

# KARAPATAN Monitor

January - April 2013

Released by KARAPATAN (Alliance for the Advancement of People's Rights)

**Months into the end of Oplan Bayanihan's Phase 1, human rights violations continue to belie the conjured picture of "peace and development" of the three-year US-Noynoy Aquino regime. Oplan Bayanihan (OpBay) is Aquino's version of Oplan Bantay Laya (OBL).**

Gross violations of people's rights are committed amid the intolerable conditions of poverty and exploitation, made worse since the early 1990s by neoliberal globalization policies. The economy is characterized by unhampered plunder of the country's land and resources by the US and other foreign-owned big business, the decreasing budget for social services



*Refugees or 'Halaw' arrive in Jolo, Sulu after spending two days on a boat from Sandakan in Sabah to escape the ongoing hostilities and fears of reprisal from Malaysian authorities.*

PHOTO BY JES AZNAR

**TABLE 1:  
Violation of Civil & Political Rights  
under the Noynoy Aquino Government  
(July 2010 to April 2013)**

Violation	No. of victims
Extrajudicial Killing	142
Enforced Disappearance	16
Torture	76
Rape	3*
Frustrated Extrajudicial Killing	164
Illegal Arrest without Detention	247
Illegal Arrest and Detention	293
Illegal Search and Seizure	214
Physical Assault and Injury	208
Demolition	8,856
Violation of Domicile	397
Destruction of Property	7,724
Divestment of Property	282
Forced Evacuation	30,678
Threat/Harassment/Intimidation	31,417**
Indiscriminate Firing	7,012
Forced/Fake Surrender	54
Forced Labor/Involuntary Servitude	172
Use of Civilians in Police and/or Military Operations as Guides and/or Shield	297
Use of Schools, Medical, Religious and Other Public Places for Military Purpose	27,029
Restriction or Violent Dispersal of Mass Actions, Public Assemblies and Gatherings	2,781

\* All victims are minors

\*\* Mostly communities in militarized areas

(health, education and housing), the Private-Public Partnership (PPP) scheme and the rampant corruption involving public funds. The macro-economic statistics on the supposed economic growth under Noynoy Aquino are utterly deceptive and preposterous for the majority of the Filipinos as they sink deeper into impoverishment.

Aquino's puppetry most especially to the United States is more pronounced with his role as one among the US's Asian spokespersons. He whips up territorial disputes with China and echoes US aggression against North Korea to justify the heavy presence of US military troops in Asia and the Philippines, and the return of permanent military bases. US drone operations and Balikatan exercises continue. Noticeably, the Aquino government only lodged a token protest after the USS Guardian minesweeper damaged the Tubattaha Reef, one of the world's protected sites.

Aquino virtually cheered on the Malaysian government in its reported brutal acts of suppression against Filipinos who are living in Sabah, and has altogether surrendered the historical and sovereign claim of the Philippines to that territory.

Meanwhile, Aquino spent his time campaigning for his Team P-Noy senatorial slate to ensure the continuation of his privatization, deregulation and liberalization policies and Oplan Bayanihan to control and eliminate dissent. Expectedly, the election campaign has so far indicated the further entrenchment of the dominant and greedy elite from the national to the local levels on one hand, while on the other, the worsening marginalization of progressive candidates and party-list organizations.

No genuine, just and lasting peace is in sight as negotiations between the government and the National

Democratic Front of the Philippines (NDFP) continue to be sabotaged by the Aquino government (GPH). The latter has reneged on its commitment to previously signed agreements including the release of imprisoned NDFP peace consultants and other political prisoners.

Despite the enactment of the Martial Law Victims Compensation and Recognition Act and the Anti-Enforced Disappearances Law, impunity persists as gross and martial-law type of human rights violations like extra-judicial killings, enforced disappearances, torture and arbitrary detention continue. Justice is denied the victims while the perpetrators are left scot free.

The appointment of OpBay author Gen. Emmanuel Bautista as the chief of staff of the Armed Forces of the Philippines (AFP) signals the continuation of brutal military aggression against the Filipino people, especially the political dissenters.

### Victims twice over

Just a few days before International Women's Day, a woman village official and leader of typhoon "Pablo" survivors, was shot dead in Davao Oriental. **Cristina Jose**, 40, councilor of Binondo village, Baganga, and a mother of three, had protested the government's neglect, bureaucratic red-tape, inefficiency and corruption in providing assistance to victims of calamities of typhoon Pablo. She questioned the authority of the military to control the distribution of relief goods in her town using red tagging as an excuse. Because of this, she was subjected to military harassment.

On March 4, at past 5 p.m., Cristina was riding a motorcycle driven by her niece, Medelyn Enriquez. Cristina's 11-year old daughter sat in front. They were on the Baganga Bridge in Barangay Central when three men on board a motorcycle overtook them and shot Cristina. The assailants stopped about two meters away. They left after seeing Cristina lying bloodied on the roadside. She sustained a gunshot wound at the left side of her back, with the bullet exiting through her right breast. Cristina was declared dead on arrival at a lying-in clinic.

Cristina had been a village councilor since 2007, when she was elected with the most number of votes. She was also an active member of the Bayan Muna party-list in Baganga. Before typhoon Pablo struck, Cristina was persistently threatened by a certain "Max", a rebel-turned-soldier of the 67th Infantry Battalion of the Philippine Army (IBPA), and "Ramos", a member of the Citizens' Armed Forces Geographical Unit (CAFGU). Cristina led

**TABLE 2: Victims of Extrajudicial Killing & Enforced Disappearance under Noynoy Aquino Gov't by Region (July 2010 to April 2013)**

Region	Extrajudicial Killing	Enforced Disappearance
Ilocos	3	0
Cordillera Administrative Region	1	0
Cagayan Valley	4	0
Central Luzon	8	0
NCR	10	0
Southern Tagalog	21	3
Bicol	36	3
Western Visayas	9	4
Central Visayas	1	0
Eastern Visayas	7	0
Northern Mindanao	6	1
Caraga	4	3
Socskargen	7	0
Western Mindanao	3	1
Southern Mindanao	17	1
ARMM	5	0
<b>Total</b>	<b>142</b>	<b>16</b>
<b>Women</b>	<b>18</b>	<b>0</b>
<b>Organized</b>	<b>68</b>	<b>7</b>

several dialogues and confrontations with the 67th IBPA commander Lt. Col. Krishnamurti Mortela, who tagged her as a "councilor of the NPA."

After the typhoon, Cristina became one of the convenors of Barug Katawhan (People Rise Up!), an organization of typhoon Pablo victims. She led the typhoon Pablo survivors in the January 15 barricade in Montevista, Compostela Valley which demanded that the Department of Social Welfare and Development (DSWD) immediately release the relief goods allocated for the victims.

Typhoon victims suspected by the military to be supporters of the New People's Army (NPA) were not issued relief goods because the military claimed that they would only give them to the NPA. In some cases, only five kilos of rice were given instead of the allotted 10 kilos.

The villagers protested the delay and discrimination in the relief distribution by the government, as their families were starving. The people were doubly incensed when the overpricing of materials intended for rebuilding the homes of Pablo victims was exposed to the public by a DSWD project staff.

