

# **SUGAR-COATED CRISIS AND TERROR**

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

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# SUGAR-COATED CRISIS AND TERROR

**I**t started with *change, righteous path and you are my boss*—catchwords that supposedly differentiate Noynoy Aquino from his predecessor, Gloria Macapagal-Arroyo. Throughout his one and a half years in power, P-Noy, with his communications group, whipped up similar attractive sound bytes like he was still on the campaign trail. But after almost two years, these words are no longer pledges to the electorate but a cover up to the realities in Philippine society, a not so different situation from the immediate past.

## All out war, not all-out justice

This government's propensity to dish out taglines got another twist when P-Noy mouthed "all-out justice" to signal the start of airstrikes on Moro areas in Payao, Zamboanga Sibugay following the death of 19 soldiers in Basilan, some 144 kilometers apart. Reports say the bombings resulted to the evacuation of at least 20,000 people, fleeing their homes and leaving their livelihood.

The scenario is familiar. Under the U.S.-Arroyo regime's "all-out peace," evacuation of indigenous and Moro peoples in Mindanao and peasants in Samar and in Negros is a common occurrence. Since Noynoy Aquino assumed power, internal displacement has been a regular fare among the Lumad in Mindanao, specifically in Surigao provinces, Agusan, Compostela Valley and General Santos. Forced evacuation of thousands of people is among the many human rights violations committed by a government that vowed to be the exact opposite of Gloria Arroyo.

Talk of justice.

The Aquino government has not lifted a finger to make GMA account for the series of unresolved cases of extrajudicial killings and enforced disappearances,

arrests and detention committed by the military with her as Commander-in-Chief. Last month, GMA almost narrowly succeeded in leaving the country and escape from her crimes against the people because of the Noynoy government's inaction to immediately file charges against her. The victims and relatives of human rights violations and the national democratic movement had been urging P-Noy to prosecute GMA and her generals since he sat in Malacanang in July 2010. Sat on the cases, he did.

The victims of human rights violations under the Arroyo regime and their families, with strong support from friends and supporters, took it upon themselves to file civil and criminal cases in Court against GMA, the butcher General Jovito Palparan and a number of military personnel involved in the violations. These cases are, as expected, slow-moving.

They also picketed in front of the Supreme Court and the plush St. Luke's Medical Center at the Fort to demand that GMA must not be allowed to leave the country and should be jailed instead. Now that she was arrested, the Aquino government must ensure that Arroyo stays under government custody, in jail like what she did to the hundreds of political prisoners arrested during her incumbency. Arroyo's cohorts, both in the bureaucracy and in the military are conveniently hiding, whether physically or behind their positions gained in P-Noy administration.

The demand for a general, unconditional and omnibus amnesty for all political prisoners — who in the exercise of their freedom of expression against a corrupt and repressive rule, or were suspected of supporting such acts — was arrogantly dismissed by an outright denial that there are political prisoners in the country. Ironically, the announcement by P-Noy's spokesperson that

echoes the words of the former dictator Ferdinand Marcos came from a government that is headed by a victim of martial law. The incessant call to release all political prisoners, especially the elderly, sick, women and the JASIG-protected continue to fall on deaf ears.

### String of HRV's

After one and a half years, the Aquino government could no longer just point its finger to the past regime. Truth is, Pres. Aquino already lost his moral ground to even talk about, much more call for "all-out justice." Because the government itself has a string of human rights violations to account for.

Aside from forced evacuation due to intense combat operations in the countryside that resulted to thousands of internally displaced persons or internal refugees, the U.S.-Aquino regime is also responsible for the continuing extrajudicial killings, enforced disappearances, arrests and detention, harassment and intimidation—the same violations that were committed by the U.S.-Arroyo regime. It must be recalled that only five days after Pres. Aquino assumed presidency, Fernando Baldomero, Bayan Muna party-list coordinator in Panay island was killed.

The U.S.-Aquino regime is a human rights violator. It carries out state terrorism against a people who resist and cannot be cowed. No amount of calling for 'all-out justice' could cover up the truth that injustice and impunity prevail. Pres. Aquino's supposed 'bosses'—the peasants, workers, indigenous peoples, environmentalists, lawyers, journalists, priests and church people—are the victims.

They are those who struggle to own the land they till; to have decent wages so they can eat three times a day and send their children to school; to have decent and livable homes and livelihood; to protect

## Impunity still reigns

The climate of impunity will prevail as long as the Noynoy Aquino government continues the counterinsurgency operational plan of the Gloria Macapagal-Arroyo administration. Oplan Bayanihan (OpBay) retains GMA's Oplan Bantay Laya's (OBL) framework of state terrorism patterned after the U.S. COIN Guide.

The climate of impunity under GMA is exemplified by the November 23, 2009 Ampatuan massacre when GMA's warlord minions massacred scores of men and women including journalists, broadcasters and two women lawyers. In just one and a half year of Noynoy Aquino's presidency, we have another gross case of impunity.

In the morning of October 17, a 59-year old Italian priest, **Fr. Fausto Tentorio**, or Fr. Pops as he was fondly called by friends, colleagues and parishioners, was shot dead inside the parish church compound in Arakan Valley, North Cotabato. He was about to board his vehicle to attend a clergy meeting in Kidapawan City.

Fr. Pops was found bloodied and slumped on the ground by a member of the church staff. A former church worker, meanwhile, saw a person wearing a helmet ran from the scene towards the main road and rode off on a motorcycle being driven by another man.

Just across the parish church was the Arakan Central Elementary School where members of the 5<sup>th</sup> Special Forces of the Philippine Army were conducting an Oplan Bayanihan activity. None of the soldiers came to help as the church staff rushed the priest to the hospital.



Fr. Pops was declared dead on arrival. He sustained multiple gunshot wounds in the head and chest. Police reports said he was shot at close range with a .9mm caliber pistol.

As a missionary of the Pontifical Institute for Foreign Missions (PIME), Fr. Pops arrived in the Philippines in 1978, and served in various dioceses in Mindanao. He worked with Christians, Muslims and the lumads (indigenous tribes of Mindanao). He helped

PIME priest Fr. Fausto "Pops" Tentorio willed that he be buried in the land he has chosen to serve. He was laid to rest in Kidapawan City, near the grave of his slain confrere, Fr. Tullio Favali.

organize various groups which provide assistance to the lumads, who were among the poorest and exploited in his parish. He was a coordinating member of the Rural Missionaries of the Philippines (RMP) in Southern Mindanao.

His ministry to the lumads, specifically the building of literacy schools and providing scholarship to hundreds of lumad children over the years and his strong opposition to the intensifying militarization in the province, earned him the ire of government security forces. He was tagged as a supporter of the New People's Army (NPA).

In 2003, while visiting indigenous people in the area of Kitao-tao, Bukidnon, Fr. Pops was hunted by armed members of the paramilitary group "Bagani." The lumads hid Fr. Pops and his companions in their house while the Baganis roamed around looking for him. The Baganis said they will "arrest" Fr. Pops and bring him to their "superiors." It was later found out that the Baganis are under the jurisdiction of the 73<sup>rd</sup> Infantry Battalion.

The East Mindanao Command spokesperson Lt. Col. Leopoldo Galon admitted that they admired the work among the lumads of Fr. Pops and considered him "friendly" to the NPA. They denied any hand in the killing.

Still in Arakan Valley, in the morning of October 20, barely three days after the assassination of Fr. Pops, soldiers of the 57<sup>th</sup> Infantry Battalion forcibly entered the house of farmer **Ramon Batoy**, 35, claiming he was a member of the NPA. Ramon denied this and refused to let the soldiers in. One of them hit him with the butt of a rifle. To defend himself and his family, Ramon struck back at the soldier with his bolo. Three other soldiers, one of them hiding behind a mask, immediately fired at Batoy. His house and seven other houses were also fired at. Gina, Ramon's pregnant wife, escaped with their daughter and son.

The soldiers illegally arrested, detained and tortured Ramon's neighbors **Noli Badol**, 35, and a peasant leader, and **Celso Batoy**, 47, who they claimed were "captured NPA rebels." The soldiers tied up Noli's legs and hands. Evelyn, Noli's pregnant wife, and his children tried to come to his aid and pleaded with the soldiers, only to be shot at three times.

A witness reported that a soldier strapped a rifle on Ramon's body then took pictures of him. Lt. Col. Joven Gonzales, commander of the 57<sup>th</sup> Infantry Battalion, promptly announced to the media that an "encounter" took place in a village in Arakan Valley at around 5:45 am, killing an NPA member and capturing two others.

their land and natural resources against the incursions of foreign corporations like plantations and mining. For these, Pres. Aquino's 'bosses' are the targets of his government's counter-insurgency program: Oplan Bayanihan.

### **Oplan Bayanihan: "People-centered, whole-of-nation"**

In another attempt to mask the terror of Oplan Bayanihan, the Aquino government uses phrases of deception such as people-centered and whole-of-nation to describe their combat orientation. For more positive effect, respect for human rights, winning the peace, people-centric, peace and development are added.

But in theory and in practice, counter-insurgency and human rights are worlds apart. Unless one is only playing with words, which is what it is to this government.

Peace and development of Oplan Bayanihan is nothing but a slogan. It is, in essence, the same Civilian Military Operations (CMO) that is implemented alongside intelligence and combat operations. The so-called development is nothing but palliatives and dole out projects. The deceptive tactic comes straight from the 2009 Counterinsurgency guide of the US. These projects are implemented in the areas with armed conflict, not to improve and develop the people's quality of life but to dampen their spirit to fight for their rights and what is rightfully theirs.

The so-called development projects only rob the masses of their sources of livelihood. Big landlords re-concentrate hectares upon hectares of land into their hands; foreign agri-business and mining corporations continue to plunder our lands and resources. Countering people's resistance, P-Noy recently announced the strengthening of paramilitary groups such

as the Special Civilian Armed Auxiliary (SCAA) as force multiplier to secure mining corporations and other similar “development” efforts.

The government continues to open up the country’s resources to the US and its allies. In his recent trip from the United States, P-Noy announced that a U.S.-based oil company is set to start natural gas exploration in the northern part of the country. The said natural gas deposit will “dwarf” the Malampaya deposit. The much vaunted “public-private partnership” or PPP is nothing but the privatization under imperialist globalization. Through the PPP, big business interests are protected and guaranteed by the State, even as it pushes the economy to further backwardness with no real industries that generate jobs. These so-called development projects only show the lack of sincerity and seriousness of the government to tackle the root causes of poverty in the country. Imperialist domination and impositions, landlessness and the lack of vital industries hinder economic growth and real development in the country.

The U.S.-Aquino regime’s deceptive track is reflected even in its handling of the peace negotiations with both the MILF and the NDFP.

### **Surrender is key in OpBay’s “winning the peace”**

While the government is into peace negotiations between the MILF and the NDFP, it has not shown any sincerity in dealing with the more substantive issues in the negotiating table. Almost always the talks are stalled as the negotiations approach the agenda of socio-economic reforms where landlessness and foreign control over the country’s economy would be dealt with.

The government only maintains the talks to give a semblance of reality to its “win peace” slogan.

According to a quick-response team composed of Karapatan-Southern Mindanao and other human rights advocates, Noli was forced by the 57<sup>th</sup> IB to announce over the radio that Ramon Batoy was a member of the NPA.

The strafing of the houses in Celso’s neighborhood led to the evacuation of 48 families who took shelter in Binoongan Elementary School.

Impunity is also evidenced by police and military violence against children and minors.

Seven year-old **Sunshine Jabinez** was shot and killed past midnight in Napnapan, Pantukan, Compostela Valley in Mindanao on September 3 by a drunken soldier from the 71<sup>st</sup> Infantry Battalion. She was asleep with her parents in their house when Private 1st Class Baltazar Ramos fired a K3 light machine gun towards the Jabinez residence. Ramos was chasing a villager whom he had earlier threatened to beat up in a local videoke bar.

Earlier, a certain Sgt. Dalipong, Ramos’s commanding officer, fell asleep from drunkenness. He was awakened by the commotion outside the bar caused by Ramos. Finding Ramos armed and drunk, Dalipong grabbed the former’s gun and removed the magazine before giving it back. He went back to sleep.

Ramos, on the other hand, fired at the Jabinez’s house and hit Sunshine on her right buttock with the bullet left in the machine gun’s chamber. The bullet went through Sunshine’s spine and stomach. She was dead on arrival at the hospital.

In another village in San Agustin, Surigao del Sur, **two 10-year-old children and a 16-year-old youth** were captured by the 29<sup>th</sup> IBPA. The military presented them to the media as NPA “child warriors.” They were accused of being “in-charge of landmines” in an alleged encounter on June 26. The parents and neighbors of the children and minor denied the accusation and showed proof that the children were enrolled in a local school.

According to the parents’ accounts, the children were gathering copra with their fathers **Reynaldo Jimenez, Sr.** and **Ronito Gomez** when soldiers chanced upon them in their farm in Janipaan, San Agustin. Despite their insistence that they were civilians, they were tortured, detained and forced to declare themselves as NPAs. The soldiers later turned them over to the Sto. Niño police. They were warned to keep quiet about their ordeal. They were forced to sign some documents against their will.

In the villages of Ongo and Balite in Guinobatan, Albay, **youths**

**with ages 15 and below** were on errands in the market and some were gathering firewood when they were accosted by soldiers who used them as guides and as shield in the military operation.

### Numbers do not lie

All the window dressing cannot hide OpBay's essential repressive character. Combat operations is at its core: large deployment of troops for constriction operations, large and extended military operations and a trail of human rights violations like extrajudicial killings, enforced disappearance, arbitrary arrests and detention, torture, forced evacuation, harassment and others.

There are 64 victims of extrajudicial, summary and arbitrary killings under the U.S.-Aquino regime from July 1, 2010 to October 31, 2011 (16 months). On the average, this would be one EJK per week. More than 50% of the victims are from Bicol and Southern Tagalog. Six are women and 37 activists or human rights defenders. More than 40% are peasants with indigenous peoples and workers next in number.

**TABLE 1** **Victims of Extrajudicial killing and Enforced disappearance under Noynoy Aquino Government (by region)**  
July 2010 to October 2011

REGION	EXTRAJUDICIAL KILLING	ENFORCED DISAPPEARANCE
Ilocos	2	0
Cordillera Administrative Region	0	0
Cagayan Valley	2	0
Central Luzon	1	0
NCR	3	0
Southern Tagalog	14	3
Bicol	20	0
Western Visayas	3	3
Central Visayas	1	0
Eastern Visayas	6	0
Northern Mindanao	1	0
CARAGA	2	2
SOCOSKARGEN	2	0
Western Mindanao	0	0
Southern Mindanao	7	1
ARMM	0	0
<b>TOTAL</b>	<b>64</b>	<b>9</b>
Women	6	0
Organized	37	3

Based on reports gathered by Karapatan

The GPH negotiating panel tries to invalidate previous signed agreements like The Hague Joint Declaration and Joint Security and Immunity Guarantees (JASIG). Citing technicalities as excuses, the Aquino government refuses to release detained NDFP consultants who are JASIG-protected. It sets up one stumbling block after another but pretends it is blameless should the negotiations fail. Truth is, peace to this government is won when people, who resist its imperialist-dictated policies, are finally silenced.

### Allies in the "war against terror"

Noynoy Aquino's blood-stained "righteous path" is but a reflection of his government's imperialist-directed masterplan. The Aquino government remains tied down to worn out and failed economic policies notwithstanding the worldwide crisis caused by imperialist globalization. It attests to its puppetry to U.S. imperialism. P-Noy is to Barack Obama as GMA was to George W. Bush.

Not surprisingly, the U.S. government continues to pour in dollars in military aid. U.S. ambassador Harry Thomas, Jr. proudly announced that the U.S. granted USD507 million to the Philippines in military aid from 2001 to 2010. This, he said, is on top of the PhP200 million they invested in the Philippine-U.S. Amphibious Landing Exercise held in October. This year alone, the Aquino government received U\$132.75 million in economic and military aid.

Whatever aid the Obama government extends to the Philippines is not out of benevolence but in exchange for the protection of its economic, political and security interests in the country. It is in exchange for the continuous use of the Philippines as a launching pad of the US's "war against terror" that persistently tries to silence the peoples of the world who resist imperialist plunder and wars of aggression. #

There are nine cases of enforced disappearance three of whom are activists or human rights defenders. Most of them are peasants from Southern Tagalog, Western Visayas, Caraga and Southern Mindanao.

The profile of human rights violations under Noyoy Aquino's presidency is hardly different from that of GMA's. Aside from EJK and enforced disappearance most significant are torture, arbitrary arrests, illegal detention, demolition of urban communities, forced evacuation of rural villages, destruction of properties, threat-harassment-intimidation, indiscriminate firing, restriction or violent dispersal of mass actions, public assemblies and gatherings and use of schools and other public places for military purposes.

