

**KARAPATAN  
2012 YEAR-END REPORT ON THE  
HUMAN RIGHTS SITUATION  
IN THE PHILIPPINES**

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# 2012 Year-End Report on the Human Rights Situation in the Philippines

**O**PLAN Bayanihan, Noynoy Aquino's "counterinsurgency" program, a blueprint for fascism, proceeded on its second year of implementation with less sugarcoating and with evident terror, in an attempt to silence the people who are made more restive and increasingly militant by the unsolved problem of poverty, unemployment, economic dislocation and displacement.

The fascist attacks of the Aquino government against the people is not accidental but by design.

Oplan Bayanihan nears its self-imposed target of 2013 for its first phase, i.e., to end its identified armed threats and their so-called supporters or mass base. Thus, military aggression is directed against members of people's organizations and those in communities who are vocal against military atrocities and unabated plunder of the country's resources by multinational corporations.

2012 saw the intensification of military operations and heavy deployment of troops in areas believed to be strongholds of the Communist Party of the Philippines-New People's Army (CPP-NPA). This has resulted in the forced evacuation and displacement of thousands of indigenous peoples and farmers from their lands, and scores of cases of human rights violations, including extrajudicial killings, illegal arrests, torture and arbitrary detention and military occupation of schools, chapels, barangay halls and clinics in the community.

Killings are again becoming gruesome as in martial law years. Genesis Ambason, a tribal leader in Agusan del Sur, who was shot and tortured to death, his head had shrunk due to heavy beatings; and Ely Oguis, a village council member in Albay who was shot and beheaded.

Attacks against the people are marked with contemptuous boldness as in the case of the massacre of the Capion family where witnesses heard the AFP ground commander order his men to finish off the two children who survived the shooting, so there will be no witnesses left.

The Capion massacre typifies the collusion of the civilian bureaucracy, the military and big business interest and, at the same time, an example of how the AFP turns its gun against the unarmed civilians when they fail to get their targets.

Oplan Bayanihan's hurried first phase is not accidental but by design.

The Aquino regime remains ever faithful to the interests of U.S. imperialism, which is now geared towards its "pivot to Asia-Pacific."

It is no coincidence that the Philippine's version of the US Counterinsurgency Guide aims to finish its phase one so it can shift the Armed Forces of the Philippines to "external threats" and "defense of the Philippine territory."

It is no coincidence that as the Aquino government plays the warmonger in the Scarborough Shoal conflict with China, there is a slow but steady increase in the number of American troops and their nuclear-armed and-powered ships entering Philippine territory.

Riding on his cultivated image as a reformist president and a graft-buster, Pres. Aquino's two-pronged attack on the Filipino masses—through his economic program, the Public-Private Partnership and through Oplan Bayanihan—is unabated.

But no amount of tangled tales and denials can mask the human rights violations and impunity that the regime continues to carry out to push its economic programs and its puppetry to the U.S.

**THE US-Aquino regime's cornerstone economic program**, the Public-Private Partnership (PPP), continues the neoliberal economic policies imposed by imperialist globalization led by the US. This opens up, even more, the country's resources to plunder by giant foreign corporations, resulting in the displacement and further impoverishment of the Filipino masses, Foreign agribusiness companies are taking over vast agricultural lands and turning them into plantations for oil palm, bananas, pineapples and other agricultural products that are mainly for export, and not for local consumption.

This year, Aquino signed Executive Order 79, supposedly to correct the flaws of the Mining Act of 1995. In truth, it does nothing to stop large-scale, destructive mining by big business, for a measly increase of 3% in the government's share of income from the extractive operations.

Urban poor communities are treated like dregs of society and removed through forced eviction and violent demolitions, to make way for the beautiful malls, condominium, commercial complex of mega businessmen and investors.

There is no relief in sight for the working class and ordinary Filipinos who deal with the continuously rising cost of fuel, electricity, water and prices of basic commodities. Added to these are the rising cost of health services and education, as the government pushes the privatization of hospitals and the corporatization of state universities.

Spinmasters of the regime may be quick, but find it hard to deodorize the stench of corruption in the Aquino bureaucracy, such as: the acquisition of overpriced guns by Local Government Undersecretary and Aquino's shooting buddy Rico Puno; the case of the missing Php 3.77 billion funds for the Conditional Cash Transfer program being investigated

by the Commission on Audit, and the misspending by Phil. Charity Sweepstakes Office head Margie Juico of the Php 40 million out of the controversial Php 325M intelligence funds of the agency.

**THE second year of Oplan Bayanihan** is marked with 45 extrajudicial killings, to bring the death toll to 129 (as of October 30) under Aquino. Several attacks were directed at indigenous peoples who took a stand against the entry of large and destructive mining in their ancestral domain.

Children suffer hardships during evacuations and demolitions, when they are driven from their homes. But this year, 12 children were victims of extrajudicial killings, and at least 3, of frustrated killings – due to indiscriminate firing by soldiers, slay try on an adult companion, or at a violent demolition. Several children were also arrested during violent demolitions or accosted during military operations. At least four children and youths were tagged as “NPA child rebels,” while one was charged with violation to the Human Security Act or the Anti-Terror Law.

**TABLE 1**

Violation of Civil and Political Rights  
under the Noynoy Aquino Government  
July 2010 to October 31, 2012

Violations	Number of Victims
Extrajudicial Killing	129
Enforced Disappearance	12
Torture	72
Rape	3*
Frustrated Extrajudicial Killing	150
Illegal Arrest without Detention	228
Illegal Arrest and Detention	239
Illegal Search and Seizure	201
Physical Assault and Injury	205
Demolition	8,336
Violation of Domicile	369
Destruction of Properties	7,711
Divestment of Property	280
Forced Evacuation	30,259
Threat/Harassment/Intimidation	27,281**
Indiscriminate Firing	6,743
Forced/Fake Surrender	47
Forced Labor/Involuntary Servitude	162
Use of Civilians in Police and/or Military Operations as Guides and/or Shield	296
Use of Schools, Medical, Religious and Other Public Places for Military Purpose	23,792
Restriction or Violent Dispersal of Mass Actions, Public Assemblies and Gatherings	2,481

Tribal communities are forcibly evacuated in the countryside, as they sought shelter, either from bombings and aerial strikes, or from combat-gearred “peace and development teams” and military-sanctioned paramilitary units that swoop down on their communities.

With surprising dispatch, the military announced the relief of soldiers who killed the Capion family in the October 18 Davao del Sur massacre purportedly to face court martial. However, as of this writing, the soldiers are contained only in their barracks. And, military courts have the reputation to let the cases drag, only to eventually acquit the accused. This was the case for the 14th IB soldiers who were eventually acquitted of the 1987 Lupao Massacre, and redeployed to different units.

Asked about the Philippine human rights situation at a media conference in New Zealand, Noynoy Aquino brushed aside the escalating cases of human rights violations under his regime as “Leftist propaganda.”

How can one depend on this president to solve the problem of gross human rights violations when he is the first to deny such occurrence?

Aquino added that state agents even face life-threatening situation such as getting hit by human waste, referring to the defensive actions by informal settlers who tried to stop government wrecking teams from reducing their homes to rubble.

In many international forum, the government would maintain that human rights violations under Aquino are simply “aberrations”. Through their PR spins, the Aquino government intends to get the unreleased \$13 million of US military assistance to the Philippines, which was blocked since 2008 when Philippine solidarity groups lobbied against its release because of the unabated extrajudicial killings.

In reality, the Aquino regime is under increasing pressure because of its inaction to punish perpetrators of human rights violations, from the time of Gloria Arroyo to the present.

The New York-based Human Rights Watch pointed out that Aquino “has not lived up to his promises to bring those responsible for serious abuses to justice,” including the violations committed under his regime.

**TABLE 2**  
Victims of Extrajudicial Killing and  
Enforced Disappearance  
under the Noynoy Aquino Government  
July 2010 to October 31, 2012  
**By Region**

Region	EJK	ED
Ilocos	3	-
Cordillera Administrative Region	1	-
Cagayan Valley	2	-
Central Luzon	8	-
National Capital Region	10	-
Southern Tagalog	18	3
Bicol	33	1
Western Visayas	9	4
Central Visayas	1	-
Eastern Visayas	7	-
Northern Mindanao	6	-
Caraga	4	3
SoCSKSargen	7	-
Western Mindanao	1	-
Southern Mindanao	14	1
ARMM	5	-
<b>TOTAL</b>	<b>129*</b>	<b>12*</b>
<b>Women</b>	<b>15</b>	<b>0</b>
<b>Organized</b>	<b>62</b>	<b>5</b>

The Aquino regime was also put to task at the Universal Periodic Review of the United Nations Human Rights Council, where at least 22 out of 69 countries called attention to the continuing extrajudicial killings, disappearances and torture. Several countries called for the prosecution of fugitive ex-Maj. Gen. Jovito Palparan Jr. and the dismantling of paramilitary groups. Some urged the Philippine government to act on the requests of UN Special Rapporteurs to visit the country, to which the government gave a tentative response, lamely citing lack of funds.

The UN Special Rapporteurs on Human Rights Defenders Margaret Sekaggya and on Extrajudicial Killings, Christof Heyns noted, in a statement, the “growing number of threats and killings of rights defenders” in the Philippines. As head of the incumbent regime, the weight of giving the much-delayed justice to the martial law victims also falls on the shoulders of Aquino. He claims to empathize with the families of victims because his father was a political prisoner during Martial Law, but he had done nothing to hasten the enactment of the law for indemnification of martial law victims and the Anti-Enforced Disappearance bill.

\*Note: Previously unreported cases of EJK in 2010 to 2012 are also added.

\*\* 7 EJK victims in October 2012

### The real danger: state security agents and their auxiliaries

Aquino's sense of "danger" against state agents (getting pelted with human waste) comes in sharp contrast with the real threat to the lives of tens of thousands of indigenous peoples who evacuate to dodge indiscriminately fired bombs and bullets from soldiers. Documented cases of human rights violations show how the real danger comes from state security forces and their back up units.

Just in the last quarter of the year, Karapatan chapters and allied organizations documented a spate of killings of leaders of indigenous peoples' communities that had opposed large-scale destructive mining, dam and biofuel plantations in their ancestral lands. So-called "Community Peace and Development Teams" torture and assault civilians and impose a reign of terror in the villages they stay in.

The perpetrators are identified military units, paramilitary groups formed by or closely linked to the military, and suspected death squads under the AFP's command.

Death squads—motorcycle-riding armed men, whether masked or barefaced—are still being employed to eliminate progressive personalities and suspected rebel supporters. Cases of killings by these riding-in-tandem liquidation units largely remain unsolved, because the perpetrators were unidentified. In Bicol, death squads composed of suspected soldiers and CAFGU were responsible for the continued killing of suspected NPA supporters.

Aquino's EO 79 served as marching orders to the Investment Defense Forces – the Phil. Army, CAFGU and the paramilitary groups that are accredited as Special Civilian Armed Auxilliary (SCAA) – to clear the mining areas, and remove hindrances such as a resistant populace. In several instances, the military even tried to cover up by claiming that the civilian victims were NPA rebels killed in an encounter with soldiers.

At the Nov. 9 Mindanao public hearing of the Committee on Human Rights of the House of Representatives, Brig. Gen. Romeo Gapuz of the 4th Infantry Division, admitted that Alde Salusad's father, Benjamin "Nonong" Salusad surrendered to the AFP in 2011, under the rebel returnee program and is now a member of the CAFGU. Salusad and several others, including his son, Alde, have pending warrants of arrest. While the AFP continues to deny links between the military and NIPAR,

Gapuz admitted that they are "coddling" Nonong Salusad. Even prior to the killing of Jimmy Liguyon, Salusad and his group had been issued a warrant of arrest identified as the perpetrators in cases of extrajudicial killing, abductions, coercion, threats, harassment and divestment of properties in Bukidnon.

In Negros Occidental, members of the Revolutionary Proletarian Army-Alex Boncayao Brigade (RPA-ABB) continued their terror attacks against suspected NPA supporters in the town of EB Magallona. On Feb. 19, vendor **Rogelio Seva**, 56, was shot dead in Victorias City by three identified RPA-ABB men, namely Hernani Cunanan, Herman Cunanan and Lauro Delgado.

The three paramilitia had just come from barangay Gawahon, E.B. Magallona town and burned down the houses of **Lilia Devero, her son Welben, and her father Amenardo Seva**. Only **Jolivie**, Lilia's 17-year-old daughter, was home, and the RPA-ABB men hogtied her and one even tried to rape her. The three took off on board two motorcycles, and headed to Victorias City where they killed Rogelio Seva.

The Deveros are the family of peasant July Devero who was abducted by RPA-ABB men last year, along with Gerald Abale and Michael Celeste. They remain missing to this day.

In Guihulngan City, Negros Oriental, on Feb. 18, CAFGU member Cerilo Tejares shot dead Binobohan village chief **Norberto Recabo** inside the village chapel. Recabo, 50, was also a member of the local farmers' group Kaugmaon. The chapel was 20 meters from Recabo's house, and 50 meters from the CAFGU detachment under the command of the 12th IB.

Just as many are the 150 victims of frustrated killings: those who survived slay attempts or were wounded in indiscriminate firing by soldiers.

### Blood for gold and copper

On Oct. 18, in barangay Kimlawis, Kiblawan, Davao del Sur, soldiers of the 27th Infantry Battalion strafed the home of **Juvy Capion**, 27 years old and two months pregnant, killing her and her two sons **Jorge and John**, 13 and seven years old, and wounding her daughter **Juvicky** while a relative, an 11-year-old girl was unhurt.



Juvy was a member of Kalgad, a local Lumad organization that has taken a strong anti-mining stance, particularly against the large-scale mining of Xstrata's Sagittarius Mines Inc. (SMI) that has targeted the rich gold and copper deposits in South Cotabato. Her husband Daguil had been targeted by the military for leading the Blaan tribe against the entry of the SMI mining project.

After the massacre, the soldiers lined up the bodies of Juvy and her sons outside their house to compel Daguil to surrender. Soldiers allowed the victims' relatives to retrieve the bodies after eight hours of exposure to the elements. The military also cleaned up the crime scene before the police investigators arrived.

The AFP replaced the 27th Infantry Battalion with the another unit, the 39th IB, whose record includes the killing of father and son, Rudy Yalon-Dejos, 50, and his son Rody Rick, 26. Both were found dead with



gunshot and stab wounds inside their house on February 27, 2011.

Two weeks before the massacre, on Oct. 3, suspected state security forces shot and killed **Gilbert Paborada**, leader of the Higaonon tribe and chair of the local Lumad organization Pangalasag in Cagayan de Oro city, Misamis Oriental. Two men on board a motorcycle shot Gilbert, who sustained five gunshot wounds, in the head, abdomen, hand and two in the chest.

In 2011, Gilbert temporarily relocated to Cagayan de Oro after he and other tribal leaders received persistent threats, harassment and surveillance. His group Pangalasag, meaning “shield” had campaigned against the expansion of the palm oil plantation owned by the A. Brown company, a U.S. corporation. Gilbert continued to be harassed before he was killed. In a dialogue with Opol town mayor Dexter Yasay in June 4, the said mayor claimed outright that Gilbert was with the NPA.

In Agusan del Sur on Sept. 13, **Genesis Ambason**, 23, a youth leader of the Banwaon tribe, was shot, then tortured to death. Genesis was the secretary general of Tagdumahan, which is resisting the entry of large-scale mining in their ancestral lands, particularly the Malampay, Tambuli and Makilala Mining corporations.

Ambason was with four other companions on their way to Binikalan village to mine as well as to buy gold. Genesis had with him PhP 18,000 cash to buy gold. The group rested some 200 meters away from the detachment of the CAGFU under the 26th IB, when they were fired at. Everyone scampered to safety, except Genesis who was wounded in the first volley of gunfire.

The next day, at around 6 am, Genesis’ body was found some 130 meters from the 26th IB detachment. Ambason’s relative brought the remains home to Almira, Genesis’s 19-year-old wife who was eight-months pregnant with their first child. Almira suspected that her husband was tortured to death. His body sustained four gunshot wounds, but his face and chest had dark bruises, all his teeth were gone and his head was smaller. CAGFU cadre Artemio Sublidan claimed that seven of his men and three soldiers had an encounter with Genesis and his companions, who they alleged to be NPA rebels.

A statement by the Katribu Partylist noted that Genesis must have gotten the military’s ire when on June 25, he led a dialogue with the 26th IB and successfully negotiated the release of six Banwaons who were illegally arrested and detained. The Provincial DSWD participated in the dialogue.



Leaders in their respective tribes and rights defenders, Gilbert Paborada (top) and Genesis Ambason.

Since the 80s, the Banwaon tribe of San Luis and the adjacent communities have fought against the incursion of foreign and local mining corporations in their ancestral domain.

Earlier in the year, on March 5, **Jimmy Liguyon**, 37, leader of the Matigsalog tribe and village chair of Dao, San Fernando, Bukidnon was shot in front of his house by Alde Salusad, a member



of a paramilitary group. Salusad, accompanied by other paramilitary, even declared that he killed Jimmy because he refused to sign a certification for SANMATRIDA, or the San Fernando Matigsalog, Tigwahanon, Manobo Tribal Datu Association.