Cristina came in direct conflict with Lt. Col. Mortela, who headed the Incident Command Post (ICP) which managed relief distribution for the typhoon victims. In February, Barug Katawhan staged a three-day camp-out at the DSWD Region 10 office in Davao City. In response, the ICP distributed relief goods in Binondo, but blacklisted those who joined the camp-out. Cristina confronted Mortela who, in retaliation, threatened to delist the protesters from being beneficiaries of the government's Pantawid Pamilyang Pilipino Program (4Ps).

**Kitari Capion**, 24, was the brother of Daguil Capion. Daguil has been leading a *pangayaw* (literally, tribal war) in defense of their ancestral land from the intrusion of Sagittarius Mines Inc. (SMI) -Xstrata. Daguil's wife Juvy and two young sons were killed in October 2012, when soldiers of the 27th IB strafed their house.



On January 29, at around 7 a.m., 15 CAFGU members indiscriminately fired on the house of Kitari in Sitio Nakultana, Brgy. Kimlawis, Kiblawan, Davao del Sur. The CAFGU members belong to Task Force KITACOM (Kiblawan, Tampakan, Columbio and Malungon) of the AFP led by Sgt. Noel Olpoc. Kitari, who was inside his house, was hit by a bullet on his right hip.

Kitari's sister Rosita immediately rushed to Kitari's house and called on the CAFGUs to stop shooting. But the latter instead fired in the direction of Rosita and her three companions. The CAFGUs left without giving medical aid to the wounded Kitari. Kitari was brought to Allah Valley Hospital in Koronadal City, South Cotabato at around 9 a.m. He died at 2 p.m. of the same day.

During an on-site investigation on the Capion massacre by the Committee on National Cultural Committees of the House of Representatives in February 21, Kiblawan Mayor Marivic Diamante admitted that SMI gives a monthly compensation of PhP7,500 to each member of the CAFGU.

### State forces arrest Moro and lumad leaders

The Kawagib Alliance for the Advancement of Moro Human Rights decried the attacks on the Moro people early this year, which included indiscriminate terrorist-tagging and arbitrary arrests based on a 'defective' warrant of arrest.

In Basilan province a Moro fisherman, a brother of a political prisoner, was abducted then surfaced by the police after three days. At 2:00 a.m. on January 24, **Muin Kahal Hamja** and his wife Jermalyn were sleeping at home in barangay Kumalarang, Isabela City, Basilan when about five armed men, wearing ski masks, kicked open their door and pointed guns at them. The armed men handcuffed

Hamja, kicked him in the leg, and forcibly took him with them. They kicked the walls of the house and searched the family's belongings.

Jermalyn tried to follow her husband, but one of the armed men, at gunpoint, told her to stay. She later received a text message that her husband was taken by the Philippine National Police (PNP) led by PSI Jeanleo Bautista. The police suspected Muin of being an Abu Sayyaf member who used the aliases Abu Kudri, Sudjarapul and Usman.

Jermalyn and her in-laws searched for Muin at the Isabela City police station on January 24 and the Regional Intelligence Unit of the PNP in Zamboanga City on January 25. Both denied having custody of Muin. They also went to the Commission on Human Rights (CHR) in Zamboanga City to seek help in finding her husband, but to no avail.

On January 26, the PNP presented Muin to the media. He was later brought to the Basilan Provincial Jail where his brother, Muhammadiya, is detained. The latter was abducted in Metro Manila and was kept incommunicado by the PNP for six days in 2008 before he was surfaced.

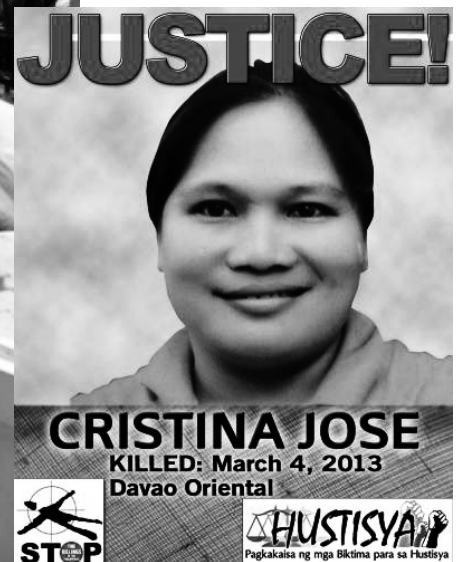
Muin Kahal Hamja faces criminal charges before the Isabela City Regional Trial Court for kidnapping and serious illegal detention.

In Zamboanga del Sur, on March 5, members of the PNP Region 9 arbitrarily arrested **Mujeenar Dagam Cabalo**, just as he was being discharged from a hospital in Zamboanga City. Cabalo, a 35-year-old Madaris (Islamic school) teacher from Latuan, Basilan, was admitted at the hospital for heart ailment. The arresting officers carried a warrant for an "Aman Kabalu alias Rahim/Ramin" who was wanted for multiple frustrated murder and multiple attempted murder in connection with the 2007 bombing in Maguindanao.



PEOPLE'S LENS

*Cristina Jose represents those who were victims of government discrimination and neglect, bureaucratic red-tape, inefficiency and corruption in providing assistance to victims of calamities and disasters, using the communist bogey as an excuse.*



**JUSTICE!**

**CRISTINA JOSE**  
KILLED: March 4, 2013  
Davao Oriental



Earlier on February 25, at around 9:30 p.m., the policemen first went to Cabalo's hospital room and found him sleeping. They asked his wife if it was "Aman Kabalu" who was asleep. She said her husband was Cabalo not Kabalu. They showed her a warrant, along with a picture of her husband. The police then took pictures and video of the sleeping Cabalo.

The policemen returned on February 28 and guarded Cabalo. When he was discharged from the hospital on March 5, Cabalo was brought to Manila where he is currently detained at the Camp Crame Custodial Center in Quezon City.

State security forces showed blatant disregard for human rights and the rule of law when they illegally arrested Lumad leader **Jalandoni Campos** based on a warrant that was already lifted in 2012. On March 23, Campos, chairperson of the Manobo inter-municipal organization, Malahutayong Pakigbisog Alang sa Sumusunod (MAPASU), guested in a radio talk show in Tandag City. He was about to leave the radio station when he was arrested by members of the PNP Tandag City led by Pol. Insp. Jomil Makiling.

The policemen showed Campos a warrant of arrest for rebellion dated May 2, 2011. The warrant, however, had been lifted by Judge Alfredo Jalad of the Regional Trial Court (RTC) Branch 28 nine months ago on June

1, 2012. Karapatan-Caraga Secretary General Dr. Naty Castro condemned the PNP arrest as a "malicious and orchestrated move" against Campos which was done "with full knowledge that it was illegal."

A few hours after his arrest, 10 men in civilian clothes believed to be intelligence operatives went to the Tandag City Jail where Campos was detained, and asked that Campos be turned over to them. Members of the MAPASU and Campos's lawyer Antonio Azarcon intervened and thwarted what could have been an illegal transfer. More than 200 Lumad trooped to the jail and demanded Campos's immediate release.

In the evening of March 25, after 48 hours of detention, Campos was released under the custody of Surigao del Sur Governor Johnny Pimentel.

Dr. Castro said reliable sources in the PNP confirmed that the order to arrest Campos was a directive from the National Intelligence Coordinating Agency (NICA). She said 85 other leaders and members of progressive groups in Caraga are facing trumped-up criminal charges and are at risk of being illegally arrested and detained like Jalandoni Campos.