No matter how strongly the Malacanang spokesman denies the existence of political prisoners (PPs), records show that there are 78 political prisoners arrested under the U.S.-Aquino regime. As of October 31, 2011 there are still a total of 356 PPs of whom 35 are women and 13 are NDFP consultants (see Table 4, page 13).

The demand of PP's relatives, human rights workers and the national democratic movement to free all political prisoners continue to fall on deaf ears. P-Noy chose to ignore the call for a general, unconditional and omnibus amnesty to be granted the PPs the way his mother, Pres. Cory Aquino, released political detainees after she was placed in Malacanang by a people's uprising.

### OpBay's "peace and development" – the people's bane

A military official said that when we see soldiers roaming in the communities, it meant the entry of "development" projects. But what kind of development brings with it so many cases of human rights violations?

Karapatan documented the bulk of human rights violations in areas where there is a strong people's movement against government projects and those of private corporations that threaten their livelihood, homes and the environment. These are the "development projects" that the soldiers protect. The presence of the military is meant to put down the people's resistance.

**TABLE 2** Victims of Extrajudicial killing and Enforced disappearance under Noyoy Aquino Government (by sector/special group)

July 2010 to October 2011

SECTOR	EXTRAJUDICIAL KILLING	ENFORCED DISAPPEARANCE
Church	1	0
Entrepreneur	4	0
Environmentalist	2	0
Government Employee	3	0
Indigenous People	9	0
Media	1	0
Minor	2	0
Peasant	28	7
Teacher	1	0
Urban Poor	3	1
Workers	8	0
Youth and Students	2	1
<b>TOTAL</b>	<b>64</b>	<b>9</b>
Women	6	0
Organized	37	3

Based on reports gathered by Karapatan

OpBay continues to focus on the same areas ravaged by OBL. The most number of incidents of human rights violations under OpBay was documented in Bicol, Southern Mindanao and Southern Tagalog – regions which were also among the top 12 priority areas and hardest hit by OBL.

Southern Mindanao Region, says 10<sup>th</sup> Infantry Division Commander Maj. Gen. George Segovia, "is the new epicenter of the NPA." This is where the state's enemy is strongest, and thus, is the focus of AFP operations to "clear the communities" for so-called development.

What is not mentioned is that these are also the areas that the U.S.-Aquino regime and local and foreign investment corporations are itching to lay their hands on, areas that abound in many untapped natural resources.

These are the areas where government wants to quell resistance to maldevelopment projects, such as logging, mining and other extractive industries, as well as agri-business plantations for bio-fuel or export agricultural products.

*OpBay protects corporate mining*

Just as Gloria Macapagal-Arroyo formed the “Investment Defense Force” for mining firms and power facilities under OBL, Noynoy Aquino directed the AFP to protect mines under OpBay. Like GMA, Aquino pushes the interest of foreign mining companies while it denies the right to land of the peasantry and to ancestral domain of indigenous peoples.

In the Southern Mindanao region, the government focuses on three mining areas, Mt. Diwalwal and Pantukan in Compostela Valley and Mati in Davao Oriental. In Pantukan, Compostela Valley, locals battle against the encroachment of large-scale mining companies, Nationwide Development Corporation (Nadecor), Napnapan Mineral Resources, Inc. (NMRI) and Russel Mining and Minerals, Inc., an American company.

**TABLE 3** **Violation of Civil and Political Rights under Noynoy Aquino Government**  
July to October 2011

VIOLATIONS	NUMBER OF VICTIMS
Extrajudicial Killing	64
Enforced Disappearance	9
Torture	51
Frustrated Extrajudicial Killing	27
Illegal Arrest without Detention	208
Illegal Arrest and Detention	135
Illegal Search and Seizure	120
Physical Assault and Injury	62
Demolition	6,108
Violation of Domicile	243
Destruction of Properties	5,403
Divestment of Property	185
Forced Evacuation	4,376
Threat/Harassment/Intimidation	11,593
Indiscriminate Firing	5,052
Forced/Fake Surrender	32
Forced Labor/Involuntary Servitude	112
Use of Civilians in Police and/or Military Operations as Guides and/or Shield	19
Use of Schools, Medical, Religious and Other Public Places for Military Purpose	10,577
Restriction or Violent Dispersal of Mass Actions, Public Assemblies and Gatherings	842

Based on reports gathered by Karapatan

The government awarded the three companies contracts covering more than 7,000 hectares of land with deposits of gold, bronze, copper and silver. Soldiers have encamped in Napnapan village since the start of the operation of the NMRI and Russel Mining this year.

The Caraga region in Mindanao was bannered as the mining capital of the Philippines by the GMA government. But the Lumad communities had resisted the entry of mining corporations, having learned their lesson from decades of destructive logging in their ancestral lands. In the past decade, there had been renewed attempts by government to open the area to extractive mining, bringing about waves of military operations.

In 2010, the Department of Energy (DOE) approved a 10-year contract for Abacus Consolidated and Holdings Inc., through its subsidiary Abacus Coal Exploration and Development Corporation (AbaCoal), for seven coal blocks with 1,000 hectare per block situated in the Andap Valley Complex. AbaCoal has completed the exploration stage and is ready for its production phase in 2012. The DOE offered a thousand more hectares for coal mining in the same area.

Among the victims of extrajudicial killings was **Santos “Ricky” Manrique**, 50, who was at the forefront of the campaign against the entry of mining companies in Pantukan, Compostela Valley. Ka Ricky was head of the Federation of Miners’ Association in Pantukan, a group of small-scale miners in the municipality, and member of Anakpawis partylist.

On April 12, Ka Ricky was on his front lawn with his wife and six-year-old grandson when an assassin shot him three times from behind. The assailant left with three other companions on board two motorcycles. His family was unharmed but Ka Ricky was dead on arrival at a hospital.

Upon the announcement of AbaCoal’s entry into the production phase, soldiers encamped in the Lumad and farming communities of Marihatag and San Agustín from August 2010 to the first quarter of 2011. It resulted in the forcible evacuation of these communities up to July. To contain the resistance of the affected communities, a military detachment was positioned in Barangay Mahaba in Marihatag, Surigao del Sur.

*Harassment equals “census” by  
Peace & Development Teams*

The new term for invitation to face the military as part of its harassment and intimidation of rural villagers is ‘census’ by the PDTs. In **Boston, Davao Oriental**, the 67<sup>th</sup> IB targeted members of the Nagkahiusakoy na Mag-uuma tu Boston (Nigkomb), in a supposed census of residents for the so-called “Peace and Development Training” in July.

In Kawayanan village, among those invited were spouses **Marilyn and Fredo Colas**, from the Manobo tribe and members of Nigkomb. Soldiers “interviewed” Marilyn on July 1. They told her to cooperate with them by giving information on the location of the NPAs. She was also ordered to report to the barangay hall with her husband to clear their names. That night, soldiers fetched Marilyn’s husband Fredo from their home to the barangay hall and questioned him for almost an hour on the activities of the NPA in the area and about Nigkomb.

On July 15, a certain Sgt. Marquez of the 67<sup>th</sup> IB and Nonoy Paguyan, a military agent went to the house of **Welson Ombawgan**, 39, of the Mandaya tribe and council member of Nigkomb in San Jose village, Boston. The two were on board a motorcycle, and as Welson approached, Nonoy opened the motorcycle’s utility box, revealing a .45 caliber pistol inside. Out of fear, Welson quickly went inside his house; when he checked again, the two had left.

A few days later, on July 25, Sgt. Marquez returned to Welson’s house to conduct a “census.” Only Welson’s wife, **Jenelyn**, also a Mandaya and a Nigkomb member, was home. For two hours, Sgt. Marquez questioned Jenelyn about her husband’s involvement in Nigkomb, and forced her to admit that he is an NPA supporter. On July 27, Sgt. Marquez again visited the Ombawgan household. Marquez told Jenelyn that her husband should present himself to the military to clear the suspicions of being an NPA supporter. The

soldier threatened that Welson will be charged with rebellion if he does not report to the military.

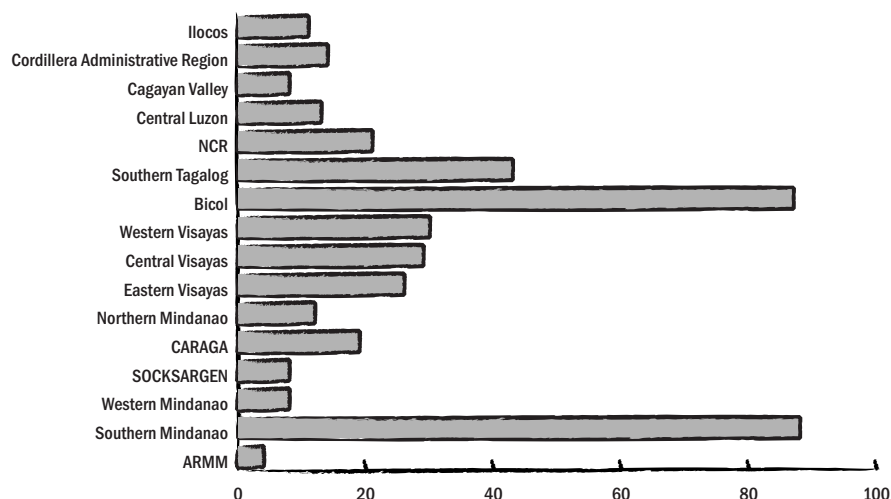
In **Guinobatan, Albay** in the Bicol region, from July to August, Community Peace and Development Teams of the Alpha Company of the 2<sup>nd</sup> IB conducted “census” in 11 villages. They encamped in the barangay halls, chapel, day care center and at a Farmer Training Center. The census was supposedly for the Department of Agriculture to find out the poorest families to be given relief goods.

But after the census, the soldiers summoned residents suspected as supporters of the *pasmado* (a military derogatory term for the NPA) for “tactical investigation” at their detachment. After each interview, soldiers took a picture of the resident holding a tag with his/her name and a supposed alias. Victims were coerced to sign a blank document, supposedly their clearance. Those who refused to have their picture taken were instructed to report to the camp three times a day to log their names. Some victims had been reporting to the camp everyday for two weeks without a clear reason, but continue to do so out of fear.

Some of the victims reported that they were tortured during interrogation and forced to admit that they are NPA militia. One victim narrated that he was forced to choose between being beaten up by the soldiers or

## BARGGRAPH

**Number of Incidents of Human Rights Violation  
under Noynoy Aquino Government (by region)**  
July 2010 to October 2011



drinking a gallon of water. Several village officials and residents were forced to gather materials and build huts for the soldiers, and to conduct nightly security patrol with the soldiers.

*OpBay's "urban development" is anti-urban poor*

In the name of "urban development", local governments increase the number of homeless families as they drive away the urban poor to clear lands for the more profitable occupation by big businesses. Demolition teams bring in their wrecking balls and bulldozers, and destroy houses even those made of permanent materials, indifferent to the rights and feelings of residents who have lived in the communities for at least two to three decades and longer, and who were horrified to see their homes wrecked, not by fire or earthquake but by the government.

Some demolition teams not only dismantle houses, but even destroy properties inside houses, such as beds and other furniture. Facing uncertainty in relocation, residents resist and form barricades to defend their community, which result in violent assault and arrests by police and the demolition team.

In Metro Manila, where urban poor communities are threatened to be demolished, various units of the Army's CMO Battalion, as well as that of the Navy and Air Force were deployed.

In **Laperal Compound, Guadalupe Viejo, Makati City**, near the central business district, more than 5,000 residents were forcibly evicted from their homes by combined members of the Makati Police, SWAT and Makati Police Safety Assistance on April 27, following a dubious fire the previous month.

In **Barangay San Roque, Navotas City**, the city officials carried out its plan to build a medium-rise residential building, displacing almost a thousand residents. On March 16, urban poor leader and spokesperson of Nagkakaisang Samahan ng Kadiwa (Nasaka or United Association in Kadiwa), Antonio Homo, was shot and killed by a gunman believed to be a member of an armed syndicate hired by local authorities. Later in May, the community was violently demolished by the police and city personnel who broke through the residents' barricade.

**TABLE 4 Political Prisoners**  
As of October 31, 2011

REGION WHERE DETAINED	TOTAL NO. OF PPs	WOMEN	NDFP CONSULTANTS	ARRESTED UNDER PNOY
Cagayan Valley	7	2	1	5
Ilocos Region	5	3	0	5
Cordillera Administrative Region	0	0	0	0
Central Luzon	12	1	1	2
National Capital Region	138	7	6	9
Southern Tagalog	31	4	0	11
Bicol	24	3	0	4
Eastern Visayas	17	5	0	5
Western Visayas	21	3	0	4
Central Visayas	4	0	2	1
Caraga	7	0	0	5
Northern Mindanao	10	0	2	1
Western Mindanao	15	3	0	1
Southern Mindanao	30	4	1	13
SoCSKSarGen	8	0	0	1
ARMM	27	0	0	11
<b>TOTAL</b>	<b>356</b>	<b>35</b>	<b>13</b>	<b>78</b>

Based on reports gathered by Karapatan

In **Barangay Marcelo Green, Parañaque City**, around 100 individuals lost their homes when a team from the Parañaque city hall and armed police men demolished them on August 5, 2011. The Office of Parañaque city mayor Florencio Bernabe Jr. issued the demolition order supposedly for the the city's housing project, Gawad Kalinga-Community Mortgage Program. The residents barricaded the gates of the barangay to block the demolition team. The demolition pushed through despite the absence of a court order, lack of legal documents about the project and without clear plans for the relocation of the affected families. More than 30 residents were injured and five were arrested by the PNP-SWAT.

### “Winning the Peace” through total war against the people

#### *Internal refugees*

This year, residents of barangay **Mahaba, Marihatag in Surigao del Sur** and barangay **Bangayan in Kitcharao, Agusan del Sur** evacuated twice to seek safety amidst intense combat operations.

On March 30, after an encounter with the NPA in the hinterlands of Marihatag, Surigao del Sur, infantry troops of the 23<sup>rd</sup> and 29<sup>th</sup> IB entered barangay Mahaba. Helicopters hovered above, occasionally dropping bombs on the encounter site. Residents heard cannon blasts coming from the nearby village of Buhisan, San Agustin town where the soldiers were encamped. The people could not tend to their farms for fear of being suspected as NPA members, and being abducted and disappeared, like farmers Agustito Ladera and Renato Deliguier who went missing during military operations in 2010.

Soldiers barred members of the International Committee of the Red Cross (ICRC) from entering the area.

The villagers who left their homes on March 31 returned in mid-April.

Barely a month after, on May 6, the residents of the same village, this time joined by residents of **Buhisan, San Agustin, Surigao del Sur** fled their villages due to intensified harassment by the 29<sup>th</sup> IBPA. The soldiers set up camp in the barangay hall, health center, day care center and the village youth council's office in Mahaba.

They also conducted census and took pictures of the villagers and their homes. In separate incidents on June 19, soldiers fired at a 14-year old boy and three abaca farmers in Mahaba.

A total of 218 families or some 800 individuals, including Manobos, evacuated to the municipal gymnasiums of Marihatag and San Agustin, and to the Buhisan barangay hall.

In 2006, 2009 and 2010, Mahaba village was also subjected to forced evacuation caused by intensive military operations.

On May 26, some 90 Mamanwa and peasant settler families evacuated from their homes in **Zapanta Valley, Bangayan village** in Kitcharao, Agusan del Norte because of the active combat and clearing operations of the 30<sup>th</sup> IBPA led by Lt. Col. Erwin Lamzon. Soldiers set up roadblocks in sitio Zapanta and allowed no one to leave or enter the community. With help from the village captain, the residents fled to the evacuation center at the Bangayan village proper.

After days in deplorable conditions in the evacuation center, the Mamanwa families' organization, Kayapan Amihan, sought the assistance of Kahugpongong sa Lumadnong Organisasyon (KASALO) - Caraga and other indigenous people's support organizations. Around 37 Mamanwa families consisting of 147 individuals, including 64 children, were forced to seek sanctuary in an evacuation center in Surigao City. This was despite the refusal of Surigao City officials because of cultural discrimination and jurisdictional issues.

In June, the local government even attempted to dismantle the evacuation center to push the Mamanwa evacuees to return to their communities. The evacuees were able to return home on July 15, after an ocular visit confirmed that the soldiers have left their village.

On August 31, however, more troops from the 30<sup>th</sup> IBPA arrived in the villages of **Bangayan and Canaway in Kitcharao, Agusan del Norte**. This led to another wave of evacuation of more than a hundred residents from two sitios of Bangayan village, Ansili and Zapanta Valley. On September 1, the residents, including children and teachers, walked more than nine kilometers to the neighboring villages for shelter. They eventually returned to their homes.

*More military abuses*

In the evening of February 4, in Villadima, Libmanan, Camarines Sur, around seven masked men suspected to be soldiers barged into the house of the Bico family, and shot the people inside. Killed were **Pedrito Bico**, 54, an entrepreneur, his son **Christian**, 28, and their employees, **Arman Queto**, 34, and **Crispiano Gamier**, 35. They were all shot at close range. **Ronilo de Castro** was seriously injured, while another family member was unharmed. The Bico residence is only two kilometers away from the army detachment in the next village.