The SANMATRIDA is facilitating the entry and operation of mining companies in the Lumad ancestral lands. It claims 53,000 hectares in 12 villages, and is being resisted by tribal leaders including Liguyon. Salusad and SANMATRIDA is closely linked with the 8th IB based in Halapitan, San Fernando. In 2011, Liguyon had received death threats and harassed by Salusad's group.

San Christo, a mining company affiliated with the Indophil, is reportedly interested in the area. Indophil is one of SMI-Xtrata-Copper's partner in the mining activities in Tampakan, South Cotabato.

After Jimmy was killed, Salusad and his paramilitary group kept prowling around the community. Eighty three individuals, mostly Jimmy's relatives and members of local indigenous organization Kasilo, evacuated and sought sanctuary in the Provincial Capitol grounds in San Fernando, Bukidnon.

Still in Bukidnon, local government employee and anti-dam activist **Margarito "Boy" Cabal**, 47, was shot on May 9, at 6:30 pm, near his rented house in Barangay Palma, Kibawe town, by two men riding a red STX motorcycle with no plate number. The perpetrator

## Nefarious NIPAR

In the Northern Mindanao Region, in Bukidnon province, the paramilitary group led by Jimmy Liguyon's killer Alde Salusad aka "Butchoy", had been terrorizing residents in barangays Dao and Calagangan since August. Salusad had renamed his group the New Indigenous Peoples' Army (NIPAR). On Aug. 16, Alde along with soldiers of the 8th IB and other Special Cofgu Active Auxiliary (SCAA), set up four gold processing plants known locally as "Bolmellan". They also cut indigenous trees as materials in constructing tunnels for their mining operation.

Prior to that, on Aug. 2, Alde's father Benjamin "Nonong" Salusad, a CAA member, came with some 20 CAA and ransacked the tents of Matisalog gold panners in sitio Kiranggol, Dao, looking for gold dust and money. The gold panners returned home sitio Malungon,

Calagangan village, but Benjamin Salusad also threatened to kill Datu Malapong Nayan, the tribal chief of the Matisalog in Calagangan, and municipal chair the Lumad group KASILO, which the gold panners belong to.

Alde Salusad and the NIPAR men had also accosted other residents, taking gold dust and money at gunpoint. They touted their guns around the residents, and even fired shots at children. This has pushed 62 families to leave their villages in late August. Some residents went to nearby communities, while others trekked to as far as Quezon, the next town. Those who had no relatives elsewhere went and hid in the forest. On August 29, the evacuees travelled from Quezon, Bukidnon to the provincial capitol in Malaybalay City.

There are still 30 evacuees from the villages of Dao and Calgangan that are staying at the "Kampuhan" at the provincial

used .45 caliber pistols. Cabal was shot three times in the chest and once in the back, and was dead on arrival at the hospital.

Cabal was known for his firm resistance against the establishment of Hydro-Electric Mega Dam - Pulangui V project of the First Bukidnon Electric Cooperative (FIBECO) which will eventually affect 22 barangays of Bukidnon and North Cotabato. Ten barangays of Kibawe will be affected, including his home in Barangay Tumaras. He campaigned and organized residents of the affected barangays to oppose the construction of the said dam.

### Say sorry

In Echague, Isabela, soldiers of the 86th IB killed peasant couple **Vic and Rosario Valenzuela** in sitio Calabaggin, San Miguel village in the early morning of Nov. 23. The killing followed the Nov. 17 incident in Mabbayad, Echague where seven soldiers were killed in a clash with NPA rebels. The 86th IB soldiers arrived in sitio Calabaggin on Nov. 22 and stayed in two houses. They left at 1 am the next day, and a few hours later, at 3 am, residents heard simultaneous single gun shots followed by automatic firing. On Nov. 24, soldiers told villagers to come with them to the hut of the Valenzuela couple where the victims' bodies were already decomposing. As the bodies were brought to the sitio proper, a soldier identified as Robert Bagni apologized to the residents, saying his companions fired at the couple's hut thinking there were rebels inside. Military and police officials tried to cover up the killing, claiming that there was an encounter and that the victims were used as human shields by NPA rebels.

In Laak, Compostela Valley, an army officer identified only as "Lieutenant Gamus," commanding officer of the Charlie Company of the 60th IB, apologized for the killing of **Totong Mabinsi**, 37, of the Dibabawon tribe, a barangay police and member of the Katribu Party-list in Barangay Datu Davao.

On July 22, at 6 am, Totong left his house to hunt in the forest. Later in the day, his body was found near the Kibuntayon River, a kilometer from the detachment of the 60th IB. Soldiers escorted the civilians and a tribal leader who brought Totong's remains to

capitol grounds in Malaybalay City.

Salusad had gone to the point of abducting Julia Manlus-ag and her four minor children to blackmail her husband into convincing the remaining evacuees to leave the "Kampuhan" and return to their villages.

On October 7, Julia Manlus-ag, 25, and her four children aged nine years old, seven, four and nine months old, were on their way to Sitio Dumasilag of Barangay Salawagan, Quezon to visit Julia's mother when they were abducted by Salusad and his men together with five SCAA members.

Julia's husband, Sitoy, 30, went to Sitio Kiranggol to get his wife and the children, but Salusad only threatened him and said that he will only release his family if he could convince the evacuees that had camped out at the provincial capitol grounds to go back to their respective communities. At gunpoint, Salusad told Sitoy to

obey his order or he will blow his chest.

Sitoy sought help from his relatives and two tribal leaders to negotiate with Alde, but Alde refused to budge. As the case gained publicity, Alde fabricated the story that Julia asked for his help because Sitoy wanted to sacrifice their second child, a six-year-old boy, for the bulawan ritual of blood offering. After which, Sitoy received a phone call and was able to talk to Julia who told him that she "was not going back" to him. But the other line sounded like it was on loudspeaker, and he could hear from the background that someone was dictating on her.

As of writing, Sitoy stays at the Kampuhan. Supported by KASILO, he is still exploring ways to release his family from the NIPAR men.

the house of his brother, Manuel, just adjacent to Totong's. Manuel said that Lt. Gamus told him in front of the tribal leader: *"Ako nangayo og pasaylo sa kamatayon sa imong manghod...unsaon kay naalaan siya sa akong tropa nga siya ang guide sa mga NPA"*. (*I am asking an apology for the death of your younger brother, he was suspected by my troops as guide of the NPAs*). Totong sustained 12 gunshot wounds.

### **Tax collectors**

In Kapalong, Davao del Norte, suspected state agents shot and killed truck driver **Razil Castro**, 32, on September 24. Razil was preparing his truck outside his house when two men on board a black motorcycle shot him with a .45 caliber handgun. He sustained six gunshot wounds and was dead on arrival at the hospital. His sibling said he had been tagged by the military as an NPA supporter and "revolutionary tax" collector.

Three days before he was killed, neighbours reported to the police about two men on motorcycle suspiciously roaming in the area. When accosted by the police, the men showed their military ID and said they belonged to the Military Intelligence Group.

In Bicol, the military stepped up its terror campaign as suspected soldiers killed and decapitated **Ely Oguis**, a Camarines Norte village councilor who was tagged by the military as an NPA supporter. The killing heightened the blanket of fear as soldiers have encamped in the villages in the province, including in Cabaloaon where Ely was killed.

On Nov. 11, after his duty at the barangay hall, Ely had a few drinks with fellow residents and Corporal Gilbert Ramos, the 2nd IB detachment commander in the village, and another soldier known only as "Patoy". At 11 pm, residents heard a volley of gunfire. Early the next morning, villagers saw Ely's body lying on the ground, his decapitated head more than a meter away and almost buried in the mud. The ears were hacked off and missing. Ely sustained five gunshot wounds in the chest. The decapitated head also bore signs of being hit with a hard object.

Conflicting statements were issued by the AFP to cover up their accountability, given that they were the ones encamped in the area and the last to see the victim alive. On November 12, Maj. Narzan Obuyes, spokesperson of the 2nd IB said that there was an encounter between soldiers and the NPA the night Ely was killed. Then, Col. Ricardo Visaya of the 901st Brigade based in Daraga, Albay, said that Ely was an NPA tax collector and may have been killed by the NPA as punishment for not remitting collections. Spokesperson of the 9th ID Maj. Angelo Guzman said that Ely was killed by the NPA for not paying taxes to the revolutionary group. In August 2011, Ely was among those harassed and interrogated by 2nd IB soldiers that had encamped in the village and claimed that he was with the NPA, but Ely insisted that he is a village councilor and not a rebel.

### **Advocates of people's rights and welfare**

In **Central Luzon**, two prominent leaders involved in advocacy work in the province of Aurora were killed by suspected death squads in a span of four days.

On June 30, at around 8 pm, **Romualdo Palispis**, or **Waldo**, was relaxing in front of his home in Maria Aurora town, Aurora province, playing the guitar, when he was shot in the head. Waldo was the municipal chair of Justice and Peace Action Group (JPAG) Maria Aurora chapter from 2002 until the time of his death.

Prior to his death, Waldo led the opposition against a proposed law splitting the municipality of Maria Aurora to create the Dr. Juan C. Angara municipality as the ninth town of Aurora province.

The bill was filed by members of the Angara family at the House of Representatives and at the senate. The Angaras also hold the top local government positions in Aurora.

In May this year, Waldo was one of the convenors of the Task Force “*Walang Hatian ang bayan ng Maria Aurora*,” which assailed the bills as part of the projects being pushed by the Angara family in the province. Gov. Bella Angara is pushing for the Aurora Pacific Economic Zone and Free Port (APECO) project in Casiguran, Aurora. Waldo was among the leaders of groups expressing the people’s opposition to the project due to expected adverse consequences to the rural people and environment. The Task Force had also started a petition-signing campaign against the bills.

Three days after Waldo’s killing, on July 3, in San Fernando City, Pampanga, a much-loved Dutch development worker, **Wilhelm Geertman** was killed inside the office of the NGO Alay Bayan-Luzon Inc. (ABI), which he headed as executive director. Geertman was also one of the founders of JPAG in Aurora.

Geertman and two ABI staff had just entered the office compound when two armed men barged in, shouting invectives, “*Putangina!*” This surprised Geertman, who raised his hands and faced the men, one of whom collared him, forced him to kneel, then shot him at the nape. The gunman took Geertman’s shoulder bag which contained money withdrawn from the bank.

Police investigation focused on the “robbery angle”, citing that the victim was tailed from the bank. This angle discounted the perpetrators’ mode and methodology, the brazenness and swiftness which shows that they were experts, and primarily meant to kill him and sow fear. Under President Arroyo’s Oplan Bantay Laya, Geertman experienced threats and harassment from the military. Since the late 70’s, Geertman had been in the country and was instrumental in uniting the farmers and the indigenous peoples as well as in the formation of sectoral and human rights organizations in the area, including JPAG.



In one barangay meeting in Aurora, Wilhelm confronted soldiers who referred to him as a spokesperson of the National Democratic Front (NDF).

As head of ABI in the past years, Wilhelm was active in the campaign against corporate mining and logging, and the development of Aurora as an economic zone under the Aurora Pacific Economic Zone (APECO). Some ABI staff had complained of being harassed by soldiers and interrogated at a military detachment about the group's work.

After Wilhelm's killing, the ABI staff became fearful of their lives, and felt harassed by the police investigating the case. The police asked questions told them not to talk to the media, and asked questions that hinted that they belong to an underground organization, or personal intrigues among staff.

### **Weep for the children**

There are 14 children EJK victims under the Aquino regime, 12 of them were killed this year.

Similar to the Tampakan Massacre was the massacre in Labo, Camarines Norte, where soldiers of the 49th IB strafed a farmer's home in Malaya village, killing **Benjamin Mancera**, 54, along with his two young sons, **Michael**, 10 and **Richard**, 7. Also killed was NPA rebel Rafael Llanto who was resting at the Mancera home.

The only survivor was Mancera's 14-year-old daughter, "**Ella**" who was wounded.

The 49th IB claimed that Benjamin was an NPA rebel. The 9th Infantry Division "expressed sadness" about the deaths of the two children, but blamed the NPA for "firing the first shot." But "Ella" narrated that on Feb. 25, she was at the living room, with her father and brother Richard when she saw a soldier approaching their hut, followed by a hail of bullets. Michael who was in the bedroom was also killed. She said that the NPA rebel at the kitchen was not able to fire a shot, as he was immediately killed in the strafing. Village officials certified that Benjamin was not a rebel.

The military kept Mancera's daughter under tight watch as she recovered at the hospital. When she was about to be discharged, 2Lt. Robert Lee even tried to take custody of the child but her mother Lourdes resisted.

Less than six months later, on August 7, two motorcycle-riding men suspected to be military elements shot and killed **Merlyn Bermas**, the Malaya village chairperson who had assisted the Karapatan fact-finding team that documented the massacre, and helped expose the military's accountability in the incident. Bermas had also facilitated for the sanctuary of the remaining Mancera family members.

Merlyn was commuting from the Labo town market and was on board a "hauler," a roofless tricycle which is the mode of transportation for villagers in far-flung communities. Also killed was **four-year-old Gerald Oreza** who sat in the hauler beside farmer **Canon Maulion**, who was wounded.

**TABLE 3**

Victims of Extrajudicial Killing and  
Enforced Disappearance  
under the Noynoy Aquino Government  
July 2010 to October 31, 2012

**By Sector**

Sector	EJK	ED
Church	3	-
Entrepreneur	4	-
Environmentalist	6	-
Fisherfolks	1	-
Government Employee	3	-
Indigenous People	25	1
Media	3	-
Minor	15	-
Peasant	71	9
Teacher	1	-
Urban Poor	12	1
Human Rights worker	1	-
Workers	7	-
Youth and Students	4	1
Moro	4	-
Transport	1	-

In Atingay village, Magdalena, Laguna, soldiers of the 1st Infantry Battalion opened fire and killed **Jaycee Perez**, 31 and **Christian Roy Noceto**, 15. **Francis Abanilla**, 18, and a **15-year-old youth** were both wounded. In the midnight of Feb. 15, the group went out with an air gun and their dog to hunt for bats and birds in the forests. Police investigation said that when one of the victims fired the air gun, the soldiers mistook them for rebels and fired at them. Recovered from the scene were 53 spent shells of M14 rifle and two shells from a .45 pistol. In a news report, the army claimed that the four were all NPA rebels, in spite of the fact that they only carried an air gun.

In Tacayan village, Tapaz, Capiz province, a six year-old Tumandok girl was killed in an explosion by a suspected M203 grenade that came from a nearby military detachment. On March 11, **Rodelyn Aguirre** and her **four year-old sister “Baby”** were outside their home when they were hit by an explosion.

Just some 200 meters uphill was a detachment of the 61st IB. Villagers reported that an army personnel named Willy Faulo has been issued an M203 rifle. The detachment had been in the village for years and had often been the subject of complaints by residents.

Military spokesperson Capt. Reylan Java, of the 3rd Infantry Division, concocted a story that not only Rodilyn but two NPAs were also killed from an improvised explosive device (IED) that exploded while they were assembling it. Later, the military changed the story line and said that the police should investigate how the cartridge happened to be in the house. They cited a police report which said that Rodelyn was last seen holding a bolo and chopping wood; they said she must have played with an M203 grenade which she placed on top of a log and hit with the bolo. Soldiers claimed in their affidavits that the charges against them were “purely harassment from CPP-NPA-NDF.”

The victims’ grandfather Julian Aguirre belied the military claims. Village officials who went to the detachment to seek assistance in the investigation said soldiers at the detachment did not budge, saying that they did not hear any explosion, despite their proximity to the site. They even challenged the residents to smell their guns to prove that they were not fired.

In Magpet, North Cotabato, **two 12-year-old boys** were forced by soldiers to guide them in their operations. Some soldiers of the 57th IB chanced upon the boys who were walking home after charging a cellphone from the next village. The soldiers asked the two to lead them to the NPA camp, to which the boys said they don’t know. The soldiers forced the boys to come with them at gunpoint, threatening that they will kill them and tie them to

a rubber tree. The two were forced to trek uphill with the soldiers, and saw them force their way into an empty house and ransack it. The boys were allowed to go home at 3pm, exhausted, hungry and traumatized after six hours of trekking with soldiers.

Two other children were victims of killings in the Autonomous Region of Muslim Mindanao (ARMM).

### **Peace in the Moro lands?**

Weeks before the government and the MILF signed the framework for the final peace agreement, a farmer and two children were killed in three separate incidents of indiscriminate firing by suspected soldiers.

In the first week of August, military operations intensified in several ARMM areas after three Phil. Army soldiers were killed in an ambush by suspected Bangsamoro Islamic Freedom Fighters (BIFF) members along the Fisheries Drive, in Mindanao State University (MSU) in Marawi City, Lanao del Sur. The armed clashes triggered evacuations as villagers tried to elude the crossfire. But it seems that there is no safe place, as there are detachments even near residential areas.

On August 7, farmer **Ismael Abdula** of Satan village, Datu Unsay was killed when he was hit in the head with a mortar shell that was suspected to have been fired from the nearby detachment of the Phil. Army's 45th IB in Meta village. The explosion also damaged houses and killed three farm animals (carabaos).

On Aug. 8, in Marawi City, Lanao del Sur, **six-year-old Gaily Miraato** was shot and killed by a stray bullet suspected to have come from the nearby detachment of the 65th IB, near the Agus hydropower plant.