"The arbitrary detention would have been longer and indefinite without the vigilance of MAPASU and their

## Day without enforced disappearance

**D**esaparecidos (Families of Desaparecidos for Justice) co-signed on February 12, 2013 the Implementing Rules and Regulations (IRR) of the newly enacted Anti-Enforced or Involuntary Disappearance Act of 2012 (Republic Act No. 10353 – An Act Defining and Penalizing Enforced or Involuntary Disappearance.) The victims' organization participated in the crafting of the IRR after long years of advocacy and lobbying for the enactment of the bill.

Desaparecidos welcomes the new law and the IRR with guarded optimism, for while the long overdue enactment of the law is an important, albeit small victory, the struggle for justice and human rights goes beyond working for enactment of laws.

The Noynoy Aquino government, through the law, officially recognizes the criminal nature of enforced disappearance – that it is a crime against persons, and that the perpetrators should be criminally liable and must be put to jail. More importantly, the law acknowledges that enforced disappearance can only be perpetrated by State agents. It further recognizes command responsibility. The Act likewise holds that it is the State's responsibility to provide compensation, restitution and rehabilitation to victims of enforced disappearances.

Since the Marcos martial law regime and the series of US-supported governments after it, including the current one headed by Noynoy Aquino, enforced or involuntary disappearance has been and is being committed with impunity, with much brazenness and with full use of government resources against the very people whom government is supposedly sworn to protect. Desaparecidos is even more determined to hold on to its stand that enforced disappearance is a systematic act and is perpetrated by the State.

allies. Mr. Campos was put in a very vulnerable position within the two days of his detention,” noted Dr. Castro.

### Enforced disappearances continue even after enactment of law

Despite the enactment of the Anti-Enforced or Involuntary Disappearance Act of 2012, abduction and enforced disappearance continue.

On January 22 in Zamboanga City, Zamboanga del Sur Muslim scholar **Sheikh Bashier Mursalum** was abducted by suspected state security agents in Labuan, Zamboanga City. Witnesses said Mursalum was first bumped by an Adventure utility vehicle from which armed men got off and shot him. He was then forced inside the vehicle.

**TABLE 3:**

**Victims of Extrajudicial Killing & Enforced Disappearance under Noynoy Aquino Gov't by Sector (July 2010 to April 2013)**

Sector	Extrajudicial Killing	Enforced Disappearance
Church	3	0
Entrepreneur	4	0
Environmentalist	6	0
Fisherfolk	1	0
Government Employee	3	0
Indigenous People	27	2
Media	3	0
Minor	16	0
Peasant	80	11
Teacher	1	0
Urban poor	14	1
Human Rights worker	1	0
Worker	7	0
Youth and Student	4	1
Moro	4	1
Transport	1	0

## will not happen under PNoy

Desaparecidos commends Bayan Muna Reps. Teodoro Casiño and Neri Colmenares and others in Congress who stood with it against those who tried to deny the State's responsibility for this heinous crime by twisting the definition of enforced disappearance. The BM representatives asserted that it is the State which has the obligation, authority and machinery to protect the rights of its people. But by using the authority and machinery to commit enforced disappearance to maintain power, the gravity of this act of state terror is incomparably heavier than any committed by private individuals, civilians or non-state agents. It is well that these sound and grounded arguments prevailed over those of some legislators posturing as human rights crusaders who would have wanted to dilute the State's role and responsibility and defeat the whole purpose and principle of the draft bill.

Another positive feature is the provision that the use of the Order of Battle (OB) is unlawful. Although the AFP unsuccessfully denies the existence of OBs, they still use them as hit-lists of persons to be “neutralized” by the military. Many of those whose names are in the OB have been victims of extrajudicial killings, enforced disappearances or long imprisonment.

However, Desaparecidos points out that the law effectively disregards the need to provide restitution of honor and reputation to victims of enforced disappearances who remain missing and who may later on be found dead, as it only provides such for victims who surface alive. While compensation is open to the victims who remain missing or who are found dead and their relatives, it denies them a crucial component of justice that is restitution of honor.





Mursalum is a Modeer (principal) of the Madrasa in Labuan and is well respected by the Muslim community in Zamboanga City. The Darul Iftah in Zamboanga supports the family in searching for Mursalum, who remains missing to date.

On February 5, **Balangas Anlamit**, his daughter **Lala**, 13, and his sister-in-law **Girlie**, 16, headed for Sitio Langilan, Kapalong, Davao del Norte to gather abaca. The three are residents of Sitio Salumayag, Brgy. Halapitan, and abaca-gathering was the family's main source of living.

While resting along the way and boiling sweet potatoes for lunch, two soldiers came and aimed their long firearms at them. Girlie and Lala ran away and hid in the thicket. From their hiding place, they saw how the soldiers tied up Balangas and took him with them.

With fear, Girlie and Lala proceeded to Sitio Langilan. When they got there, they saw soldiers in full battle gear, burning at least six houses that belonged to Balangas, Duwarwa Anlamit and other Tigwahanon residents.

On February 14, Balangas's family petitioned for the writ of *habeas corpus* with the Misamis Oriental RTC in Cagayan de Oro City. During the February 18 hearing, the 8th IBPA denied having Balangas in their custody and claimed they did not conduct any military operation in Sitio Salumayag; contrary to the incidents of illegal arrests and torture in the area perpetrated by the 18th IB, and which were documented by Karapatan.

The military also objected to the presentation of witnesses, Lala and Girlie, because their interpreter was not assigned by the court. The two girls could only speak Tigwahanon. In March, despite claim that they had nothing to do with the disappearance of Balangas, 8th IBPA commander Lt.Col. Jose Ma. Cuerpo initiated a *tampuda* with the family of Balangas. A *tampuda* is a tribal ritual to amicably settle conflicts. The military gave Balangas's wife a pig, a chicken, 15 kilos of rice and 3,000 pesos. Some of Balangas's relatives however, criticized the *tampuda* as an attempt to appease their family. It did not negate the abduction of Balangas as witnessed by Lala and Girlie.

### Arrests and fabricated charges

On February 2, **Sayapo Maganyo**, a mentally handicapped resident of Sitio Salumayag, Brgy. Halapitan tried to take a look at the bodies of the soldiers who were reportedly killed in a firefight with the NPA. This provoked a soldier to threaten to stab and shoot him.

The military men interrogated and beat up Sayapo to get the names of supposed NPA contacts. They then brought him to a military detachment, and later turned him over to the PNP San Fernando.

Sayapo sustained several bruises and bumps on his head. He suspected that he had broken ribs. Later, the military alleged that a gun, owned by another victim (Datu Maygala), was Sayapo's. He now faces charges of attempted murder and violation of the election gun ban.

On February 3, **Totot Mansayloan**, 37, another Salumayag resident was "invited" by soldiers for questioning at the residence of Datu Bantolisan. During the interrogation, soldiers told Mansayloan he cannot deny having a firearm because Sayapo Maganyo told them about it. They also threatened Mansayloan that they will take Datu Bantolisan to their headquarters if the former refuses to confess. Eventually, Mansayloan was forced to admit to having a firearm.

The soldiers then brought him to the 8th IBPA detachment in Halapitan, San Fernando, and later to the PNP station. Criminal charges were filed at the office of Provincial Prosecutor of Bukidnon allegedly for attempted murder, illegal possession of firearms and violation of the election gun ban. Mansayloan is still detained at the Provincial Detention and Rehabilitation Center (PDRC) in Malaybalay City.

