaders. Time and again, the State has resorted to the criminalization of environment, land, and human rights activists who defend their communities.

Please join us in condemning the trumped-up cases against teachers and community leaders in Lianga, Surigao del Sur - a continuation of the ongoing attacks against the Lumad and their struggle against militarization and State repression. Let us demand an end to the continued attacks against schools and communities which have been instrumental in strengthening and advancing the struggle of the Lumad. The self-help schools for Lumad communities were established with a progressive mandate and curriculum that should be preserved instead of being the subject of attacks. Let us stand together to call for the immediate dismissal of the trumped-up charges against teachers and community leaders. Let us also amplify the calls for the withdrawal of soldiers in indigenous communities and the immediate lifting of martial law which served as the basis for continued militarization and State repression.

### **BACKGROUND OF THE INCIDENT:**

On September 1, 2015, MAPASU (Malahutayong Pagkigbisog Alang sa Sumusunod) chairperson Dionel Campos and Kiwagan Datu Juvello Sinzo were brutally killed in front of more than 200 residents of Km. 16 and Han-ayan, Brgy. Diatagon, Lianga, Surigao del Sur. Residents, teachers, and students were forcibly gathered by composite elements of the 75<sup>th</sup> Infantry Battalion-Philippine Army (IBPA) and paramilitary group Magahat/Bagani in Km. 16; they witnessed the killing of Sinzo and Campos. The

paramilitary group thereafter threatened the entire community of being massacred unless they leave their homes. After the perpetrators left, the dead body of ALCADEV executive director Emerito Samarca was found in the faculty guest room of the school compound, his throat has been slit and he was lying on a pool of his blood. The entire incident came to be known as the **Lianga massacre**.

Following the incident, around 2,700 individuals from twenty-six (26) communities evacuated to Tandag City on the same day. They were only able to return to their communities last September 3, 2016, after strong international and national campaign forcing military elements to withdraw from the communities.

Since their return, residents of 26 communities have been rebuilding their farms, homes, schools and livelihood. Lumad schools run by TRIFPSS and ALCADEV started holding regular classes for the school year 2017-2018 this June. On May, teachers and community leaders, however, received reports that officers of the court are being threatened by the 402<sup>nd</sup> Infantry Brigade to issue warrants of arrest against community leaders and teachers of ALCADEV and TRIFPSS, based on the harassment suits filed against them in December 2015.

Coinciding with these development is President Rodrigo Duterte's declaration of martial law in Mindanao on May 23, 2017. A checkpoint was placed in front of the military detachment in Post 1, Brgy. Diatagon, Lianga, requiring residents and visitors to show their ID or write their names in a logbook and residents again evacuated after seeing military bomber planes circling their community. Less than a year after their return, communities in Lianga again evacuated on July 6, 2017.

## **BACKGROUND OF THE TRUMPED UP CASES AGAINST TEACHERS, COMMUNITY LEADERS**

On December 16, 2015, Rosalina Tejero and her two sons Reneboy and Saniboy Tejero Acebido, filed an incident report alleging trumped-up charges of trafficking and child abuse against ALCADEV and TRIFPSS teachers and community leaders at the Municipal Police Station of Prosperidad, Agusan del Sur. The fabricated charges were filed three months after the Lianga massacre.

In his affidavit complaint issued on December 8, 2015, Reneboy Tejero Acebido named TRIFPSS teachers Annabelle Campos, Reynaldo Campos, Julieta Trimidal, ALCADEV teachers Reynaldo Campos and Ronald Bague, and MAPASU leaders Roland Enriquez, Tata Enriquez, Genasque Enriquez, Jalandoni Campos, Rengel Duhac, Joan Sinzo, Raby Rivas, Bebot Enriquez, Nilo Bautista, Datu Umbid Sinzo and Josephine Pagalan as personalities who used the schools to allegedly "fight the government." According to the said affidavits, Saniboy and Reneboy alleged that they were trained by members of the New People's Army (NPA) at a place called "Camarin." They also alleged that they were lectured and taught to hold firearms, destruct military camps, and instructed how to throw a grenade. Reneboy said he was a student of both TRIFPSS and ALCADEV, while Saniboy said he studied at TRIFPSS. Rosalinda Tejero, the mother, also filed her own

complaint.

On January 29, 2016, counter-affidavits were filed by the teachers and the students of TRIFPSS and ALCADDEV, community leaders and members of MAPASU and Sitio Hanayan, belying the accusations of the Acebido brothers. Former students and classmates of Reneboy at TRIFPSS supported their teachers. In several of the counter-affidavits filed by the teachers and community leaders, the following points were made:

1. The teachers attested that Saniboy and Reneboy did not even attend ALCADDEV. However, both boys did attend Alternative Learning System (ALS)-TRIFPSS and had difficulty in their classes.
2. Community leaders stated that the allegations were false, and that the trumped-up charges are forms of harassment engineered and backed by the military to discourage leaders and organizations from their campaigns to defend their ancestral land and hamper their efforts to fight against militarization.
3. Students who filed their affidavits attested that they have a strict policy on the prohibition of bearing deadly weapons like knives, bolos, except when used during their farm work. They also elaborated that they were rather taught of practicing the good traits of a Lumad, like loving the environment and the ancestral land and life; developing skills in farming; and preserving their culture through dance and Lumad songs.
4. The students also contested the brothers' claim of the place called "Camarin," a supposed training ground used by the NPA. Students said it is indeed a place located in the middle of the community - in between Sitio Han-ayan and Sitio Mike - where banana and abaca are planted. It is among their farms in the vicinity of ALCADDEV where students maintain a demonstration farm to practice lessons on scientific and sustainable agriculture.