In 2009, Pedrito's son and daughter, Ryan and Catherine, were harassed and arbitrarily detained by a drunken 2nd Lt. Juniedy Omandam of the 31<sup>st</sup> IB in Binahian, Sipocot. Soldiers suspected Catherine of having links with the NPA. Catherine later filed charges for arbitrary detention against Omandam, who attempted to settle with the family.

This is the third incident of massacre committed by suspected state forces in the Bicol region since 2010.

On February 17, soldiers harassed a **45-member Fact-Finding Mission (FFM)** led by Karapatan-Southern Tagalog in Remedios 2, Mauban, Quezon. The team came to investigate reports of harassment of the villagers by the military. The FFM wanted to investigate the case of a civilian who was forcibly taken to the military camp on February 8, following an alleged encounter between the military and the NPA.

After the FFM arrived, two 6x6 army trucks came to the village. Around 15 soldiers alighted and harassed the mission. They tried to take the identification cards and cedula of the FFM members. The other soldiers took photos. They questioned Karapatan's presence in the area.

Soldiers of the 1<sup>st</sup> Special Forces encamped at Bahay Nayon in the village and conducted daily military operations. In a village meeting, they threatened the people not to aid the NPA, because their "bullets will not spare anyone."

On May 24 in Baclingayan village, Tubo, Abra, **Sayam Pimmangen Macaiba** had just bought a carabao. He was walking with a companion to Belwang, Sadanga when they came across around 20 soldiers of the Recon Platoon, Alpha Company of the 41<sup>st</sup> IBPA. The soldiers accosted Sayam. His companion was able to escape.

The soldiers asked for the carabao's registration papers. When Sayam could not show them any, the soldiers fired three times near his feet. Then they wrapped Sayam with a poncho-tent, gagged his mouth and took him and the carabao back to Baclingayan. They turned over the carabao to the village officials.

At 11:00 pm, the soldiers brought Sayam to the local police in Mayabo and charged him with illegal possession of firearms. They planted a carbine rifle and .45 caliber pistol which they allegedly confiscated from him. Sayam was released later on bail.

**TABLE 5** **Forced evacuation due to intensive combat operations**  
(July 2010 to October 2011)

Village	Date of Evacuation	Number of Affected Individuals
Brgy. Mahaba, Marihatag, Surigao del Sur	August 7, 2010	754
Brgy. Colosas, Davao City	August 12, 2010	65
Brgy. Mahaba, Marihatag, Surigao del Sur	March 3 to 31, 2011	660
Brgy. Nagbinlod, Sta. Catalina, Negros Oriental	March 16, 2011	87
Brgy. Maragatas, Lupon, Davao Oriental	April 8, 2011	33
Brgy. Buhisan, San Agustin, Surigao del Sur	May 5, 2011	550
Sitio Zapanta, Kitcharao, Agusan del Norte	May 20, 2011	381
Sitios Ansili and Zapanta, Kitcharao, Agusan del Norte	August 30, 2011	106
Brgy. Diatagon, Lianga, Surigao del Sur	October 13, 2011	924
Sitio Upper Lumbo, Brgy. Kabalantian, Arakan, North Cotabato	October 20, 2011	288
	<b>TOTAL</b>	<b>3,846</b>

In a sitio in **Alangtin village** inhabited mostly by Kankanaey (one of the indigenous peoples in the Cordillera) soldiers of the 50<sup>th</sup> IBPA encamped at the barangay hall, stayed in civilian homes and occupied even the dap-ay, a community center where tribal elders gather.

They required the villagers to get a pass to be able to leave the village. They were asked to submit their names as well as their destination and expected time and date of return, definitely a curtailment of their freedom of movement.

In an attempt to “flush out the NPAs,” soldiers intentionally started forest fires in areas where they believed the NPA camps were. These fires damaged a wide area.

In May to June, soldiers of the 54<sup>th</sup> IBPA and the 5<sup>th</sup> Infantry Division conducted two waves of joint military operations in the indigenous communities in **ALAGPA** (the tri-boundary of Alfonso Lista and Aguineldo towns in **Ifugao** and in Paracelis in the **Mt. Province**). ALAGPA was coined by the indigenous people who are mostly Ayangan.

In the first wave of operations, soldiers illegally arrested three people, searched civilian houses, seized personal items and destroyed properties. In the second wave, soldiers donned dark long sleeved shirts and rubber shoes. Without the soldiers’ name tags, the people had difficulty identifying those who committed human rights violations.

On May 23 in sitio Butac, in Monggayang, Aguineldo, **Sandy Chop-en** and his family were shocked when they came home from their farm and found soldiers encamped under their house. The soldiers even pulled out at least three of their tabla (wooden planks) and logs and used them as firewood for cooking. The soldiers also ransacked and overturned a cabinet in the house.

On 24 May, 54<sup>th</sup> IB soldiers illegally arrested, detained and tortured **Delfin Uschung, Luis and Ryan Galitob** in their house in Nambazal, Kiling, Alfonso Lista. The soldiers illegally searched the house and took such personal items as a transistor radio, garugad (metal sharpener), flashlights, bolos and camouflage jackets. Delfin’s father, **Tony**, tried to intervene but was threatened at gunpoint by the soldiers who told him, “You go ahead and be prepared for a wake.”

The **four small children of Efren Ligudon** of Nambazal huddled in the kitchen, traumatized, when soldiers came and searched their house illegally on May 26. Efren rushed from his farm when he saw the soldiers heading towards his house where he knew his children were. He was forced to let the soldiers in, whose search yielded nothing. The soldiers asked Efren where to get water. When he gave them directions, they said that he was leading them to be ambushed by the NPA.

On June 18, at around 3am, soldiers in dark long sleeved shirts and rubber shoes knocked on the houses of the sleeping residents of **Barangay Nambazal, Monggayang, Aguineldo**. The people realized that the men were soldiers when their companions in camouflage and combat shoes showed up.

The soldiers went from house to house, and asked: “Did our comrades come here? Comrade, where did you bring the rice?” At times the disguised soldiers tried to search the houses and threatened the residents for being “NPA supporters.”

In San Isidro village, Lupon, also in Davao Oriental, suspected soldiers ransacked the house of **Henry Piogo**, 44, a village councilor and member of peasant group Calasagan United Farmers Organization (CUFA). On July 4, a neighbor reported that, while Henry was out on a meeting, some 20 soldiers of the 701<sup>st</sup> Infantry Brigade forcibly entered his house. Taken from Henry’s house were three scythes, a bolo, seven chickens, three water containers, cash amounting to PhP15,000 and a government-issued identification card for the “Pantawid Pamilyang Pilipino Program”, which were intended for the schooling of his three children.

#### *Attacks against rural schools*

In March in Malapatan, Sarangani continued harassment by the soldiers of the 73rd IBPA forced the teachers and staff of the **Blaan Literacy School and Learning Center (BLSLC)** to suspend classes and leave Sitio Dlumay, Upper Suyan village.

From the time the soldiers encamped in the community in November 2010, there has been no let up in the harassment of the community organizers of the **Center for Lumad Advocacy and Services, Inc. (CLANS)**, the Blaan tribal leaders, and the BLSLC students and their parents.

The alternative school BLSLC was founded by the Blaans in cooperation with CLANS. It solved the problem of the children having to trek for almost seven hours to reach the nearest public elementary school. The students and teachers suffered the following acts of harassment and intimidation in the hands of the military:

- On March 11, three teachers and some 30 students were harassed by members of the paramilitary Citizens' Auxiliary Forces and Geographical Units (CAFGU) and the 73<sup>rd</sup> IBPA. A 17-year old apprentice-teacher narrated that while their group was trekking to a silt basin for a tree planting activity, they were accosted and questioned by a group of soldiers. At the bottom of the silt basin, children saw soldiers on higher ground throwing stones in their direction.
- Soldiers accosted a 10-year-old boy on his way to school. They forced him to hold a gun and wear an ammunitions belt while they took his photograph.
- A soldier caught a child and kept him in a sack which was hung in a waiting shed. The child was freed only when a surprised resident heard his voice coming from the sack.

Blaan farmer **Francisco Manangka**, 35, President of the community organization Kasbakas, and other tribal leaders were also subjected to harassment and coercion by soldiers.

- In March, soldiers went to Francisco's home several times, and questioned him about CLANS. They alleged that members of CLANS teach like NPAs. The soldiers said that the CLANS-initiated micro-hydro power project for the community is a project of the NPA.
- On March 22, Francisco and other Blaan leaders were summoned to the command post of the 73<sup>rd</sup> IB, where they were interrogated. The soldiers told them that their children who are BLSLC students were being taught to fight the government. This was followed by a trip to the office of Malapatan Mayor Alfonso Singcoy, on March 25, when soldiers fetched the Blaan leaders and presented them to Mayor Singcoy and to the media. The Blaans were coerced by soldiers to say that they approved of the

soldiers' presence in the area. They were sent home on March 26.

On August 9, the solidarity mission Alayon composed of indigenous people's groups, church workers and various cause-oriented groups asserted the resumption of CLANS and BLSLC classes and the return of teachers in Sitio Dlumay. Mayor Singcoy initially refused to allow the 160-member mission, but later conceded after a dialogue with its leaders. The teachers of the BLSLC returned to Sitio Dlumay and along with the mission, held the much-delayed closing and moving-up ceremonies for the students.

The BLSLC continues to provide education to the children in the community.

#### *Attacks against struggles for land*

On June 14 in Maramag, Bukidnon, security guards of the Central Mindanao University (CMU) opened fire at members of the **Bukidnon Free Farmers Labor Organization (BUFFALO)**, **Tribe Agricultural Manpower Rural Active Workers (TAMARAW)** and **Landless Inhabitants of Musuan (LIMUS)** who put up a picket line at the university gate to assert their right to the land they have been tilling for decades.

CMU Security guards and the Davao Agricultural Ventures Corporation, led by the University's Acting Legal Officer, forcibly dismantled the protesters' makeshift tents. When the farmers resisted, they were strafed by the security guards armed with .45 and 9mm caliber pistols and M14 rifles. Three farmers were wounded, while many others suffered various injuries.

Around 800 families of rice farmers stand to lose their livelihood because of eviction from the land that the CMU claims. The farmers are holders of Certificates of Land Ownership Award (CLOA) under the Corazon Aquino government's Comprehensive Agrarian Reform Program. However, the Supreme Court ruled in 1992 that CMU lands were exempted. In 2002, the farmers were forced to enter a five-year lease contract with the university.

In April 2011, the CMU proposed a relocation site far from the farmers' livelihoods, and whether or not they accept, the farmers were to be removed from their land.

The farmers rejected this proposal. Many were harassed and threatened by the CMU security guards and members of paramilitary groups. The guards also confiscated the farm equipment of some farmers.

On August 29, in **Bonbon, Aloguinsan, Cebu** the police violently dispersed the picket line of farmers who resisted the landgrabbing by the Gantuanco clan. Men, women and children were mauled and injured as the police assaulted them with truncheons and shields. The police arrested and detained 39 individuals. The victims said they were manhandled and thrown into police vehicles.

The farmers tried to stop the Gantuanco clan's attempt to put up fences on their land. They were holders of Certificates of Land Transfer (CLT) that covers 168 hectares which were awarded them during the Marcos dictatorship. In 2010, the heirs of the Gantuanco clan filed a complaint against the members of the **San Roque Farmers' Association**, whom they claimed were illegally residing on their land. The court dismissed the complaint, but the Gantuancos secured a fencing permit from the municipal government.

On March 14, the Gantuanco clan's workers and private security unit, together with the municipal police and soldiers of the 78<sup>th</sup> IB, arrived to put up the fences. With heavy equipment loaned from the municipal government, they began to dig. The farmers formed a human barricade to stop the entry of the equipment and the Gantuanco workers. The police ordered the farmers to disperse, while private security guards threatened them at gun point. The farmers stood their ground.

The Gantuancos, their workers, security personnel, police and soldiers eventually retreated. The San Roque Farmers Associate maintained their barricade and picket line to prevent future attempts to fence-off their property.

On August 29, the farmers faced a phalanx of police from the municipalities of Asturias, Balamban, Pinamungahan and Toledo. A backhoe and fire truck owned by the municipality of Aloguinsan arrived. When the backhoe moved to dig again, the farmers surrounded it. The protesters were blasted with water cannons.



Among the 39 arrested were three minors from the farmers' families. The victims were released on bail on September 2.

In Guimba, Nueva Ecija, police men led by Guimba Police Chief arrested **Florentino Pagatpatan** when he went to till his farm on June 25. He is a member of the **Malayang Aniban ng Magsasaka sa Manggang Marikit, Bagong Barrio at Yuson (MAMBAYU)**. MAMBAYU members have been tilling the 82-hectare Hacienda Davis since 1992, and have since experienced military and police harassment. LISTASAKA, a group formed by the local Department of Agrarian Reform officials had laid claim on the land, with backing from the police and military.

#### *Urban militarization*

Soldiers, led by Private First Class Gary Navarra, harassed and interrogated in the last week of June leaders and coordinators of the Bayan Muna partylist in **San Isidro, Rodriguez, Rizal**. They were included in a list of residents suspected to be NPA members. **Nora Sibunga, Rosemarie Esmilla, Rodolfo Flores and Peter Mateo** were summoned by the military to the detachment to "clear" themselves of the allegations against them. Their houses were surveilled.

In the **Cordillera, the Community Health Education, Services and Training in the Cordillera Region (Chestcore)** has been a target of threat and harassment by the military and suspected state agents. Chestcore is an NGO which provides health services to far-flung communities. Since 2007, Chestcore workers have been

labeled by the military as NPA members, They were consistently subjected to military harassment.

On January 26, Chestcore social worker and program desk coordinator **Milagros Ao-wat**, 57, received death threats on her cellphone. It was the second time since December 2010 that Milagros received threatening messages, which said that she may be killed like the other victims of extrajudicial killings in the Cordillera.

*“Force multipliers” of human rights violations*

Two years after the Ampatuan massacre that stirred public uproar against private armies, the AFP continues its recruitment for CAFGUs. Private armies are legitimized as Special Civilian Armed Auxiliary (SCAA). Recently, Aquino approved the military proposal that that the AFP will organize, train, and supervise as SCAAs the private security guards of mining firms to ensure their protection. They become part of the investment security forces in these areas, without regard for the grave human rights violations these groups commit.

In effect, paramilitary groups do the same work as the AFP, but the government is not accountable for whatever human rights violations they commit.

The Revolutionary Proletarian Army-Alex Boncayao Brigade (RPA-ABB) was the main suspect in cases of enforced disappearances, summary execution and

arson in the village of Canlusong in Enrique B. Magallona, Negros Occidental.

On July 19, suspected RPA-ABB men simultaneously abducted sugar workers **Michael Celeste, Gerald Abale and Jully Devero**. Michael was abducted in 2007 by RPA-ABB on mere suspicion that he was a member of the NPA. A certain Maj. Tubong Banua who is the head of the anti-logging group, Task Force Ilahas, reportedly threatened to arrest Jully, whom he suspected of engaging in charcoal-making.

On September 5, **Federico Esguiran and his son Nilo** were killed in their home by suspected RPA-ABB men who stormed in looking for guns. The suspects also forced, at gunpoint, some 17 people who were in the Esguiran yard to drop face down. The soldiers entered and searched the house. The suspects asked Federico where his gun was. When he replied that he didn't have a gun, they shot him in the head. The suspects shot Nilo next, then fired at the others. A farmer was wounded. The suspects took cellphones and cash from the Seguirans and their house guests.

Before the killing, members of the RPA-ABB alleged that the two victims were engaged in charcoal-making, in spite of the two being active members of the Bantay Bukid, a government-formed environmentalist group.

RPA-ABB is due to receive Php 31 million from the government as part of their “peace agreement.”

**Everywhere, P-Noy’s “righteous path” is smeared with blood**

*Palawan*

Killed this year in Palawan province was **Rabenio Sungit**, a church worker whose brother, Avenio, was also shot dead by masked men in 2005. Rabenio was an active lay leader of the Tagusao Outreach Congregation of the United Church of Christ in the Philippines (UCCP) in Ladayon Soangan, Quezon. Avenio (Abe) was a human rights worker and anti-mining activist. Both were leaders of the Pelawan indigenous peoples group, Pagkakaisa ng mga Katutubo sa Palawan (Pagsambatan).



Farmer Floresco Pagatpatan at the Guimba police precinct. (photo courtesy of Karapatan Central Luzon)

On September 5, Rabenio went to buy food in the market with his wife, son and Abe's children. The family just came from a UCCP gathering where Abe's children received financial assistance. At around 1:30 in the afternoon, Rabenio was shot by ski-masked men riding in tandem on a motorcycle, in broad daylight and in public.