A tribal leader in Brgy. Halapitan, **Datu Maygala Banban**, was alarmed after learning that detained village-mate Sayapo Maganyo allegedly identified him as an NPA contact who owned a gun. On February 4, Datu Maygala presented himself to the soldiers at Datu Bantolisan's house. The soldiers interrogated him and brought him to the 8th IBPA detachment on a military helicopter. Datu Maygala

Region	TOTAL No. of PPs	Women	NDF Consultants & Staff	Under PNoy
Cordillera Administrative Region	6	0	1	4
Cagayan Valley	9	4	0	6
Ilocos	0	0	0	0
Central Luzon	12	1	1	2
Southern Tagalog	31	3	0	8
Bicol	29	1	0	12
NCR	193	10	7	33
Western Visayas	15	2	0	15
Central Visayas	9	0	2	4
Eastern Visayas	23	9	1	13
Northern Mindanao	10	0	2	2
Caraga	13	1	0	10
Socskargen	24	1	0	9
Western Mindanao	4	0	0	2
Southern Mindanao	25	2	0	6
ARMM	27	0	0	10
<b>Total</b>	<b>430</b>	<b>34</b>	<b>14</b>	<b>136</b>
<i>Sickly</i>	43			
<i>Elderly</i>	29			

TABLE 4: Political Prisoners (As of April 30, 2013)



Rights advocates held a picket at the OPAPP to call for the release of all NDFP consultants covered by JASIG.

turned over his hunting carbine rifle to the military unit, which subsequently released him on February 7. Banban's firearm was later used as evidence against Sayapo Maganyo.

Even as public clamor grows for the resumption of peace negotiations between the government (GPH) and the National Democratic Front (NDF), state security forces again arrested an NDF peace consultant, in violation of the Joint Agreement for Safety and Immunity Guarantees (JASIG).

On February 23, at 1:45 p.m., **Kennedy Bangibang** was arrested in a bus going to Mt. Province, after it was flagged down at a checkpoint of the Benguet PNP along Halsema Highway, Abatan, Benguet.

Witnesses said the arresting officers, who were in uniform but without nameplates, handcuffed Bangibang. They then dragged Bangibang to a PNP jeep without reading him his Miranda Rights. They also took his cellular phone and his bag.

At around 5 p.m., Bangibang was transported from Camp Molintas to the PNP Cordillera regional headquarters in Camp Bado Dangwa, Tomay, Benguet. The next day, on February 24, he was brought to Tabuk City, Kalinga where a warrant of arrest was issued by Judge Marcelino Wakas. He was then brought to Camp Juan Duyan, PNP Kalinga Headquarters in Bulanao, Tabuk City.

Bangibang is an NDF consultant on national minority concerns.

The police continue to arrest activists and leaders based on trumped-up charges. The latest victim was **Virgilio Corpuz**, Piston party-list regional coordinator for Cagayan Valley, who was arrested on January 4 in Santiago City, Isabela.

Around 20 policemen, some in uniform, others in plainclothes, accosted Corpuz at a friend's doorstep in Brgy. Plaridel. The police asked if he was "Harold Castillo."

He said he is not Castillo and showed them his ID card. The police took his ID card and brought him to the Santiago City police station, where he was kept in a room for about an hour. The policemen then took him to a hospital for medical examination and then brought him back to the police station. Corpuz later learned that the name "Harold Castillo" was among those charged with multiple murder in the April 25, 2012 NPA ambush in Tinoc, Ifugao where 10 soldiers were killed.

Seventeen other names were in the arrest warrant, including Reneboy Abiva who was arrested in December last year. Also named in the warrant were Randy Vegas and Raul Camposano, organizers of the Confederation and Unity for the

Recognition of Government Employees (COURAGE) who were arrested based on a warrant issued by a Bicol region court, and trade union leaders Roy Velez and Amelita Gamara who are based in Metro Manila.

Three members of the Alyansa ng Magbubukid sa Asyenda Luisita (AMBALA) were arrested by the Tarlac PNP on February 28, after a picket-dialogue between the farmers and officials of the Provincial Agrarian Reform Office (PARO).

Illegally arrested were **Wilson Duque**, **Renato Mendoza** and **Jay Parazo**. The three were among the 80 Ambala members and farm worker beneficiaries in Hacienda Luisita who staged a picket-rally in front of La Maja Rica Hotel and Restaurant in Tarlac City.

At about 2:30 p.m., the rallyists accosted a policeman in civilian clothes who was taking pictures of the farmers. A commotion ensued between the policemen and the rallyists as rally marshals questioned the policeman. The police escaped after being chased. Ambala member Bernardo Duque's eyes were swollen after he was mauled by the policemen.

When the farmer-leaders joined the rallyists after the dialogue, the policemen moved in on the farmers, nabbing the three victims. Wilson, Renato and Jay were brought to Camp Macabulos, Tarlac City. After three days, they were transferred to the Tarlac Provincial Jail. They were charged with direct assault and robbery on March 1.

Meanwhile, leaders of people's organizations in Negros are implicated in fabricated charges, laying the groundwork for their illegal arrest. The names of **Christian Tuayon** of Bayan-Negros, **Ronald Ian Evidente** of KMU-Negros, **Clarizza Singson** of Gabriela-Negros, **Bernardito Patigas** of the North Negros Alliance of Human Rights Advocates (NNAHRA), **Gualberto Dajao** of the Alliance of Concerned Teachers (ACT-Negros) and **Fred Caña** of Karapatan-Negros were included in an affidavit executed by an alleged NPA



## Martial law victims to be recognized and indemnified, No thanks to the Aquino government

Twenty seven long years after the fall of the Marcos dictatorship, a law confirming the atrocities and human rights violations under martial law is finally signed into law. SELDA (Samahan ng Ex-Detainees Laban sa Detensyon at Aresto), which led the filing of the historic class suit by the martial law victims against Ferdinand E. Marcos in a Hawaii court, welcomes the passage of the Human Rights Violation Victims Reparation and Recognition Act of 2013.

This is another victory for the martial law victims in their continuing struggle for justice. Through their relentless effort, finally and officially recognized are the heroism and sacrifices of all Filipinos who fought the dictatorship and were victims of human rights violations – summary execution, torture, enforced disappearances, imprisonment and all other gross violations of human rights. They faced adversity, but took the courage to stand up and defend, not only theirs, but the people's rights.

The process was long and tedious. Scores of members of the Philippine Congress, in cahoots with the Marcoses and the military who vehemently opposed the passage of the law, tried to block its passing. In some instances, they deliberately delayed the process or watered down the crafted bill.

Now, with a regime posturing as a “champion of human rights” and trying to score credits for its passage, the law was passed but mainly due to the persistent efforts of the martial law victims themselves who tirelessly worked hand-in-hand with progressive party-lists and likeminded legislators until the bill was finalized and ratified.

Generally, the law is acceptable to the victims and survivors

surrenderee Freddie Sanchez as among those involved in the murder of a certain 1Lt. Archie Polenzo. Polenzo was allegedly killed in an NPA-AFP clash in March 2010.