On Aug. 21, in Salbo village, in Datu Saudi Ampatuan, **four-year-old Asmayrah Usman** was killed when she was hit by a stray bullet on the right side of her stomach, piercing her lung. Her father, Mujahed Budi Usman, 33, was hit and wounded in the left foot, with the bullet going through to his thigh. The Usman family was among the residents who left Iganagampong village, Datu Unsay and stayed at the Mahad Norul Ittihad Evacuation Center, in Salbo village, Datu Saudi Ampatuan.

The 1st Mechanized Infantry Brigade is based in Salbo village.

In the three incidents, the victims' families reported that there were no BIFF members in the area, and the nearest armed group was the military.

Residents of the **villages of Iganagampong and Maitumaig in Datu Unsay** reported that they were afraid to return home after finding their abandoned houses occupied by soldiers. Many houses were riddled with bullets and ransacked, with some properties missing. There were also incidents of strafing of civilians by soldiers in Iganagampong, Maitumaig and Meta villages.



Evacuees from **Dalingaoen village, Pikit town, North Cotabato province** reported that their homes and farms were damaged from the military's mortar shelling during the first week of August.

Soldiers have occupied civilian areas, such as the barangay health center in Iganagampong village, a school shed at the Maitumaig Elementary School in Datu Unsay, and the mosque at Bagan village, Guindulungan.

Since early August when the Phil. Army first clashed with the BIFF, Kawagib, (an alliance for Moro People's rights) reported some **30,000 evacuees in six Maguindanao towns**. The latest are the **200 evacuees from Datu Unsay town**.

### **Evacuations: seeking safety from aerial strikes, harassment by ground troops**

The heavy concentration of military troops, aerial strikes and indiscriminate firings by the Phil. Army's in pursuit operations have triggered forced evacuations, as residents opted to face the hardship in leaving their homes rather than meet the wrath of soldiers in combat mode or their indiscriminating bombs and bullets.

The military operations and heavy troop deployment was not always in pursuit of NPA rebels, but mainly as part of maintaining their presence as Investment Defense Forces in the mineral-rich areas in Mindanao.

Civilians wounded in bombing attacks were even tagged by the military as "NPA rebels."

This was the case in barangay New Visayas, Trento, Agusan del Sur when a 16-year-old boy who was wounded, arrested and tagged by the military as an "NPA child warrior."

On May 7, at around 7 am, **16-year-old "Jessie"** was gathering wood in the forest to construct a hut for the village festival, when firefight erupted between soldiers of the 25th IB and NPA rebels. All 83 families of sitio Upper New Visayas, evacuated to the barangay halls of New Visayas and Pulang Lupa. As military reinforcement, a fighterplane dropped at least seven bombs on the area.

On May 8, Jessie arrived with a wound in his thigh at the evacuation area at the New Visayas barangay hall. Soldiers immediately arrested him. His mother and 15-year-old sister clung on to him and they too were taken by 75th IBPA soldiers on board a 6x6 military truck. On May 11, the Philippine Daily Inquirer came out with a news report quoting 4th ID spokesperson Maj. Eugenio Osias IV, and their commanding officer Maj. Gen. Victor Felix that they captured "Jessie" whom they claimed was a wounded "NPA Child Warrior." The military released Jessie and his family on May 22.

Barangay New Visayas and the adjacent villages are affected by the mining exploration by the Philsaga Mining Corporation and the Monkayo Consolidated Mining Corporation which is being funded by the Taiwanese Yinyi Phil Investment Holding Group, Inc.

In Kibawe, Bukidnon, on April 1, farmer **Janice Marguate**, 25, of barangay Sampaguita was hit by shrapnel when a bomb was dropped on his farm. Two fighter planes that reinforced 8th IB soldiers in pursuit of rebels indiscriminately shelled Sitio Kibanggis and Nabunturan, in barangay Sampaguita, dropping 14 bombs from 9 am up to 10:30 am. Residents from the four sitios of Sampaguita, or **71 families composed of 293 individuals**, evacuated to the barangay hall.

Soldiers stopped Janice and his family as they rushed him to the District Hospital in Kibawe. The soldiers claimed that Janice was an NPA and they were arresting him. The barangay chair attested that Janice is a bona fide resident and farmer in Sampaguita village, and the soldiers eventually let them pass.

### ***The long trek to safety***

In Caraga region, widespread and intensified military operations in the hinterlands triggered the flight of peasants and indigenous peoples from the towns of Cabadbaran and Kitcharao in Agusan del Norte and from Alegria town in Surigao del Norte. The evacuees went to Butuan City in Agusan del Norte to appeal for help to stop the bombings and military encroachment in their communities.

The earliest wave of evacuations began in February, when **68 families fled barangay Ferlda, Alegria, Surigao del Norte** and sought sanctuary in barangay Ombon, about 18 km away. On Feb. 6, 80 soldiers arrived and occupied the barangay hall and other facilities, while some stayed beside civilian houses.

On Feb. 19, a soldier in Purok 1 accidentally fired at a nearby house when he fell from his hammock, roused by gunshots in the forest. The kitchen of **Felix Palicpan** was riddled with bullets but no one was hurt, although many panicked. Ten families immediately left Purok 1 and went to barangay Ombon, while six families chose to stay. On February 28, at 8pm, the remaining families were gripped with fear when soldiers ordered them to hurriedly



gather in a house after hearing gunshots in the nearby mountains. That night, the six families decided to evacuate, but the soldiers came with them, and positioned themselves interspersed between civilians during the trek. The soldiers said that they accompanied the families to protect them, but it was clear to the residents that they were being used as shields because the soldiers walked in the middle of the group. As they passed through Purok 2 and 3 of Brgy. Ferlda, 52 Mamanwa families joined in the evacuation, swelling the number of those who arrived in Brgy. Ombon to **58 families**.

In the nearby town of Kitcharao, Agusan del Norte, on March 5, two fighter planes dropped four bombs near the communities of **Ansili and Zapanta**. The bombings were so near that the residents described feeling the impact on their chests with every detonation. The planes were followed by a helicopter that strafed the forest areas. Women and children panicked, with one pregnant woman suffering contractions.

Residents saw soldiers rappelling down from a helicopter as it hovered over a nearby hill. They heard chainsaws and tall trees fell as the soldiers set up camp. Afraid of running into the soldiers in combat mode, the residents stayed in their homes, including motorcycle drivers that ply the route. A helicopter was seen ferrying soldiers to the nearby mountain.

In the gathering dusk on March 6, **45 Mamanwa families from Ansili and Maribuhok** started the eight kilometer trek to barangay Bangayan. They used torches to light their way, arriving at Bangayan at 8 pm. On March 9, sporadic gunfire and increased military presence and encroachment in sitio Zapanta drove **80 peasant families** to also leave their homes and walked to the village center of Bangayan.

On March 5, simultaneous with the Kitcharao bombings were aerial strikes by two helicopters in Barangay Camam-onan, Gigaquit town, Surigao del Norte. Two houses were hit. Residents of Sitios Pagbangayan, Kalatingga, Katikuyan and Bongogon went to sitios Banban and Omaw, in the same village. But that same day, soldiers of the 30th IB arrived in sitio Banban, which prompted the evacuees to transfer again, this time to Dam Sitio Baoy in barangay San Isidro, by the side of the river. On March 21, it was the turn of the evacuees in sitio Omaw to proceed to Dam Sitio Baoy, when soldiers of the 30th IB also came to sitio Omaw.

**Up to 479 individuals** evacuated from the four sitios of Camam-onan village.

On March 23, soldiers opened fire at three Mamanwas who went to get firewood in sitio Omaw in Camam-onan village. **Balodoy Enano** was hit in the arm, while **Bukas Prada and Toto Calingasan** were able to run to safety. Balodoy later saw soldiers of the 30th IB who told him not to say that they were the ones who shot him. The soldiers gave Balodoy one tablet each of paracetamol and mefenamic acid, and left him on his own. The victim passed out from blood loss and hunger, but was able to walk and reach help the next day.

On March 14, similar military operations and encroachment in the community by units

of the 402nd Brigade drove **78 Mamanwa families from sitio Lusong, barangay Puting Bato, Cabadbaran City** to seek sanctuary in Butuan City, and was accommodated at the covered court in barangay Imadejas.

The Mamanwa evacuees from Surigao del Norte also joined them, which brought the total number of Lumad evacuees to 350.

On March 23, seven fully-armed soldiers led by Major Nilo Kanashiro, spokesperson of the 4th ID and Lt. Patrick Martinez, CMO of the



402nd Brigade went to the evacuation center in Butuan City. Shortly after, 107 evacuees arrived from Palidan, Brgy. Mahaba, Cabadbaran City. Maj. Kanashiro tried to order the newly-arrived evacuees to have their photo taken individually by the soldiers before being allowed inside the covered-court. The exhausted evacuees, however, ignored the soldiers.

A Gabriela-Caraga statement said Maj. Kanashiro even scolded the evacuees, saying, “Do not listen to the lies of these pretty faces that has joined you” referring to Kasalo-Caraga and Gabriela-Caraga leaders and other organizations helping the evacuees. “Return home because there are no more troops in the mountains,” Kanashiro said, but this was belied by another officer of the 402nd Brigade who announced in a local radio that afternoon that they were continuing the military operations.

Gabriela-Caraga reported that the soldiers then set up a desk and stood guard at the entrance of the evacuation center, and required everyone to sign their logbook before being allowed to enter. Gabriela-Caraga chair Atel Hijos and Genasque Enriquez, Secretary General of Kasalo-Caraga refused to sign the military logbook, and insisted that the soldiers have no right to refuse them entry because the evacuees themselves have asked for their assistance. After a few minutes, the soldiers left. Hijos lamented that if soldiers openly harass evacuees even when they have sought safety in the city, what more if they had stayed in the hinterlands.

In Sarangani province, **332 families or a total of 1352 individuals evacuated from Barangays Kinabalan, Banate, Laurel of Malungon town** after heavy bombings by the military in the area. Soldiers of the 57th, 58th and 73rd IB were in pursuit of NPA rebels that they encountered from June 1 to 4. The bombings damaged several houses, and the soldiers also took 50 chickens.

In Southern Luzon region, continued harassment by soldiers of the 1st Special Forces PA, 2nd Infantry (Jungle Fighter) Division, 416th PPMG, 59th, 74th, 76th, 85th, 201st Brigade and CAFGU units in the 22 towns in Bondoc Peninsula drove rural folks from

their communities. In August, **six peasant families from southern Quezon** left their homes and sought sanctuary in Manila, after military operations intensified in their villages this year. The victims said the scene was reminiscent of Martial Law, when they were accosted in the coconut farm and interrogated and threatened by soldiers.

Among the evacuees were the wife and son of Felix Balaston. Balaston was abducted by 85th IB soldiers on March 27, 2011 in Macalelon, Quezon. He remains missing.

### **Giving peace a bad name**

Oplan Bayanihan tries hard to erase the stain on the military's image, by calling field units "community peace and development teams" or CPDTs. But the true, repressive character of the counterinsurgency program cannot be denied with the continued stream of human rights violations, by these so-called CPDTs. These groups of soldiers occupied public, civilian facilities, such as barangay halls and health centers. They endangered the lives of civilians and intimidated them with their presence, pretending to conduct "community work." They perform civilian roles, such as road construction, help in barangay clean-up drives as an excuse to encamp in the communities. Their presence disrupted the normal community activities.

Harassment in the form of "census" by CPDTs was employed by the 73rd IB in Sitio Nop, an **85-household Blaan community in barangay Spring, Alabel, Sarangani province**. Soldiers arrived in the community on Feb. 2 and held an assembly. They stayed in civilian houses. Led by Cpl. Peter Maquiling and 1st Lt. Valenzuela, soldiers first made a spotmap of **Sitio Nop**. Then they went from house to house, conducting a census. Among the questions asked was the residents' occupation, number of children, organization they belong to, who is the chair of Gabriela and if they join rallies.

They particularly interrogated **Gabriela leaders Mary Jane Paki, Edith Maladian and Rag Caliwang**. They also took picture of the women and asked for a 2x2 picture. The soldiers claimed that the leaders are members and front of the NPA and they should surrender. In the evening of Feb. 12, the soldiers again called the residents of Sitio Nop for a meeting at the barangay hall on "Food for Work." They took video and pictures of the people who attended.

In **Camarines Norte, Bicol**, peace is the last thing on villagers' minds when soldiers enter the communities, what with the Mancera massacre and killing of two village officials in a span of three months. Soldiers of the 49th IB were fielded out in at least **60 villages in the towns of Capalonga, Jose Panganiban, Labo and Paracale**. In its fact-finding mission in Capalonga and Jose Panganiban, Karapatan-Bicol documented cases of occupation of civilian public facilities such as the barangay hall, or putting up detachments near schools and residences.

Soldiers follow the same pattern of conduct during Oplan Bantay Laya: first holding a barangay assembly, conducting a "census" or "survey" wherein they identify the members of people's organizations; then they repeatedly summon selected residents – particularly

members and leaders of organizations –for interrogation at their detachment, until they are forced to falsely admit to being NPA members or supporters, and are made to sign documents of “*balik-loob*” (rebel returnee) and get their picture taken.

Karapatan-Bicol reported that victims were psychologically tortured as soldiers would lock in the victim inside the barangay hall during interrogation. They would be asked what organization they belong to, their involvement in the NPA, the “gun” or “red books” that they are keeping. Those who refuse to confess as NPA members or supporters are repeatedly summoned for another round of interrogation. One victim counted that he had been summoned 17 times because he refused to make a false confession. One farmer was so afraid to go out that his wife had to accompany him to the farm to bring the carabao to graze.

As they conduct *sakyada* (military operations) in the coconut farms (in Capalonga, Camarines Norte), soldiers also randomly interrogate and assault farmers that they come upon.

Soldiers threatened to “make fertilizer” out of **Arnold Rigodon and Romeo Lesano**, claiming that they organized rallies and that they are with the NPA. The soldiers then made Arnold hold a gun and took his picture. The next month, in August, the same soldiers summoned Arnold to the detachment and interrogated him again, asking him about his family. The soldiers coerced him to put his thumb mark on a document, then, took his picture again.

Soldiers stayed at the home of **60-year-old Herminia Pamplona** in Jose Panganiban for two weeks in June and July, after which they set up a detachment at the barangay hall. The soldiers led by a certain “Macaraig” summoned Herminia and questioned her about supposed illegal documents in her home. They made her report to the detachment repeatedly, and eventually coerced her to sign a document as “surrenderee” (*balik loob*) and took her picture.

While the 49th IB soldiers carry out tactical interrogation, they also conduct clean-up operations and help in the beautification in the barangay, to make it appear that they are “helping out” in the community.

In **barangay San Isidro, Lupon, Davao Oriental**, a platoon of 28th IB soldiers arrived on April 17 said they were there to construct roads, water systems, and form a cooperative, and the Barangay Defense System composed of civilians in the community. Towards this, they said they were setting up a detachment.

In **Ilocos Sur province**, soldiers of the 81st IB and the 3rd IB went to several villages in Candon City and in the towns of Narvacan, Sta. Cruz and Sta. Lucia for their “community work.” In most villages, they occupy the barangay hall or the health center, just within the residential and school area.

In these communities, the soldiers had drinking sprees, and even invited teenagers to join them. In Pila East, Sta. Lucia the soldiers were also seen bringing in women to the community. Residents were fearful of the soldiers’ presence, as they recalled a 2011

incident where a soldier accidentally fired his gun at three children, as it went off while he was cleaning it.

In **Calatagan, Batangas**, soldiers of the 16th IB and 730th Combat Group of the Phil. Air Force destroyed some 400 mangrove trees, 120 of which were 100-year-old trees in the coastal village of Hukay. On Feb. 20, the soldiers, assisted by workers from the Calatagan Mayor's office, proceeded to clear almost one and-a-half hectare of mangroves in the government-protected area. This was to clear an area on which they construct their detachment. The military have been occupying the barangay health center and the Sangguniang Kabataan hall in the past two years, and residents have called for their pullout from the community. Sgt. Ryan Gonzales of the 16th IB said they were there to "protect development in the area." Residents led by the Samahan ng Mangingisda sa Barangay Hukay have been staging a campout in protest of the landgrabbing by the Rossana Sy Development Corporation whose claims to the land was based on a cancelled title.

**Carmilo "Eloy" Tabada**, a local center coordinator of the Farmers' Development Center, Inc. (FARDEC) in Bohol, feared that he might fall victim to military death squads, as he heard his name on the radio being tagged as "an official of the White Party Committee in Bohol." The January 13 news item quoted Col. John Bonafos in his report to the Provincial Peace and Order Council, which also named the provincial peasant group HUMABOL.

### Trumped-up charges and red tagging

Other indigenous peoples' leaders were targeted by trumped-up charges, linking them to military offensives by NPA rebels.

In **Caraga region**, two prominent Manobo leaders, **Jalandoni Campos** and **Genasque Enriquez**, were the latest victim of this form of harassment, as they were being linked to NPA rebels in trumped-up charges against them. A warrant of arrest had been issued for Jalandoni Campos, chair of the Malahutayong Pakigbisog alang sa Sumunsunod (MAPASU), who was among those charged with rebellion and malicious mischief in connection with the April 28, 2011 NPA raid of the Lianga municipal police station.

