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RECOVERING LOST GROUND

THE MOA-AD AND THE SEARCH FOR PEACE IN MINDANAO



PHILIPPINE HUMAN RIGHTS INFORMATION CENTER
An Institution of the Philippine Alliance of Human Rights Advocates

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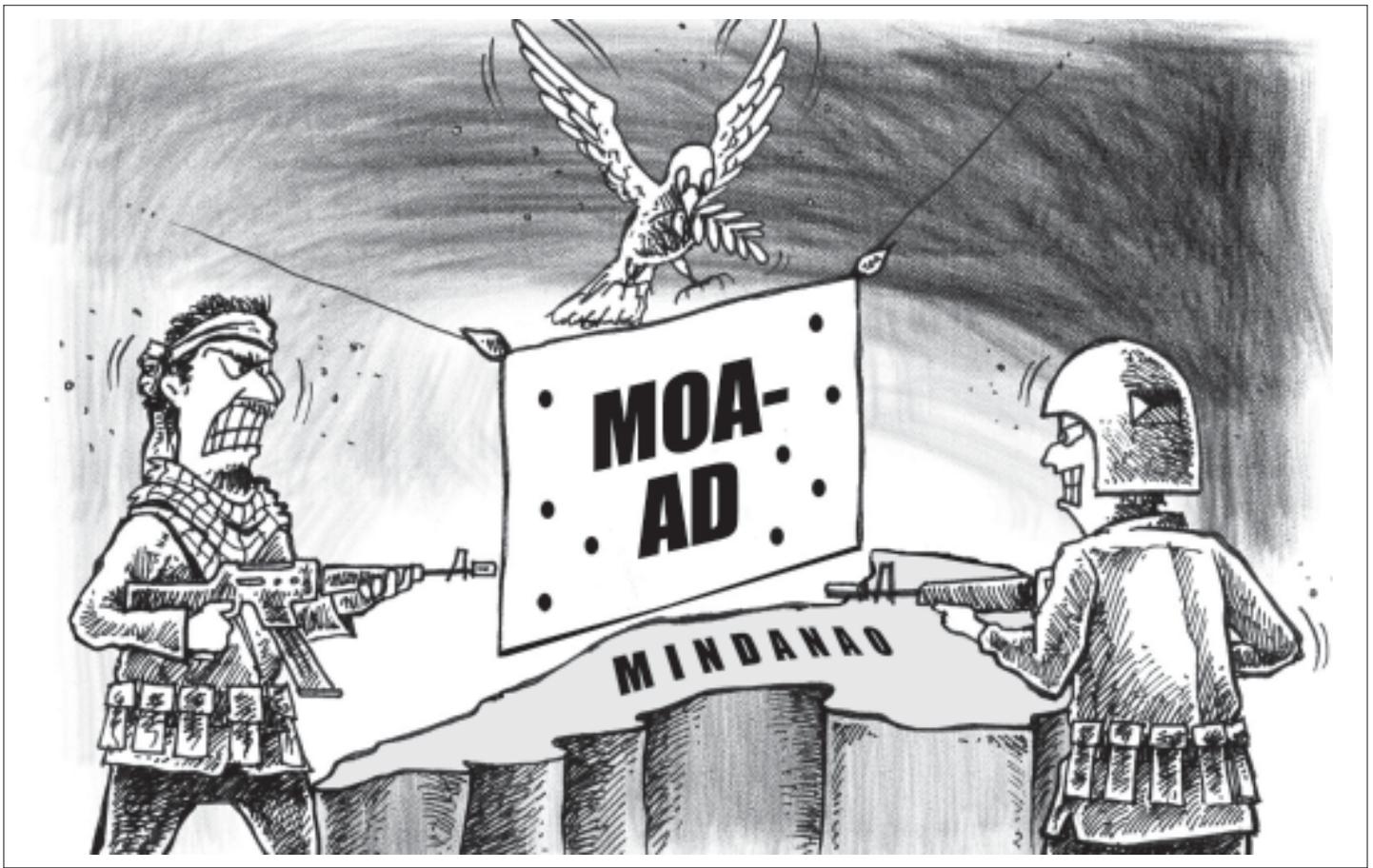
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FORUM

PHILIPPINE HUMAN RIGHTS INFORMATION CENTER

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■ EDITORIAL

Sariling Pagpapasya

ANG MULING pagputok ng digmaan sa Mindanao bunga ng naudlot na Memorandum of Agreement on Ancestral Domain (MOA-AD) ay isa na namang malungkot na yugto sa kasaysayan ng pakikipaglaban ng mga Moro sa kanilang karapatan sa sariling pagpapasya.

Kinikilala ng mga kasunduan sa karapatang pantao ang karapatan sa sariling pagpapasya ng mga tao kabilang na ang mga komunidad, sektor, tribu, at mga grupong may pinagsasaluhang interes, kultura, at kasaysayan.

Iginagalang ng karapatang ito ang kalayaan ng indibidwal at ng mga grupong itakda ang kanilang pang-ekonomiko at pampulitikang pag-unlad. Kinikilala ring sila ang dapat kumontrol sa mga likas na yaman sa kanilang mga komunidad.

Sa kaso ng Mindanao, masalimuot nang usapin ang pagsasakatuparan ng karapatang ito ng mga Muslim at mga Lumad dahil marami nang interes ang nagbabanggaan upang makontrol ang mayamang lupaing ito.

Nandyang ang mga may-ari ng malalaking lupain at plantasyon, tradisyunal na pulitiko, higitang korporasyon, at mga dayuhang pwersang masasagasaan kapag naging mapagpasya sa ekonomiya at pulitika ang mga grupong nabanggit.

Ang pamahalaan na may pangunahing tungkuling matupad ang karapatan sa sariling pagpapasya ay nakakadagdag pa sa paglala ng sitwasyon dahil sa pabagu-bago nitong patakarang pangkapayapaan. Matatandaang iba-iba ang aktidud ng mga nagdaang administrasyon sa pagharap sa rebelyong Muslim mula sa seryosong pag-upo sa usapang pangkapayapaan hanggang sa 'all out war' ni dating pangulong Estrada.