Sanchez supposedly listed some 51 names of individuals, whom he claimed were top ranking CPP-NPA leaders, who attended a meeting that 1Lt. Polenzo's group was monitoring, and later clashed with. One of the 51 cited in the warrant was Michael Celeste. In June 2011, Celeste became a victim of enforced disappearance when he was abducted by elements of a paramilitary group Revolutionary Proletarian Army-Alex Boncayao Brigade (RPA-ABB). He remains missing.

In the morning of April 15, around 30 elements of the PNP Special Action Force led by P/Supt. Mario Baguiran, barged into the Tuayon family's residential compound. The police forced their way inside his house and apprehended **Greg Tuayon**, 47, in front of his family. The police informed the family they have a warrant of arrest for Greg for arson and robbery in band.

Greg's daughter, who was taking a bath, complained that some members of the arresting team peeped into the bathroom. When confronted, the soldiers retorted that the girl was just trying to divert their attention away from the arrest of her father.

Greg is a community organizer of the National Federation of Sugar Workers (NFSW) in Negros. The military accused him as the “finance officer for the North Negros Front of the NPA.” He was brought briefly to the Manapla Police Station before he was transferred to the San Carlos Negros Occidental BJMP.

On April 27, 60 year old **Estelita Tacalan**, fondly called Nanay Neneng by friends and colleagues, left the local headquarters of the Makabayan Coalition in Cagayan de Oro City and headed for Balingasag, Misamis Oriental. By 6:00 p.m., her colleagues began to worry when she did not call nor receive calls. They could not connect to her mobile phone. Nanay Neneng's family and colleagues began their search.

On May 9, 13 days after she was reported missing, Nanay Neneng's whereabouts were discovered through a local journalist. According to Supt. Cholijun Caduyac, Assistant Regional Chief of the Criminal Investigation and Detection Group (CIDG) in Region X, Tacalan was arrested on April







In Catigbian, Bohol, **Ruben Nabas**, 32, and **Cristituto Lastomen**, 21, were repairing their motorcycle by the roadside in Alegria village at about 9 p.m. when a vehicle pulled over. Some policemen and soldiers of the 2nd Special Forces BPA got off and surrounded the two.

A police officer, later identified as PNP-Catigbian Station Chief, ordered Nabas and Lastomen to lie on the ground as his men ransacked the victims' belongings. The policemen claimed to have found two pistols, a .45 caliber and a .9mm.

As the victims laid prone on the ground, the police took turns in mauling them, stomping on their bodies and hitting them with rifle butts. The torturers forced the two to admit they are NPA members. After five minutes, the police forced the victims to stand up. Then they continued the routine: forcing the two to admit that they are NPA members; slapping, punching and hitting them repeatedly, using the muzzle and butt of their rifles.

Unable to stand the torture, Nabas and Lastomen "admitted" they were NPA members. The soldiers hauled them to the waiting vehicle and brought them to the Catigbian PNP Station. They were placed in separate cells and made to sign a document. Later, the victims were transported to and detained separately in the Bohol Provincial PNP Office in Camp Dagohoy, Tagbilaran City.

Nabas was again interrogated the whole night until the morning of the next day, February 27. Different agents took turns interrogating him, rousing him from sleep.

Throughout their ordeal, Nabas and Lastomen were not read their rights as arrested and detained persons. They were not informed of any complaints against them.

In a press release, Capt. Cresencio Gargar, spokesman of the 302nd Infantry Brigade, said Nabas is accused of leading an NPA attack that killed C/Insp. Pelecio Domino, PNP-Talibon Station Chief, and the bombing of transmission towers in Bohol. In the inquest proceedings on March 1, Nabas and Lastomen were charged with illegal possession of firearms and ammunition.

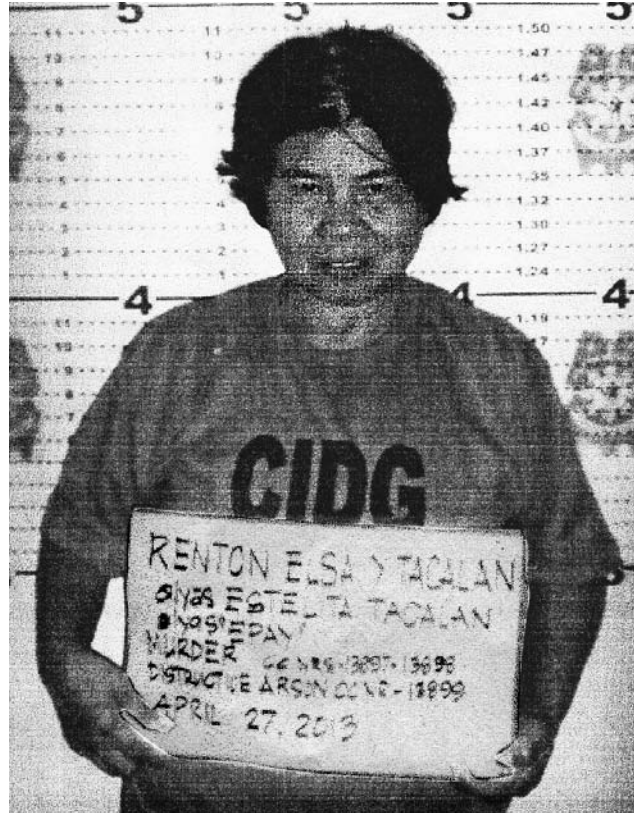
### Military rampage in communities

From October 2012 to February 2013, members of the 42nd IBPA used, for military purposes, the barangay halls, health centers and day care centers in several villages in the town of **Bato, Camarines Sur**. Residents from the villages of **Sooc, Mangga, Lubigan and Cotmon** reported incidents of military harassment and interrogation of villagers.

In **Lacub, Abra**, members of the 41st IBPA, with a detachment in Sitio Bantogo, Brgy. Pacoc, fired upon two civilians on February 20.

**Jessy Ligiw** and **Rommel Dican**, both small-scale miners, were gathering lumber near the elementary school in Brgy. Paco. As they were collecting the lumber, they heard gunshots from the military detachment. They immediately ran for cover.

When the shooting stopped, Ligiw and Dican looked for the soldiers in the detachment, but they didn't see any. The two miners returned to their chore. They realized that had they not run quickly for safety, at least one of them would have been hit by a bullet.



60 year-old Estelita Tacalan was abducted and detained. She is charged with murder and arson on the basis of a wanted list of the Defense Department.

The shooting also caused panic among the children studying in the nearby elementary school.

In **Western Uma village, Lubuagan town, Kalinga**, members of the indigenous Uma tribe demanded the pullout of the 21st IBPA from their community.

On January 18, elements of the 21st IBPA Alpha Coy arrived in Sitio Ag-agama, Western Uma. A member of the village council said they pitied the rain-soaked soldiers and allowed them to stay for the night. The residents, however, did not expect that the soldiers intended to stay longer.

On January 19 and 20, women residents held dialogues with the military and demanded their immediate pull-out. The owner of the houses where the soldiers stayed complained they were uncomfortable with the presence of the troops. When questioned about their encampment in the community, the military officers said they were there to implement the Bayanihan program of the government.

Because of the presence of armed soldiers, the residents' daily activities and livelihood were disrupted. One of the main sources of income of Sitio Ag-agama residents is gathering rattan for broom making. Because gathering rattan can take at least five days, residents would take food supplies and utensils to the forest, a practice questioned by the soldiers.



Community youth leaders reported soldiers using children to gather information on the members of the community, especially those who openly expressed their opposition to the military's presence in the community.