Genasque Enriquez, chair of the Kahug-pongan sa Lumadnong Organisasyon (KASALO) and the second nominee of the Katribu Partylist, was charged with multiple frustrated murder, in connection with the July 21 clash between NPA reb-



Lumad leader and Katribu Partylist nominee Genasque Enriquez is one of those facing threats against their lives and trumped-up charges

els and soldiers of the 11th Special Action Company, Special Action Force and the 75th Infantry Battalion in Km. 8, Sitio Agpan, brgy. Imelda, Bunawan, Agusan del Sur.

But even without actually filing complaints against their victims, military men are using the threat of a “subpoena” to harass peasants in Rizal province, in Southern Tagalog.

In **barangay San Rafael, Rodriguez, Rizal**, organized peasants who had won a petition with the Department of Agrarian Reform for the distribution of their homelots were harassed by 16th IB soldiers and CAFGU who had put up a detachment in sitio Wawa in the barangay.

Two soldiers who identified themselves as “Sergeant Tabs” and “Jonathan” based in “Fort Bonifacio” visited several leaders of the Paruwagan Upland Farmers Association Inc. (PUFAI) in August. The soldiers individually talked to the leaders and threatened them to “surrender” and “clean your name” before the “subpoena” or “warrant arrives.” The soldiers told the same storyline to each victim: that two NPA rebels who had surrendered had identified him/her. When asked about the subpoena, the soldiers said it was in connection with charges against them for being with the NPA and “holding meetings” in the community, or “joining rallies.” The soldiers said that if the leader will testify against his companions, his name will be removed from their list. They said that they can also avail of the amnesty program of the government, which can help them start a business. The soldiers gave the leaders a cellphone number which they said the leader could contact if they changed their mind “before the arrest warrant arrives.”

The residents are also resisting the pending sale of more than 600 has. of land in Mt. Paruwagan, reportedly for an eco-tourism project of the local government. There are detachments of the 59th IB and the CAFGU in the barangay. In July 28, 2012, the 16th IB also went to the village for the tree-planting activity with DENR.

In Loho village, Lagonoy, Camarines Sur, on August 27, 13 suspected soldiers took 37-year old **Monico del Castillo** at gunpoint and forced him into an Elf truck. The next day, witnesses saw Monico with soldiers in a military operation. His family came looking for him at the headquarters of the 42nd IB in Tigaon, but the military denied they have him. Monico was arrested along with three others after attending a rally in Naga city in 2010. He had been tagged by soldiers as collecting support for NPA rebels.

### **Forced Eviction and Demolitions**

The organized urban poor and their leaders continue to be under attack, whether during demolition or not. Two urban poor leaders who consistently defended their right to housing were killed this year.

**Ernesto Gulfo**, 52, chair of the Alyansa Kontra-Demolisyon Malabon chapter was shot dead on May 30, at 7 am inside his home in Catmon village, Malabon City. Gulfo was also the chair of the Alyansa ng Nagkakaisang Samahan ng Maralita sa Malabon. He was among those who led the people’s barricade to stop the May 21 demolition of 30 houses in



Catmon. The city government is pushing for the demolition of the houses of 1,500 families to clear the area for the Community Mortgage Program.

On the eve of the protest against Pres. Aquino's State of the Nation Address (SONA) on July 22, at around 5:30 pm, **Marilou Valle**, or Malou, 43, president of the Samahan sa Sitio Damayang Nananambakan-Kadamay, was shot and killed in front of her home in Happyland, barangay 105, Tondo, Manila. Her two children heard the gunshots and saw barangay tanods (village guards) and brothers Benjamin or "Ben" and Raffy Tejas leaving their house. Malou's 16-year-old son rushed to the nearest police station, the PCP Sub-station 10 and reported the shooting, but the police men did not take any action. The Tejas brothers even went back and threatened the victim's family and the neighbours, and again fired shots at Malou's lifeless body.

That same night, the Tejas brothers and several companions forced their way into the home of Malou's brother Gerry Bacani, and shot him. Gerry and his 20-year-old son Ninoy were both wounded in the shooting.

Four months prior to the killing, on March 4, the Tejas brothers and their other relatives had threatened Malou and her teenage daughter at their home, because Malou distributed Kadamay leaflets at the community. In turn, Malou filed cases of grave threat and child abuse. The Tejas brothers did not attend the last hearing on July 20, two days before they killed Malou. On July 31, Malou's family filed murder charges against the Tejas brothers at the Manila City hall.

A youth and a minor were killed in violent demolitions where police used live bullets to disperse barricades.

**Arnel Leonor**, 20, a youth resident of Silverio Compound, Parañaque was killed in one such demolition on April 23. The residents of Silverio Compound put up a barricade to stop the demolition of their homes and the wet market that was acquired and partially paid for by a past local administration for the Community Mortgage Program. The current administration, however, had reportedly made deals with Henry Sy's SM Development Corporation. Scores were wounded or hurt in the shooting and mauling by the police. Thirty-three people, including eight minors, were arrested. Some of them were just passing by, but were also charged with resisting arrest and disobedience to lawful order.

In Tarlac province, on October 2, at around 8 am, some 70 residents of San Roque village in Tarlac city had put up a barricade, to resist the demolition of their homes by the Tarlac City government. Around 100 police men arrived, armed with M16 rifles, handguns and shields. They were followed by eight members of the PNP Special Weapon and Tactics (SWAT) who were also in full-battle gear, armed with baby armalites and bullet-proof vests. Around 100 demolition team also arrived, along with two fire trucks, that trained their water cannon on the residents.

**John Khali Lagrimas**, 14, was standing on the roof of a furniture shop that was on the row of houses to be demolished. At around 9:30 am, gun shots rang out and John

fell onto the next roof. Other residents brought him down and rushed him to the Ramos General Hospital, where he was declared dead on arrival.

The residents pleaded with the police not to fire their guns, but to no avail, and the firing continued for almost an hour. The SWAT kept watch and pointed their guns at residents who tried to resist, as the demolition team proceeded to destroy the houses. Meanwhile, a resident who was with John when he was shot had identified Eduardo Reyes, one of the leaders of the demolition team, as the one who shot John.



John Khali Lagrimas fell from the roof after he was shot during demolition in Barangay San Roque, Tarlac City

A report from Karapatan-Central Luzon said that the land claim was still being heard in court, but Sheriff Julius Guiang of Regional Trial Court branch 63 pushed through with the demolition without a court order. PNP Chief Arnel Ramos did not also inform the residents on their involvement in the demolition. After a year of defending their homes from being torn down, 400 residents of Corazon de Jesus in San Juan City at the National Capitol Region were overpowered by the demolition team, numbering some 100, backed by 200 police men on January 11. Police were armed with armalite rifles and handguns, and used tear gas and fire trucks that hosed down the people’s barricade. Twenty-two were hurt, 11 of them were minors aged 14 to 17. Seventeen were arrested, including six minors.

The **Corazon de Jesus residents** were accommodated at a temporary shelter of the Task Force for Urban Conscientization (TFUC), but even there, they were followed by a team of eight soldiers led by Lt. George Gagarin of the CMO battalion. The soldiers looked for Fr. Charly Ricafort, chair of the TFUC, and said that they were just going to inform him about the offer of relocation of the National Housing Authority. The soldiers told the evicted Corazon de Jesus residents that they (the CMO battalion) can mediate if they want to talk to San Juan City Mayor Guia Gomez. The residents asked where the soldiers got the information about Fr. Ricafort, but the soldiers could not give a proper answer.

The CMO battalion had been in Corazon de Jesus since 2011 after the first attempt of demolition. They have conducted medical mission, free haircut, cleanup drive and film showing of the AFP anti-communist propaganda “Know thy Enemy.”

### Arrests

As in OBL, the state agents continue to build up their dossier on organizers, leaders and members of progressive groups, and file fabricated charges against them to harass them and disrupt their organizing work. In several cases, victims were abducted and illegally arrested without any warrant. In some cases, the arresting team have a ready warrant, issued by a court based on dubious evidence.

On October 6, the Armed Forces of the Philippines announced the capture of a “Benjamin Mendoza,” supposedly a 61-year-old high-ranking cadre of the Communist Party of the Philippines, his wife, “Josephine Mendoza” and two others. The AFP flaunted their dossier on Benjamin Mendoza who, they claimed, was a native of La Union, a student activist during Martial Law, had military training in Libya, led major tactical offensives in Mindoro, Batangas, Bicol and Quezon, and is now the “secretary of the Southern Tagalog Regional Committee.” The supposed big fish communist leader carried a Php 5.6 million on his head, but he was not presented to the media.

The “CPP leader” cannot be presented because it turned out that the military arrested **Rolly Panesa**, 48, a security guard of the MegaForce Security Agency and a native of Negros Occidental. Also arrested was Panesa’s live-in partner **Marites Chioco**, 48, **and her daughter and son-in-law**. Rolly cannot be presented, with his face black and blue from severe torture as he refused to admit that he is Benjamin Mendoza and a leader of the CPP-NPA.

State agents pounced upon the four at midnight of Oct. 5 as they were walking home along Aurora Boulevard in Cubao, Quezon City. They were forced into two separate vehicles and were brought to the Southern Luzon Command in Camp Vicente Lim in Laguna province, where they were interrogated. The military insisted that Rolly is Benjamin Mendoza because he had a mole on his nape, like the alleged CPP leader.

For Marites, her interrogator kept referring to her as “Ka Luisa,” and claimed that she is a nursing graduate. Marites, her daughter and son-in-law were sent home; as soon as she did, Marites found her apartment ransacked. Particularly missing were all their birth certificates, Rolly’s certificates from the security agency – documents that she promised to bring back to the military camp to prove that Rolly is not Benjamin Mendoza.

Rolly was brought to the Camp Bagong Diwa detention center, where he was admitted as “Benjamin Mendoza alias Rolly Panesa.” He remains in detention although the charges of frustrated killing and rebellion were actually against Benjamin Mendoza.

The AFP was quoted in a news article insisting that “Rolly Panesa” is only an alias of “Benjamin Mendoza.

Three peasant youth and minors were illegally arrested by soldiers of the 74th IB in San Andres, Quezon on March 22 and charged as NPA rebels. **Elmer Desuyo, 20, Reynaldo delos Santos, 17, and Rey Rodrigo, 16** were in barangay Pansoy when they were summoned by soldiers who blindfolded them, took off their shirts with which they tied up their hands. The soldiers hit the three in the head and kicked them in the back. A soldier fired his gun near Elmer’s ear. They were charged with illegal possession of firearms. Elmer and Reynaldo remain in detention at the Quezon Provincial Jail while Rey was in custody of the DSWD-Region 4 in Tanay, Rizal.

On Nov. 5, **Grayson Naogsan** was taken at gunpoint by five men in plainclothes inside the SM mall in Baguio City. He was shown a document that he and his companion

were not able to review properly. Grayson was handcuffed forced into a vehicle that left Baguio City. Grayson Naogsan is the son of Simon “Filliw” Naogsan, spokesperson the revolutionary Cordillera People’s Democratic Front, an affiliate of the NDF.

For three days, Grayson was kept *incommunicado* while the Naogsan family, together with human rights workers and lawyers searched for him in vain in Baguio City, Bontoc, Mountain Province and at the CIDG in Camp Crame in Quezon City. They were treated “like pingpong balls,” as Grayson’s wife described it. It was only in the evening of Nov. 7 that the PNP Cordillera confirmed that Grayson was indeed arrested by the Intelligence Group of the PNP, and that he was brought to Camp Crame, and later to Bontoc, Mountain Province where a court issued a warrant for his arrest. He is currently detained at the Ifugao provincial jail in Kiangon, Ifugao.

On April 3, NDF peace consultant **Renante Gamara** was arbitrarily arrested by military and police intelligence agents, along with **Santiago Ballesta**, in Las Piñas City. The state operatives did not read them the Miranda Rights, but handcuffed, blindfolded and forced them into separate vehicles. They were brought to Camp Crame where police finally showed Gamara a warrant for his arrest on trumped-up charges of kidnapping, issued on March 23, 2012 by a court in Quezon. There was no arrest warrant for Ballesta, but he was charged the next day with obstruction of justice. Ballesta was released on bail on April 12, while Gamara remains in detention at the Camp Crame Custodial Center.

NDFP peace consultant **Jaime Soledad**, 63 had been out of prison for only nine months when he was rearrested on May 2 at his home in brgy. Tinago, Inopacan, Leyte by a joint police and military team. Soledad was nabbed for double murder charges. Soledad was released on July 25, 2011 as part of the trust-building measures at the opening of the peace talks between the Philippine government and the NDFP. He had been in jail since March 25, 2008 after he was arrested in Cavite.

Several women activists were arrested and detained based on trumped-up criminal charges, among them were urban poor leaders **Evelyn Legaspi**, 53, KADAMAY-Southern Tagalog council member, and **Pastora Latagan**, 33, KADAMAY regional staff, who were arrested without a warrant on Feb. 7 in Bay, Laguna. The two were charged with multiple attempted and frustrated murder and remain in detention at the Laguna provincial jail.

For **Jimmylisa Badayos**, memories of the arrest and disappearance of her father Jimmy 22 years ago came rushing back when she and **Calixto Vistal** were themselves abducted on Oct. 5 and brought to Camp Sotero Cabahug in Cebu City, Cebu. Her father was arrested Oct. 3, 1990 by the Metrodiscom headed by now Sen. Panfilo Lacson and brought to the same camp. Jimmy was reported to have “escaped” the heavily-guarded camp the next day.

Jimmylisa and Calixto had just got off from work when they were seized by plainclothed elements of the Military Intelligence Group (MIG) of the Armed Forces of the Philippines and City Intelligence Branch of Cebu City Police Office (CIB-CCPO). That same night, the PNP announced to the media that two “high-ranking officials of the Komiteng Rehiyon-Central Visayas” were captured, referring to her and Calixto.

On October 8, Calixto was brought to the nearby island of Negros Oriental, where a court had ordered his arrest for murder charges. Karapatan-CenVis said that the arrest warrant was released on Oct. 5, the same day the two victims were abducted in Cebu. Calixto is being detained at the Negros Oriental provincial jail in Dumaguete City. JimmyLisa was brought to the hospital for severe anemia and was later released for lack of charges.

In other cases, the arresting team have their warrants ready. Although in most cases, the victims were not allowed to read it properly, or were given the warrant already in detention, or the warrant was presented not to the subject but to a village official.

On April 25, health worker **Helen Igloria**, 56, of the Kusog sa Katawhang Lumad sa Mindanao Health Program (Kalumaran) was arrested from her house by the Zamboanga Peninsula Police by virtue of an arrest warrant for murder and direct assault.

Upon arrival at the Dipolog Police Station, a police personnel and another person in plainclothes immediately took photos and videos of her. Being hypertensive, Helen's blood pressure shot up to 160/90. At 8:30 am the next day, April 26, Igloria was taken to the Dipolog City Health Office supposedly for a medical checkup, but instead, the hospital issued a medical clearance without examining Helen. Helen is the administrative officer of Kalumaran, and also a founding member of Gabriela in Zamboanga del Norte. She remains in detention at the Tangub Bureau of Jail Management and Penology Jail.

On July 4, at 6pm, police intelligence agents arrested church worker **Agnes Mesina** at a café in Tuguegarao City, Cagayan province, while she having a meeting with ACT Teachers' Partylist Rep. Antonio Tinio and several others. A certain "Capt. Bulan" who was in plain clothes, presented an arrest warrant for frustrated killing. Her name was included in a warrant of arrest for 17 people, including released political detainees Myrna Cruz and NDF peace consultant Elizabeth Principe who were already acquitted of trumped-up criminal charges against them. Agnes spent the night at the Tuguegarao City police station and was brought to Aparri, a town further north, where a court issued the warrant. She was released after posting bail.

In Nueva Ecija, charges of violation of the Human Security Act and illegal possession of firearms and explosives against five political prisoners were dismissed after they have been imprisoned for five months. On March 28, soldiers of the 56th IB faked an encounter when they swooped down on **Efren Delalamon**, a former political prisoner who was released in 2011, Anakpawis organizers **Andres Lapuz and Ambrosio Ileta**, health worker **Carla Bautista** and 17-year-old farmer **Jan Michael Ileta** – and declared them all as "CPP leaders." The soldiers also ransacked the houses of Ambrosio and his brother Elpidio Ileta and confiscated personal belongings such as cash, blood pressure monitor and medicines. The five were all freed by October.

## TORTURE

Not only victims of illegal arrest were subjected to torture, but also civilians who were accosted by soldiers during military operations, particularly, after they had an encounter with rebels.

On May 29, **Cesar Graganta**, a native of San Pedro, Laguna was visiting in Villa Hermosa village, Macalelon, Quezon when he and his two companions passed by soldiers of the 85th IB based at the barangay hall. The soldiers summoned the three, at the same time fired a shot, which made Cesar's companions to run. The soldiers took Cesar and tied him up to a tree for one and-a-half hours. They then interrogated and tortured Cesar: soldiers punched and kicked him, put a bolo to his neck, hit him with a piece of bamboo, put sharp sticks into his ears, tied a rope around his neck and pulled at it, put pliers on his nose and poured ants on his body.