Prior to the killing, a known local military informant and elements of the Philippine Marines have been inquiring about Rabenio's whereabouts.

### *Albay, Bicol*

On February 25, Bayan Muna member **Rodel Estrellado** of Malilipot, Albay was walking home from the market when four men, who introduced themselves as members of the Philippine Drug Enforcement Agency, stopped him. Rodel was forced into a gray car with plate number MXN 902.

Later, the AFP, through the 9th Infantry Division spokesman Maj. Harold Cabunoc, issued a statement that an alleged member of the NPA named Elmer Estrellado was killed in an encounter in the village of Buluang, Municipality of Bato, Camarines Sur. At around 1:00 pm of the same day, a certain Major Danilo Ambe and 2<sup>nd</sup> Lt. Maribel Donilla, who are based in Mabaludbalud, Tigaon, Camarines Sur, filed a blotter report at the PNP Bato station that a strike operation they conducted in Buluang, Bato resulted in the death of one Elmer Estrellado.

Meanwhile, Rodel's family searched for him in police stations and hospitals. On February 27, they went to a funeral parlor in Camarines Sur where the body of a certain "Elmer Estrellado" was. It was then that they found out that it was their missing loved one, Rodel.

### *Negros Occidental*

National Federation of Sugar Workers (NFSW) member **Elizar Nabas**, 34, was arrested by the police and soldiers of the 62<sup>nd</sup> IB on April 19 in Escalante City, Negros Occidental. He was having a late lunch at an eatery when around seven men, who claimed to be policemen, apprehended him at gunpoint.

On the way to the 62<sup>nd</sup> IB headquarters in Sagay City, Elizar was blindfolded and beaten up. He was interrogated and forced to admit that he was a member of the NPA. The following day, he was brought before the San Carlos City Regional Trial Court to answer to the alleged crimes of a certain "Diro Pancho Sanchez," said to be a high-ranking officer of the revolutionary armed group.

### *Basilan*

On June 22, a 17-year-old college freshman, **Ali**, was with his teenage cousin **Amel** (not their real names) at the latter's house in Barangay Matatag, Lamitan City, Basilan. Soldiers of the 32<sup>nd</sup> IBPA barged into the house, looking for "Nurhasan Jamiri" and "Musanna J. Musa", suspected Abu Sayyaf Group (ASG) members,

## Beware of OpBay's "Bad Cop, Good Cop"

**"Vina"**, not her real name, suffered both the "hard and soft" approach of suspected military agents. She was abducted and tortured in July and then, after three months, she was "treated" to a full-production performance of state agents pretending to be activists.

Vina said that her abductors claimed that she has a relative in the NPA.

At around 10 am in July, Vina just got off a jeepney in front of the Philippine Heart Center in Quezon City when a man put his arm around her, and led her inside an owner-type jeep. There were four men including the driver, all with clean-cut hair. As the vehicle drove off, the two men pushed Vina face down on the jeepney floor, and started asking if she "coddles NPAs," if she is an activist and if she has an activist sibling.

Every time she insisted that she didn't know, the abductors would hit her or burn her with cigarette butt. At one point, the abductors threatened to slash off one of her breasts, and when she failed to answer their questions, one suspect made a cut on the upper part of her breast. Vina kept appealing to the abductors to bring her alive to her family, and the next morning, the men dumped her near the Manila City hall.

In October, Vina received two dubious calls on her cellphone. The first anonymous caller told her that her brother had died, but when she checked with other relatives she learned that it was a lie. After a few days, another caller said that her mother was ill and was rushed to the East Avenue Medical Center in Quezon City. Unable to check with relatives if the information was true, Vina decided to go to the hospital the next day.

who were supposed to be staying in house while studying at the Lamitan National High School and Mindanao Autonomous College Foundation.

Ali and Amel told the soldiers that they did not know the two but the soldiers forcibly took them to the military detachment where the police and the military interrogated them.

The cousins were later brought to the brigade headquarters in Tabiawan, Isabela City. The soldiers allegedly found a hand grenade in one of Ali's pockets. The two were separated. While Amel stayed outside the bunkers, Ali was herded into another room, blindfolded and interrogated. He was repeatedly punched on the face and body and his head was submerged repeatedly in a drum filled with water. He was being forced to admit that he was an ASG member. Ali identified the voice of one of his interrogators as that of 1Lt. Garanza, who was among those who arrested them.

The following day, Ali, still blindfolded, was forced to hold a hand grenade. His photograph was taken and a charge of illegal possession of explosives was filed against him. On June 24, the soldiers turned over Ali to the Lamitan City PNP.

#### *Davao del Sur*

In Sta. Cruz, Davao del Sur, peasant and indigenous peoples leader, **Rudy Dejos**, 50, and his 26-year-old son, **Rudyr**, were found dead, on February 27, at their

home in Zone-1 village. Rudy is a chieftain of the Blaen tribe and Vice-Chairperson of Zone-1 Farmers Association (Zofa), an affiliate of Kilusang Magbubukid ng Pilipinas (KMP). Rudy's wife, Mercy, arrived home and found the bodies of her husband and son with gunshot and stab wounds, their nails and fingers crushed. Their bodies bore several bruises and hematoma which indicated severe torture.

The military discouraged village farmers from forming Zofa, and got angry when they affiliated their local organization with KMP. The residents were required to report to the Barangay Defense System organized by the soldiers. Since June 2010, soldiers of the 39<sup>th</sup> IB had been subjecting the Dejos to threats and harassment. In response, in June and December 2010, the father and son filed complaints of harassment, threat and intimidation against the 39<sup>th</sup> IB with the Commission on Human Rights.

All these documented incidents only indicate one thing: human rights violations continue under the U.S.-Aquino regime. The first six months of Noyon Aquino's administration, when he extended Oplan Bantay Laya, set the stage of things to come under his rule. Rightly so, the trimmings and propaganda offensive regarding Oplan Bayanihan's supposed "paradigm shift" to "peace and development" cannot hide its brutality and state terrorism.

As soon as she got to the hospital with her young child, three youths – two female and a male – approached her. They had clean-cut hair and carried backpacks. They introduced themselves, using the word *kasama* (comrade), and told her that they have something to tell her. The three youths were polite and Vina did not suspect anything.

They asked her to come with them, and they took a bus, and got off to eat at a fastfood restaurant. Vina asked the three youths what they wanted to tell her, but they said that they should let her child finish eating first. After which, they took a taxi, which headed towards Zapote. The three told Vina that they will talk when they get to their place. Vina was surprised when the three identified all her family members. They then asked Vina about her brother, to which she answered that she didn't know.

They got off at a community, and went inside a house which only had a bed. There were other youths and older people who appeared to be working on an unfinished streamer. The youths kept asking about her brother, if he would appear if she or her child stays with them for a month. Vina refused to stay. While they were talking, Vina noticed the other people in the room intentionally talking in loud voices about encounters between the NPA and government troops. Vina began to feel nervous and suspicious about the whole setup.

She was relieved when the youths told her that she could go home, gave her transport fare and directions going home. Vina was shaken by both incidents, first, when she was physically harmed, and second, when she and her child were "treated kindly." In both occasions, the suspected state agents who took her asked about her sibling whom they claimed is an activist.

# “WINNING THE PEACE” AND OTHER DECEPTION

**“Peace and development,” “peace through negotiated settlement,” “addressing the root causes of armed conflict/poverty” – these are all favorite buzzwords of the government even under Gloria Macapagal-Arroyo (GMA) when it comes to the counterinsurgency program. She ended her term a much isolated and loathed president who, in spite of using brute force on the people, failed to end armed conflict.**

The government of Noynoy Aquino is using the same buzzwords now. With directions from the U.S. Counterinsurgency (COIN) Guide, and the practical lessons from Arroyo’s Oplan Bantay Laya, Aquino’s Oplan Bayanihan has an improved design of non-combat operations – read: deception.

The U.S.-Aquino regime inserts the word “peace” in every occasion, as if repetition will make it real, and so Oplan Bayanihan aims to “win the peace.” It is, after all, called the Internal Peace and Security Plan or IPSP – called “Internal Security Plan” by past regimes.

Oplan Bayanihan (OpBay) aims to create a wave of public opinion that will render the enemy inconsequential, as the government wins over the rebels and their mass base and finally succeeds to change the image of the military. It’s about projecting the image of the AFP as “protectors of the people,” the CPP-NPA-NDF as “the enemies of the people” and the Aquino government as a state that “addresses the needs of the people.”

It’s an all-out public relations (PR) war, side-by-side the use of brute force.

## **PAMANA: Legacy of token projects**

Under the Office of the President, the Office on Presidential Assistance on Peace Process (OPAPP) is at the forefront of the counterinsurgency program.

The Aquino government poured in Php 1.8 billion into the Payapa at Masaganang Pamayanan (Peaceful and Resilient Communities) or PAMANA, purportedly “to reduce poverty and vulnerability in conflict-affected areas.” Its budget is handled by OPAPP, and is separate from the budget of government agencies tasked to deliver social and support services, although its implementation is coordinated with agencies and local government units (LGUs).

The OPPAP flaunts PAMANA as a “tool for peace,” as it “builds resilience amidst conflict.” The projects that it listed in its website, however, do not quite fit the bill.

PAMANA has three pillars. **Pillar 1** that “lays the foundation of peace” only responds to the relocation and housing of internally-displaced persons, or those who were already displaced by armed fighting. **Pillar 2** stays along the line of government dole-outs with its “conditional cash transfers (CCT), livelihood support and employment-generation” to “build resilient communities.”

For **Pillar 3**, which is supposed to be made up of projects for “economic development and asset reform at the sub-regional level,” funds released were for “rubber planting materials,” “repair of hanging footbridge,” “abaca production,” “repair” or “rehabilitation” of roads, grotto, construction of a market facility and similar token infrastructure projects. It funded “bayong-making” (making bags out of reeds) for Bicol youths, whom it identified as “high-risk sector for rebel recruitment.”

These are supposed support services which may well be provided by the local government unit (LGU), the Department of Public Works and Highways (DPWH), the Department of Agriculture or other local agencies, but are being presented as “addressing the root cause of the conflict.”

To identify the rural youth as a “high-risk sector” for NPA recruitment, and then to choose bayong-making as the appropriate project is to ignore the fact that the youth are being deprived of education, primarily because of the poverty of the family brought about by the feudal relations in agriculture, and secondarily because of the lack of basic services, such as public education.

In supposed support of the peace process, PAMANA listed the release of Php35 million, (USD813,953.48) to the Cordillera People’s Liberation Army (CPLA) for “one-time livelihood assistance package” to its members. The same goes for the Php 31 million (USD 720,000) released to the Revolutionary Proletarian Army-Alex Boncayao Brigade (RPA-ABB), to fund “community livelihood projects” in three “peace and development communities.”

The CPLA and the RPA-ABB exemplify the “success” that the Aquino government aims for in programs such as PAMANA. The two groups have long capitulated to the government and have been transformed into private armies of local politicians and appendages of the military used in combat operations against the NPA. Expectedly, the Aquino regime touted the “truce” (euphemism for surrender) with these groups which were sealed by the previous regimes, as “continuing the peace process.”

Although the PAMANA projects could marginally benefit people in terms of additional income and access to roads and similar infrastructure, the Aquino administration, just like that of GMA, still fails to address the more basic problems of landlessness among majority of the peasantry, backward agriculture and absence of industries, and the resulting growing unemployment.

It must be noted that there is no mention of land distribution, social justice, development of heavy industries to support agriculture and create stable employment – structural issues that the U.S.-Aquino regime claims it wishes to answer.

Whatever increase in income might well dissipate as the government has no plans to remove the VAT on oil products, basic goods and services, or to regulate the oil industry. It gives no heed that many government “development” projects even aggravate the situation as they displace communities, endanger the environment

and ruin the people’s livelihood in favor of foreign companies in mining, logging, bio-fuel plantation and the like. The U.S.-Aquino regime pays no heed to the hundreds of thousands of urban poor being driven out of their homes by local government to pave the way for private business or government centers.

The so-called “conflict-affected areas” in the country are where the people’s unrest are strong because of problems which, Aquino has no plans to solve. If they actually mean to improve the people’s lives, why are they doing it only in selected areas? Basic social services should be provided to every Filipino. But as PAMANA shows, government is “delivering” special projects only to woo the perceived rebel mass base, not to help resolve their poverty, but to change their “perception” of it.

PAMANA is like a carrot which the government dangles. It hopes to entice rebels and their mass base to surrender, but it cannot erase the reason to rebel.

### **Civil-Military Operations: The other face of a double-sided COIN**

#### *Enhancing OBL’s lies*

The AFP defines civil-military operations (CMO) as “planned activities undertaken independently or in coordination with civilian entities in support to the accomplishment of the AFP mission to gain popular support and weaken the will of the enemy to fight. CMO is a vital component of the triad characterized by activities that influences the beliefs, emotion, behaviors, attitudes and opinions of selected target audiences; it establishes and maintains good relations between military forces, civil authorities (both governmental and non-governmental) and the civilian populace to facilitate military operations in support to the accomplishment of the AFP’s mission.”<sup>1</sup>

Its three aspects are public relations, civil relations and psychological operations or psyops. All are meant to target the mind of the people and influence their actions in favor of the military and the state.

### **NADESCOM: the Dr. Jekyll side of the AFP**

At the forefront of implementing CMO is the National Development Support Command or NADESCOM,

<sup>1</sup> “Civil Military Operations OR Civil-Military Operations? What’s in a hyphen” By Maj. Ronald Jess S. Alcutia, Phil. Army, published in Army Journal, April-June 2007

which is one of the eight unified commands of the AFP. It was created in 2007 during GMA's Oplan Bantay Laya, supposedly in recognition of the military's "developmental role in internal security." NADESCOM operates nationwide, integrating engineering operations and CMO. It implements infrastructure and livelihood projects, disaster response, conducts medical and dental missions and literacy programs. (Source: [www.nadescom.com](http://www.nadescom.com))

NADESCOM implements "Bayanihan sa Barangay", a continuation of OBL's "Kalayaan sa Barangay" wherein CMO activities are conducted in targeted communities in coordination with other government line agencies. Private groups and civil society organizations are mobilized to contribute resources and funds, in line with Aquino's "public-private partnership" (PPP).

The AFP works closely with giant media networks in distributing relief goods, school supplies, slippers, etc. Targeted areas are those identified as NPA strongholds and influenced.

NADESCOM also implements the Poverty-Alleviation, Education and Community Empowerment or PEACE, in partnership with the Department of Education. The program claims to provide livelihood training, adult literacy, community organizing and "cultural preservation of indigenous people."

With NADESCOM projects, the AFP claims it is now less inclined to engage in a "shooting war" and is instead paying more attention to contribute to the community. Soldiers are projected as "peace builders" as they implement infrastructure projects that are "cheaper."

### Still another lie: "We bring services, not guns"

Aside from NADESCOM, there is also the CMO Battalion which is deployed in communities in the National Capitol Region (NCR), where mass media is more accessible and public opinion is stronger against human rights violations.

In the NCR and urban areas in Central Luzon and other regions, soldiers joined "Brigada Iskwela" (Department of Education's National School Maintenance Week) and helped in the clean-up drive in public schools in preparation for the opening of classes. They provided services such as free circumcision, free haircut and free meals.

Aside from these, the AFP also launched image-building events, packaging themselves as "human rights advocates," and parading their "advocacy" for the international humanitarian law (IHL). In August 2011, they held a "Run/Bike for International Humanitarian Law".

## PAMANA: The carrot end of OpBay

PAMANA is "the flagship program for peace and development" which is under the Office of the Presidential Adviser on the Peace Process (OPAPP). It has three pillars that are meant to "(1) lay the foundation of peace, (2) build resilient communities, and have (3) economic development and asset reform at the sub-regional level."

Budget and Management Secretary Florencio "Butch" Abad said that PAMANA is part of its two-track strategy to end the armed conflict. "One track is through the negotiating table, and the other is to implement targeted interventions to address the root cause and exacerbating factor of conflict: poverty," he said.

The program is supposed to "reduce poverty and vulnerability in conflict-affected areas" as it benefits 400,000 households in 3,500 villages, spread over 218 municipalities in 43 provinces in 2011.

For 2012, Malacanang proposed a budget of Php 1.9 billion for PAMANA.

The PAMANA website lists fundings for communities in Sorsogon, Northern Samar, Agusan del Sur, Surigao del Sur, Compostela Valley, North Cotabato, Zamboanga Sibugay, Sulu and Tawi-tawi.

Also targeted areas are in Cordillera, Quezon, Mindoro and Bicol in Luzon; Negros island and Samar in the Visayas; Caraga region, Compostela Valley, Central Mindanao, ARMM, Zamboanga, Basilan, Sulu, Tawi-tawi in Mindanao.

It will be observed that most of these areas were the priority areas targeted by GMA's Oplan Bantay Laya.