At kahit na nasa gitna ng usapang pangkapayapaan, mabilis

ding magbago ang posisyon ng pamahalaan at ng mga rebelde dahil sa kawalan ng tiwala sa isa't-isa ng magkabilang panig. Malimit ding magamit ng mga nasa poder ang kaguluhan sa Mindanao sa pampulitika nitong layunin lalo na tuwing eleksyon at pag kailangang ibaling sa iba ang mata ng publiko kapag humaharap sa krisis pampulitika ang administrasyon.

Nitong huli, naiwasan sana ang muling pagdanak ng dugo kung maayos na nagampanan ng parehong partido, lalo na ng pamahalaan, ang tungkulin nitong maipaalam at makonsulta ang lahat ng maaapektuhang sektor lalo na ang mga Lumad ang nasabing kasunduan sa lupaing ninuno ng mga Moro.

Ngunit ang pinakamalaking pagkukulang ng pamahalaan sa islang ito ay ang matagal nang pagpapabaya sa mga karapatan at kagalingan hindi lamang ng mga Moro kundi ng iba pang naghihirap na mamamayan sa Mindanao. Ilang dekada nang laging nasa dulo ng listahan ang rehiyong ito pagdating sa edukasyon, kalusugan, nutrisyon, at iba pang sukatan ng antas ng pamumuhay.

Sa gitna ng kahirapang ito, hinayaan ng gobyernong patuloy na kontrolin ng iilang pamilya, mga pulitiko, at korporasyon ang malalawak na lupain at maging pangisdaan sa isla. Karamihan sa malalaking plantasyon sa Mindanao ay hindi pa napapailalim sa patapos nang repormang agraryo.

Ang katotohanang ito ang nagtutulak sa rebelyon ng mga Muslim at nagpapaypay ng apoy ng kaguluhan sa Mindanao. Ibig sabihin, makakamit lamang ang tunay na kapayapaan sa nasabing isla kapag seryosong natugunan ng gobyerno ang mga suliraning ito at kinilala ang karapatan sa sariling pagpapasya ng mga Moro at Lumad.

A MIDST THE perennial problems of corruption, poverty, and the soaring prices of fuel and basic commodities, the bloody rebellion in the south has rendered Mindanaoans more devastated than ever. The aborted signing of the Memorandum of Agreement on Ancestral Domain (MOA-AD), exacerbated the unresolved conflict in the Moro South. Today, it is battling a nightmare as it pursues a dream of peace.

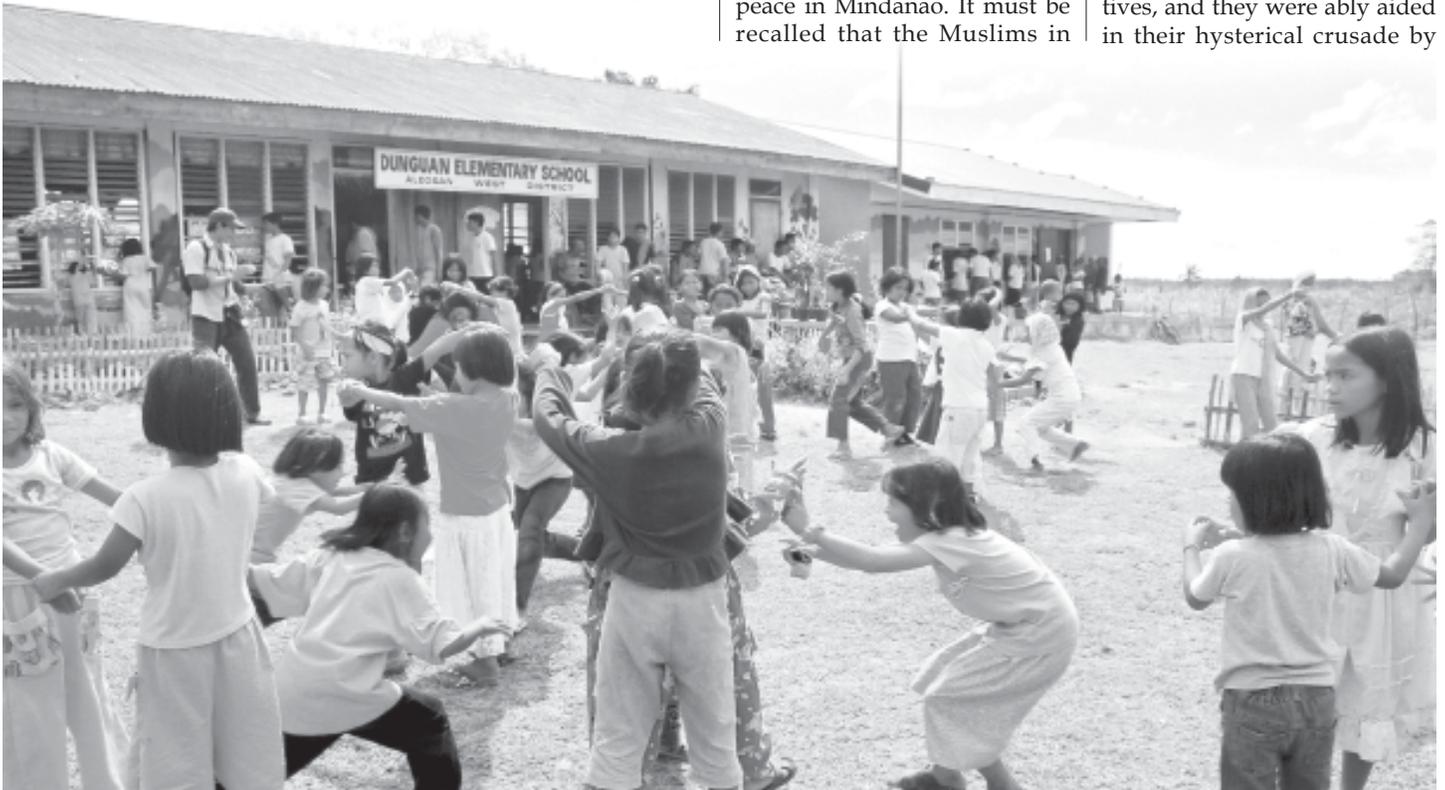
Recovering lost ground THE MOA-AD AND THE SEARCH FOR PEACE IN MINDANAO