After the torture, soldiers blindfolded Cesar. A man, who was supposed to be a high-ranking military officer, told him that he will be made to sign a document that says he will not file complaints against the soldiers. The military officer threatened that if he didn't, they will kill his family. He was brought to the barangay hall and Cesar signed the document just to be released. But a soldier reported that Cesar's family and Karapatan workers were looking for him. The soldiers then forced Cesar to put on a soldier's uniform, board an army truck and brought him to the 85th IB headquarters in Villa Principe, Gumaca, where he was presented to a former NPA rebel. The supposed rebel did not recognize him, and Cesar was brought to his home in Laguna, but was again forced to sign a document that he was not harmed by soldiers and that he will not file charges.

On Sep. 15, soldiers of the 81st IB tortured two farmers whom they accosted in Kinmarin village, Salcedo, Ilocos Sur. **Saturnino Habon**, 47, and his nephew **Arnold Bandiwan**, 21, were on their way to the river to fish when they came upon 20 soldiers. The soldiers searched their bags, which contained their packed lunch and fishing implement. The soldiers tied up and blindfolded the two and interrogated them separately. The soldiers insisted that they were part of the group of NPA rebels. Arnold was severely beaten up, punched in the stomach each time he denied he was an NPA. The two were released after three hours.

### **Threats, harassments against human rights workers**

**Jose Luis Blanco** of Karapatan-Negros is still persistently targeted by suspected military agents. Early this year, a suspected 79th IB soldier called him up to say that he will be killed. In June, his Facebook account was hacked, and a message was posted claiming that Luis "died in an encounter" between the 79th IB and the NPA in Negros Oriental. At the time the message was posted, Luis was riding a public jeepney when two soldiers flanked him and tried to engage him in a conversation about his work.

On October 17, a man suspected to be an intelligence agent went to Luis' home in Cebu, and talked to his father. The man was accompanied by a neighbor who is associated with the military group "Guardian" and claimed to be Luis's friend but asked about his work, his high school, his siblings. Later, Luis got a phone call from the suspected military agent who kept texting him greetings, and later, hinted at recruiting him to be a military intelligence agent.

In Northern Luzon, **Jude Baggo**, the secretary general of the Cordillera Human Rights Alliance (CHRA), Karapatan's member organization in the region, was tagged as "brains

of the NPA” in what seemed to be an Order of Battle of the 86th IB in Tinoc, Ifugao. CHRA got hold of the list, which bore the heading “Charlie Company 86th Infantry (Highlander) Battalion” and “5th Infantry (Star) Division.” It listed **28 people**, mostly peasant leaders, and also several Ifugao local government employees, their addresses and a description, such as “gives food to NPA” and “stockade of guns during meetings.” CHRA reported that some of the victims in the list feared for their lives and could not eat or sleep well.

HEADQUARTERS  
CHARLIE COMPANY 86TH INFANTRY (HIGHLANDER) BATTALION  
5TH INFANTRY (STAR) DIVISION, PHILIPPINE ARMY  
Bigy Impugang, Tinoc, Ifugao

**MUNICIPALITY OF TINOC (Target Persons)**

NO	NAME LP/M	LOCATION OF HOUSE	CP NUMBER	ORGANIZATION	REMARKS/ASSESSMENT
1	HANGGOY, MODESTO C	Awar, Gumhang, Tinoc, Ifugao GC-84064783		Farmers organization	IMBAKAIN NG BARIL
2	GLAY, ARSENIO P	Gumhang, Tinoc, Ifugao GC-840478		Farmers organization	NAGBIBIGAY PAKKAIN SA NPA Imbakain ng baril
3	DOMINGGO, FERDINAND	Wat-wat restaurant GC-872513		Farmers organization	
4	ATAS, DINA DULNUAN	Pub, Tinoc, Ifugao-GC-790453		Womens organization	Member of NPA /NAGBIBIGAY PAKKAIN SA NPA
5	JONA BULYUNAN ATAS	Pub, Tinoc, Ifugao-GC-790453		NPA	KUMANDER NG NPA
6	KGD, ALLAN UYDUHEN	Tawing Gumhang, Tinoc, Ifugao GC-83004577		Farmers organization	NAGBIBIGAY PAKKAIN SA NPA
7	NESTOR POLLIG	Dontog 2, Banablayan Tinoc, Ifugao GC-856495		Farmers organization	Imbakain ng baril during ambush
8	OLMO UMMAAS	Pub, Tinoc, Ifugao GC-790453		Farmers organization	ARMY tuta ni mayor / Nagbibigay ng sulat kay kapitan ng Luhong at dumating kay mayor
9	MARSAN WALINS	SO poltakaw Gumhang, Tinoc, Ifugao GC-838462		Farmers organization	Sa bahay nya natutulog ang NPA
10	PADDUYAO, Marshana	Binablayan, Tinoc, Ifugao GC-834488		Farmers organization	IMBAKAIN NG BARIL DURING MEETING

**Delegates to Karapatan’s Fourth Congress** in August received their share of police harassment as they were travelling back to Manila from the venue in Tagaytay city, Cavite. Four Cavite police men flagged down the bus carrying 28 human rights workers from different regional chapters, as well as national office staff. The police could not give any reason for stopping the bus, except that they were just “following orders” from Cavite provincial director Senior Superintendent John C. Bulalacao, to “investigate and take pictures” of the group.

After 30 minutes of being held by the road for no reason, the Karapatan workers insisted on leaving, and the police men did not stop them. At a stopover before the bus was blocked, the Karapatan workers noticed four men on board a Quezon City Police District (QCPD) mobile patrol car waiting along the road. The human rights workers suspected that the police men had heard about the congress and wanted to put the delegates under surveillance.

### Continuing the Legacy of Struggle

From the first Aquino regime in 1986 up to the current, government had continued the legacy of impunity and terror of the Marcos Dictatorship: human rights violations continue, and the perpetrators remain unpunished.

As the country marked the 40th year of the declaration of Martial Law, victims of the Marcos Dictatorship, along with other progressive groups and activists denounced the US-Aquino regime, at the same time pledged to continue to raise the torch of the fight for justice and genuine democracy.

### **Remembering Martial Law**

As the nation remembered the horrors of Martial Law, Karapatan, SELDA and BAYAN also recalled the martyrdom and heroism of thousands of youth activists who composed the resistance against the Marcos Dictatorship, whether in the legal protest movement or the underground. A series of activities culminated in a march to Mendiola on September 21.

In September, Karapatan put up a two-week long exhibit dubbed as “Himagsik at Protesta,” which featured a collection of magazines, books, underground publications, as well as memorabilia and items used by activists and revolutionaries.

“This is to remember martial law, the dictator, the terror. But more importantly, we want to give tribute to the “fire-starters”, those imbued with the courage, creativity and daringness of the Filipino people’s struggle, those who led the way and offered their lives in the fight against tyranny, oppression, and for national freedom and democracy. We want the youth to remember them and to keep the fire burning until justice and freedom is achieved,” said Cristina Palabay, secretary general of Karapatan.

Palabay said that the images in Himagsik at Protesta are not so different from the images of today. “Other than the equipment that underwent technological changes, the images of terror are the same. A poster of Fr. Tullo Favali, for example, is displayed alongside the poster of Fr. Fausto “Pops” Tentorio, both victims of extrajudicial killing by paramilitary groups, 26 years apart. Favali was killed in 1985 under Marcos, while Fr. Tentorio in 2011.”

### ***Renewed calls for Indemnification and Justice***

Members of the Samahan ng mga Ex-Detainees Laban sa Detensyon at Aresto (SELDA) lambasted the Aquino regime for failing to certify the Indemnification bill as an urgent and priority bill, as the 15th Congress is about to end. The bill was first filed in 1997, 15 years ago.

The passing of a law was required for the enforcement of a US court decision that found Marcos guilty of gross human rights violations, and required the Marcos estate to pay almost USD 2 billion in exemplary damages and USD 776 million in compensatory damages. The decision was on the class action suit filed in 1986 by 10,000 Martial Law victims.

### ***“Bakwit” Conference***

A national conference gathered some 150 “bakwit,” or internally displaced persons (IDP), human rights advocates, the religious and church people to bring attention to the growing number of victims of forced evacuation under the Aquino regime. “Bakwit” is a colloquial





Filipino term for “evacuate,” pertaining to victims of forced evacuation. Among the bakwits were victims of the RPA-ABB in Negros island, and Lumad from Caraga and Bukidnon in Mindanao.

The National Conference on Internally Displaced Persons or Internal Refugees, led by the National Council of Churches in the Philippines (NCCP), KARAPATAN and the Ecumenical Mission for Peace and Development (EMPD), was held on April 23 to 24 at Jansenn Hall, Christ the King Seminary in Quezon City.

The evacuees from Mindanao met with Sec. Jesse Robredo of the Department of Interior and Local Government (DILG), Commissioner Jose Mamawag of the Commission on Human Rights and Rep. Teddy Brawner Baguilat Jr., chairperson of the House Committee on National Cultural Communities, and raised the issues of the negligence and inhumane treatment by officials from their regional counterparts.

### ***SOS: Save our Schools***

In July, an island-wide conference called for the protection of the rights of indigenous children and educators particularly in the alternative schools for the indigenous peoples or Lumad that were being harassed by the military.

The Mindanao Conference in Defense of Schools under Attack was held in Davao City on July 8 to 10 and was attended by 118 teachers, directors for literacy and alternative education, community leaders and students. The conference was spearheaded by the regional Lumad alliance, Kusog sa Katawhang Lumad sa Mindanao (KALUMARAN) and the Educators Forum for Development.

The Lumad organizations decried that not only have they long “suffered from discrimination and neglect, the plunder of our ancestral land, and the exploitation and ridicule of our culture,” but now their efforts at education are being questioned and attacked.

The Lumad schools were established through the support of church organizations and NGOs, in Davao, Davao del Sur, Bukidnon, Sarangani and Surigao del Sur. “There is a common threat to schools, and this is the presence of soldiers in pursuit of ‘peace and development’ programs,” said the conference statement. Soldiers, they said, encroached in their communities, “questioned the existence of our schools, interrogated our teachers, branded our schools as ‘rebel schools.’” In some cases, soldiers took over the class. The conference called for the support of local governments and for the investigation of the soldiers and military units involved.

### ***Campaign for justice***

The **Movement for Justice for Wilhelm Geertman** was launched in the Philippines by Bayan, Central Luzon groups and Filipino-Dutch solidarity groups. On November 6, a delegation composed of Geertman’s family and friends as well as Dutch parliamentarians submitted a petition to the Permanent Commission for Foreign Affairs of the Second Chamber of the Dutch Parliament. The petition called for “an independent investigation of and justice for the murder of Willem Geertman.”

The **Justice for the Capion Family, Justice for All Network** led the National Peace and Solidarity Mission to remote sitio Alyong in Kimlawis village, Davao del Sur to investigate the Oct. 18 massacre. The mission confirmed that no encounter happened and that the Juvy Capion and her sons Jordan and John were killed when soldiers of the 27th IB strafed their hut. The mission also revealed that SMI security consultant and ex-military Col. Dan Balandra had visited the Capions for three consecutive days prior to the massacre. A relative of the Capion family testified that Balandra had been trying to convince Juvy's husband Daguil to surrender.

In Southern Tagalog, the **Save Bondoc Peninsula Movement (SBPM)** on June 25 launched the campaign calling for the withdrawal of military troops, and for support for civilians affected by militarization. The SBPM condemned the concentration of troops as part of suppressing the peasants struggle for their right to land and resources. Bondoc Peninsula is Quezon province's agricultural center and hacienda belt and has mineral-rich areas being targeted for mining.

On November 12, the **Stop the Killings of Indigenous Peoples Network** was launched in response to the relentless attacks against tribal leaders that had opposed encroachment in their ancestral lands by mining and agro-fuel companies. The STK-IP Network is led by the Kalipunan ng mga Katutubong Mamamayan ng Pilipinas (KAMP).

***Free all political prisoners campaign***

The campaign to free NDFP peace consultant Tirso "Ka Bart" Alcantara and the call for his immediate transfer to a civilian detention facility finally bore fruit as he was transferred from solitary confinement at the army barracks in Fort Bonifacio to to the Camp Bagong Diwa in Taguig City.

Alcantara was arrested on January 4, 2011, and had been kept in solitary confinement at the Phil. Army headquarters in Fort Bonifacio, inspite of the commitment issued on July 18. The military had restricted visits to Alcantara, who had reported ill-treatment, such as being given food with trash, tiny pieces of broken glass and fecal matter, and being deprived of water.



## UPR

Progressive groups under the Philippine UPR Watch participated in the second cycle of the Universal Periodic Review (UPR) of the Government of the Philippines (GPH) before the United Nations Human Rights Council (UNHRC), by submitting its report in May.

Justice Secretary Leila de Lima reported selective issues such as the Pantawid Pamilyang Pilipino Program (4Ps), while foreign missions questioned the GPH on the continued extrajudicial killings and disappearances, paramilitary groups, attacks on journalists and torture.



Fr. Jonash Joyojoy of the National Council of Churches in the Philippines (NCCP) and co-head of the UPR Watch said: “They (the different foreign missions) know that the Phil. Government has not lived up to its commitments to completely eliminate extrajudicial killings, enforced disappearances and torture.”

Human rights lawyer and National Union of People’s Lawyer (NUPL) Secretary General Edre Olalia said: “The GPH report drowned the more essential issues, such as the almost nil conviction rate of perpetrators of rights abuses, the failure of the Aquino government to press charges and arrest suspects, and the continuing effects of the government’s counter-insurgency program on the people.”

The Australian mission echoed the consistent calls of the families of missing UP students Sherlyn Cadapan and Karen Empeño for the prosecution of fugitive Maj. Gen. Jovito Palparan Jr. Eleven months after the arrest warrant was issued for “The Butcher”, it remains to be served, as the government claims “weaknesses” in its intelligence work. Karapatan countered this, saying that the state’s intelligence work is “misdirected,” because it “is largely directed against activists, leaders and members of people’s organizations... They are busy with their surveillance work during rallies, in schools, factories, urban and rural communities and tracking down persons whom they list down in their Order of Battle as ‘enemies of the state.’” These victims are being tracked down, arrested and detained based on fabricated cases, while the real criminals are at large.

**THE US-Aquino regime** had shown that it will not bring changes or even relief to the lives of the citizens now or in the future. It remained on the well-trodden path of past regimes that has favored the dominance of the privileged few and foreign interests, and had kept the AFP, with its bloodstained, unbroken human rights violations record, unpunished and untouchable.

It deserves nothing but to be denounced by the Filipino people.

# **From Ampatuan to Arakan, to Tampakan: Continuing Impunity in Mindanao**

## **A Human Rights Situationer and Call for Justice**

A Joint Report of  
Panalipdan! Mindanao, KALUMARAN  
Barug Katungod Mindanao and Karapatan-Mindanao Chapters  
November 10, 2012

**President** Benigno Aquino III's electoral campaign in 2010 emphasized his promise to bring justice to the victims of the infamous Ampatuan Massacre of November 23rd 2009.

He proclaimed the intention of his administration to go after the political warlord clan that benefited from Gloria Macagapal-Arroyo's style of patronage politics and from the US-funded counter-insurgency strategy of using private armies as 'multiplier forces.' Aquino III also vaunted a regime of democracy and respect for human rights, promising a stark contrast from his predecessor who authored the bloody and vicious Oplan Bantay Laya, the genesis of extrajudicial killings in excess of 1,000 activists and community leaders.

After two years, justice seems to be losing its grip on the Ampatuans. A substantial number of suspects continue to be at large. Witnesses and families of victims have received threats and quite a few have been disillusioned with slow pace of justice. Following a newly appointed Chief Justice by President Aquino III, the Supreme Court has barred live media coverage.

The Ampatuan massacre has since given way to two more human rights flashpoints under the Aquino government: the killing of Italian missionary Father Fausto "Pops" Tentorio in Arakan Valley, North Cotabato on October 17th 2011, and on October 18th 2012, the massacre of the Capion family within the Xstrata-SMI Tampakan mining concession area in the village of Bong Mal, South Cotabato-Davao del Sur boundaries.

With the current administration just entering the midterm stretch, President Aquino's human rights record does indeed stand in stark contrast from the previous Gloria Macapagal-Arroyo administration--- human rights violations have become worse, more vicious, and more widespread.

Across Mindanao, the determined advocacy of grassroots communities, people's organizations, and progressive sectors of Philippine society to protect land, the environment, and human rights has caused the lives of social activists, environment advocates, and community leaders.

They have tried to protect communities and the environment from extractive, destructive, and plundering industries like large-scale mining, agribusiness plantations, and large dams, among others.

Oplan Bayanihan has been unleashed to facilitate the unhampered plunder of the remnants of our national patrimony which now rests in the remaining frontiers of Mindanao.

Replacing Oplan Bantay Laya, Oplan Bayanihan is yet a more vicious internal peace and security plan with identical framework to the United States' Counterinsurgency program of 2009, and which has spawned more extrajudicial killings, enforced evacuations, threats, and other human rights violations--- all in the guise of 'peace and development.'