The soldiers even used the *bodong* (peacepact) to justify their presence in the community. The soldiers, with some members of the Cordillera Peoples Liberation Army (CPLA), held a peacepact thinking they could conciliate with the members of the community. But the residents said the soldiers used the *bodong* improperly. The peacepact was between them and the CPLA who are now integrated with AFP. The residents insist they should leave the community instead. Due to the residents' persistence, the military pulled out of the community on February 26, 2013.

Soldiers conducted military operations in the village outskirts. The residents hid in the forest for six days, relying on wild plants and animals for sustenance. They did not build temporary shelters for fear that soldiers might find them. After six days in the forest, the evacuees took shelter at a local pastor's house in Sitio Salumayag proper. As of this writing, the evacuees have not returned to their homes.

In early morning of April 3, 2013, **Roque Antivo**, 8, joined his grandmother, brother and cousins to deliver breakfast to their relatives working in the farm. In the afternoon, he accompanied his uncle and cousins in hunting wild cats on a hill just above their farm.

Before 6:00 p.m., the Antivo family headed home. They walked towards an abandoned road where Sonny Antivo,

**TABLE 4: EJK Victims (Minors) under the Aquino presidency  
July 1, 2010 to April 30, 2013**

NAME	AGE	SEX	MUNICIPALITY/CITY	REGION	DATE
Joven Cabe	9	M	Las Navas, Northern Samar	Eastern Visayas	December 14, 2010
Sunshine Jabinez	7	F	Pantukan, Compostela Valley	Southern Mindanao	September 3, 2011
Christian Noceto	15	M	Majayjay, Laguna	Southern Tagalog	February 16, 2012
Michael Mancera	10	M	Labo, Camarines Norte	Bicol	February 25, 2012
Richard Mancera	7	M	Labo, Camarines Norte	Bicol	February 25, 2012
Rodilyn Aguirre	6	F	Tapaz, Capiz	Western Visayas	March 11, 2012
Manuel Pamintuan	14	M	San Juan City, Metro Manila	National Capital Region	July 27, 2012
Gerald Oreza	4	M	Labo, Camarines Norte	Bicol	August 7, 2012
Gaily Miraato	6	F	Marawi City, Lanao Del Sur	Autonomous Region in Muslim Mindanao	August 8, 2012
Dada Botawon Haron	5	M	Tugaya, Lanao Del Sur	Autonomous Region in Muslim Mindanao	August 14, 2012
Asmayra Usman	4	F	Datu Saudi Ampatuan, Maguindanao	Autonomous Region in Muslim Mindanao	August 21, 2012
Jordan Manda	11	M	Bayog, Zamboanga Del Sur	Western Mindanao	September 4, 2012
John Khali Lagrimas	14	M	Tarlac City, Tarlac	Central Luzon	October 2, 2012
John Mark Capion	7	M	Kiblawan, Davao Del Sur	Socsksargen	October 18, 2012
Jordan Capion	13	M	Kiblawan, Davao Del Sur	Socsksargen	October 18, 2012
Roque Antivo	8	M	Mabini, Compostela Valley	Southern Mindanao	April 3, 2013

In **San Fernando, Bukidnon**, soldiers of the 8th IBPA, after suffering casualties in an encounter with the NPA, vented their ire on the **Tigwahanon villagers**. A community of Tigwahanon tribe was indiscriminately bombed. Three Tigwahanons were arbitrarily arrested while one was abducted and continues to be missing.

Soldiers burned at least six houses in Sitio Langilan in Kapitalong, Davao del Norte. In Sitio Salumayag, Barangay Halapitan in San Fernando, Bukidnon, the soldiers stationed themselves in the residence of Datu Bantolisan where they summoned residents and forced them to falsely confess about having guns and links with rebels.

On February 2-3, a total of 44 Tigwahanon families from Tagabaka community in Sitio Salumayag, Brgy. Halapitan, San Fernando, Bukidnon were forced to evacuate after four bombs were dropped on their village destroying farms.

Roque's step-father, parked his motorcycle. Walking as a group were Roque, Sonny, Roque's brother **Janjan**, 12, and cousin **Joshua**, 13. After tying the harvested crops on the motorcycle, Sonny instructed the young boys to walk on ahead of him, since the path was uphill and it was difficult to maneuver the vehicle if loaded with passengers.

When the boys were about 40 meters away from Sonny, they were surprised by the sudden burst of gunfire. Janjan, who was walking in front of the two other boys, immediately shouted, "*Mga bata mi sir...*" (We are children, sir), as he hid under tall grasses. His cousin, Roque, fell down a few meters away. When the shooting stopped, Janjan ran to Roque and helped him stand up. Roque was bleeding from a gunshot wound.

At the second volley of gunfire, Janjan again called out, saying they were merely children. Meanwhile, Joshua was



able to run back to where Sonny was. Crying and trembling in fear, the boy told his uncle that they were fired at by soldiers. When Sonny and Joshua reached the spot where the children were, he shouted at the group who fired at the children. Fully armed soldiers stood-up from their hiding place and approached Sonny. The soldiers, led by Lt. Llorca, insisted that they were after NPA rebels.

After arguing with the soldiers for a few minutes, Sonny loaded the children on his motorcycle, with Janjan supporting Roque's limp body, and drove quickly home. Roque was dead shortly after they arrived at their residence. A bullet entered his left armpit and exited through his chest, damaging his left lung. Joshua was grazed by bullets in the chin and left shoulder and was admitted to the hospital. Janjan sustained scratches on the left side of his face.

### Smear campaign against progressive groups and party-lists

Oplan Bayanihan's campaign of red-tagging against legal progressive organizations and party-list groups escalated during the election period.

In a January 28 forum for freshmen students at the **Velez Medical College in Cebu City**, Corporal Joy dela Peña of the AFP-3rd Civil Relations Group warned students against joining progressive groups, claiming these were recruitment fronts of the NPA. She claimed she was recruited into Anakbayan and later the "underground," but had turned a new leaf.

Dela Peña cited **Karlo Cabahug** and **Karla Alvarico**, former student leaders and now Kabataan party-list organizers, who were arbitrarily arrested in Negros Oriental in 2009. She presented photographs of former student activists who were allegedly killed as NPA rebels, and warned the student audience to be wary of activist groups, lest they meet the same fate.

Before the forum, Kabataan party-list and League of Filipino Students (LFS) members supported the faculty union's protest against the 40-hour work week policy of the college administration.

Similarly, in **Brgy. Cabadisan, Ragay, Camarines Sur**, soldiers of the 42nd IBPA occupied the village chapel, health center and barangay hall as their temporary encampment. They gathered residents at the village chapel for a meeting facilitated in by a certain Sgt. Orella and Cpl. Opeda.

The soldiers encouraged the young men to join the military. They also discouraged the residents from voting or campaigning for Kabataan, Gabriela, ACT Teachers, Bayan Muna and Anakpawis party-lists. They also told the residents that those who can lead them to NPA members will automatically become members of the military and will be given Php20,000.

In January 2013, Karapatan NCR received a copy of flyers urging residents of Pandacan, Manila not to vote for party-lists Bayan Muna, Kabataan, Katribu, ACT Teachers, Anakpawis, Gabriela and Akap Bata. The party-list groups were denounced as communist fronts.