Source: [www.pamana.net](http://www.pamana.net)

Even the RP-U.S. Balikatan exercises include forms of CMO, tasked with specific programs labeled as the Engineering Civic Action Program (ENCAP), Medical Civic Action Program (MEDCAP), Dental Civic Action Program (DENCAP), Veterinary Civic Action Program (VETCAP) and Community Relations (ComRel). Activities under these programs are held as part of the joint exercises. This October, the Philippine Marines along with their American counterparts distributed notebooks and pens in Palawan. The joint CMO was to be part of the Amphibious Landing Exercises 2012.

This is not entirely new, since even during martial law and when there were still U.S. bases in the country, American troops conducted CMO. One case was when they distributed candies and old clothes from “the States,” after holding mock battles which destroyed the coconut trees and farms in a coastal area in Central Luzon.

Soldiers in CMO perform civilian roles, such as teachers, construction workers, barbers, health workers, community organizers, and even entertainers, supposedly delivering government programs to the people. Instead of employing civilians, soldiers are given these tasks to make it appear that the AFP is “responsive to the society’s needs,” to erase its image as human rights violators and gain the people’s trust.

Press and photo releases of CMO activities present unarmed, smiling soldiers looking snappy in army shirt and shorts, sweeping the road, painting school walls, distributing gifts or relief goods, reading to children. These are all in contrast to the reality in the countryside of grim, full-battle-gear soldiers coming down from the forests to assault civilians, force them to join the CAFGU or to confess their involvement in the NPA.

#### **AFP CMO school: molding counterinsurgency cadres**

To ensure proficiency in and obedience to its CMO doctrine, the AFP opened the CMO School in July 2006 under Arroyo’s OBL.

This was bigger than the Philippine Army CMO School which catered only to the Army. The AFP CMO school now covers all AFP services. The school is under the Civil Relations Services of the AFP.

The AFP CMO School has the vision “to produce and sustain a corps of CMO professionals capable of strengthening the soldier’s will to fight, gaining popular support and weakening the enemies’ will to resist.” It provides at least 13 kinds of trainings, lasting from four to 16 weeks, for both personnel and officers. These trainings include courses for psyops officers, public affairs officers and specialists, CMO officers, audio-visual production, news writing and newsletter production. Other trainings include combat photography, photo editing and a public speaking workshop for the IPSP Speakers Bureau. It also offers correspondence courses, which can be taken without the soldier leaving his unit.

#### **Multi-media as weapons in psyops**

As the AFP props up its image, it also uses propaganda to attack its enemies, which are not only the CPP-NPA-NDF, but also those in the open democratic movement. Various AFP and PNP units maintain programs in local radio and TV stations, where they attack not only the armed underground movement, but also local leaders and activists of cause-oriented organizations as well.

Aside from the public relations programs in government-owned media and paid airtime, the AFP and the PNP also had help from mainstream media networks for their image-building. A number of prime time telenovela (soap operas) featured soldiers and police men as the *bida* (protagonist), and NPA rebels as *kontrabida* (antagonist).

#### *Twisted lines*

Legitimate demands, mass actions and mobilizations by people’s organizations are denounced as “panggugulo at pag-iingay” (troublemaking and rabble-rousing). Criticisms of government policies and laws are “only made by those who are never pleased.” NPAs are “extortionists and terrorists.” Extrajudicial killings and enforced disappearances were part of the “internal purges of the communist movement,” because the victims committed “estafa and ran away with organizational funds.” Lately, military spokesmen are also citing “violations” of the Comprehensive Agreement on Human Rights and the International Humanitarian Law (CARHRIHL) by the NPA.

Regularly, the military also challenge Karapatan to “denounce” the “human rights violations” of the NPA knowing that it is beyond the HR alliance’s mandate based on the United Nation’s definition of human rights.

### *Psyops*

Pulong-pulong or village assemblies serve as venues for the military’s smear campaign against progressive groups. Under the pretext of advising residents to keep peace and order in the community, CMO soldiers warn them not to let “outsiders/strangers/bad elements” in. They identify these “outsiders” as organizers and members of Bayan Muna, Anakpawis, Anakbayan and other legitimate, cause-oriented groups which they brand as “front organizations” of the CPP-NPA-NDF. The soldiers would then proceed to show a fabricated “documentary” on the “evils” brought by these organizations. They ask residents to report to them any “sighting” of members of these groups.

In effect, they malign residents who are members of progressive groups, portraying them as engaged in “criminal activities” being “front organizations.” They try to isolate them and prevent them from reaching out to other villagers. This violates the people’s constitutional right to organize.

The military line that “this community is yours alone” actually holds to a narrow-minded thinking that people should “mind their own business.” It goes against the true collective spirit of bayanihan which exhorts people from different communities to join in an undertaking such as harvesting a crop, moving a house or confronting a landlord to lower the farm rent. The military line tells people to keep to themselves, instead of uniting with people within the community and from other communities. They are dissuaded from jointly acting on common problems such as landlessness, usury, high cost of farm inputs, threats of demolition or environmental destruction.

Following the AFP’s line, the problem is the progressive organizations and their way of thinking, not the actual problems that these organizations are working on to resolve.

## **Resilience amidst militarization**

From July to October, the 29<sup>th</sup> IB operated in the contiguous villages of Simowao, Emerald, Km. 9, Km. 14, Km. 16, Han-ayan, Mike, Kabulohan of Barangay Diatagon, Lianga and Magkahunao of Buhisan, San Agustin in Surigao del Sur province. The soldiers were CPDTs out to implement the government’s Community Organizing for Peace and Development (COPD) in the Lumad communities in the mineral-rich Andap Valley.

Soldiers who were stationed in Mahaba village, Marihatag town, went in and out of the forested areas, passing through the communities from July to September. But come mid-October, the soldiers acquired a resolution from the municipal council of Lianga and the barangay council of Diatagon that allowed them to stay in the area. In the early hours of October 20, the residents were awakened by the arrival of soldiers on board military vehicles. They walked on foot to the upper communities. They positioned themselves near or inside people’s houses, some under the house (silong) or the balcony. They especially chose the houses of tribal leaders.

After six days, army officers held a pulong-pulong (village meeting) where they presented their COPD plan. They said they would provide skills trainings from TESDA and development projects of the AFP. The army officers said the people will be given trainings in cooking, cosmetology and vulcanizing.

In response, the tribal leaders asserted the right of tribal communities to Free, Prior and Informed Consent (FPIC) under the Indigenous Peoples’ Rights Act (IPRA). Any project to be implemented should have prior approval of the tribal community. The leaders expressed opposition to the COPD, citing that they already have existing coordination with government agencies for the development of the communities, which are functions of the civilian authority and not the military.

The army officers replied that the village opposition was noted and will be brought to their superiors’ attention. After the meeting, the 29<sup>th</sup> IB soldiers conducted a community survey without explaining its objective and contents. Community members knew that this was in violation of their right to privacy, but because they were coerced by the soldiers, they hesitantly participated in the survey.

Several times, the people urged the soldiers to leave, but they were ignored.

On the ninth day since the soldiers arrived, 154 families started leaving their communities. They stayed at the Diatagon gymnasium that served as the evacuation center.

The Lumads were only able to return home after two dialogues with military officials facilitated by the provincial government. The tribal leaders insisted that the soldiers must leave their communities, to which the military was forced to accede during the dialogue.

As the PAMANA vision goes, the people have indeed developed resilience on their own, not because of the government’s “peace and development projects”, but in defense of their communities and environs, amidst military operations.

But in many cases, residents who were initially taken in by the military's psyops were eventually able to distinguish truth from lies, as a result of the persistent organizing efforts of the cause-oriented groups.

But the good Doctor Jekyll is not the sole personality of the AFP; it's the evil Mr. Hyde who is the one in control.

### Hand-in-hand with violence

When you refuse the carrot, you will get the stick. But in many cases, especially in the countryside, the stick always comes first.

In various villages in Bicol, Southern Mindanao and other regions, Community Peace and Development Teams or CPDTs summoned civilians and interrogated them on their alleged NPA connections.

Apparently, the CPDTs brought neither "peace" nor "development" to these communities. And apparently, the name has nothing to do with the intention. The CPDT was formerly the Special Operations Team (SOT) which was later renamed as Re-Engineered Special Operations Team (RSOT). The SOTs conducted Civil Military Operations and were supposed to "win the hearts and minds" of the people. But they were no different from the regular units as they commit human rights abuses.

CPDTs, as RSOTs did, claim to enter the villages "to deliver services to the community." From the experience of many a village, such line only serves as an excuse to maintain their armed presence in the communities and to cover-up their human rights violations.

In Mindanao and Bicol, where PAMANA funds are being poured in, Karapatan chapters had documented numerous human rights violations. The Bicol region actually registered the highest number of victims of extrajudicial killings under OpBay.

In Compostela Valley province, PAMANA listed at least five projects worth Php 15 million in 11 municipalities, including Pantukan. This year, two killings were documented in Napnapan village in Pantukan: that



Sunshine Jabinez (L) was shot and killed by a drunken soldier. Rights advocates (R) call for the immediate pull-out of army troops from Pantukan, Compostela Valley. Photo by Kabiba Alliance for Children's Concerns, Inc

of seven-year-old Sunshine Jabinez who was killed by a stray bullet fired by a drunken soldier of the 71<sup>st</sup> IB, and that of Santos Manrique, leader of small-scale miners who opposed big mining companies. Manrique was shot dead in front of his house by suspected state security agents.

Soldiers of the 25<sup>th</sup> IB also committed dozens of cases of threat, harassment and intimidation against members and leaders of progressive organizations in Monkayo.

In Surigao del Sur, where there are nine projects worth Php 17 million in six municipalities (San Miguel, Marihatag, Lianga, Cagwait, San Agustin, Bayabas), Lumad communities were forced to evacuate to seek safety from the military operations and forcible recruitment into paramilitary units.

Side by side its all-out PR war is the U.S.-Aquino regime's all-out use of force, as shown by the relentless rise in human rights violations. In the end, "winning the peace" still means waging a war against the people. It is about perpetuating, definitely not changing, the system which causes people's unrest and armed revolution.

# THE AFP'S "BAYANIHAN": THE U.S.-AQUINO REGIME'S WAR AGAINST THE FILIPINO PEOPLE

**The U.S.-Aquino regime is in deep trouble. The world economy is in the red following the failure of so-called "globalization" policies. The Philippines, under President Benigno Aquino III, could only cough up a few remaining public projects to privatize, open up the country's dwindling resources for further exploitation, while placating some two million poor families with conditional cash transfers and discount coupons in a nation where the population has ballooned close to 100 million, a greater majority in bare subsistence.**

The Aquino government and the Armed Forces of the Philippines (AFP) could only muster what past U.S. client regimes had done in the past -- wage war against its own people.

The U.S. wants world supremacy. It came up with its Joint Vision 2020 for joint security forces and a "new" paradigm for so-called COIN (Counter-Insurgency) operations using a "people-centered" and "whole-of-nation" approach in military strategy.

The mercenary AFP was quick to ape its American benefactor. It came up with its own Internal Peace and Security Plan (IPSP) "BAYANIHAN" -- using a unique Filipino cultural tradition in mutual cooperation (Bayanihan) as a convenient cover for its inhuman atrocities.

## Nothing new

Since the imposition of martial law by the U.S.-supported fascist dictator Marcos, various Operational Battle Plans (Oplan's) had been used against the Filipino people -- Oplan Katatagan (1982), Lambat-Bitag (1987), Lambat Bitag I-IV (1992), Makabayan (1998), and Balangai (2000).

One of the bloodiest, Oplan Bantay Laya I-II under former president Gloria Macapagal-Arroyo, tried to finish the insurgency by 2010. It failed, leaving some 1,206 killed, more than 200 missing, more than 300 imprisoned, entire communities bombarded and even legal activists and human rights defenders victimized.

There is nothing new in Pres. Aquino's Oplan Bayanihan (2011-2016). It purports to serve Aquino's four-point agenda in security: good government, delivery of basic services, economic development, and security sector reforms. But its real intent is to crush the armed and unarmed resistance of the people including that of the Moro people's struggle while perpetuating an old semi-feudal and neocolonial rule. Aquino's electoral legitimacy, from the support of the U.S., big media and corporations, and automated elections, is just a sheer veneer to hide the anti-people agenda of the U.S. in the local security plan.

In the meetings of the Joint Defense Agreement in 1999-2003, the Philippine Defense Reform Program (PDR) and the AFP Capability Upgrade Program (CUP), an 18-year plan (2006-2024) for the acquisition of equipment and military management, were developed. Some \$520-M in security assistance was given by the U.S. to the Philippines (2002-09), with more than half in Foreign Military Financing from the Pentagon. An additional \$135-M was extended in 2010. The Aquino government, meanwhile, gained a previously arranged \$434 million Millennium Challenge Account aid from the U.S.

U.S. troops had been stationing as part of the Joint Special Operations Task Force - Philippines (JSOTF-P) especially in Mindanao. Under a Visiting Forces Agreement (VFA), U.S. warships had been anchoring and

docking into Philippine civilian ports, such as Manila Bay, and including the nuclear-powered USS Carl Vinson fresh from its operations in killing Osama bin Laden and disposing of his body at sea. Aquino himself welcomed the floating hearse.

### Striking at depressed communities

In the Philippines, killing unarmed civilians by the military and state security forces had become the norm. It was so when unarmed farm workers were openly fired upon by soldiers at the Aquino's family-owned sugar mill and plantation Hacienda Luisita in Tarlac in 2004. Today, the "red area clearing operations" once led by "The Butcher" retired Maj. Gen. Jovito Palparan in Central Luzon during Oplan Bantay Laya I-II is being used as a "model" in Oplan Bayanihan.

Pres. Aquino has virtually closed down the peace talks as he failed to include such fundamental demands as land reform and national industrial development in his policies and programs. Instead, farmers and workers are rendered landless and jobless, living in inhuman conditions, and terrorized by state security forces and their political lords.

Entire communities in the rural areas are subjected to military operations, threats, intimidation, harassment, and outright combat operations. Soldiers encamp in civilian facilities like schools, health centers and village halls. Even minors are forcibly recruited into paramilitary forces. So-called "peace and security operations" or "peace and development" civil-military operations (CMO's) scour village upon village.

Oplan Bayanihan is using a refurbished "triad operations" of (1) intelligence, (2) combat and (3) so-called civil-military operations. Even local government units and civilian non-governmental organizations (NGO's) are being used under the pretext of a "whole-of-nation" and "people-centered" approach. It is nothing but "population control" and psychological operations (psy-ops) espoused by the new U.S. counter-insurgency guide.

Apart from rural communities, urban areas including slum dwellers are likewise being "cleared". Others are just burned and razed to the ground, leaving thousands of families homeless.

With oil prices rising since the Middle East turmoil flared up early this year, consumers and workers are protesting high prices of food and other basic expenses. Legal offensives against legal activists are being continued. This is despite the dissolution of the Inter-Agency Legal Assistance Group (IALAG) recommended by then UN Human Rights Special Rapporteur Philip Alston. Illegal arrests, detention and torture are practiced even as Oplan Bayanihan speaks of "human rights" in their new handbook. In fact, a video on YouTube even showed how army recruits are exposed to torture by their military trainers.

### The people will prevail

The victims of human rights abuses under the AFP's military battle plans are gaining enough courage to file legal counter-charges against the perpetrators. As the new Oplan Bayanihan racks up more victims of human rights, the just resistance of the people gains more and more adherents, becomes more widespread, and levels-up to more intense struggles. Human rights defenders are building up their capacities, teaching the people themselves to assert their own economic, social, cultural, civil and political rights.

The dictator Marcos failed to "nip in the bud" a growing people's resistance. Today, Aquino faces a full-blown national dilemma – he, gradually being politically isolated while entering his second year in office, the AFP continuously being exposed for its rottenness, corruption and parasitism, various political factions rivaling each other including those within Malacanang Palace itself, and a people he just could not "drown in milk" as Roosevelt once advocated for his New Deal after the Great Depression.

With a Greater Depression, the domestic crisis could not be solved by the AFP's Bayanihan. In the final analysis, the people will prevail over the hardships and sacrifices from this life and death struggle, justice will be met and peace finally achieved for generations to come.###

# OPLAN BAYANIHAN AND THE PEACE PROCESS

**The formal peace talks between the GPH and the NDFP resumed last February in Oslo, Norway. It ended with a positive note from both sides.**

Prior to the February 2011 formal talks, there was an exploratory meeting in January, also in Oslo. Both parties agreed to resume the formal talks after it hit a seven-year impasse under the U.S.-Arroyo regime.

Among the items agreed upon are: ceasefire is not a precondition; and the discussion of the substantive agenda will be in accordance with the Joint Agreement on the Formation, Sequence and Operationalization of the Reciprocal Working Committees. Specifically, both parties agreed that the agenda on the Social and Economic Reforms (SER) will be tackled first as done during the Arroyo regime. It will not be discussed simultaneously with the DDR (disarmament, demobilization, reintegration or rehabilitation). The GPH also recognized that the JASIG was in effect. It was unilaterally suspended by GMA in 2005, an outright violation of the agreement.