The MOA-AD is a product of an 11 year-negotiation between the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF). To a lot of sectors, the MOA pointed to the possibility of peace in Mindanao. It must be recalled that the Muslims in

Mindanao started to wage a struggle for self-determination in 1968 with the birthing of the Moro National Liberation Front (MNLF). Negotiations then with the MNLF resulted in the signing of accords, including the Tripoli Agreement, and later the establishment of the Autonomous Region of Muslim Mindanao (ARMM). But a rift within the leadership of MNLF in September 1996 paved the way for the establishment of the Moro Islamic Liberation Front (MILF), which claims to be the true representative of the Bangsamoro people. A year later, negotiations between this new formation and the GRP started, leading to the crafting of a Memorandum of Agreement on Ancestral Domain scheduled for signing on August 5, 2008.

On the eve of its signing, the Supreme Court of the Philippines (SC) issued an injunction against it. The Temporary Restraining Order (TRO) said that the MOA was devoid of consultation with the communities and villages that will be affected. Fierce opposition to the memorandum came from local executives, and they were ably aided in their hysterical crusade by



Respite from the horrors of war: Moro children play during a Children's Fun Day in the school grounds of Dunguan, Aleosan, N. Cotabato, December 2007.

Manila-based politicians. The lack of cogent information on the details of the MOA only stoked the fears of a lot of people, that some even campaigned for the arming of civilians to defend themselves against the Muslims. This only resurrected the seeming animosity between the Moros and the Christians, and was aggravated further with the revival of the dreaded anti-Moro "Ilaga gang," infamous during the Marcos period.

On October 14, 2008, The Supreme Court declared with finality that the memorandum was "contrary to law and the constitution." Immediately, the peace panel was disbanded. This was a fatal blow to the 11-year search for solutions to the conflict in Mindanao.

The outcry surrounding the MOA-AD was followed by a new round of skirmishes in Mindanao. Disgruntled commanders of the MILF, headed by Ameril Umbra Kato, Abdullah Macapaar alias Bravo, and Aleem Sulaiman Pangalian, attacked villages in the provinces of Lanao and Cotabato and some communities in SOCKSARGEN areas. As of October 2008, more than 640,000 civilians had been displaced, hundreds were killed and thousands were left injured in nine provinces of Mindanao.

In the latest fact-finding mission organized by SALAM-Task Force Civilian Protection (TFCP), Mindanao Peoples Peace Movement (MPPM), Alyansa ng Mamamayan para sa Kapa-yapaan (AMKP) and the Philippine Alliance of Human Rights Advocates (PAHRA) in the affected villages in Lanao del Sur, Lanao del Norte, Maguindanao and North Cotabato, cases of gross violations of human rights were recorded. These were allegedly committed by both the state and non-state parties. There were nine (9) documented cases of enforced disappearance and eight (8) cases of torture. Hundreds were also wounded and injured. Millions worth of property were destroyed through arson, looting and indiscriminate



No Boundaries: Christian and Moro children during a Fun Day in Aleosan, N. Cotabato.

Photos by TRACY PABICO



firing, and there were reports of bombings that affected the civilian populace. There were 101 documented cases of arbitrary execution and death related to the on-going war, fifteen (15) of which were children aged 3 months to 17 months old who died of acute diarrhea, severe dehydration and severe malnutrition in evacuation camps.

The issue of death in the evacuation centers calls attention to the limitations of the ongoing relief efforts provided to the victims. According to Duyog-Mindanao, a solidarity movement for the tri-people in Mindanao, "while relief efforts are very much stymied, government is downplaying the issue

of a humanitarian crisis and a full scale war against the MILF is inevitable."

At the heart of the Mindanao issue is the debate on people's right to self-determination, which the MOA bravely tackled. It is another story though when the rights of other peoples in Mindanao, who historically have ancestral domain claims to lands that were included in the document, are not taken into consideration.

But what is crucial now is the immediate cessation of hostilities that have wreaked havoc on the lives of hundreds of thousands of the civilians in the affected provinces, and the rebuilding of the trust and harmo-

nious co-existence between and among the tri-people of Mindanao - the first casualty in the MOA hullabaloo.

Yet, even as peace efforts should be accelerated, there is also the colossal task of educating the public - who have largely been apathetic to the problems in the south - on the root causes of war in Mindanao.

State institutions should also give urgent attention to the massive displacement of communities and other gross violations of human rights. The peace negotiations should resume, to hammer out a comprehensive and peaceful solution to a problem that has festered for decades. But such negotiations should also be conducted with transparency and ensure that the voice of all those affected is heard.

That full-blown animosities between the various groups have not erupted only signals that there is still space for groups and movements who choose the path for peace in Mindanao. If all those who still believe in it will only unite, stand their ground, recover lost ground and do their share, peace will surely come. ■

The author is the Secretary-General of the Philippine Alliance of Human Rights Advocates (PAHRA).

I CANNOT help but be personal whenever I write about Mindanao. Perhaps because, as a Mindanao historian, I have been keeping close tabs on Moro and Lumad affairs for the last 35 years. Perhaps also because I have been involved in the peace negotiations, the GRP¹-MNLF² peace talks in 1993-96, and until recently as vice chair of the GRP-MILF³ peace negotiations from August 2004 until the dissolution of the GRP Peace Panel last September 3, 2008. I have been too close to the ground as it were, part of the story, studying history and helping shape history. I was asked to write an article on the status of the GRP-MILF peace negotiations several weeks before the Supreme Court TRO (Temporary Restraining Order) on the signing of the GRP-MILF Memorandum of Agreement on Ancestral Domain or MOA-AD in Putrajaya, Kuala Lumpur on August 5, 2008.