The Mindanao human rights situation is characterized by the following most salient and gravest trends:

1. First, there is an escalation of extrajudicial killings particularly of indigenous leaders and environment advocates in Mindanao under the Aquino government.
2. Second, there is flagrant violation of due process of law as manifested principally by the rise of false or fabricated criminal charges against activists and a clear effort by state agents to vilify them as insurgents or rebel sympathizers.
3. Third, enforced evacuation has either become an intended consequence of military operations of the Armed Forces of the Philippines in indigenous and peasant communities or a methodology adhering to the classical anti-people counterinsurgency doctrine of "catching the fish by draining the pond."
4. Fourth, there is persistent Islamophobia against our Moro brothers and sisters as evidenced by the continuing unwarranted detention of innocent Muslims falsely accused as terrorists, in the course of the government's over-eager implementation of the US-led war on terror in Muslim populations.
5. Fifth, there is a pervasive and unrelenting attack, disruption, and vilification of rural community learning schools for Lumads and poor farmers run by non-government organizations and Lumad support groups in areas where government's basic education services cannot reach or are underserved.
6. Sixth, the state of impunity is not only limited to state agents being the alleged perpetrators but to US military forces as well in relation to human rights violations incurred during so-called joint military exercises, including the mysterious death of Gregan Cardeno in Camp Ranao in Marawi City.

Left unlisted are the steady occurrence of harassments, surveillances, and other forms of threats and intimidation by suspected state security forces on community leaders and activists in Mindanao.

In early November this year, Bishop Felixberto Calang of the Iglesia Filipina Independiente decried the harassment and death threats hurled against his priest and against Higaonon leaders opposed to the palm oil plantation owned by A. Brown company in Opol, Misamis Oriental. The office of the Mindanao Farmers Resource Center and the Sendong relief operations center Tabang Mindanaw in Cagayan de Oro City was ransacked and their computer destroyed and the harddisk taken by the intruders.

But if there is any indicator of the gravity of the human rights situation in Mindanao, it is the fact that so many have been killed already, under the two years of the Aquino presidency; in fact, at a faster pace, compared to the same period under the Arroyo administration.

#### Extrajudicial Killings of Lumad, environment advocates and activists

There have been 32 extrajudicial killings of leaders of indigenous peoples, farmers, environment advocates, and other activists in Mindanao. Twenty four (24) of these were Lumad leaders who have been defending their ancestral domains from landgrabbing and encroachments from June 2010 up to the present.

**TABLE 1: Profile of Extrajudicial Killings in Mindanao**

<b>EXTRAJUDICIAL KILLINGS IN MINDANAO UNDER THE AQUINO ADMINISTRATION JUNE 2010 - OCTOBER 2012</b>			
<b>Date of incident</b>	<b>Name</b>	<b>Social Sector/Motive</b>	<b>Place of Incident</b>
October 18, 2012	Juvy Malid Capion, 27 y/o (2 months pregnant) Jan-Jan Malid Capion, 7 y/o Jorge "Pap" Malid Capion	Blaan indigenous/wife and children of anti-XSTRATA mining Lumad leader	Fayahlob, Sitio Datal-Alyong , Brgy Danlag, Tampakan, South Cotabato
October 03, 2012	Gilbert Paborada	Higaonon Indigenous Leader /A Brown oil palm plantation expansion	Opol, Misamis Oriental
September 29, 2012	Ronald Malley, 16 y/o Andy Datuwata, 24 y/o	Teruray student and farmer	Sitio Teruray, Barangay Telafas, Columbio, Sultan Kudarat
September 13, 2012	Genesis Ambason	Banwaon Indigenous leader / Exploration of Malampay Mining	San Luis, Agusan del Sur
August 01, 2012	Jordan Manda	Subanen Indigenous Child/ Toronto Ventures Inc. mining expansion	Bayog, Zamboanga del Sur
July 22, 2012	Totong Mabinsi	Dibabawon Indigenous farmer/ mistaken as NPA member	Laak, Compostela Valley
May 06, 2012	Fred Trangia	Environmental conservationist / anti-large scale mining activist	Nabunturan, Compostela Valley
May 09, 2012	Margarito Cabal	Anti-mega dam activist	Kibawe, Bukidnon

March 05, 2012	Jimmy Liguyon	Matigsalog Indigenous Leader / Refusal to sign papers to allow large-scale mining	San Fernando, Bukidnon
November 04, 2011	Rodel Aug	Manobo, member of Nagkahiusang Katawhang Talaingod sa Antipas	Antipas, North Cotabato
October 20, 2011	Ramon Batoy	Farmer	Arakan, North Cotabato
October 17, 2011	Fr. Fausto Tentorio	Foreign Missionary, environmental and indigenous peoples advocate	Arakan, North Cotabato
August 04, 2011	Dioquino Scuadro	Tagakaolo Indtous Leader / anti-large scale mining advocate (SMI-Xstrata)	Barangay Ticulon, Malita, Davao del Sur
July 10, 2011	Roque Laputan	Farmer, anti-large scale mining advocate (SMI-Xstrata)	Malalag, Davao del Sur
June 30, 2011	Arpe Datu Lapugotan Belayong Solte San-ogan	Higaonon Indigenous Leaders / resistance to logging and mining companies	Esperanza, Agusan del Sur
May 31, 2011	Richard Paras		Sibagat, Agusan del Sur
April 27, 2011	Nicomedes dela Pena, Sr. Nicomedes dela Pena, Jr. Ruben Gatong Itik Awisan	Matigsalog Indigenous Peoples / gold mining exploration area	San Fernando, Bukidnon
April 12, 2011	Santos "Ricky" Manrique	Small-scale miner leader	Pantukan, Compostela Valley
April 27, 2011	Florita Caya	Anti-large scale mining Indigenous leader	Monkayo, Compostela Valley
April 22, 2011	Edgardo Mambokon	Matigsalog	San Fernando, Bukidnon
March 01, 2011	Salde Calubag	Tagakaolo indigenous people	Malita, Davao del Sur
February 27, 2011	Rudyrick Dejos Rudy Dejos	Blaan Indigenous People / active members of farmers organization	Sta. Cruz, Davao del Sur
January 01, 2011	Rogelio Lapus	Progressive partylist supporter	Lala, Lanao del Norte
October 11, 2010	Jimmy Arion	Matigsalug-Manobo Indigenous leader	San Fernando, Bukidnon

The number of cases and of individual human rights victims that have been the subject of Congressional investigations initiated by progressive partylist groups has spiked significantly.

This number does not yet include the reported twenty-one killings in Bayog, Zamboanga del Sur that have been attributed to have resulted from 'criminal activities,' but should be investigated for possible connection to the mining interests of the controversial Toronto Ventures Inc.

The extrajudicial killings of Italian missionary Fr. Fausto "Pops" Tentorio, indigenous leader Rudy Dejos and his son Roderick of Davao del Sur, anti-mining activist Santos Manrique of Compostela Valley, and Higaonon leader Jimmy Liguyon of Bukidnon--- already subjected to Congressional investigations--- continue to be unsolved cases, with almost zero progress in terms of professional forensic investigation by the police or legal prosecution of perpetrators who are alleged to be military, police, or paramilitary agents.

Mindanao human rights victims and advocates, along with the rest in the country, and the international community, lament this state of impunity that continues to this day under the Aquino government.

Mindanawons have thought that the killing of Atty. Concepcion Brizuela, officer of the Union of Peoples' Lawyers in Mindanao, in the infamous Ampatuan Massacre, would have been the last dramatic indication of this state of impunity. Regrettably, the Aquino government has lost this chance to redeem this image of a sheer lack of the rule of law in the country.

From Gloria Arroyo's Ampatuan, this state of impunity has been carried through until Aquino's Arakan murder of Fr. Tentorio, and now right up to Aquino's Tampakan where the tentacles of impunity has once more caught up with another set of victims--- pregnant Blaan woman Juvy Capion and her two sons who were mercilessly massacred by the 27th IB under Lt. Alexis Bravo.

Juvy was the wife of Daguil Capion, a known anti-mining leader who has been forced to take up the traditional pangayaw, or tribal war, as an indigenous method of asserting their cultural and economic rights to ancestral domain. The Capion family stand today as sacrificial lambs in the vicious efforts of Xstrata-Saggitarium Mines, Inc to fend off opposition to its open-pit mining operations in the quadri-boundaries of South Cotabato, Sarangani, Sultan Kudarat, and Davao del Sur.

The question begs asking: Are the lives of Juvy and her children, and the lands of the Blaan people, inconsequential to the \$5.2 billion dollar Tampakan Gold and Copper project which seeks to rake in an estimated \$11 billion dollars in profits?

The Tampakan massacre is but the latest incident in the growing list of mining and extractive-industry related killings, landgrabs, and harassments.



Jenesis Ambason, an indigenous youth leader of TAGDUMAHAN Lumad organization in Agusan del Sur was found dead on September 14, a day after he and five companions were arbitrarily fired at by members of the Civilian Armed Forces Geographical Units (CAFGU) while resting near a military detachment. His body bore torture marks and several gunshot wounds. Ambason was elected Secretary General of Tagdumahan last year, and was actively opposed to big mining interests in their ancestral domains particularly that of the Malampay, Tambuli, and Makilala mining companies.

Gilbert Paborada, a Higaonon leader, was gunned down on October 4, 2012 in Cagagayan de Oro City. He led his community's resistance to the palm oil plantation of A. Brown in Opol, Misamis Oriental. His other colleagues in their organization Pangalasag have recently observed motorcycle-riding men tailing them.

Timuay Lucenio Manda and his son Jordan were ambushed by unidentified assailants on September 4, 2012 in Bayog, Zamboanga del Sur. Jordan died instantly while Manda was wounded. As tribal chieftain, Manda is key to granting permission to any mining projects in his barangay.

And most recently, the chairperson of the Lovers of Nature Foundation, Dr. Isidro Olan, was wounded in an apparent assassination attempt for his strong and consistent anti-logging and anti-mining advocacies in the Caraga region.

### **Trumped up criminal charges against activists**

There have been more than 45 Lumad, farmers, and other activists in the Caraga region alone whose names have been maliciously inserted by state security agents. In the whole island, there are more than 159 individuals facing these fabricated and malicious charges, and hindering them from carrying out their human rights work because of pending warrants of arrests, subpoenas, and other forms of legal harassment and intimidation.

The case of Genasque Enriquez illustrates the wanton disregard for due process of law. Genasque is an officer of the indigenous group KASALO in the Caraga region. A Manobo, Genasque is the second nominee of Katribu Partylist. He has frequented media outlets for interviews and has constantly been at the forefront of struggles of indigenous peoples to assert their right to self-determination. However, after the AFP had failed to ward off armed attacks by the New People's Army on mining firms in Caraga, it seems that they have picked on personalities of legal mass organizations, even ordinary farmers, as a way to retaliate and compensate for their failures. This seems to explain why the names of these mass leaders have been inserted into existing criminal charges, thus, a Mindanao-wide trend of instantaneous identification of John Does in case information has become suspiciously evident.

The case of Genasque Enriquez finds resonance in the similar plight of human rights defenders Benjamin Labastin, a teacher at La Salle University-Ozamiz who was arrested as he was lecturing to his class; Helen Igloria, a community health worker who was nabbed at her home in Dipolog City for malicious charges of frustrated murder; Anelfa Gemilo, a

Blaan woman leader, who was framed up to be falsely accused as an NPA courier after she led communities to fight for fair prices for their harvests and for reduction in prices of farm inputs.

This trend shames this government for its total disregard of the United Nations Declaration on Human Rights Defenders. The malicious charges filed against them are a clear attempt to silence their advocacies thru judicial intimidation, planting of evidence for frame ups, or thru eventually imprisoning them on false and fabricated cases.

The military has taken on families and relatives of identified combatants in this method of filing false charges and of vilification and intimidation. The inclusion of the name of Vincent Isagani Madlos, the son of known National Democratic Front leader Jorge Madlos and who works as a call center agent in Cebu, for a case of arson, demonstrates how low the government's anti-insurgency campaign has regressed. Wives of NPA combatants in Paquibato District, Davao City have also stepped forward to decry the military harassments directed at them in an attempt to force them to blackmail their husbands into surrendering to the government. These acts are a continuation of a clear intention to disregard international humanitarian law, which government made pronounced beginning with the brutal killing of Rebelyn Pitao, daughter of known NPA commander Leoncio Pitao.

### **Enforced evacuations of indigenous and peasant communities during military operations**

An estimated 1,017 families with 5725 individuals have been forcibly evacuated in the course of intense military operations carried out by the Philippine Army most notably in the Caraga, Northern Mindanao, and Southern Mindanao regions.

These have brought untold suffering to farmers and indigenous peoples especially to women and children who bear the brunt of displacements from their dwellings and farms.

Evacuations have disrupted the lives of the Matigsalogs, Mamanwa, Dibabawon, Maguindanawon, and Manobos in various parts of Mindanao.

Many of these communities, notably the Manobos of Surigao del Sur, have been repeatedly displaced under various governments. The two years of the Aquino presidency have seen an escalation of enforced evacuation as military operations are carried out side-by-side with the entry of large-scale mining and other "development aggression" projects.

This practice of enforcing evacuations of communities as a counter insurgency method is a Martial Law-time method, with echoes of the hamlets of Laak, Davao del Norte, and its consequent social, psychological, and economic costs.

Even the small scale mining communities of Balabag, Bayog, Zamboanga del Sur, have been evicted by the composite forces of the provincial government, the DENR/MGB, and the AFP and police in order to pave the way for the expansion of TVI Resources, the

Canadian mining firm which has already extracted the gold deposits in Siocon, Zamboanga del Norte and is now bent on ravaging our mineral wealth in Zamboanga del Sur.

Further aggravating this trend of enforced displacement is the prevalence of military encampments in civilian populations. This includes the practice of government soldiers to live in the houses of farmers, Lumads, and in Moro communities and to set up military detachments in the heart of communities, thereby endangering civilians to imminent military attacks from adversaries.

**TABLE 2: Matrix of Enforced Evacuations in Mindanao**  
**SUMMARY: INTERNAL DISPLACEMENTS in MINDANAO**  
**JUNE 2010-OCTOBER 2012**

<b>Date of Incident</b>	<b>Area of Incident</b>	<b>Ethnic Group</b>	<b>No. of affected individuals/families</b>	<b>Motive for evacuation</b>
August 29, 2012 – to the present	Dao, San Fernando, Bukidnon	Matigsalog	12 families (51 individuals)	Harassment by paramilitary group NIPAR wanting to control gold deposits in area
May 7 – 11, 2012	Pasian, Monkayo, Compostela Valley Province & Trento, Agusan Del Sur	Dibabawon & Bisaya	137 families	Military offensive on civilians after NPA ambush of AFP
March 18, 2012	Brgy. Tibagon, Pantukan, Compostela Valley		304 individuals	Hamletting by 71st IB. Mining interests in this area include the Russell Mines & Minerals – St. Augustine Gold Copper in Brgy. Kingking, Pantukan, and the Napnapan Mineral Resources.
March 14 – August 2012	Dao, San Fernando, Bukidnon	Matigsalog	150 individuals	Harassment by paramilitary group NIPAR wanting to control gold deposits in area
March 6 – May 2012	Sitio. Zapanta, Brgy. Bangayan, Kitcharao, Agusan del Norte	Mamanwa	125 families = 429 individuals	Military operations in area of Taganito Mining Corporation
March 21 – May 2012	Camam-onan, Gigaquit, Surigao del Norte	Mamanwa	113 families with 483 individuals	Military aerial raids in areas of Minimax Gold Exploration and SR Mining Inc., Lopez-owned First General Hydro Electric Corp.
February 28 – May 2012	Ferlda, Alegria, Surigao del Norte	Mamanwa & Bisaya	76 families = 276 individuals	Military aerial raids in areas of Minimax Gold Exploration and SR Mining Inc., Lopez-owned First General Hydro Electric Corp.
January 8, 2012	Imbagtas, Sitio Poon, Nakabuklad, San Fernando, Bukidnon		23 families or 112 individuals	Operations of the 8th IB.

Date of Incident	Area of Incident	Ethnic Group	No. of affected individuals/families	Motive for evacuation
November 6 -17, 2011	Sitio. Zapanta, Brgy. Bangayan, Kitcharao, Agusan del Norte	Mamanwa & Bisaya	135 families or 451 individuals	Aerial raids in pursuit operations of the NPA in area of Taganito Mining Corporation
October 29-November 5, 2011	Lianga and San Agustin, Surigao del Sur	Manobo	804 individuals	Military operation in communities near coal mining application sites (Benguet Mining Corp)
September 1-10, 2011	Asili and Zapanta, Kitcharao, Agusan del Norte	Mamanwa & Bisaya	106 families	
June 26, 2011	Magkahunao and Upper Janipaan in Brgy. Buhisan, San Agustin, Surigao del Sur to Brgy Buhisan and San Agustin Municipal Gym	Manobo	77 families	Military operation in communities near coal mining application sites (Benguet Mining Corp)
	Mahaba, Marihatag Municipal Gym, Surigao del Sur	Manobo	141 families = 553 individuals	Military operation in communities near coal mining application sites (Benguet Mining Corp)
May 25-June 2011	Zapanta Valley, Kitcharao, Agusan del Norte	Mamanwa + Settlers	381 individuals	Aerial raids during combat operations against the NPA
April 8, 2011	Maragatas, Lupon, Davao Oriental		33 individuals	
March 31, 2011	Brgy. San Isidro, Marihatag, Surigao del Sur	Manobo	110 families with about 600 men, women and children	
August 26-2010	Brgy. Mahaba, Marihatag, Surigao del Sur	Manobo	1098 individuals	Military operation in communities near coal mining application sites (Benguet Mining Corp)
June 2010	Kitcharao and Jabonga, Agusan del Norte	Mamanwa	75 families	Military operations in areas of Minimax Gold Exploration and SR Mining Inc., Lopez-owned First General Hydro Electric Corp, Taganito Mining Corporation
<b>TOTALS</b>		<b>1017 families with 5725 individuals</b>		

### Human rights violations against the Moro people

The sorry plight and the silent suffering of Moro civilians falsely accused of being 'Muslim terrorists' is characteristic of the human rights situation. They have been languishing in various jails in Manila, away from the care and visitations of their relatives in Basilan. Ever since 73 of them were rounded up in various illegal raids and arrests in 2002, at the onset

of the US-led war of terror, several of them have died in jail and others have seen their health deteriorate, without seeing any resolution to their court cases.