### **Desperate moves: harassment in the form of robbery**

In Metro Manila, state agents were the main suspects in the string of break-ins and robbery in the offices and residences of progressive organizations and personalities. Several cases of robbery had been documented since last year, and are believed to be part of the harassment and intelligence-gathering operations by the military against activists. Targeted were laptops, cellphones and cash.

A nominee of the NDF Nominated Section of the Joint Secretariat of the Joint Monitoring Committee (JS-JMC) and an NDF peace consultant became victims of robbery on the same night.

In the evening of February 9, **Rosie Tumbagahon**, an independent nominee of the NDF JS-JMC, was on her way home on board a jeepney in the vicinity of the Aranque Market in Manila. The man seated across her pulled out a gun and pointed at Tumbagahon's forehead, declaring "*Ito lang ang kailangan ko!*" (This is the only one I need). The man grabbed her shoulder bag containing the keys to the NDF Nominated Section Office, cellular phone, documents, papers and USB flash drives.

Tumbagahon immediately reported the incident to her colleagues and at a Manila police station. She described the assailant to be around 32 to 35 years old, 5'4" or 5'5" in height, heavy-built and wearing a bull cap, white t-shirt and denim pants. She was only able to see the lower part of the man's face which was partly covered by the cap.

At past 10 p.m. of the same night, NDF consultant and Philippine Peace Center Executive Director, **Rey Casambre**, returned home and found their residence ransacked. Stolen from their residence were cash, their laptops, USB flash drives and some papers. No other valuables were taken. Their neighbors noticed two men on a single motorcycle parked in front of Casambre's gate at around 8 p.m.

On February 14, suspected state agents ransacked the common office of the National Capital Region chapters of **Karapatan** and **Bayan, Ugat-Lahi Artist Collective**

and **Sining Bugkos**. Witnesses described two men with backpacks who arrived at around 2 p.m.. The incident happened about 30 minutes after Karapatan-NCR coordinator Lourdes Villarias and Bayan-NCR Secretary General Paulo Quiza left for the One Billion Rising women's event in Quezon City.

Before 8 p.m., a member of the Ugat Lahi cultural group dropped by the office to pick up some of his things. He found the grill gate open and the door ajar. He immediately reported the incident to his colleagues. The padlock to the grill gate was tampered with and the door forced open. The storage boxes and cabinets were ransacked and items were strewn on the floor. Stolen from the office were five cellphones, two laptops, two portable hard drives, a small box of jewelry, a USB flash drive, a video camera, a laptop charger adaptor and the TIN ID card of Villarias.

Earlier, actual and attempted break-ins happened, but were not given much notice until the spate of such incidents were reported thus showing a pattern. On January 13, suspected state agents broke into the common office of the **Parents' Alternative for ECCD, Inc. (PAI)** and the **Salinlahi Alliance for Children's Concerns**. They took the cash intended for the children's snacks for the day.

This was followed by an attempted break-in on January 28, at around 1:30 a.m. at the **Children's Rehabilitation Center (CRC)**. A neighbor saw a man climbing on the roof of the office. When the neighbor came out to check, the man ran out into the street, leaving through the front gate.

CRC and its allied organizations provide services to children and families who are victims of state violence, natural disasters, abuse and exploitation.

In 2012, similar incidents of robbery by suspected state agents were reported by Anakbayan UP-Manila Secretary General Nikki Gamara whose laptop was stolen right before the arrest of her father, NDFP consultant Renante Gamara; by the Gabriela Women's party-list, the Health Alliance for Democracy (HEAD) and human rights lawyer Rachel Pastores of the Public Interest Law Center (PILC). In all incidents, the thieves took laptop/desktop computers and video cameras.

---

**A**fter three years of the US-Aquino regime, the rights of the Filipino people remain violated; perpetrators unpunished and promoted, including those from the Arroyo regime.

The regime's slogans of "pro-human rights", "pro-development", "pro-peace" are examples of Malacañang's deceit. The marked contrast between the government's pronouncements and the daily hardships experienced by majority of the people shows how Aquino's real bosses—the hacenderos, the big business, the foreign-owned corporations and the US—amass wealth out of the poor's hard labor. The use of force and violence against those who opt to get what they worked for exemplifies how the Aquino government protects the interest of its real bosses.

The Filipino masses have had enough of the Aquino regime's trickery to cover up violence against its own people. As the US-Aquino regime intensifies plunder and state terror, more and more people get ready to ward off attacks by the State and stand-up for their rights. ✍



# TAUSUG:

## If only our government provided for us...

One of a government's basic role is to protect its citizens from any threat, harm, or any abuse of their rights. It is in this simple premise that one could not understand why the Aquino administration easily turned its back on the responsibility to protect Filipino civilians residing and working in Sabah who had become targets of crackdown by the Malaysian Government, especially after the Lahad Datu standoff.

The recent human rights violations recorded among the Filipinos in Sabah "is a product of the collusion of both the Malaysian and Philippine governments... by its statements and actions, the Aquino government is equally responsible for the human rights violations committed by the Malaysian authorities against Filipinos, especially the Tausug of ZamBaSulTa (Zamboanga, Basilan, Sulu and Tawi-Tawi)." This was the conclusion of a fact-finding team after interviewing a number of evacuees and deportees from Sabah who were in ZamBaZulTa on April 2013.

The Mission report also concluded, "the pronouncement of the President of the Philippines that concurs with the position of the Malaysian government essentially indicated the Philippine government's abandonment of thousands of Filipinos in Sabah. Statements coming from Malacanang since the stand-off were viewed by many, especially the Malaysian government, as a go-signal to attack Filipinos in Sabah."

The team, composed of members of Migrante International, Karapatan, Moro-Christian People's Alliance (MCPA) and Kawagib Alliance for the Advancement of Moro Human Rights, conducted a preliminary documentation on the plight of evacuees from Sabah on April 2013.

**JOBS AND HOPE FOR BETTER LIVES.** Most of the evacuees and deportees from Sabah worked in logging and lumber companies, construction sites, computer companies and fishponds. They receive an equivalent of Php300-350 a day (22 myr - 25 myr) higher than the government mandated salary range of Php222-267 in Zamboanga City, and the much lower minimum wage in other provinces like Basilan, Sulu and Tawi-Tawi. More job opportunities, lower commodity prices and better wages are reasons enough to go to Sabah. They risk their lives and their families' safety, because most of them are undocumented, instead of suffering from hunger and uncertainty in their war-torn communities in Mindanao.

The President completely ignored that his position will jeopardize the situation of thousands of Filipinos working in Sabah; because his government, like the past governments, could not provide sufficient jobs and decent wages in the country despite its media boasts.

**RIGHTS VIOLATIONS: ILLEGAL ARREST, TORTURE, CHECKPOINTS AND FORCED EVACUATION.** The Mission report stated, "the government could have taken concrete steps to abate the attacks against Filipinos in Sabah, which speaks of the Philippine government's neglect and insensitivity to their plight. When the Malaysian government denied access to government agencies to check on the numerous cases of human rights violations in the conflict areas in Sabah, the Aquino government merely accepted it. It didn't lift a finger; not even a symbolic assertion of sovereignty and its responsibility to its people."

"The absence of the Commission on Human Rights in the processing areas is unacceptable. The government remains deaf despite the news reports and accounts of people coming in from Sabah, stories about the plight of the jailed undocumented workers and the victims of the standoff-related crackdown," noted the Mission report.