FORGING PEACE IN MORO MINDANAO

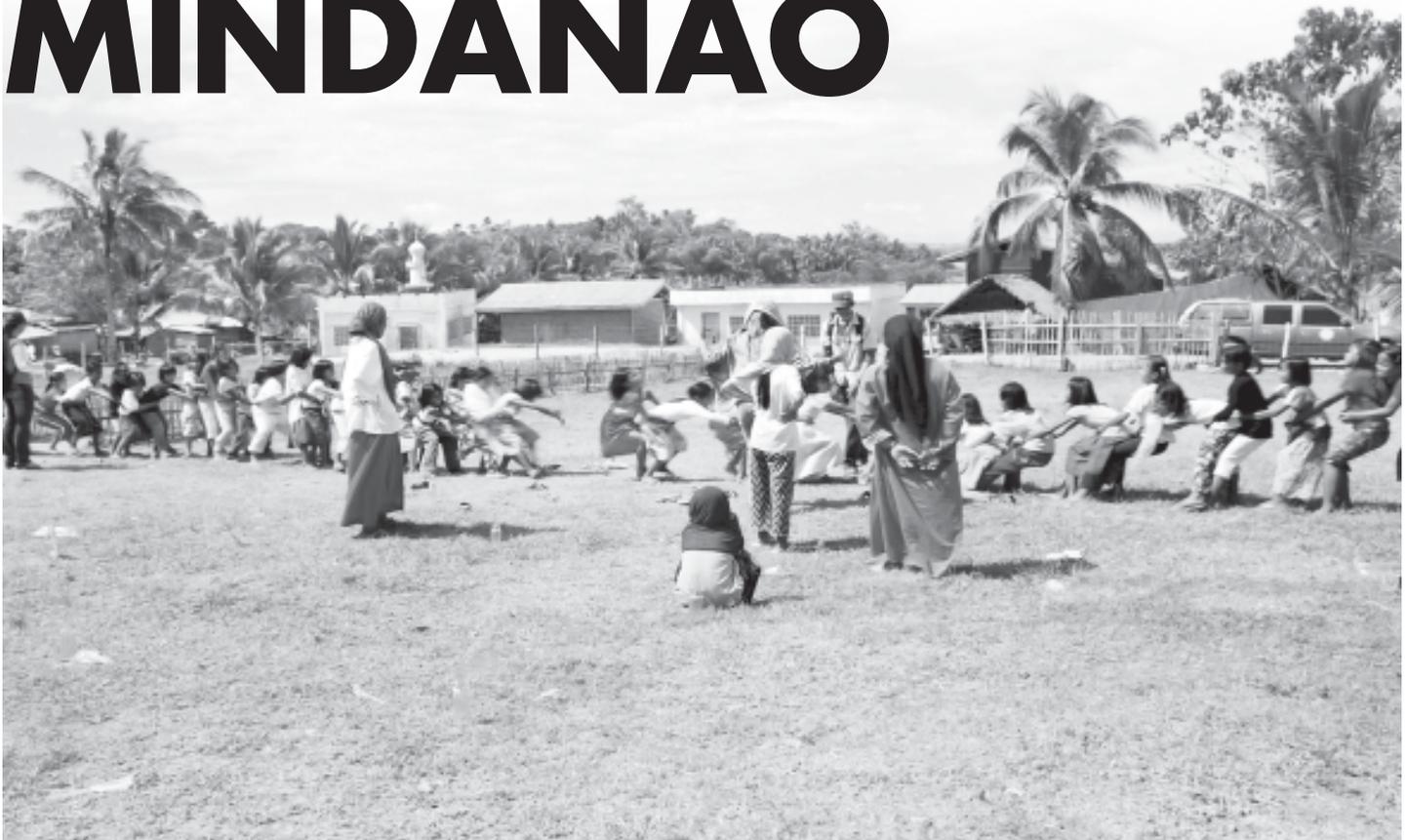


A marker for victims of atrocities during the Martial Law period, Kauswagan, Lanao del Norte.
Photos by TRACY PABICO

But now, the MOA-AD has been shelved, the President has changed tack on the negotiation and the GRP peace panel has been dissolved. Putting my thoughts together did not come easy.

The dissolution of the GRP Panel on September 3, 2008 was a big disappointment. As I said

in a TV interview on the night of September 3, "*Nakakalungkot. Apat na taong pinagpaguran. Parang sine. Malapit na sana ang climax pero biglang natisod ang bida, nahulog sa bangin.* (It is saddening. It was four years of hard work. It was like a movie. The story was nearing its climax when the hero tripped and fell off a cliff.)





Artwork: Moro and Christian youths in Lanao del Norte and North Cotabato express their hopes for peace and unity through games and creative activities (this and succeeding pages).

What follows are pieces written by other people, not my thoughts exactly, but they reflect my own feelings. The first is from the executive summary of the MOA-AD which the panel put together one evening (I was there), from early evening until long into the night, some two weeks before the dissolution. It is brief, very informative, and convenient for people who need a quick reference.

The second is taken from a blog-article written by my daughter, Amillah, who in those four years of the GRP-MILF negotiations stood by, ever supportive. She hardly heard any substantial detail from me. The talks were confidential, I told her. She shared my excitement over the scheduled signing of the MOA-AD, but like many Mindanawons, was jolted by the uproar that met the publication of the MOA-AD. And the third comes from Archbishop Orlando Quevedo, OMI, of Cotabato.

All three tell a story.

I close with an excerpt of the MILF policy statement.

A Brief on the Memorandum of Agreement on Ancestral Domain (MOA-AD)

"... the principle of self-determination for the Bangsamoro shall preclude any future interpretation to include independence, even as



parallel strategies are explored on how these commitments can be fulfilled, either through the existing legal framework or under efforts to amend it, but never to include independence for the Bangsamoro."

x x x

"Our immediate course of action is to draw up a full menu of options to

move the negotiations forward – foremost of which is to identify agreements in principle which can be readily accommodated under existing processes. On the other hand, issues of a Constitutional nature, excluding independence, can be taken up with the framers when such an opportunity becomes evident."