The Basilan 73, as they have been calling themselves, is suffering from this unwarranted and prolonged detention, demonstrating the weakness of government's cases against them. A look into the list of these Moro political prisoners--- prisoners taken in pursuit of the US-led war on terror due to false and malicious charges--- will show that their never had been probable cause for their arrest.

Adding to this violation is the perennial trend of internal displacement against Moro civilians. The recent military operations of the AFP against the forces of the Bangsamoro Islamic Freedom Fighters (BIFF) in Maguindanao and adjacent provinces have seen the displacement of an estimated 30,000 individuals during the 3rd quarter of this year. Military operations have also caused the death of Moro child due to indiscriminate firing. The Kawagib human rights group also documented the use of a mosque as an AFP encampment, a clear violation of international humanitarian law which prohibits the desecration of places of worship.

### **Pervasive and unrelenting attacks, harassment, and vilification against rural community learning schools**

Actions and pronouncements by no less than officials of the Philippine Army unit operating in the Caraga region are an admission of these manifest attacks on community learning schools in rural areas. Accusing the ALCADEV as being built by the NPA, the military counters the actions of the Department of Education which has recognized it, and other community schools, under the Alternative Learning Systems program. ALCADEV has likewise been accorded numerous awards from both the public and private sectors here and abroad.

Teachers in schools run by the Rural Missionaries of the Philippines in Northern Mindanao (RMP-NMR) were harassed allegedly by the 8th IB in St. Peter, Malaybalay City when they went for a courtesy call on July 24, 2011 to announce the reopening of the literacy-numeracy school. The local government unit subsequently decided not to allow the reopening of the school, disappointing at least 37 initial enrollees.

In another RMP-NMR school in Esperanza, Agusan del Sur the town mayor Nida Manpatilan told the community leaders and teacher that the RMP schools were teaching songs and ideas of the Communist Party, and that the community should allow mining if it wants development.

Another teacher of an RMP-Southern Mindanao school in Pantukan, Compostela Valley Province was harassed and intimidated by the 71st IB during a 4Ps meeting earlier this year.

**TABLE 6: Case Illustration on attack on community learning schools (The case of ALCAGEV)**

Victims	Cases of Political Vilification and other Human Rights Violations	Perpetrators
<ul style="list-style-type: none"> <li>• Alternative Learning Center for Agricultural and Livelihood Development (ALCADEV), its students and staff</li> <li>• Malahutayong Pakigbisog Alang sa Sumusunod (MAPASU), its member communities and officers</li> <li>• Tribal Filipino Program in Surigao del Sur (TRIFPSS) and its staff</li> <li>• Kahugpungan sa mga Mag-uuma sa Surigao del Sur (KAMASS)</li> </ul>	<ul style="list-style-type: none"> <li>• December 2008-July 2009:               <ul style="list-style-type: none"> <li>- European visitors of ALCAGEV were blocked from entering Han-ayan and were subjected to questioning by the military. They were told that ALCAGEV is a communist front and they should not be helping the school.</li> <li>- October 2008: On the way back from the school site, Anton Borius, Volunteer of Infants du Mekong (EDM) ALCAGEV funding partner, and ALCAGEV director were held at the checkpoint and instructed by the military to have an audience with the Brigade commander. Mr. Borius was questioned why EDM helped ALCAGEV and that ALCAGEV is the “school of the RED”</li> <li>- February 2009: Joachim Sohie of Belgium, an intern hosted by ALCAGEV was held at the checkpoint</li> <li>- July 18, 2009: A group, composed of 7 Belgian ALCAGEV visitors, was again held by the 58th IB checkpoint. Said visitors are supposed to attend ALCAGEV foundation day. They were instructed to go to the Brigade which is almost a kilometer from the checkpoint. Military officials told them that ALCAGEV is a school of the communists.</li> </ul> </li> <li>• Military demanded ALCAGEV to submit its registry of students and staff, otherwise they cannot bring food supplies for the 126 learners of ALCAGEV</li> <li>• Categorical statement by military that they are going to “pin down” ALCAGEV, TRIFPSS, MAPASU, and KAMASS as communist fronts</li> <li>• Surveillance and monitoring of staff and learners from the military post across ALCAGEV clinic. Soldiers were seen taking pictures and using binoculars directed at the school</li> </ul>	<ol style="list-style-type: none"> <li>1. Col. Danilo Fabian, Commanding Officer of the 401st Infantry Brigade of the Philippine Army</li> <li>2. Col. Sinugba, Executive Officer of the 401st Infantry Brigade</li> <li>3. Lt. Col. Benjamin Pedralvez, Commanding Officer of the 58th Infantry Battalion</li> <li>4. 1Lt. Jesson Marmol, Commanding Officer of the Bravo Company of the 58th IBPA</li> <li>5. Lt. Sison and Lt. Fuertez of the 58th IBPA</li> </ol>
	<p>August 26, 2009: Lt. Col. Romeo Brawner Jr., AFP Public Affairs Office Chief, conducted a Press Briefing at Camp Aguinaldo</p>	
	<p>April 2011: The military organized a 3 day community assembly in Han-ayan led by the 29th IB. This was participated by Lumads members of the paramilitary group TFG-BF. LARRY TANIOLA a paramilitary personnel vilified ALCAGEV in his speech by saying: - that ALCAGEV is not an accredited school and that they will replace it with a formal school - ALCAGEV learners will join NPA after graduation</p> <p>They also disseminated this vilification campaign to local radio and newspapers.</p>	<p>Personnel of the 29th IB</p> <p>Task Force Gantangan-Bagani Force paramilitary group</p>

Victims	Cases of Political Vilification and other Human Rights Violations	Perpetrators
	March 15, 2012: ALCADDEV visitors who are going to attend the graduation ceremonies were held for almost one hour and a half and were made to sign in their military logbook, were taken pictures at the checkpoint. The military also prepared a powerpoint briefing. Visitors strongly opposed the conduct of said briefing.	Personnel of the 29th IB and police headed by Col. Fugnit and 1st Lt. Ryan Layug
	March 20, 2012: Military statement in a media interview with Col. Robinson quoted as saying, "The students of the school (ALCADDEV) were not just ordinary students because they become combatants after graduation."	Col. Henry Robinson Jr.

Many other incidents of harassment, intimidation, and encampment of schools have been reported. The wide geographical spread of these incidents involving different units of the Philippine Army over a period of years leads to the conclusion that these schools have become the intended target of attack by government soldiers.

### **Human rights violations linked to US military forces**

The case of Gregan Cardeno, who mysteriously died in the hands of US military forces inside the US facility in the AFP's Camp Ranao in Marawi City, remains an unsolved case as asserted by Cardeno's family and human rights groups.

The Commission on Human Rights in the region had pronounced findings that no human rights violation was involved in the death, glossing over the fact that Cardeno had made pleas for help and understanding from his family before he died on February 2 or 3, 2010.

The killing of Akbam Juhurin and the wounding of his son Akjul, who were aboard a fishing boat when they were rammed by a US military vessel during joint US-PH military exercises in the waters off Basilan, also show one of the glaring examples of human rights violations committed US troops who have been given access to areas and immunity from suit under the Visiting Forces Agreement (VFA).

### **Conclusion**

The escalation of extrajudicial killings and other forms of human rights violations against the people of Mindanao has run astride with the Aquino government's fervent push for mining investments and other commercial and extractive ventures in Mindanao.

Upon a closer look into the extrajudicial killings of Fr. Pops, the father-and-son Dejos, Jimmy Liguyon, Santos Manrique, Genesis Ambason, Juvy Capion, and other human rights defenders and community leaders--- one will see the far too obvious reality that large-scale mining kills, and its twin face is militarization of communities.

More than half of the estimated mineral wealth of the Philippines is found in Mindanao, estimated at a value of US\$312.6 billion. Mindanao has the country's largest reserves of Copper (5 B tons), Gold (3.4 B tons), Aluminum (292 M tons) and Iron (411 M tons). This island is also holds 60% of the oil and natural gas reserves of the country which can reportedly yield 8 billion barrels.

It is no surprise that Mindanao hosts some of the world's biggest extractive industry players: BHP Billiton, Xstrata, Anglo-American, Sumitomo, Rio Tinto, Unocal, Exxon-Mobile.

It is also no wonder, then, that as the Aquino government is feverishly campaigning for public-private partnership in all fields of industry, so are the attacks on those who defend and thrive on ancestral domains, farmlands, and sources of livelihood likewise going on a fever pitch.

The oft-repeated rhetoric of the Aquino government that it is bringing in the era of 'peace and development', and is boasting that its new security doctrine Oplan Bayanihan is a departure from the Palparan-era Oplan Bantay Laya, have become unmasked to mean as unhampered aggression of mining and other extractive and destructive industry. Behind the innocuous façade that Oplan Bayanihan projects is the blood of its victims. 'Peace and development' means silencing communities to pave the way for mining and other environmentally plunderous projects and operations.

### **Recommendations Addressed to Policy Makers**

1. Take to task the chain of command of the Armed Forces of the Philippines and the Philippine National Police, including the President of the Philippines under the principle of command responsibility, to be accountable for all extrajudicial killings and other human rights violations for which its personnel and units have been accused of being the perpetrators. Recommend for the prosecution of erring and criminal state security forces embroiled in cases of human rights violations.
2. Effect the review and rescinding of the Internal Peace and Security Plan Oplan Bayanihan for providing the policy and operational framework that has allowed the continuation of the regime of extrajudicial killings, enforced evacuations and other attacks.
3. Take to task the Department of Justice to uphold the rights to due process of individuals by curbing the practice of filing trumped up charges against human rights defenders and activists.
4. Take to task the Department of Education to ensure that the rights and survival of alternative community learning schools are respected and protected from militarization, vilification, and other forms of intimidation and attacks.
5. Investigate the practices, business ethics, human rights and environmental records of mining companies and other extractive industries; specifically, for Congress to call Xstrata-SMI, TVI Resources, Taganito Mining, Santo Cristo mining, Russel mining, BHP Billiton, A. Brown, the Pulangi megadam project and other mining and extractive companies to account for charges of human rights violations against them by indigenous and peasant communities.



6. Expedite the passage of the People's Mining Bill authored by Bayan Muna and other progressive partylists and supported by genuine environment movements and networks towards advancing a rational, nationalist, pro-people, and ecologically-balanced minerals development plan.
7. Work for the abrogation of the US-PH Visiting Forces Agreement to ensure that the rights of every Filipino from violations and abuses by US military forces are protected and that no immunity from criminal liability is granted to erring American soldiers.

### **Recommendations Addressed to the International Community**

1. Issue public statements condemning human rights violations against people's organizations, communities, and human rights victims and defenders;
2. Investigate complaints and reports of human rights violations, including adverse environmental impacts, of mining and other extractive industry projects of corporations operating in Mindanao and with primary listing under your national stock index or are headquartered in your country;
3. Initiate diplomatic measures to inform Philippine authorities of human rights complaints that have come to your attention and to remind the Philippine government of its obligations as duty-bearer of all signed international human rights and international humanitarian law instruments;
4. For foreign missions to raise the issues and complaints of Philippine human rights organizations before the United Nations Human Rights Council and recommend investigations and rulings on outstanding cases of human rights violations;
5. Initiate a review of your overseas military aid, if any, and its linkages to military and state security agencies that are the subject of complaints of human rights abuses by individuals, organizations, and local communities; and
6. Provide development assistance to Philippine civil society especially in Mindanao to help secure the security and wellbeing of human rights victims, advocates, and communities.

# Imprints of Violence: Shattered Lives and Disrupted Childhood

Children's Rehabilitation Center

**THE situation of children** speaks of that of their families' and of the society's condition.

Approximately 43.34% or more than 40 million of the total 94 million population of the country is under the age of 18. Majority of them are from the families of peasants, workers and low-income families in the urban areas. Thus, majority of the Filipino children live in poverty.

The Philippine government systematically violates the rights of the Filipino children as it continues to adhere to the policies of trade and investment liberalization, deregulation of economies, and privatization of government services.

With massive unemployment and underemployment due to lack of industries that generate jobs and, labor-export policies and national laws that enslave the Filipino work force, many children are forced to work at an early age to help augment their parents' low wages or unemployment. More often they are left vulnerable to exploitation or pushed to engage with anti-social activities to survive.

The Aquino Government's banner program, the Public-Private Partnership (PPP), which supposedly aims to give relief to the toiling masses, is in fact another burden for the Filipino family. Under the PPP, 26 public hospitals are listed for corporatization. This would mean inaccessibility to health services for the majority of our children, as these hospitals will be ran for profit, and not to provide service.

Conditional Cash Transfer, on the other hand, intends to buttress the government's image to cover up its failure to address the fundamental issues of landlessness, unemployment, high prices of basic commodities and grossly inadequate social services.

Moreover, children's lives are shattered, marked or taken because of the direct attacks of the Armed Forces and its affiliates, under the government's counter-insurgency program, Operation Plan Bayanihan (Operation Plan Cooperation) or OpBay. OpBay is patterned after the US Counter Insurgency (COIN) Program. While OpBay aims to end insurgency, military operations are also directed towards the protection of so-called development projects (i.e. infrastructure and mining) of foreign big businesses in areas considered as rebel stronghold.

## Bleak Future: Children's stories under the Aquino Government

Amid the various difficult situations, children and their families are struggling to fight for their rights and welfare. However, these are met by the government's fascist attacks and repression, thus human rights violations continue.

Masking its vicious combat operations with so-called "people-centered" and "humanitarian" approach, the Aquino Administration treads on a path of blood and terror, and not a righteous (matuwid) one. In Aquino's 27 months (July 30, 2010-October 2012) in office, Children's Rehabilitation Center has documented numerous cases of human rights violations against children.

### ***Killing***

On the first 18 months of the Aquino government, there were two documented cases of killing of children. However, in 2012, an increasing number of children became victims of killing. From January to October, CRC documented 10 incidents of killing involving 12 children. Four children were victims of massacre in two separate incidents, four were arbitrarily killed, two were killed during the assassination of their adult companion, one was killed during a violent demolition, and one child died after being run over by a motorcycle driven by a soldier.

Of the 14 children who were killed, seven were indigenous peoples from Mindanao and Visayas, in areas where the AFP conducts military operations against armed groups such as the New People's Army (NPA) and the Bangsamoro Islamic Freedom Fighters (BIFF); and in areas where there is strong resistance to mining operations. Five of the 14 children were from Luzon. Eight of the children killed were four to eight years old, while six were nine to 15.

**TABLE 1:**  
**Human rights violations against children**  
**under the Noyonoy Aquino administration**  
**from July 2010-October 2012**

Types of Violations	July 2010 - 2011	January - October 2012	Total
Killing	2	12	14
Frustrated Killing	13	5	18
Illegal Arrest and Detention	9	6	15
Torture	6	7	13
Rape or Sexual Assault and Harassment	2	2	4
Harassment/Intimidation/Threat	1098	1278	2376
*Forcible Evacuation & Displacement	3142	1420	4562
Use of Minors as Guide and/or Shields in the Military and/or Police Operations	3	4	7
Attacks on/and Use of Schools, Medical, Religious and Public Places or Facilities for Military Purposes	9	8	17
Branding Children Victims as Child Soldier	9	7	16

*Labo and Tampakan massacre*

This year, there were two incidents of massacre where children were killed as in the case of **Richard Mancera**, 7, **Michael Mancera**, 10 at the family’s house at Brgy. Malaya, Labo, Camarines Norte on February 25, 2012. The two children were killed together with their father **Benjamin Mancera**, 54, “Ka Pedro”, a member of the New People’s Army who came to the Mancera’s home to rest.