At the end of the February talks, the Joint statement said: “The two Panels expressed satisfaction over the achievements of the first round of formal talks. They also expressed their determination to make progress in

forging agreements on the remaining items of the substantive agenda on social and economic reforms, political and constitutional reforms and end of hostilities and disposition of forces.”

The GPH and NDFP panels agreed to hold the second round of peace talks in June. But to date, the formal talks have yet to happen.

## JASIG and the Political prisoners

Atty. Alex Padilla, Chairperson of the GPH Peace Panel, affirmed during the exploratory talks in January, in the presence of Norwegian (RNG) facilitators, that “the GPH panel agrees that the political prisoners must all be released.” Luis Jalandoni, Chairperson of the NDFP Negotiating Panel, mentioned in a statement that both panels at the end of the February talks, “agreed that all or most of the 17 NDFP Consultants detained by the GRP/GPH in violation of the JASIG must be released.”

Months passed, however, but nothing much happened to fulfill the GPH commitment to free political prisoners. Of the 17 identified NDFP consultants, four were released because the Courts dismissed the cases lodged against them for lack of sufficient evidence, not as a result of the peace negotiations.



February 2011 formal peace talks between the GPH and NDFP. Photo by Martha Atienza

Worse, the GPH thru its head negotiator Atty. Alex Padilla unilaterally declared the JASIG inoperative in August. The GPH invoked technical issues on the validation of the identities of JASIG-protected persons.

Peace advocates and people's organizations continue to call on the P-Noy government to create an atmosphere conducive to the resumption of talks rather than setting up stumbling blocks.

### Disregard for previously-signed agreements

In the February formal talks, the GPH questioned The Hague Joint Declaration and called it a document of "perpetual division." The Hague Joint Declaration, signed between the GPH and the NDFP in 1992, serves as the framework agreement. It recognizes national sovereignty, democracy and social justice as mutually acceptable principles that shall guide both parties.

It specifies the substantive agenda of the talks: human rights and international humanitarian law, socio-economic reforms, political and constitutional reforms and end of hostilities and disposition of forces. It states that "neither Party may impose its own constitution" and that "capitulation may not be demanded." For the first time since it was signed in 1992, the GPH, through its Padilla-headed panel, questioned and cast aspersion on The Hague Joint Declaration. It tries to renege on its obligation to honor previously signed agreements.

### Oplan Bayanihan's "winning the peace"

Noynoy Aquino's Oplan Bayanihan stands in the way of peace negotiations contrary to its claim of "winning the peace." The AFP admits that the ultimate goal of the new counterinsurgency program is to render the NPA inutile and the armed struggle, futile. Thus, combat operations remains at the core of OpBay hidden behind its so-called peace and development thrust.

The GPH resorts to name calling, false accusations and other deceptive statements to ensure that the blame for the delay and impasse in the negotiations lays on the NDFP. Meanwhile, its military and police continue to attack leaders of people's organizations and communi-



Photo courtesy of Arkibong Bayan ([www.arkibongbayan.org](http://www.arkibongbayan.org))

ties, activists and ordinary folk in areas suspected as NPA stronghold.

### Impasse

Last November 22, GPH panel member Ednar Dayanghirang said the talks between the GPH and the NDFP was "back to zero." Once more he cited the issue of the release of political prisoners as among the reasons for the long delay in the resumption of formal talks.

Human rights violations continue under Oplan Bayanihan. The number of HRV victims under the Noynoy Aquino government continues to rise, added to which are the still unresolved cases from GMA's rule. It is in the best interest of the oppressed Filipino people that the peace talks resume immediately.

The talks should seriously and finally tackle the issue of land reform, national industrialization and other socio-economic issues that are vital to the improvement of the life of the majority of the Filipino people. Afterwards, the negotiations can proceed to the next substantive agenda. All efforts should be geared towards resolving the issues that have caused the impasse.

The following is a reprint of an article, "Remedies to Obstacles in the GPH-NDFP Peace Negotiations," written by Prof. Jose Ma. Sison, NDFP chief political consultant.

# REMEDIES TO OBSTACLES OR PROBLEMS IN THE GPH-NDFP PEACE NEGOTIATIONS

Brief Presentation to Press Conference  
Utrecht, The Netherlands, 14 November 2011

By Prof. Jose Maria Sison, Chief Political Consultant  
NDFP Negotiating Panel

**Let me state to you the remedies that have been used or can be used to overcome or solve 10 major obstacles or problems in the GPH-NDFP peace negotiations.**

**Let me refer quickly to every obstacle or problem and then state the remedy.**

1. *Problem of diametrically opposite positions in a civil war*

**Remedy:** The Hague Joint Declaration (THJD) makes it possible for the warring parties, GPH and NDFP, to become negotiating parties. It declares that they are guided by mutually acceptable principles of national sovereignty, democracy and social justice and that there shall be no precondition whatsoever to negate the inherent character and purpose of peace negotiations. Both sides keep their respective political integrity in addressing the roots of the armed conflict by negotiating and agreeing on basic social, economic and political reforms.

2. *Problem of safety and immunity guarantees*

**Remedy:** The Joint Agreement on Safety and Immunity Guarantees (JASIG) provides the guarantees for both sides. Safety and immunity guarantees are necessary for the negotiators, consultants, staff and other personnel in the peace negotiations. Safety of such persons, documents and other things is necessary before, during and after the peace negotiations. Immunity ensures that they do not become criminally liable for what they utter or do in connection with the peace negotiations.

3. *Problem of venue in view of previous bad experience in the 1986 ceasefire talks*

**Remedy:** The JASIG has stipulated foreign neutral venue, with facilitation of foreign governments. During

the ceasefire talks and ceasefire agreement in 1986 and early 1987, the NDFP personnel and allies were put under surveillance by enemy intelligence. Afterwards, a number of them were arrested, tortured and killed. Peace negotiations in a foreign venue do not require mobilization of large security forces by the negotiating parties. They are secure and economical for both sides.

4. *Problem of orderly meetings and consultations*

**Remedy:** Ground Rules regarding these have been agreed upon. To mention some of the rules, the chairpersons are responsible for the conduct of their respective panels and consultants and they co-preside the formal meetings. The chairpersons of the panels, teams or representatives thereof can engage in informal meetings and consultations to facilitate the formal meetings. The third party facilitator is in charge of hosting and providing necessities for the talks and can attend the formal meetings.

5. *Problem of having substantive agenda towards a just and lasting peace*

**Remedy:** THJD requires addressing the roots of the armed conflict by negotiating and forging agreements on basic social, economic and political reforms and sets forth the substantive agenda: Respect for Human Rights and International Humanitarian Law (already done); Social and Economic Reforms; Political and Constitutional Reforms; and End of Hostilities and Disposition of Forces. There is the Joint Agreement on the Formation, Sequence and Operationalization of the Reciprocal Working Committees for making the tentative agreements before finalization by the negotiating panels. After a comprehensive agreement is approved by the panels, it is submitted to their respective principals for approval.

### 6. *Problem of legal and judicial framework*

**Remedy:** The CARHRIHL has used as main frame of reference the international conventions on human rights and international humanitarian law and the negotiating panels adhere to their respective constitutions. The prospective CASER avails of international conventions and the negotiating panels adhere to their respective constitutions. The prospective CAPCR will be guided by international law and will seek to make a new constitution on the basis of the constitutions of the GPH and NDFP and create new political mechanisms. The prospective EHDF will also be guided by international law and by a new constitution agreed upon by the GPH and NDFP.

### 7. *Problem of violations of JASIG and CARHRIHL*

**Remedy:** The NDFP has constantly demanded that justice be rendered to the JASIG-protected negotiating personnel who have been subjected to imprisonment, torture and extrajudicial killings. The refusal of GPH to heed the demand for justice and the immediate release of the JASIG protected prisoners can be a just ground for the NDFP to withdraw from the peace negotiations but still the NDFP continues to demand and wait for the GPH to comply with JASIG. Like the entire people and the human rights, peace and religious organizations, the NDFP is demanding the release of more than 350 political prisoners who have been tortured and imprisoned on trumped up charges of common crimes in violation of CARHRIHL, particularly the Hernandez political offense doctrine. The Aquino regime condones the human rights violations perpetrated under the Arroyo regime and is perpetrating its own. The NDFP has the just ground to withdraw from the peace negotiations because the Aquino regime does not comply with the JASIG and CARHRIHL.

### 8. *Problem of demagogic demands for ceasefire to draw attention away from the roots of the armed conflict*

**Remedy:** NDFP has offered truce and alliance on the basis of a general declaration of common intent in the spirit of encouraging and accelerating the peace negotiations. Such offer is intended by the NDFP to counter the frequent demagogic demand of the GPH which obfuscates the need for addressing the roots of the armed conflict and tries to push the NDFP towards

a position of surrender and pacification. But if the GPH seriously takes the offer, then there can be an immediate truce and alliance in general terms that will certainly encourage and accelerate the forging of the three remaining comprehensive agreements on SER, PCR and EHDF.

### 9. *Problem of GPH undermining and seeking to nullify the THJD, the JASIG and even the CARHRIHL*

**Remedy:** NDFP simply has to uphold the existing joint agreements in opposition to the efforts of the GPH to undermine and nullify them. The peace negotiations will not move forward or will even be terminated if the GPH does not remove the clique of clerico-fascists, military hawks and crooks that are in control of the Office of the Presidential Adviser on the Peace Process. Such clique is most responsible for the efforts to cast away the THJD on the false argument that it is a document of perpetual division, that the JASIG does not involve obligations but is only a matter of discretion for the GPH and that the CARHRIHL is not binding and effective, despite the approval of the principals. The current OPAPP has become notorious for attacking existing agreements with the NDFP or with the MILF. It is preoccupying itself with racketeering activities in connivance with certain paramilitary groups like the CPLA and the RPA-ABB which are misrepresented as rebel groups.

### 10. *Problem of the Oplan Bayanihan, including U.S. intervention and interference in the peace negotiations.*

**Remedy:** NDFP exposes the US-designed Oplan Bayanihan as a military campaign plan masquerading as a peace and development campaign. We call on all peace-loving people to demand that the GPH, particularly the Aquino regime, engage in serious peace negotiations and build a just and lasting peace with the NDFP on the agreements already made. According to Oplan Bayanihan, the peace negotiations are merely a fig leaf on the naked brute force of the state. The GPH is supposed to use sham peace negotiations if only to reinforce the psywar misrepresentation of the military campaign of suppression as peace and development operations. The NDFP advises the GPH to engage in serious peace negotiations because the revolutionary forces are ready to frustrate the GPH strategy of deception and violence.

# RIGHT FROM WRONGS: FIGHT TO END IMPUNITY

**On April 4, 2011, applause rang out at the Quezon City hall grounds, and it was echoed throughout the nation. Six former political prisoners who were among the “Morong 43” were the first to file a civil case and damage suit against Gloria Macapagal-Arroyo. It did what the P-Noy government failed to do for gross violations of human rights (HRVs).**

It signaled the filing of more cases by HRV victims against Arroyo and her top military and police officers. It shows how resolute the victims, their families and cause-oriented organizations are in seeking justice for the victims and retribution for the perpetrators.

## **Morong 43: free and fighting**

“We have decided to file for moral and exemplary damages against former president Gloria Macapagal-Arroyo and her security officials for violation of our rights. This is but a small step to end impunity in our country. Yet, this a move forward in our long march for justice,” said the Morong 43.

On April 4, 2011, nurse Gary Liberal, Dr. Alex Montes, Dr. Merry Mia-Clamor, midwife Maria Teresa Quinawayan, health workers Mercy De Castro and Rey Macabenta – six of those collectively known as Morong 43 – filed a 15 million-peso damage suit against GMA and the military officers who were involved in their case. The six were among the 43 health professionals and workers illegally arrested and detained on false charges of illegal possession of firearms and explosives on February 6, 2010 while attending a health-medical training in Morong, Rizal. While in detention some suffered physical abuse in the hands of their military captors. All underwent psychological torture.

Thirty-six out of the 43 health workers detained in Camp Bagong Diwa were released in December 2010 after Pres. Aquino ordered the withdrawal of charges against them for insufficient evidence and pushed by the clamor, both at the national and international levels, for their immediate release. Two are still detained in jail facilities in Mindoro, while five are still under military custody and are reportedly being used by the military for intelligence operations.

Along with GMA, sued for damages under Article 27, 32 and 33 of the Civil Code are former National Security adviser Norberto Gonzales, former Chiefs of Staff Gen. Victor Ibrado and Gen. Delfin Bangit, who is also a former commander of the 2<sup>nd</sup> Infantry Division (ID), Gen. Jorge Segovia, former commander of the 2<sup>nd</sup> ID Philippine Army, Lt. Col. Victorino Zaragoza, 2<sup>nd</sup> IDPA Maj. Manuel Tabion, commander of the 202<sup>nd</sup> Infantry Battalion (IB) Col. Aurelio Baladad, 16<sup>th</sup> IBPA commander Lt. Col. Jaime Abawag, Commanding Officer of the Rizal Provincial Public Safety Management Company P/Supt. Marion Balolong, and Chief of the Intelligence Branch of the Rizal Provincial Police Office P/Supt. Allan Nubleza.

At least five causes of action are being sought by the health workers against the former president and her officials involved in the case. These include damages for torture, damages for the violation of their constitutional and statutory rights, including their right against arbitrary and illegal detention, right against self-incrimination and right to counsel, divestment of personal belongings, Arroyo’s neglect of duty and moral damages. GMA’s neglect of duty to stop the suffering of the plaintiffs at the hands of her subordinates has caused unwarranted injuries and losses to the plaintiffs and

Mrs. Arroyo is held liable under Article 27 of the Civil Code of the Philippines. At least P2.5 million worth of damages is sought for each victim.

The petitioners also filed a writ of preliminary attachment against the property of the respondents, for compelling reasons for their possible evasion from accountability. It is still pending resolution.

In September, five months after the case was filed, petitioners' counsel filed a motion to resolve the petition before the Regional Trial Court. Still no word from the Court.

A second motion to resolve was filed on November 28 by the six petitioners. The second motion is significant in the light of the recent attempt of GMA to leave the country and escape accountability from the charges filed against her. The petition for the writ of preliminary injunction is now pending resolution.

#### Fearless mothers and witnesses

On May 4, 2011, a month after the Morong 43's filing, Connie Empeño and Linda Cadapan, mothers of the two missing UP activists Karen and Sherlyn, filed a criminal complaint before the Department of Justice (DOJ). They were undaunted by the military's continuous harassment and intimidation of witnesses.

In a joint complaint-affidavit, petitioners named Ret. M/Gen Jovito Palparan Jr., officers and personnel of the 56th Infantry Battalion namely Lt. Col. Rogelio Boac, Lt. Col. Felipe Anotado, 2Lt. Francis Mirabelle Samson, Arnel Enriquez, M/Sgt. Donald Caigas, M/Sgt. Rizal Hilario, "Mickey Doe," "Donald Doe" and "Billy Doe" and several other "John Does" plus three "Jane Does" as respondents.

They are charged with rape, serious physical injuries, arbitrary detention, maltreatment of prisoners, grave threats, grave coercion, and violation of Republic Act 7438 (an act defining certain rights of persons arrested, detained or under custodial investigation).

Cited also are violations of the provisions of international human rights instruments such as the United Nations International Covenant on Civil and Political Rights (ICCPR) and the Convention Against



"Morong 43" file counter-charges for their illegal detention and torture (top). Mothers of Karen Empeño and Sherlyn Cadapan continue their search for justice (bottom)

#### Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

On June 20, 2011, the Supreme Court issued its decision on the petition on the writ of amparo for the two missing activists, ordering military officials to surface Karen and Sherlyn and holding respondents retired Major Gen. Jovito Palparan, Lt. Col. Felipe Anotado, Lt. Francis Mirabelle Samson, Lt. Col. Rogelio Boac, Arnel Enriquez and Donald Caigas, to "answer for any responsibilities and/or accountabilities they may have incurred during their incumbencies."

Mary Guy Portajada, secretary general of Desaparecidos, said the SC decision should bolster the criminal cases against Palparan et al. However, "Our only disappointment in this decision is that the persons who were in higher office, such as former President Gloria

Macapagal Arroyo, Gen. Hermogenes Esperon, Avelino Razon and Gen. Romeo Tolentino, were not included in the list of those accountable for their disappearance," Portajada lamented.

The DOJ conducted nine hearings during the preliminary investigation. On September 23, 2011, the investigating panel led a clarificatory hearing, the last in the series of hearings, to allow both parties to submit their respective questions directed to the witnesses but coursed through the panel.

Palparan, also known as the "Butcher," admitted before the panel that he visited camps and gave direct orders to some of his co-respondents during "critical" situations. He also confirmed that there were safe houses maintained by the 7<sup>th</sup> ID in Nueva Ecija.