-Excerpted from the letter of President Gloria Macapagal-Arroyo to Malaysian Prime Minister Abdullah Badawi dated May 6, 2008

OVERVIEW

1. The Memorandum of Agreement on Ancestral Domain (MOA-AD) is **not yet the Final Peace Agreement or Comprehensive Compact** with the Moro Islamic Liberation Front (MILF). Ancestral Domain is only the third substantive aspect of the GRP-MILF peace negotiations which, when signed, will

In a press statement dated September 5, 2008, the Moro Islamic Liberation Front declared that:

1. We continue to uphold the Peace Path as still the best way forward to address the centuries-old Bangsamoro Problem in Mindanao, with the Government of Malaysia as facilitator;
2. The MILF Peace Panel, MILF Coordinating Committee on Cessation of Hostilities (CCCH), Ad Hoc Joint Action Group (AHJAG), and MILF Local Monitoring Team (LMT) will continue to exercise their respective functions;
3. The MILF respects the three-month extension of the term of the International Monitoring Team (IMT) and we will continue to work with them for the sake of peace;
4. The disbandment of the GRP Peace Panel is the sole prerogative of the government; it is internal and normal in a negotiation that negotiators come and go; and
5. The DDR (disarmament, demobilization, and reintegration) approach as the government's "new road map to peace" is part of successful conflict resolutions in many parts of the world. It forms part of the comprehensive peace settlement, but it is the last item in the talks. But when DDR is taken up ahead of the comprehensive peace settlement, it is interpreted to be a military approach, not part of a political approach, as in the case of the Philippines, contrary to what President Gloria Macapagal-Arroyo said early on in 2001 when she replaced the all-out war policy of President Joseph Estrada to all-out peace policy.

lead to further negotiations on unsettled and outstanding issues, mostly on Governance. This then culminates in a **Final Peace Agreement, targeted for completion by November 2009.**

2. The two (2) earlier aspects agreed upon were the **Implementing Guidelines on the Security Aspect of the Tripoli Agreement on Peace of 2001** dated August 7, 2001, and the **Implementing Guidelines on Humanitarian, Rehabilitation and Development Aspects of the Tripoli Agreement on Peace of 2001** dated May 7, 2002.

3. In discussing Ancestral Domain, the GRP and MILF have earlier agreed to segment the issue to four (4) sections, namely: **Concept, Territory, Resources and Governance.** Through these strands, both sides have gone beyond treating the issue of Ancestral Domain as a question of mere land ownership. Rather, both sides have forged a common objective of addressing the subject in terms of acknowledging the identity of the Bangsamoro people, affirming



Photos by TRACY PABICO

their rights over a homeland and its resources, and providing them the opportunity to establish a system of governance suitable and acceptable to them as a

people possessing a unique history and culture.

4. The peace negotiations between the GRP and MILF focuses on the need to address the legitimate aspirations of the Muslims in Mindanao (Bangsamoro) which had been unresolved by the 1996 FPA with the Moro National Liberation Front (MNLF). Having broken off from the MNLF in 1977 and having consistently rejected the 1996 GRP-MNLF FPA, the MILF seeks a negotiated political solution beyond what was obtained under the said accord, towards greater political, social and economic empowerment of the Bangsamoro people.

CONCEPT

5. Ancestral Domain, as a concept in the context of the GRP-MILF Peace Negotiations, is more than just land and its proprietary ownership. The Memorandum of Agreement on Ancestral Domain (MOA-AD) also has items that explicitly define the Bangsamoro people's identity and acknowledge their roots as a self-governing soci-

ety in pre-colonial Philippines. **The heart of the concept of Ancestral Domain is respect and acknowledgement of the Bangsamoro identity, and their unique history and culture as a people.**

6. The MOA-AD likewise stresses the **free choice** of Lumads or Indigenous People and Christians in the prospective Bangsamoro Juridical Entity (BJE) and respect for religious and cultural liberties.

7. The MOA-AD recognizes and upholds **vested property rights** (e.g. private property, ancestral domain claims/titles, lease agreements, etc.).

8. The Terms of Reference of the MOA-AD include: the 1976 & 1996 GRP-MNLF Agreements, Republic Act No. 6734, as amended by Republic Act No. 9054, otherwise known as the "Organic Act for the Autonomous Region in Muslim Mindanao" (ARMM Law), Republic Act No. 8371 otherwise known as the "The Indigenous Peoples Rights Act of 1997", United Nations Declaration of

The reflections of Archbishop Orlando Quevedo of Cotabato, dated September 4, 2008. Archbishop Quevedo was born and grew up in Banga, South Cotabato. His many assignments include being president of Notre Dame University in Cotabato City, Bishop of the Prelature of Kidapawan and Archbishop of Vigan. Below are excerpts. — RBR

Two Fundamental Postulates for Lasting Peace in Mindanao

By Archbishop Orlando Quevedo, OMI

The following, I believe, are the two fundamental bases for the forging of lasting peace in Mindanao. At the very beginning of any peace negotiation, there has to be a clear and explicit recognition, mutually accepted: (1) of the national sovereignty and territorial integrity of the Philippines as enshrined in the Philippine Constitution; (2) of the Moro aspiration for self determination and its concrete realization in a manner in accord with the Philippine Constitution. It seems to me that these fundamental concepts are at least *implicitly* accepted by both groups.

I believe that the lack of clarity in the MOA-AD with regard to the above two-fold fundamental concepts, aggravated by lack of consultation and reinforced by anger, misinformation, misconceptions, biases, prejudices, and resistance to change, led to the present grave uncertainties regarding the peace process.



Laughter: Through play and other activities, children learn the rudiments of peace.

Rights of Indigenous Peoples, the Universal Declaration of Human Rights, principles of International Humanitarian Law, and international human rights instruments.