Community residents knew the Acebido brothers as grandchildren of Lourdes Bautista and Abondio Bautista Sr. Lourdes enrolled Saniboy at TRIFPSS as a Grade 3 student. Saniboy continued with TRIFPSS until Grade 5 but stopped schooling in 2011 to work for Jhonny Enriquez. On October 5, 2016, a month after the massacre, Saniboy called his grandfather to relay to them that he will not be able to send money for the meantime, as he has to pay his mother's debt. He also said that they are now with his mother's new husband, a soldier from the 401<sup>st</sup> Infantry Brigade stationed in New Leyte, Prosperidad, Agusan del Sur. Saniboy added that they were closely guarded by soldiers and members of the Magahat paramilitary group.

On May 11, 2016, investigating Prosecutor Queen Ann D. Manongas-Icao filed before the Regional Trial Court (RTC) Branch 28 of Lianga, Surigao del Sur an information stating that she found probable cause on the charges against 12 of the named individuals in the affidavit of the Acebido brothers. She, however, dismissed the charges against Datu Umbid Sinzo, Josephine Pagalan, and Nilo Bautista.

On May 17, 2016, a motion for reconsideration was filed at the Office of the Provincial Prosecutor, Branch 2, Lianga, Surigao del Sur by the counsels of the 12. On the same date, they filed an urgent motion for deferment of proceedings and/or dismissal of the

case for lack of probable cause at the RTC Branch 28 of Lianga, Surigao del Sur, but to no avail.

On September 7, 2016, the counsels filed a petition for review before the Department of Justice (DOJ) in Manila, for, despite the insufficiency of the essential elements in the sworn statements of the complainants to establish trafficking in persons, the investigating prosecutor denied the counsels' motion for reconsideration. In the sworn statements of the complainants, there is nothing that would establish the elements of the act of trafficking nor were there allegations that they were being recruited, transported, taken, transferred, harbored, maintained, received nor hired in armed activities. They also noted that it was the grandparent of the two boys who enrolled them in TRIFPPS and/or ALCADDEV and that the fact stated by Reneboy that he stopped schooling indicated that there was no maintenance or holding of the children. Aside from this, the students have already disproved the allegations of the Tejero brothers that they are being taught or trained to hold firearms, apply aid on gunshot wounds and dismantle a military detachment.

The counsels emphasized that the complaint is an act of persecution rather than prosecution against the accused of the case. Furthermore, the teachers, community leaders and their respective counsels believe that the facts enumerated by the brothers' complainants are perjured, for their affidavits were written while they were under the custody of of the 401<sup>st</sup> Infantry Brigade.

As of this writing, the counsels and their clients are awaiting results on the petition for review submitted to the DOJ. The said petition seeks the reversal and setting aside of the undated order of the investigating prosecutor which denied the respondents' motion for reconsideration. The petition, ultimately, also seeks the eventual dismissal of the trumped-up charges against the teachers and community leaders.

Community leaders attest that the trumped-charges against the teachers of ALCADDEV and TRIFPSS, and community leaders of MAPASU and KASALO, are instigated by the 75<sup>th</sup> IBPA and the 401<sup>st</sup> Infantry Brigade to harass and intimidate them, as they are witnesses to the September 1 massacre and are themselves victims of forcible evacuation in Lianga, Surigao del Sur.

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### **Recommended actions:**

Send letters, emails or fax messages calling for:

1. The immediate investigation of the separate incidents to be conducted by an independent body;

2. The immediate withdrawal of the 75<sup>th</sup> and the 402<sup>nd</sup> IBPA, as well as elements of the paramilitary Magahat-Bagani in communities in Lianga, Surigao del Sur;
3. An end to the targetting of activists and leaders of progressive organizations, and their families;
4. Prosecute the perpetrators of the Lianga massacre and an end to the militarization of communities;
5. An end to the practice of filing trumped-up charges and any forms of harassment against teachers, community leaders, and human rights defenders;
6. An end to the Duterte administration's counter-insurgency program Oplan Kapayapaan which encourages the filing of trumped-up cases against activists, community leaders and civilians;
7. The immediate lifting of martial law which served as the pretext for elements of the military to return again and encamp at Lumad communities;
8. The Philippine Government to pursue its commitments under the Comprehensive Agreement on the Respect of Human Rights and International Humanitarian Law (CARHRIHL) which includes the right to freedom of thought and expression, freedom of conscience, political and religious beliefs and practices and the right not to be punished or held accountable for the exercise of these rights, and the right to free speech, press, association and assembly; and
9. The Philippine Government to adhere and respect the Universal Declaration of Human Rights and all major Human Rights instruments that is a party and signatory.

**You may send your communications to:**

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Please send us a copy of your email/mail/fax to the above-named government officials,  
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