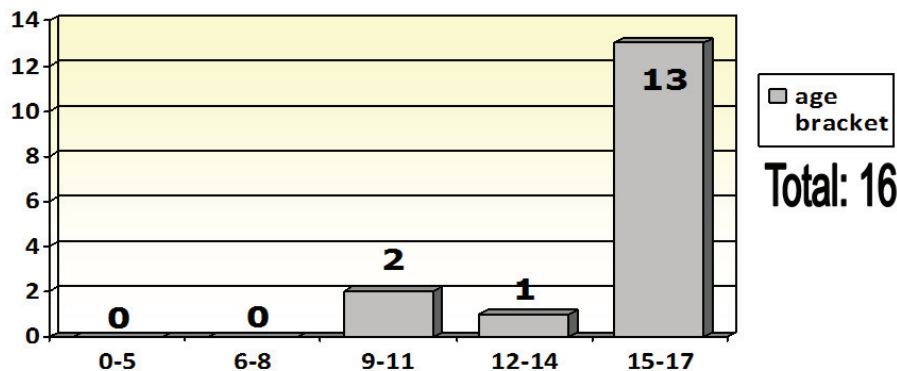
Another two children were killed in what is now known as the Tampakan massacre. On October 18, around 6:00 am, **Pap Capion**, 8, and **John Capion**, 13, and their pregnant mother **Juvy** were killed when the 27th IB PA fired at their house in Tampakan, South Cotabato. The incident also wounded the five-year old daughter of the Capions. (see *Karapatan year-end report for details of both incidents*)

**Branding children victims of human rights violations as child soldiers**

AFP continues to harp on the increase in the number “child soldiers”. However, based on CRC’s documentation, 16 children victims of rights violations since 2010 were wrongly accused as NPA child soldiers from 2010; Most of the victims were from peasant communities, where intense military operations are conducted. Most of the time, these children were working in their family’s farm lots when they were chanced upon by the military and were arrested, detained and presented as child soldiers. All of the victims experienced physical and psychological torture from the hands of the military. Three victims face charges such as violation of the Human Security Act, Illegal Possession of Firearms and Explosives, and Frustrated Killing. Two victims are still detained.

Children victims of numerous human rights violations are further victimized when military tag or brand them as NPA child soldiers to cover up military atrocities. These children are left with anxiety and uncertainty as they fear that they will again be treated like criminals.

**GRAPH 1:**  
Age Distribution of Children Victims  
Branded as Child Soldier



Graph 1 shows Age Distribution (below) with its corresponding number of victims. All victims are from peasant families

## **Rape**

In communities where there is military deployment and an established detachment, the military deceive women and young girls. While deployed in communities, supposedly to conduct peace and development activities, soldiers court these women and even young girls. The soldiers boasts of their travels and adventures, shows off their urban lifestyle, to impress the barrio lasses. The military befriend and woo the women, sending text messages and promising them a good life. In this situation, it is likely that some women would believe the soldiers and later fall victim to sexual violence.

CRC and other rights groups received anecdotal reports on teenage girls who were left behind by their military boyfriends, some of them already married, after getting them pregnant. Even worse, there are girls who end up being raped by their military boyfriends.

The case of “**Cindy**”, a 16 year-old girl from Rizal Province, is a concrete example of how children are courted and then exploited. On October 17, 2011, “Cindy” was invited by soldiers to a party inside a military barracks, with her cousin and a friend. While there, they were given food and drinks. Cindy felt sleepy after eating. After the incident, Cindy manifested “abnormal behaviors” prompting her family to bring her to a mental facility. A family member also saw “Cindy’s” underwear stained with blood. It was learned, through a medico-legal examination and from the mental hospital where she was taken, that “Cindy” was raped, when she was by the soldiers from the 16th IB, who brought her to a “party”

Another case is from Mankayan, Benguet. Two high school girls, “**Katrina**” and “**Isabel**” both 16 years old were wooed by Capt. Danilo Lalin from the 50th Infantry Battalion, Philippine Army. “Katrina” was courted through text messages and later met Lalin in person. The latter became the girl’s boyfriend. Since then, the two were in a relationship and Lalin promised her marriage. Being young, she believed Lalin’s promises and disobeyed her parents who opposed their relationship.

Between February 17-19, 2012, “Isabel” disappeared. She arrived home only on February 20. When she got home, Isabel was too distraught about what transpired in those three days. A few days after, her sister confronted Isabel where she went after the sister discovered contraceptive pills and tickets of Domestic Tourist addressed in Military Shrine Service in Camp Aguinaldo. Isabel confided that Lalin brought her to a Military Camp in Ifugao and raped her. She recalled that she was also brought to Taguig for medical check-up. Her sister observed that Isabel was distressed and dazed. Isabel’s family filed a case at the Mankayan Police headquarters and brought her to a hospital for a medico-legal assessment. It was revealed that she sustained a complete hymeneal laceration. She was also diagnosed as mentally depressed.

## **Attacks on schools**

Documented cases of attacks on schools by military troops were more prominent this year. With the deployment of military troops in communities under OpBay, the right to education of children is under attack.

The right to education is a fundamental right of every child as proclaimed by international and local laws and statute. Despite these proclamations, the military blatantly violates these laws and continues to use school buildings, daycare centers and barangay halls as command posts, barracks, detachments, and supply depots. In some cases, they build their detachment inside the school premises or a few meters away from the school as what happened in Sadanga, Mountain Province and Paquibato District in Davao City, endangering the lives of the children and causing fear to the parents and teachers as well.

In Las Navas in Northern Samar, in Ormoc City and in Ilocos Region, occupation of day care centers were also documented. Children complained that the soldiers who occupied their schools used the walls as urinal. They also used part of the wall of the school building as firewood. The military presence in schools disrupted classes, as most of the children were afraid to attend classes upon seeing firearms hanging inside their classrooms.

Needless to say, the early exposure of children to constant terror has devastating effects on their intellectual and psychological development, a direct attack on children's future.

Schools initiated and established by people's organizations or communities were also frequently attacked by state forces. The military harass school personnel and students; they brand the schools as communist fronts, or that the schools were built by the NPA. The fact remains that these schools were established because the government failed to provide for the education of the children especially in remote areas.

### ***Forced Evacuation***

CRC documented some 4,562 children who were victims of forced evacuation under the Aquino administration. Families and even whole communities of indigenous peoples are forced to leave their homes and livelihood because they fear for their lives and safety as they experience threats and harassment from the military.

Forced evacuation due to military ground and air operation has been regularly happening in communities in Andap Valley in Surigao, Agusan Provinces and Bukidnon. These same communities are targets for large-scale mining operations or there is actual mining exploration. Children in these indigenous peoples' communities experience discrimination, are rarely reached by social services. Yet, they are constantly victimized when the military conducts combat operations in these areas.

## **Conclusion and Analysis**

OpBay continues to wreak havoc to children, families and communities. Rights violations continue, with impunity, as perpetrators have not been punished. Uncounted lives have perished and are jeopardized in these vicious and bloody military operations. Children are not spared, innocents' lives have been taken away. The 14 children killed<sup>1</sup> is 12%

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<sup>1</sup> These data may be conservative as these only reflect cases against children reported, submitted to and documented by CRC. There are cases which

of the 114 victims of extrajudicial killings (*Karapatan documentation as of 30 September 2012*). With this number, it is incorrect to say that children are simply collateral damage. Majority of the children victims are from peasant communities. Under Opbay, deployment of massive military troops in communities result to numerous human rights violations especially against children. Thus, CRC is steadfast in calling for the pull out of military troops from the communities.

### People's Initiatives

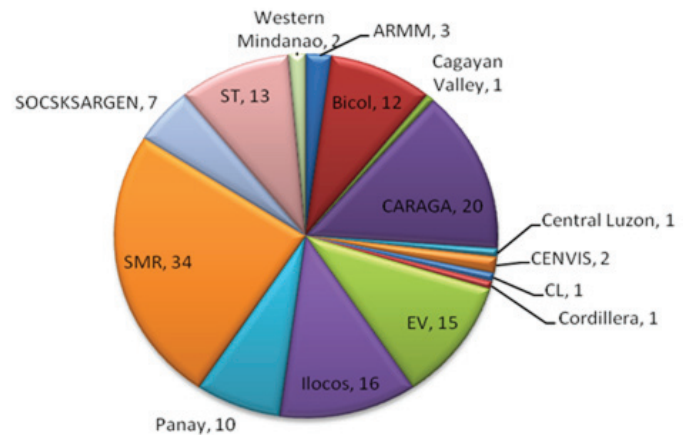
As the government's continues its systematic attack on children rights, people's organizations, non-government organizations are determined to provide services and uphold the rights of children.

In areas where government rarely provides social services, the people have initiated programs and services for the most marginalized children. The unified action of Lumad communities in Mindanao, with help from non-government organizations, brought forth literacy-numeracy programs and alternative learning systems for the Lumad children.

Children's Rehabilitation Center provides services to children and their families who are victims of human rights violations. CRC, for the past 25 years, has been in the forefront in helping victims of state violence to overcome their experience. CRC provides community-based intervention programs and counseling for children who suffer physical health problems, emotional disorders and social maladjustments due to traumatic experiences such as arrest, torture, disappearance, evacuation, extra-judicial killings and other forms of human rights violations.

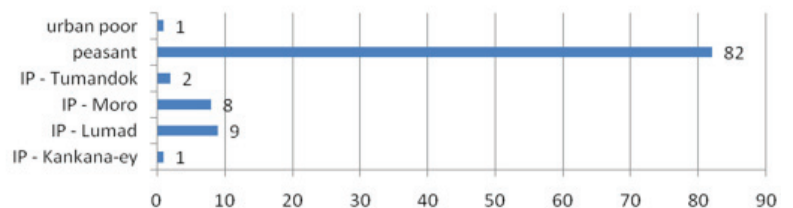
Through projects and partnerships, CRC has been active in capacitating grassroots organizations to mitigate adverse effects of militarization and human rights violations in their community. It has provided psycho-social first aid and documentation trainings, aside

**GRAPH 2**  
Geographical Distribution  
July 2010 - October 2012



Graph 2 shows the geographical distribution of documented violations of HRV's against children from July 2010-October 2012

**GRAPH 3**  
Sectoral Distribution  
July 2010 - October 2012



Graph 3 shows sectoral distribution of documented HRV's against children from July 2010-October 2012

from going directly to the communities and giving out much needed services first-hand.

In cooperation with Salinlahi Alliance for Children's Concerns, children's issues and cases of grave rights violations are conveyed to the public through campaigns and advocacy works. Children are capacitated through educational discussions and trainings to become advocates of their rights.

### **A New Perspective**

The National Democratic Front of the Philippines (NDFP) recently launched its program of action for children, the "Declaration and Program of Action for the Rights, Protection and Welfare of Children". The NDFP declares:

1. To reaffirm, protect and promote the rights of children and to continue to carry out its program of action for the protection and welfare of the Filipino children.
2. To adhere to international law relevant to the rights and protection of children in general or in situation of armed conflict.
3. To adhere to the decision of the Political Bureau of the CPP's Central Committee in 1988 stipulating that the New People's Army may recruit only persons who are 18 years old and older as armed fighters for its combat units; while persons at the age of 15 years shall be a trainee or apprentice and are assigned to self defense and other non-combat units and tasks.
4. That the Optional Protocol on the involvement of children in armed conflict for its bias against national liberation movements and the Paris Principles which is a non binding instrument that broadened definition of "child soldiers". The Optional Protocol on the Involvement of Children in Armed Conflict results in the misrepresentation of children as child soldiers and provide the military forces of the reactionary state the license to mislabel children as child soldiers and violate their human rights.
5. To ensure the prohibition of the recruitment and use of children below 18 for combat purposes, the creation of special office for the protection of children and to include in the Comprehensive Agreement for Socio-Economic Reforms a provision that will uphold children's rights, right to education and prohibits the exploitations of child labor.
6. To cooperate with foreign and or international organizations and institutions while urging the United Nations Secretary General Special Representative on Children and Armed Conflict to carefully study the false and baseless accusations of

**References:**

- Karapatan Factsheet and supporting documents from July 2010 to October 2012.
- NDF Declaration and Program of Action for the Rights, Protection and Welfare of Children, published by National Democratic Front of the Philippines, June 2012.



## The CCT Con

**F**rom 2008 to the present, the government has been implementing the Conditional Cash Transfer (CCT) program also called the 4Ps, and now 5Ps, or the Philhealth Pantawid Familyang Pilipino Program. It remains as a failed attempt to tide over the “poorest of the poor” and help them improve their lives.

Now why would the Noynoy Aquino government, who vowed to be the exact opposite of the corrupt and abusive Gloria Macapagal Arroyo administration, want to continue a program that is just as controversial, scandal-ridden and to be implemented by the same head of the same agency under GMA, DSWD Secretary Dinky Soliman?

Because Noynoy Aquino wants to benefit from CCT as much as GMA did. The CCT is an ineffective but showy step meant to tide over the US-Aquino regime through the end of its term amidst the worsening crisis and discontent. It is another deception that both Gloria and Noynoy resort to and give the people false hope for change. CCT gives a show of responding to the needy, while not touching the system that inflicts misery on the people. It is a clear example of “band-aid” cure to a chronic disease that is poverty.

Funded by loans from the World Bank and the Asian Development Bank, the billions of pesos distributed to 3 million families – 4 million for election year 2013 – will be debts that the poorest of the poor and the rest of the mostly impoverished Filipinos will be paying, three presidents after Noynoy Aquino.

As not a few issues emanate from the flawed concept of the CCT, there is evidence that the program is also being used by Oplan Bayanihan and as milking cow for the bureaucracy.



Recipients of 4Ps wait in line to get their ATM cards in Malaybalay City. (Photo from Minda News)

### CCT fills whose pocket?

The only difference between the 4Ps then and now is that government officials have become better at keeping the corruption under wraps.

Still, irregularities in the CCT were raised by a report of the Commission on Audit in July 2012, citing some unliquidated Php 6.6 billion and overpayment of Php 9.7 million to 4,198 unqualified beneficiaries. Add to this the estimated 206,000 household recipients, out of the 3 million, who were not “extremely poor.” The report also cited double entries of 3,146 recipients in 250 payrolls. Because of anomalies such as these, up to Php 138 million unclaimed funds have accumulated in the Land Bank of the Philippines, and are at risk “of possible losses or misuse,” a news article quoted the report.<sup>1</sup>

Presidential Spokesperson Edwin Lacierda and Sec. Dinky Soliman argued that the report was “outdated” and pertained to the past regime’s implementation of the 4Ps. The anomalies have already been addressed, they insisted. Liquidations were done and the unqualified recipients had been delisted. Soliman even boasted said that they have installed a Grievance Redress System or GRS to which anyone can raise complaints about the program. Other than that, the officials did not give any explanation why these things happened.

### COIN component

The coercive and deceptive character of Oplan Bayanihan also comes into play in the CCT program.

In Southern Tagalog, soldiers “assist” recipients and accompany them to the town center to get their money. On June 26, they timed it to the arrival of the Mercy Mission of the Save Bondoc Peninsula Movement, and diverted potential participants away from said activity. Among the intended participants to the mission were victims of militarization in the communities.

The Pamalakaya reported cases of CCT recipients in the Western Visayas region who were advised by the military or local officials to shun progressive partylist and activist groups<sup>2</sup>.

In some parts of Manila, recipients were reportedly discouraged by the DSWD from attending rallies and being critical of government. Some recipients berated another who is a member of Bayan Muna, and hinted at her being ungrateful to the government. “Why are you still joining rallies when you already have 4Ps?” a recipient said. Another divide-and-rule method by the state.

Even without essential, qualitative changes in their lives, an uninformed and politically naive grantee would feel indebted and even submissive to the government, oblivious that it is implementing programs that favour foreign investors, big business and landlords,

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1 Lozada, Chito. “COA Finds anomalies in Noy’s 2011 CCT” <http://www.tribune.net.ph>. The Daily Tribune. 19 July 2012. Web. 10 Nov. 2012.

2 Corpuz, Gerry Albert. “P 21-B CCT fund intended for counter-insurgency, says fishers group” <http://www.allvoices.com>. All Voices. 23 April 2011. Web. 10 Nov. 2012

and actually keeping the majority of the population deep in poverty. In Eastern Visayas, local government officials reportedly delayed the release of the 4Ps until after the 2010 elections, then presented the accumulated amount as a favour from them. A repeat of this is in the offing come the 2013 elections, with the number of recipients expanded to 4 million.

Since the program caters only to a portion of the population, it creates an atmosphere of “each person for himself” and destroys the collective spirit in the community. Such is the case when a grantee who would have wanted to endorse a neighbour who is qualified as much as herself, but would just keep quiet for fear of losing her slot in the program. In the face of irregularities, a recipient would also choose not to raise any complaint.

On the other extreme, 4Ps recipients who are members of progressive organizations were accused by soldiers of handing over the money they get to the NPA, enough reason for being victims of violent attacks. A case was reported in Lupon, Davao Oriental where soldiers of the 701st Infantry Brigade forcibly entered the house of a 4Ps recipient and ransacked it, taking cash, farm tool, chicken and his 4Ps ATM card, from which his three children get educational support. The victim had been tagged by the military as an NPA supporter<sup>3</sup>. Similar cases were reported in Ifugao.

A vendor and Tanggol Bayi member in Sampaloc scoffed at the CCT and refused to be a recipient. She reasoned that she would rather make better use of her time – that is, selling wares and earning a living no matter how measly – instead of attending the useless DSWD seminars and lectures, just to get ‘barya (coins)’ from the government. This reaction exemplifies the myriad other problems plaguing the CCT, such as hinterland recipients having to spend more in transportation costs just to claim their grant, or to get the required medical check-up in the town center.

If the US-Aquino regime actually intends to improve the lives of Filipinos, the billions it spends for the 4Ps would have helped develop local industries that support agriculture, created jobs, improved health and education services, built mass housing. But the Noynoy Aquino government chooses the easy and showy even if ineffective way to distribute crumbs to selected poor while filling the pockets of the selected bureaucrats, pleasing the World Bank and sinking future generation of Filipinos in debt.

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3 Karapatan 2011 Year-End Report on the Human Rights Situation in the Philippines