TERRITORY

9. The section on Territory defines the area (i.e. Category A) of the BJE as follows:

- a. The present Autonomous Region in Muslim Mindanao (ARMM) as the core;
- b. The six (6) municipalities of Lanao del Norte that voted "yes" in the 2001 plebiscite, whose inclusion to the present ARMM will require an enabling law; and
- c. The seven hundred thirty-five (735) barangays adjacent to the ARMM and found in the Provinces of Sultan Kudarat, Lanao del Norte, North Cotabato, Cotabato City, Iligan City and Isabela City, as well as other barangays situated in Zamboanga Sibugay,

The MOA-AD is not a final document, with many specific details still to be agreed to.



Zamboanga del Sur, and Zamboanga City whose accession to the present ARMM will be determined through the conduct of a plebiscite via Congressional legislation within twelve (12) months after the signing of the MOA on Ancestral Domain.

By agreeing to the conduct of the plebiscite, therefore, the MILF accepts the legal processes the Government has to under-

My daughter is a Metro Manila based architect-writer. I was amazed at how accurately she has absorbed the essence of the current MOA-AD controversy despite my refusal to reveal details of the negotiations. She wrote this piece on September 4. Let me share some excerpts. — RBR

PEACETALK: Deal Breaker

by Amillah S. Rodil

As of yesterday, PGMA has officially dissolved the government panel for peace talks with the MILF. . . The controversial (and I think, misunderstood) Memorandum of Agreement on Ancestral Domain was part of the deal, and now it has also been scrapped along with the panel.

I believe that what contributed to the breakdown of the talks was the series of knee-jerk chain reactions. . . They did not see it as part of a long process of negotiation, a preliminary agreement that would still be refined, discussed, and go through democratic processes.

So who do you think is the deal breaker?

Maybe it's not good to point fingers now.

take, particularly the enactment of an enabling law by Congress for such plebiscite to take place.

10. The second category (Category B) refers to areas outside the BJE which shall receive socio-economic development assistance by Government, considering that there are also Muslim communities in these areas. A duly-legislated plebiscite will be conducted in these areas not earlier than twenty-five (25) years from the signing of the Final Peace Agreement to determine the question of their accession to the BJE.

11. The third category (Category C) defines maritime arrangements mainly intended for the economic empowerment of

the Bangsamoro in their traditional maritime domain. Such arrangements shall comprise the following:

- a. Management, development and protection of natural resources within the waters extending fifteen (15) kilometers from the shorelines of the BJE;
- b. Joint jurisdiction, authority and management between the Central Government and BJE over resources found in the areas beyond the fifteen (15) kilometers and within Philippine baselines. By the joint nature of the arrangements on jurisdiction, authority, and management of territorial waters, the **BJE is designed to be a political unit within the framework of Philippine sovereignty.** The repeated use of the term “Central Government” (read: National Government) in the MOA-AD clearly denotes that the BJE is an integral part of the Republic.

RESOURCES

12. The section on Resources grants authority to the BJE on the use and development of all resources, including strategic resources, found within its jurisdiction. The MOA sets the ratio of the sharing of wealth between the BJE and the Central Government at 75:25 in favor of the BJE. The other features of this section are:

- a. BJE may enter into economic cooperation and trade relations with foreign countries;
- b. A Central Government-BJE five (5)-man Economic Mission will be established which will invite international funding institutions for reconstruction and development efforts within the BJE;
- c. Existing/operating forest concessions, timber li-



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The BJE is an integral part of the Republic.

censes, Mineral Production and Sharing Agreements, etc., shall be respected. BJE will have authority to renew, review, modify and/or cancel the same;

- d. Acknowledgment of legitimate Bangsamoro grievances and restitution measures for unjust dispossession.

GOVERNANCE

13. The last section on Governance lays out the general principles on the powers of the BJE.

- a. **MOA provisions requiring amendments to the existing legal framework shall come into force only upon signing of a Final Peace Agreement and upon effecting the necessary**

changes to the legal framework, both in terms of existing laws and/or the Constitution.

By the aforementioned, the MILF accepted that prerequisite changes in the present legal framework of the Philippines, both in terms of existing laws and/or the Constitution, are necessary before the provisions of the MOA-AD can take effect.

The MOA-AD is not self-executing and therefore needs both the Final Peace Agreement AND an enabling act before it can be implemented.

- b. The details of the mechanisms and modalities to implement the MOA-AD shall still be spelled out in the Final Peace Agreement.
- c. BJE shall be empowered to build, develop and maintain its own institutions, inclusive of civil service, electoral, financial and banking, education, legislation, legal, economic, and police and internal security force, judicial system and correctional institutions;

details still to be discussed in the Final Peace Agreement stage.

CONCLUSION

14. In brief, the BJE is an integral part of the Republic. The MOA-AD envisions the BJE as a political entity with a larger territory and with greater powers than the present ARMM.

The MOA-AD is not a final document, with many specific details still to be agreed to before a Final Peace Agreement is signed and sealed, and subjected to enactment of laws and/or possible amendment of the Constitution to enable it. The effectivity provision is clear: the Agreement would only “come into force upon signing of a Comprehensive Compact (Final Peace Agreement) and upon effecting the necessary changes to the legal framework”.

15. The MOA-AD was initiated by both panels at the close of the 16th Exploratory Talks on 27 July 2008 in Kuala Lumpur, Malaysia. Once the MOA-AD is formally signed, both panels will then meet for the formal talks to further negotiate the details of a Final Peace Agreement. They will endeavor to do so within fifteen (15) months after the signing of the MOA-AD.

16. The GRP-MILF negotiations is still a work in progress. ■

RUDY B. RODIL is a Mindanao historian and a retired professor of history at Mindanao State University-Iligan Institute of Technology (MSU-IIT). He served as Vice Chair of the Government of the Republic of the Philippines (GRP) Peace Negotiating Panel in Talks with the Moro Islamic Liberation Front (MILF), 2004-2008.