Raymond Manalo stayed in one during his arbitrary detention. He personally met Karen and Sherlyn during his captivity in Camp Tecson. He bravely recounted in court his ordeal in the hands of the military. He positively identified Palparan as the person behind his and the two students' abduction. The testimonies of other witnesses such as those of Oscar Leuterio, Wilfredo Ramos and Alberto Ramirez corroborated Manalo's testimony.

Also in one of the hearings, Atty. Edre Olalia, counsel of the complainants and Secretary General of the NUPL, manifested that one of the witnesses, Wilfredo Ramos, was visited by soldiers stationed in his barangay. The soldiers tried to persuade him to recant his earlier statements and to stand as a witness in favor of Gen. Palparan and the other defendants in exchange for certain "benefits."

The outrage and cry for justice of the families of the missing UP students, as well as the relatives and victims of other human rights violations, could be felt in the halls of the DOJ. After the clarificatory hearing, Mrs. Linda Cadapan, mother of Sherlyn shouted to Palparan "*Sinungaling ka! Ibalik mo ang anak ko!*" (Liar! Bring back my daughter!). The crowd at the hearing, with some holding Palparan's photograph, chanted "Jail Palparan!"

During all the hearings, mass actions were held outside the DOJ. Human rights and victims' groups gathered

to demand the immediate prosecution and arrest of Palparan. An image of Palparan was placed inside a makeshift cell to depict their call that the accused be put immediately in jail.

The mothers of Sherlyn and Karen applied for a request to the Department of Justice to put Palparan and the rest of the respondents on the watchlist. It was granted and was in effect only up to early November. An application for an extension was, however, denied by the DOJ pending resolution of the Supreme Court decision on GMA's petition regarding the constitutionality of putting her on the watchlist.

On November 29, the mothers of Sherlyn and Karen submitted to DOJ Sec. Leila De Lima a request for a second extension of the watchlist order on Gen. Palparan et al. The mothers stressed the compelling need for the DOJ to immediately file the appropriate case against Palparan and his cohorts lest he copy GMA's attempt to leave the country and escape accountability. The resolution of the preliminary investigation is still pending before the DOJ.

### **Church people cry out for justice**

The United Church of Christ in the Philippines (UCCP), alongside the relatives of their slain or tortured members, filed a PhP6-million damage suit against Gloria Arroyo on June 17, 2011 at the Quezon City RTC.

The UCCP said that as president, Arroyo exercised "ultimate control and command responsibility" over the killings, torture, illegal detention and constant harassment of the UCCP leaders and members.

"As the United Church of Christ in the Philippines, we take action against the relentless persecution and brutalization of the Church, especially being labeled as "ENEMY OF THE STATE" through various counterinsurgency operation plans of the military establishment. This false and malicious tagging has unjustly made UCCP members targets to be "neutralized" in the name of so-called national security," asserted the UCCP, in a statement.

Representing UCCP as its General Secretary, Bishop Reuel Norman Marigza joined torture survivor and

political detainee Pastor Berlin Guerrero and relatives of UCCP martyrs Joel Baclao, Noel Capulong, Pastors Edison Lapuz, Raul Domingo and Andy Pawican as complainants in the civil case.

“Not only has then President and Commander-in Chief of the Armed Forces of the Philippines Gloria Macapagal-Arroyo never been prosecuted for the staggering number of extra-judicial killings and human rights violations under her command, but neither have any of the actual military perpetrators been brought to justice. We seek justice for the surviving families of UCCP-ordained ministers, pastors, lay leaders and members who had been liquidated through extra-judicial killing as well as those who had been ambushed and wounded, harassed, tortured and illegally detained with impunity,” Marigza said.

There are at least 18 other slain pastors and members of the UCCP under the GMA regime. All are unresolved cases.

### Reviving cases against Palparan

*“Kahit gaano katagal, hindi kami susuko. Ang mahalaga mabigyan ng katarungan ang nangyari sa amin. Nananawagan kami sa bagong Ombudsman na si Conchita Carpio-Morales na umaksyon sa mga nakabinbing reklamo at bigyang-katarungan ang mga biktima ng paglabag sa karapatang pantao.”* (However long this takes, we will never give up. What is important is we get justice for what was done to us. We urge newly-appointed Ombudsman Conchita Carpio-Morales to act on the pending cases and to bring justice to the victims of human rights violations.)

These were the words of farmer Raymond Manalo, a survivor of torture and enforced disappearance, who, together with former security guard Oscar Leuterio and their lawyers, filed a motion to resolve the administrative and criminal charges they filed against their captors in September 2008 and on November 16, 2006 respectively, with the office of former Ombudsman Merceditas Gutierrez.



Manalo and Leuterio stand as key witnesses to the abduction and disappearances of UP students Karen Empeño and Sherlyn Cadapan and farmer Manuel Merino. In 2007, they testified before the Court of Appeals that they saw Karen and Sherlyn inside a military camp. The two students, like themselves, suffered severe torture in the hands of soldiers then under retired Maj. Gen. Jovito Palparan Jr.

Together with counsels from the National Union of People’s Lawyers, human rights alliance Karapatan, organization of victims of human rights violations Hustisya and Desaparecidos, Manalo and Leuterio filed respective motions to resolve the charges they filed against retired AFP officers Lt. Gen. Hermogenes Esperon, Maj. Gen. Jovito Palparan Jr., Maj. Gen. Juanito Gomez and other officials and personnel of the 24<sup>th</sup> Infantry Battalion of the Philippine Army and members of the Citizen’s Armed Forces Geographical Unit (CAFGU).

The respondents were accused of kidnapping, arbitrary detention, physical injuries, maltreatment of prisoners, threats, involuntary servitude, torture, gross misconduct, grave abuse of authority, among others. The Ombudsman, however, is yet to lift a finger to resolve the case. Six months after the much criticized Gutierrez resigned, nothing has changed.

### SC to AFP: “Surface Jonas”

Justice remains elusive four years after the disappearance of Jonas Burgos. Searches in military camps to petitions to the highest Court, failed to surface Jonas. But Edita Burgos, mother of Jonas, is not losing hope. Jonas was abducted by suspected military agents on April 28, 2007 at a mall in Quezon City.

On July 5, 2011, the Supreme Court in an en banc resolution directed the AFP to produce Jonas, upholding a report by the Commission on Human Rights which identified an officer of the 56<sup>th</sup> Infantry Battalion as one of his abductors. The high court also issued a writ of habeas corpus and ordered the Court of Appeals to

revive the habeas corpus case filed by Mrs. Burgos against the military.

On June 9, 2011, Mrs. Burgos filed charges of arbitrary detention and obstruction of justice against then Army 1st lieutenant and now Maj. Harry Baliaga Jr, Lt. Co. Melquiades Feliciano, former commander of the 56<sup>th</sup> Infantry Battalion of the Philippine Army (IBPA); Col. Eduardo Ano of the Intelligence Service Group of the Philippine Army and several Jane and John Does. Baliaga should be added to the respondents to the habeas corpus case at the CA, the Supreme Court said.



Mrs. Burgos also lodged obstruction of justice charges against former AFP chief of staff Hermogenes Esperon, retired Army general Romeo Tolentino, former Army commander and later AFP chief of staff Alexander Yano, and former Philippine National Police chief Director General Avelino Razon. The high-ranking officials gave false testimonies before the Court of Appeals to conceal the military's involvement in the abduction.

Mrs. Burgos said that the ball is now in Aquino's court. Whatever happens, she stressed that they will do everything possible to attain justice for Jonas and all other victims of enforced disappearance. "Tuloy-tuloy lang, tuloy-tuloy lang (We'll just keep on going)," she pledged.

### Long and arduous road to justice

Like Mrs. Burgos, people's lawyers have no illusion that the countersuits will immediately surface the victims or put the perpetrators in jail. Still, Olalia has "guarded optimism" because he knows that the battle is not limited to the legal tactics within the courtroom.

"Sa lahat naman ng laban na legal o korte, ang susi palagi ay ang sama-samang pagkilos at pagkakaisa ng mga biktima, kamag-anak, masa at ng mga organisadong pwersa na walang patid na nakikibaka para baguhin ang lipunan at makamit sa kalaunan ang tunay na katarungan (In all struggles, whether on the streets or in the courtroom, the key is the people's

movement and the united efforts of the victims, relatives, the masses and the organized forces who are continuously fighting to change society and eventually achieve justice)," he said.

A number of fabricated charges against political detainees have been dismissed and they were released after months and years of imprisonment. There were also cases filed with the

United Nations Human Rights Committee which got favorable rulings for the victims and which rebuked the Philippine government.

Human rights defenders and people's lawyers share rich experience in conducting legal battles in court. They are, however, just part of mass campaigns conducted by victims, their kin, human rights defenders and the people's movement that help raise public awareness, encourage public opinion and garner some gains, no matter how seemingly elusive justice is.

Very few perpetrators have actually been punished, Olalia pointed out. "This is the bitter lesson in our history and experience: that the existing condition and institutions are not favorable towards punishing the perpetrators of human rights violations, especially those who hold political power."

"The victims must link their personal experience with those of other victims and victims-to-be of human rights violations. HRVs will continue unabated unless we are able to – in spite of new and bigger obstacles – prosecute and punish perpetrators. There should be concrete example of our resolve not to let them get away with murder. The fight against impunity is not just putting a stop to human rights violations. It is a long struggle to eliminate the condition and factors which engender violations with impunity of individual and collective rights in our society," he asserted.

### Fight back to end impunity

It was in the spirit of collective efforts such as the

countersuits, protest actions and mass campaigns that the **End Impunity Alliance** was formed.

The first convenors' meeting of the alliance was held at the University of Sto. Tomas on June 9, 2011, with 35 individuals who resolved to exert utmost efforts to put an end to the prevailing climate of impunity.

On August 18, 2011, more than 300 civil libertarians, victims of human rights violations and their families, human rights defenders, church people, lawyers and law students, media and the academe, progressive legislators and government functionaries gathered in Manila to launch the End Impunity Alliance.

The alliance aims to educate the general public on the need to end impunity; to coordinate national and international efforts to end impunity; to increase public awareness on the current human rights situation in the Philippines and highlight the call to stop political killings and other human rights violations; and to gather and coordinate political, moral, legal and material support and initiatives for the victims and their families in their quest for justice.

"Pres. Gloria Macapagal Arroyo should answer the many questions regarding her accountability not only for the massive corruption and fraud under her previous administration, but also on her responsibility for the gross human rights violations under her watch. Impunity prevails because no one has been put behind bars for human rights violations up to the present. Thus, it is important that freedom-loving individuals call on the Aquino administration to decisively stop the human rights violations in the country and end the reigning climate of impunity by ensuring justice is rendered to the victims," Cristina Palabay, convenor of the End Impunity Alliance, said.

"We call on the new president to stop the extrajudicial killings, arbitrary arrests and detention, enforced disappearances, forced evacuation of rural villages and other human rights violations which continue as brazenly to this day. He should likewise hold accountable and see to the prosecution of the perpetrators during his incumbency," the alliance declared.

On November 23, 2011, the alliance joined media

organizations led by the National Union of Journalists in the Philippines (NUJP) and the Center for Media Freedom and Responsibility in protest actions commemorating the first International Day to End Impunity. The date marks the anniversary of the Ampatuan Massacre, one of the most brazen display of impunity.

Solidarity actions in front of the offices of the Philippine consulates and other activities were conducted by the Canada Philippines Solidarity for Human Rights in Vancouver, Canada; Bayan Canada in Vancouver, Ottawa and Toronto; Action Network Human Rights-Philippines in Germany; and the Amnesty International-US and the CA-NV United Methodist Church Philippine Solidarity Task Force in California.

Chapters of Karapatan in Panay, Cordillera, General Santos City and Southern Mindanao likewise held mass actions.

Mrs. Edita Burgos, convenor of the End Impunity Alliance said, "We will not stop our quest for justice until human rights violators are made to be accountable of their crimes and our lost loved ones who are victims of enforced disappearance under GMA's counter-insurgency program are surfaced. We hope that the cases pending before the Courts will prosper and not become a futile pursuit of justice."

"We are firm in our stand that the victims of extra-judicial killings and other gross human rights violations deserve no less than justice. Government institutions may debate endlessly on their varying legal opinions and jargon on the constitutionality of Arroyo's arrest, but for victims and their families, GMA must pay, plain and simple. Our commitment to end impunity, however, will not end in GMA's imprisonment. We will carry on, stand in witness against an unjust system and leaders who perpetuate this injustice, until extra-judicial killings and enforced disappearance are ended," Burgos concluded.

# THE PLIGHT OF POLITICAL PRISONERS

**The government's outright denial of the existence of political prisoners (PPs), as stated by Presidential Spokesperson Edwin Lacierda and reiterated by the Armed Forces of the Philippines, only reflects the stand on the issue of the U.S.-Noynoy Aquino regime.**

Of the 356 political prisoners reported as of 31 October 2011, 303 or 85 % are charged with common crimes, with only 15 or 4% charged with a political offense like rebellion. Most of them are staunch critics of the Gloria Macapagal-Arroyo (GMA) government and its backer, the U.S. government of George W. Bush and, later of Barack Obama. Under the Aquino government, 78 were arbitrarily arrested and detained.

The criminal charges slapped on the PPs are fabricated and are designed to cover up political persecution. Most of the criminal charges aim to keep the prisoners in jail while court hearings proceed at snail's pace.

Besides criminalizing political offenses, PPs suffer degrading treatment and inhuman prison condition such as torture, isolation, harassment, curtailment of visitation rights, overcrowding, poor ventilation, insufficient and hardly nutritious food rations, lack of medical and other facilities, arbitrary and discriminatory regulations, among others. They are, by and large, a result of the attitude of retribution and punishment, institutionalized corruption and staff incompetence prevailing in the prison system.

A national organization of former political prisoners, SELDA, helps alleviate prison condition by assisting the PPs in their struggle for prison reforms. An example is the demand to eliminate strip search and other forms of sexual humiliation that jail visitors experience. They are seen as deterrents instituted by the prison administration to discourage visitation and, to further punish the

detainees. They are in violation of the provisions in the UN Standard of Minimum Rules for the Treatment of Prisoners.

Selda also introduced educative and reformatory programs and livelihood projects to provide opportunities for prisoners to use their time productively.

## Free All Political Prisoners Now!

Taking advantage of the election of a new president and the resumption of peace negotiations between the GPH and the NDFP, people's organizations and human rights groups led by Selda, Karapatan and Bayan this year started a campaign to free all political prisoners through a general, unconditional and omnibus amnesty. The campaign which, was launched here and abroad, proceeded from former Pres. Corazon Aquino's act when she granted general amnesty to political prisoners when she assumed the presidency in 1986. The demand is just but the government has ignored it for so long.

Lined up as priorities for release are the following:

- The 10 political prisoners who were supposed to have been released in 2001 and 2004 as agreed upon in the peace talks before it was scuttled by the GMA government, specifically: Matricio Manuelito, Joshue Ungsod, Juanito Itaas, Rogelio Natividad and Darwin Rodas (2001); Ricardo Solangon, Galo Omar, Palili Jammang, Moner Taufic and Abubakar Bimbas (2004).
- The elderly, ailing and long-detained PPs who should be expeditiously released on humanitarian grounds, specifically Rolando Paniamogan, the Alegre family, Sandino Esguerra and Mohamadiya Hamja.

- The remaining NDFP consultants in jail who are protected by the Joint Agreement on Safety and Immunity Guarantees (JASIG) and, based on the GPH Negotiating Panel's commitment last February in Oslo to release most, if not all, political prisoners. Specifically they are Allan Jazmines, Tirso Alcantara, Randy Malayao, Edgardo Friginal, Eduardo Serrano, Eduardo Sarmiento, Leopoldo Caloza, Emeterio Antalan, Ramon Patriarca, Danilo Badayos, Alfredo Mapano, Pedro Codaste and Edwin Brigano.
- *Hors de combat*, Vanessa de los Reyes, a young woman NPA guerilla who is now paralyzed from the waist down after her spine was hit with a bullet.
- The 35 women political prisoners who are all vulnerable to sexual harassment and violence while in prison, in addition to what other PPs suffer.

To dramatize the call to free all PPs through a general, unconditional and omnibus amnesty, political prisoners

and their supporters all over the country staged a five-day hunger strike and fasting in July in time for Noynoy Aquino's second State of the Nation Address. But there was no word from the president's lips about freedom for the political prisoners. The fasting and short hunger strikes were repeated in September to remind people of the fascist declaration of martial law by the dictator Marcos.

There were also pickets at the Department of Justice (DOJ) and dialogues with heads of government agencies involved with the issue of PPs. Families, friends and supporters of PPs held a concert, fun-run, tattoo-painting, photo exhibit and forum to call the public and the government's attention to the plight of the PPs and for their immediate release. But the government's reply only echoed that of the dictator Marcos: "There are no political prisoners" in the country.