It added that, "the CHR could have, at least, initiated the documentation and verification of these stories and accounts. The government could have demanded from the Malaysian authorities access to the jails and in areas where there are reported violations. Subsequently, there is no effort to offer paralegal and legal assistance for those who experienced violations by Malaysian authorities."

The massive crackdown conducted by the Malaysian authorities following the Lahad Datu standoff forced the Filipinos in Sabah, especially the Tausug, to evacuate.

Tessie Poras, 61, a Tausug, and her husband Sakib Buso, 67, had to take their nine month old grandson Idil without his parents when they went back to the Philippines because Memie, Tessie's daughter and her husband were arrested on March 24 in a checkpoint in Papparkiki for holding an expired passport. They were both on their way home from



A Tausug family arrives in Jolo, Sulu after spending two days on a boat from Sandakan in Sabah to escape the ongoing hostilities and fears of reprisal from Malaysian authorities. PHOTO BY JES AZNAR



work. Tessie and Sakib left Sabah not knowing the fate of their daughter and her Indonesian son-in-law. Tessie's son has also been in jail since May 2012. She was never able to visit her son for fear of being arrested by the Malaysian police.

The Filipinos in Sabah, specifically the Tausug, started to leave after the standoff because of the wave of arrests and detention by the Malaysian authorities. Series of checkpoints, each a kilometer apart, were set up; and house-to-house searches targeting the Tausug became rampant. There were even stories heard that some undocumented Filipinos were shot at during *operasi* (military and police operation).

According to Rodel Rassad and Henry Abdugar from Sandakan, the Malaysian government pays informers

250 myr for every Tausug tipped off to the police. But even without an informer, the Malaysian police can identify a Tausug through pronunciation of some words or through their intonation.

Despite the atmosphere of fear, undocumented Filipinos still work during the day, taking extra precaution and heeding warnings from employers, co-workers and friends about searches and checkpoints. At night, some had to sleep in the forest or mangrove areas or in the bushes to escape searches. Filipinos with pass and Identification Card (IC) were not spared. They were arrested and brought to jail. They get released in less than 24 hours if they turn out not to be Tausug.

The fact finding team heard of many stories from evacuees about other Filipinos who are still in Sabah. They talked about thousands in detention. In Kunak alone, according to interviews, there are 300 Filipinos in jail. They even heard of a 60-year old farmer who was arrested for no reason. Also according to stories, 10 people died during an *operasi* on April 1, while a number was arrested for suspicion of being "soldiers of the Sultan".

Another story was about a man who was intercepted in a checkpoint. The police ordered the man to strip off his clothes and then took his P1,450 and 300 myr. The man remains nameless, and so do many Filipinos whose stories remain to be undocumented.

The team also documented stories of torture, physical abuse under the hands of the Malaysian Police, combined with poor jail conditions such as spoiled food rations and epidemic of skin disease among prisoners.

An interviewee, Fatima, witnessed the sexual abuse by the Malaysian military and police of young women, 20 years and below. There are Navy guards who bring out women at night to their vessels. Fatima said the women were crying when brought back to their detention cells. Some looked dazed and bewildered.

The Mission deplored the human rights situation of Filipinos in Sabah. The fact-finding mission affirms the "crackdown, arbitrary arrests and detention of Filipinos; the detainees' lack of access to their families; the use of checkpoints, search and zoning or saturation drives targeting Filipinos, especially the Tausug; the physical assaults and injuries inflicted on villagers; and the reported deaths during *operasi*."

Rodel Rassad repeatedly told the team that there are thousands of Filipinos in Sandakan who want to come home if only the government provides rides for them.

Most of the evacuees spent their own money, from savings or from relatives in the Philippines, to go back home. Some appealed to the banca operators and promised to pay them when they get back. A banca ride from Sandakan to Tawi-tawi or Sulu or Basilan ranges from Php2,000 to 12,000. Aside from this, according to Jobar and Ryan Saidol, they had to give 50-100 myr because the police demanded *payment* to pass through checkpoints.

Rodel and his wife Almalyne Rassad were soaked when they arrived at the Tawi-tawi processing center because their rented banca almost capsized due to overloading. All 170 of them lost everything they brought with them. Rodel



Tawi-tawi were set up only to get the names, other basic information about the evacuees and deportees, give relief goods and a boat pass or cash of P300-500.

One-stop-shop was established in Taganak (Turtle Island), the nearest Philippine Island in Sabah. Representatives from the Overseas Workers' Welfare Administration (OWWA) and the Department of Health (DOH) are there. The CHR, as mentioned, is conspicuously absent and has delegated the task of documenting human rights violations to the undermanned DSWD centers.

The exact number of evacuees and deportees going back to the Philippines since the standoff is unknown. The DSWD list of evacuees and deportees in Tawi-Tawi is no longer accessible – a policy pronouncement from DSWD Secretary Dinky Soliman herself in March 2013.

Definitely, as the Mission report stated, “there is a lack of understanding and grasp among the government agencies of the situation of the evacuees-deportees from Sabah. The assistance provided by DSWD for example, ends with the distribution of packs of rice, sardines, noodles and toiletries without consideration to the fact that the evacuees-deportees are now jobless and some are homeless.

“The DSWD policy of keeping the list of evacuees from the public eye and the immediate dispersal of the hundreds of evacuees in processing centers, without proper documentation of their experiences and of the violations committed against them, are viewed as highly questionable and are seen as attempts to downplay the seriousness of the situation of Filipinos in Sabah,” the report continued.

**SHAKY LIFE AHEAD.** As the evacuees set foot in the Philippines, most of them face uncertainty with what lies ahead.

Emilia Sariulla, 64, had evaded crackdowns by the Malaysian authorities in Sabah the past 33 years. But this time, she said, it was different. She was forced to go back to the Philippines due to the frequency of house-to-house searches in communities where Filipinos reside, or in their work places.

Emilia does not know where her relatives are, where home is and like many others, unsure of her future.

“That most of the evacuees and deportees consider Sabah their home, or at least a place that sustains their families’ daily needs is proof of the widespread poverty in the Philippines that no numbers, percentages, graphs of growth could cover up. The desire of the evacuees and deportees to go back to Sabah shows they do not see or feel or even hope for any substantial change in the situation in the country. They want to go back no matter how difficult it is for them to be considered undocumented in a place they feel as an extension of their homeland,” said the report.

Against the backdrop of all the dangers the Filipinos in Sabah face to feed their families, the Philippine government’s response reflects the kind of government it is – neglectful and insensitive to the poor Filipinos’ plight.

While the Malaysian government commits rights abuses against Filipinos, the Philippine government chooses to stand behind Malaysia and turns its back on its own people it is sworn to protect.

and Almalynd had to throw to the sea their “pasalubong” for their children. The only thing they had left were their soaked clothes and P500.

In any of these stories, there is no mention of the Philippine government’s intervention to help Filipinos in Malaysian jails.

All the Aquino government did was to set up centres in the Philippines for evacuees and deportees.

**PATHETIC GOVERNMENT RESPONSE.** As the Mission stated, “the government’s position on the issue is manifested in how the different agencies are responding to the plight of the evacuees and deportees – the hundreds of Filipinos in Sabah who are jailed, harassed, or in hiding; and those who want to go back to the Philippines.”

Processing centers, run by the Department of Social Welfare and Development (DSWD), in Zamboanga City, Basilan, Sulu and