NOTES:

- ¹ Government of the Republic of the Philippines
- ² Moro National Liberation Front
- ³ Moro Islamic Liberation Front

HUNGHONG SA YUTA (EARTH'S WHISPER)

From war-torn Mindanao, a film
with an earnest message

Hunghong sa Yuta (Earth's Whisper)
Dir.: **Arnel Mardoquio**
107 minutes

FROM WAR-TORN Mindanao comes an independent film with an earnest and urgent message of peace and hope.

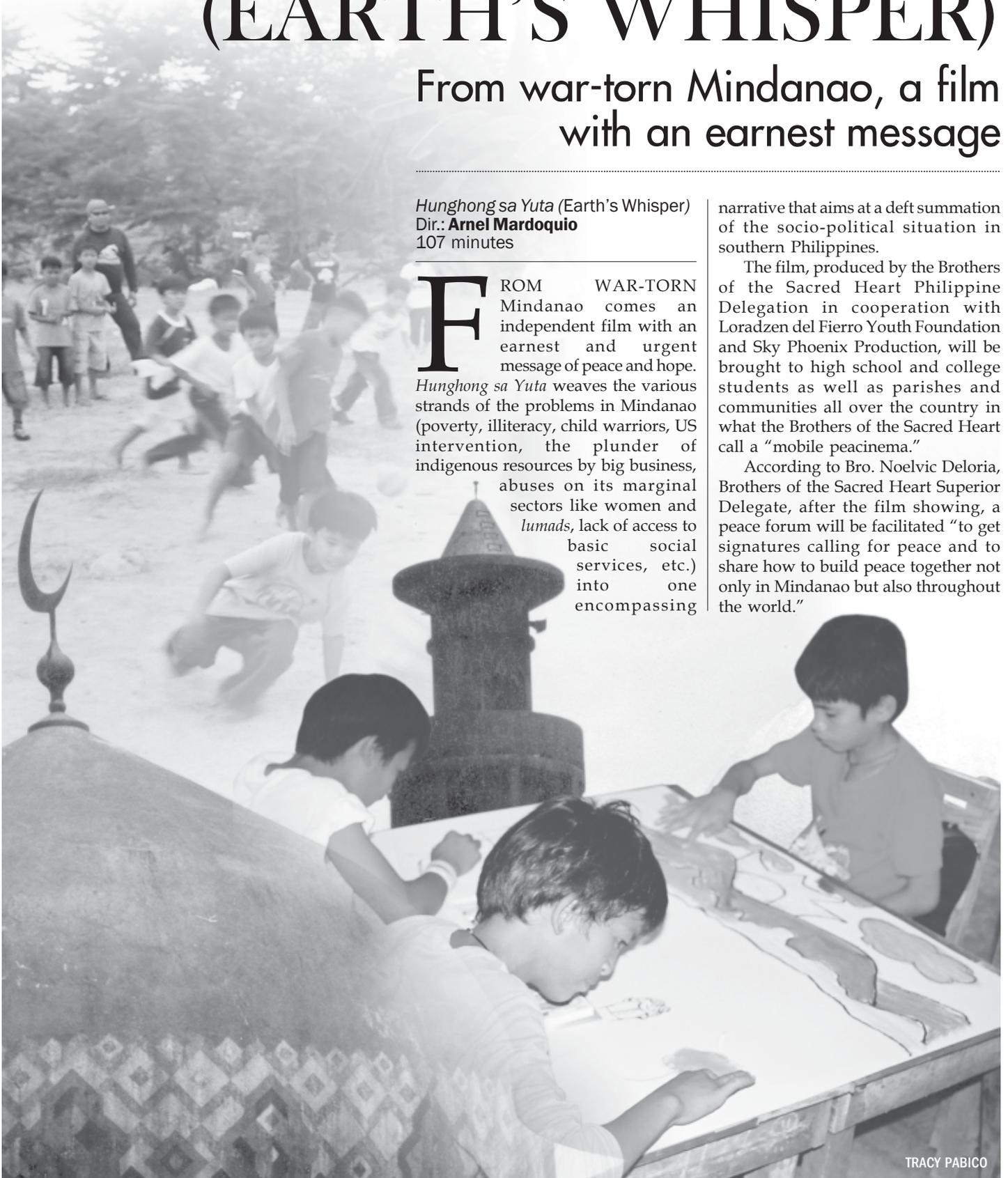
Hunghong sa Yuta weaves the various strands of the problems in Mindanao (poverty, illiteracy, child warriors, US intervention, the plunder of indigenous resources by big business,

abuses on its marginal sectors like women and *lumads*, lack of access to basic social services, etc.) into one encompassing

narrative that aims at a deft summation of the socio-political situation in southern Philippines.

The film, produced by the Brothers of the Sacred Heart Philippine Delegation in cooperation with Loradzen del Fierro Youth Foundation and Sky Phoenix Production, will be brought to high school and college students as well as parishes and communities all over the country in what the Brothers of the Sacred Heart call a "mobile peacinema."

According to Bro. Noelvic Deloria, Brothers of the Sacred Heart Superior Delegate, after the film showing, a peace forum will be facilitated "to get signatures calling for peace and to share how to build peace together not only in Mindanao but also throughout the world."



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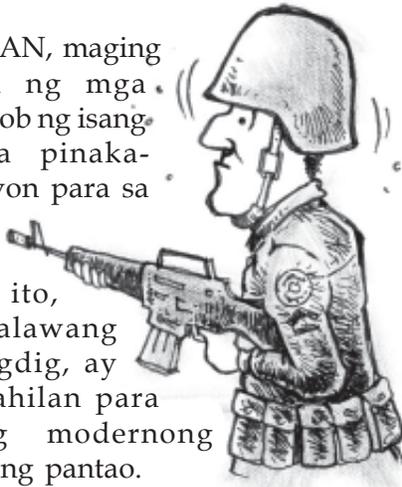
Alamin ang inyong mga

KARAPATAN

ANG DIGMAAN, maging sa pagitan ng mga bansa o sa loob ng isang bansa, ay isa sa pinakamasamang kondisyon para sa karapatang pantao.