Below are but a few of the political prisoners in different prison institutions and detention centers, mostly in the National Capital Region:

## Mohamadiya Hamja

I am Mohamadiya Hamja, 51 years old, married with three children. I am presently detained in the Basilan Provincial Jail. I am a fisherman.

My ordeal began when former President Gloria Macapagal-Arroyo (GMA) declared a "state of lawlessness" in Basilan in July 2001, after a supposed series of attacks by the Abu Sayyaff Group (ASG) in the provinces of Basilan, Sulu, Palawan and Sipadan in 2000. GMA's declaration was a go signal for the police and the military to arrest suspected ASG members and supporters. But most of those arrested were innocent civilians. There were several waves of arrests. Some of those arrested were jailed at the Basilan Provincial Jail while 73 were dumped in Camp Bagong Diwa in Bicutan. I was one of them.

First, I was accused of kidnapping some 52 teachers and students in March 2000 in Basilan. For this, I was imprisoned in Camp Bagong Diwa. When the case was heard, some 60 witnesses testified but none of them linked me with the crime. Thus, the Court ordered my release on October 13, 2003.

But even before the Court's decision was implemented, I was again implicated in the kidnapping of tourists in Dos Palmas Island Resort in Palawan on May 27, 2001. The 20 kidnapped victims included the American Gracia Burnham. Again, when

the case was heard none of the witnesses, including those who were kidnapped, testified against me.

On June 2, 2001, the ASG kidnapped employees of the Dr. Jose Maria Torres Memorial Hospital in Basilan. They also raided the Golden Harvest Farm and kidnapped two employees on June 11, 2001. Just as in the previous kidnapping cases filed against me, none of the witnesses pointed to my involvement in any of the crimes.

For the second time, on June 30, 2005, I was acquitted from all the kidnapping cases. The court ordered my release on that same day.

I felt vindicated and thought I could live freely with my family. Because of trauma, my family did not go back to Basilan. We stayed in Taguig City. For three years I tried to find whatever menial job I could do to support my family. My two sons helped me.

On November 28, 2008, after a worship in the Blue Mosque, armed men grabbed and dragged me into a white van.

Members of my family looked for me for days inside military camps and police stations. Helpless after several days of searching, my son went to the Commission on Human Rights

(CHR) to report the incident and asked for help. Convinced that the police had something to do with my disappearance, my son returned to the CIDG Headquarters in Camp Crame with a CHR representative.

The police denied that I was in their custody. But when my son peeked inside a slightly opened door, he saw my slippers. My son shouted that he saw me inside the room. He blocked the door before the guards could close it. He and the CHR personnel pushed the door until it completely opened. They saw me – bruised and battered.

They found out that I was abducted by a composite team of CIDG and the Intelligence Special Force of the Philippine Navy. I was in Camp Crame until January 2009. Unknown to my family, the CIDG flew me to Zamboanga City and then transferred me to the Basilan Provincial Jail. I was already in Basilan when my family was informed of my whereabouts.

I was arrested because of two kidnapping cases – the employees of the Dr. Jose Maria Torres Memorial Hospital and of the Golden Harvest Farms. Apparently, after 10 years, a certain kidnap victim Faisal Binasing, appeared and testified in Court that he was one of the ASG victims and I was among his abductors.

The kidnapping case of the employees of the Dr. Jose Maria Torres Memorial Hospital is being heard in the Court of Hon. Judge Bucoy of Branch 2 RTC, Isabela City, Basilan. The case of the Golden Harvest Farm employees is in the court of Hon. Judge Leo Principe of Branch 1, RTC, Isabela City, Basilan. My counsel filed separate motions in Branches 1 & 2 of the RTC Isabela City to revoke and dismiss the cases re-filed because of double jeopardy. On June 17, 2009 the Court of Judge Bucoy of Branch 2 supported the motion. For the 3rd time I was acquitted and ordered release.

On the other hand, a similar motion failed to get a favorable decision from the sala of Hon. Judge Leo Principe of Branch 1, Basilan RTC. He based his decision on the testimony of Faisal Binasing.

My case was already brought to the attention of then CHR Commissioner Leila de Lima. My family also made a letter of appeal to Pres. Noyoy Aquino. On July 2011, my son, with human rights workers, talked to Secretary de Lima about my case. But up to now, there seems to be no hope for my release. I am still languishing in jail despite double jeopardy.

## Rolando Paniamogan

I am Rolando Paniamogan. I was accused as a member of the New People's Army (NPA) and charged with murder and frustrated murder in connection with policemen who were ambushed in Barangay Catmon, St Bernard, Southern Leyte in March 1993. Despite the Supreme Court ruling that this is a rebellion case based on the Hernandez Doctrine, I was convicted to life imprisonment for murder and four to 10 years for frustrated murder.

This is my second arrest. The first time was in September 1985 when I was in jail for seven months in Southern Leyte. I was among those granted amnesty by Pres. Cory Aquino after the People Power - EDSA uprising.

After my release, I continued organizing peasants. The military and police rearrested me on January 28, 2002 in Silago, Southern Leyte. They presented no warrant of arrest. After I was convicted in 2007, I was transferred to the New Bilibid Prison (NBP) in Muntinlupa City.

My health deteriorated in the past two years. In August 2009, I was admitted at the NBP Hospital for fatigue and heart palpitation. Then, I was confined at the Philippine General Hospital on November 11 to November 22, 2009 when I suffered difficulty in breathing. I was diagnosed with thyroid dysfunction and pneumonia related to tuberculosis. When Dr. Reggie Pamugas of the Health Action for Human Rights checked me up, he observed that my skin was turning yellowish and I had rapid weight loss. I was given medicine for hyperthyroidism. Later he diagnosed that I also had Hepatitis B, diabetes and weak lungs.

My blood pressure fluctuates frequently sometimes dropping to as low as 80/60, 70/50 or 60/40. Once, while I was at the Intensive Care Unit of the NBP Hospital, my bp dropped to 50/50. I had to be given insulin everyday for my diabetes. My eyesight is getting blurred. I also have asthma.

I am only 47 years old but my illnesses have made old and weak. The cramped and poorly ventilated prison cells, the poor water supply and inadequate food and nutrition worsened my state of health. And while I get weaker everyday, I do not foresee my release in the near future.

## Charity Diño

I started as a catechist under the auspices of the Sisters of Don Bosco in the province of Oriental Mindoro. Later, I volunteered as a religion teacher in San Isidro Memorial High School. This was before I worked as a full time public school teacher in Asiod Primary School in 2003-2004. The classroom, the blackboard and lesson plans were my way of sharing my time and talent to my Grade III and IV pupils. My hope was to mold them to become good citizens. But time came when I thought I could be of greater service outside of the school institution. Immediately, I volunteered to work with the most downtrodden and marginalized sector, the peasantry.

I am Charity Diño, 31 years old, single. I am one of what is referred to as the Talisay 3, with Sonny Rogelio and Billie Batrina. All of us were volunteer organizers of the Samahan ng mga Magsasaka sa Batangas (Batangas Farmers Organization). We are among the political prisoners, having spent the past two years at the Batangas Provincial Jail.

On November 23, 2009, while we were preparing and inviting people for the Poor Peasant's Week, elements of the 730th Combat Group of the Philippine Air Force abducted us.

For 15 days I was tortured – physically, psychologically and mentally. I was beaten up. My captors hit my head against the cement wall. They applied electric shock on me several times. Worse, they undressed me and laughed at my nakedness and humiliation. The torture was a nightmare. Until now I cringe whenever I remember the terrible ordeal.

I was arrested illegally. I was tortured and detained, and now charged with illegal possession of firearms and explosives. I was deprived of due process and condemned despite the lack of evidence. Working with the farmers is now a criminal act.

In jail, political prisoners are considered criminals. We are in detention cells with inmates charged with common crimes. This is part of the government's modus operandi to hide political prisoners so they may claim that there are no political prisoners in the country today.

I have suffered incarceration for two years now. I do not know how many more years I will be in prison for a crime I did not commit.

## The Alegre Family

I am Moreta Alegre, 65 years old. My husband Jesus Alegre is 67, and my son Selman Alegre is 37. We are from Sagay, Negros Occidental. I have seven children. We lived through fishing and tilling our small land. I cannot read and write. Jesus could write his name but he could barely read and write as well.

We are a family who are languishing in prison for seven years. My husband and son are in the National Bilibid Prison in Multinlupa. I am jailed at the Correctional Institution for Women.

We were imprisoned because of a land dispute with a landlord who grabbed our land. The landlord claimed ownership to a 15-hectare land including the 1.12 we were tilling. We already planted the land with coconut trees. This is our source of income for our daily expenses. We sold coconut wine (tuba) every day. We also made copras to support our children.

When we found out that the landlord applied a title to the land, including the portion that we occupied, we filed a formal protest to the Bureau of Lands. Because of the protest, the

landlord did not get the title to the land. This caught the ire of the landlord. But we only fought for our right to the land. Our fight caused the death of my son, Romeo. Despite Romeo's death and the threats and harassments from the landlord, we did not leave our land. Unfortunately, one of the landlord's men, Rogelio Tipon was killed by an unidentified person. The landlord blamed us for his death. We were accused of murder and later convicted to suffer in jail for life. The main witness to the murder incident was the landlord himself.

While we were on trial, the main complainant, Mrs. Helena Tipon, wife of the deceased Rogelio Tipon executed an Affidavit of Desistance. But because of the insistence of the landlord, the Court continued to prosecute the case. Tipon's Affidavit of Desistance was never formally filed and instead diverted the complainant to the People of the Philippines. Besides us who are now in jail, two of my sons are still at large for the same crime.

Not one of our relatives ever visited us because they are far from Manila. Our two sons who are supposedly at large are afraid to come out for fear of detention.

Our long years of imprisonment caused us ailments. My husband and I are suffering from arthritis and hypertension. I have a weak heart. I could barely move. I feel so old now. I feel pain in my chest. Please help us so we can still see our children and our grandchildren. We do not want to die without seeing them. I wish to see them but they are so far. I also wish I could visit my husband and son at the New Bilibid Prison. I wonder how they are coping with all these. The three of us are here in Manila but they seem so far from me. I pity my son Selman. He left his wife and kids and he has not seen them again.

My son Selman says: “Ma’am Persida Acosta, thank you for visiting us at NBP. Please tell our President P-Noy to release

us. We don’t want to spend our whole life so unproductive. My father and mother are old, please free them. I have not seen my family for long. I don’t know what has happened them.

My husband Jesus says, “We are suffering for sins we did not commit. Is it because we do not have money and power? We only want to live simply, to till our small land so we can live. Where is justice? We lost our son Romeo in defending that small piece of land. When he died no one ever seek justice for him. Our family just cried in silence. I know this was their way to get rid of us from that small piece of land. To them, my son’s death was not enough. They wanted our whole family in prison.”

## Dario Tomada

I am Dario Tomada, a political detainee for the past one year and three months at the Manila City Jail. I was arrested on July 22, 2010 in Manila. I was accused of being one of the “John Does” in the multiple murder case against Jose Maria Sison and Satur Ocampo. I think it was because in 1989, I was the Secretary General of the regional peasant organization in Eastern Visayas and head of the alliance of farmers for genuine land reform in Leyte.

I come from a peasant family, a farmer-tenant and the seventh of nine children. Knowing the suffering of the peasantry, I got involved in the fight for land reform during Marcos time and continued hence. Earlier, in 1986, I became the Vice Chairman of the Organization of Peasants for Leyte. Later when the regional peasant organization for Eastern Visayas was formed, I became the Secretary General. During my term, we won many cases against landgrabbing. We succeeded in lowering land rent. Through our campaign “Balik Uma” (back to the farms) we transformed foreclosed and untilled lands into productive farms.

In 2005, OBL was imposed on the whole Eastern Visayas region. Known “berdugo” (butcher) Gen. Jovito Palparan headed the military campaign. With OBL, the region had a taste of all kinds of human rights violations – extrajudicial killings, enforced disappearances, arrests, torture and detention. My family was immediately victimized. In 2005 unidentified men believed to be military agents shot at my brother-in law, Salvador Ycoy. The gunmen thought Salvador was me.

Fortunately, he survived the attack. Knowing that I was the target because of my involvement with the peasant struggle, I

went to Manila. I volunteered to be an organizer of the Kilusang Magbubukid ng Pilipinas or KMP (Peasant Movement in the Philippines). But in July 2010, the military arrested me.

Around 11:00 pm, five men who introduced themselves as policemen, picked me up. They were not in uniform. They immediately blindfolded me and tied my hands at my back. They started interrogating me. They bombarded me with questions. If they didn’t like my answer, they punched my body. They collared me and hit my chest and back. They later tied my hands to my cot. On one hand, they threatened to harm my family. On the other, they offered me a big amount of money to be a “state witness.” They also wanted the names of the people I know in the movement in Visayas and in Luzon.

The interrogators asked me if I knew Joma Sison and Satur Ocampo. Later I found out that I was one of the “John Does” in the multiple murder case against Joma and Satur. With me in same case is Oscar Belleza, Vice-Chairperson of the alliance of peasants for land reform.

During the interrogation, somebody came and stopped the questioning. He said I would be turned over to the police after a medical check up. It took several hours before I was led blindfolded into a car. During the trip, the men, who introduced themselves as priests and my savior, removed my blindfold. They told me that they were from the Intelligence Service of the Armed Forces of the Philippines (ISAFP) and they would turn me over to the police. They brought me to the CIDG in Camp Crame. On the same day, I was transferred to Camp Karingal. I was in Camp Karingal for three months. After three months I was brought to the Manila City Jail where I am now detained. ###

## The Calamba 9

We are now known as the Calamba 9. All of us face the same criminal, fabricated charges of multiple murder, quadruple frustrated murder and damage to government property. We are all detained at the Misamis Occidental Provincial Reformatory Jail (MOPRJ) in Oroquieta City.

Most of us have been in detention for more than four years despite the obvious inability of the prosecution to come out with sufficient evidences or damning testimonies against us. In fact, four of us were not even named by the prosecution's witnesses who were mostly members of the military or were military assets. The other five were identified by the witnesses on the orders of their military officers and not on their own personal and direct knowledge of our alleged involvement in the case. The witnesses themselves admitted this in court.

Yet, we are here in jail. We suffer from the failure of the justice system. This is so painful for us and our families because we know there is no reason for us to be in jail except for the authorities' refusal to act on our case.

The Calamba 9 are the following:

1. **MERCY MAGHINAY, 32**, married with two children. She was arrested on October 5, 2008 at her aunt's house in General Santos City. She was committed to the MOPRJ on October 8, 2008. She suffers from gastritis and gastric ulcer that cause her to vomit every morning. Since her detention she complains of irregular menstrual cycle and severe headache.
2. **MARCELINO "MARS" MARATA, 36**, married with two children. Mars was a development worker, journalist and a college teacher. He was under military custody for six months in 2007. He worked as a Municipal Development Officer in Kapatagan, Lanao del Norte. On December 11, 2009, he went to his hometown in Mahayag, Zamboanga Sur to get a police clearance. But instead of a police clearance he was handcuffed and jailed.
3. **ANTONINO RODA, 41**, a health worker among the peasants, Lumads and Moro communities in Regions 9 and 10. He was arrested on August 3, 2007. He was heavily tortured for two weeks by the military. He was already illegally detained for three months but was declared "at-large." He was surfaced by the military only after he was committed to the MOPRJ on November 6, 2007. He suffers from severe kidney problem due to the torture he went through in the hands of the military. He urinated blood several times.
4. **ESMERALDA ANGHAG**, with four children. She was arrested on May 30, 2008 and is committed to MOPRJ in October 2008. A rebellion case against her in Molave, Zamboanga Sur was dismissed in 2009.
5. **SATURNINO ANDING AND WIFE VIRGINIA BUHIAN**. They were arrested on August 20, 2007 and were under military custody for six months. Virginia was committed to MOPRJ on February 19, 2008 and released after six months while Saturnino is still in detention.
6. **ARNOLD LAMBAN, 28 years old**. He was arrested on October 1, 2008, temporarily released for two months by military captors and rearrested and detained on December 11, 2008 at the MOPRJ.
7. **DECLARD CANGMAONG, 37**, married with two children. He was a Lumad organizer and a literacy worker from 1993 to 2004. He tried to find work in Manila in 2004. However, in September 21, 2009, he was arrested by the Criminal Investigation and Detection Group (CIDG) in Taguig City, an hour after he was issued a safe conduct pass by the operatives of the First Infantry Tabak Division that showed he was already cleared of the charges against him. Three days after his arrest, he was brought to the MOPRJ.
8. **PABLITO PALUBON, 50**, married with four children. He was a peasant organizer for two decades. He was imprisoned from 2006 to 2008 in Sindangan, Lilo, Zamboanga Norte and was released in January 2009. He was rearrested in July 30, 2009 and was detained at the MOPRJ since August 4, 2009.
9. **NARCISO RAMO, 42**, had been a peasant organizer since 1987. He was arrested on November 17, 2009 by the military in their house at Dulian Sur, Oroquieta City.