Hindi nga ba't ito, partikular ang Ikalawang Digmaang Pandaigdig, ay kasama sa mga dahilan para mapanganak ang modernong sistema ng karapatang pantao.

Ngunit sa mga pagkakataong hindi na maiwasan o masugpo ang giyera, meron pa ring mga patakarang dapat sundin ang mga nagtutunggaliang pwersa tulad ng kasalukuyang banggaan ng militar at ng mga rebeldeng Muslim sa Mindanao.



Ayon sa **Artikulo 3 ng Geneva Convention** na pinagtibay ng mga bansa noong Agosto 12, 1949:

Sa mga armadong tunggalian na nagaganap sa loob ng teritoryo ng isa sa mga 'high contracting parties,' bawat bansa ay dapat ipatupad bilang minimum ang mga sumusunod na probisyon:

- 1) Ang mga taong hindi aktibong sumasali sa labanan kabilang ang mga armadong sumuko na o sugatan ay dapat tratuhin sa makataong paraan nang walang sinisino batay sa lahi,

kulay, relihiyon, kasarian, kapanganakan, o istatus sa buhay.

Dahil dito, pinagbabawal gawin anumang oras, kahit saan ang mga sumusunod sa mga taong nabanggit sa itaas:

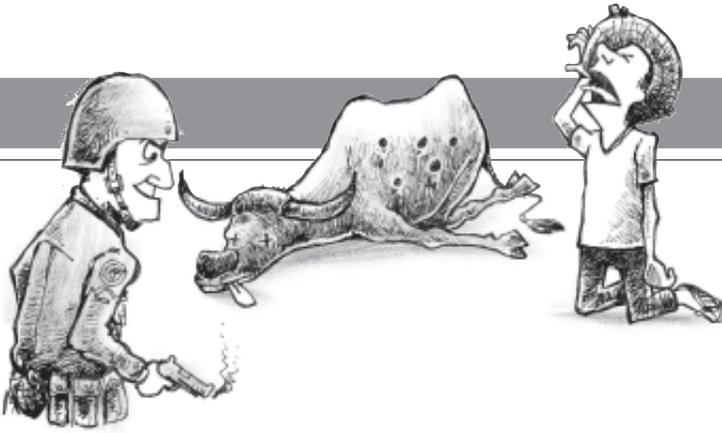
- a) Karahasan laban sa buhay at pagkatao partikular ang pagpatay, pagputol ng anumang bahagi ng katawan, malupit na pagtrato o pagtortury;
- b) Pagkuha ng *hostage*;
- k) Pagyurak sa dignidad tulad ng matinding pagpahiya at mapanlait na pagtrato;
- d) Paghatol at pagpatay nang walang sentensya mula sa regular na korte.

Kalaunan, pinagtibay din ng mga bansa noong 1977 ang Protocol II ng Geneva Convention na lalong nagbigay ng proteksyon sa mga biktima ng mga armadong alitan na internal sa mga bansa.

ARTIKULO 13 - Proteksyon sa mga sibilyan

Sa kabuuan, ang sibilyang populasyon at maging mga indibidwal ay dapat pino-proteksyunan sa mga panganib na dulot ng mga operasyong militar. Kaya lalong bawal na sila ay maging target ng mga pag-atake na isang layunin ay lumikha ng takot at pangamba sa bahagi ng publiko.





ARTIKULO 14 - Proteksyon sa mga bagay na importante sa buhay ng mga sibilyan

Bawal ang paggutom sa mga sibilyan bilang taktika sa pakikidigma. Kaya hindi rin dapat atakihin, sirain, tanggalin, o gawing walang silbi ang mga bagay na mahalaga sa ikabubuhay ng mga taong sibilyan.

Halimbawa ng mga bagay na ito ay mga pagkain, mga lugar na ginagamit upang makalikha ng pagkain, mga pananim, mga hayupan, mga inuman, at mga irigasyong pansakahan.



Artikulo 15 - Proteksyon ng mga bagay o instalasyong may mapanganib na pwera

Ang mga imprastrukturang naglalaman ng mga mapanganib na bagay tulad ng mga dam, dike, at mga nukleyar na planta ay hindi dapat atakihin kahit na ang mga ito ay pwedeng maging mga target militar. Hindi maaaring atakihin ang mga bagay na ito kung magresulta sa pagsiwalat ng mapanganib na mga bagay na pwedeng magdulot ng matinding pinsala sa sibilyang populasyon.

Artikulo 16 - Proteksyon sa mga pang-kulturang bagay at mga lugar sambahan

Bawal ding gumawa ng anumang aksyon na maaaring makasira o gamitin upang makasuporta sa layuning militar ang mga maksaysayang monumento, mga likhang sining, at mga lugar sambahang bahagi ng kultural o ispiritwal na pamanang lahi ng mamamayan.



Artikulo 17 - Pagbabawal sa pwersahang paglikas ng mga sibilyan

Hindi maaaring ipag-utos ang paglikas ng mga sibilyan mula sa kanilang mga komunidad dahil sa armadong labanan pwera na lamang kung talagang sila ay nasa panganib o kaya naman ay may napakahalagang dahilang militar.

Hindi rin maaaring pilitin ang mga mamamayang sibilyan na lisanin ang kanilang mga komunidad dulot ng mga kadahilanang may kaugnayan sa digmaan.

Kung hindi maiwasan ang pagpapalikas ng mga sibilyan, dapat tiyaking sila ay magkakaroon ng maayos na nutrisyon, kalinisan, pabahay, kalusugan at ligtas na kapaligiran sa lilipatang lugar.



Photos by TRACY PABICO

IMPUNITY: A SPREADING MALIGNANCY

■ By MAX M. DE MESA

Impunity: Cutting Across All Human Rights

A LEADER of the National Federation of Sugarcane Workers (NFSW), Armando Dolorosa, 45, was gunned down by three masked men in Manapla, Negros Occidental on June 6, 2008.

According to Dolorosa's wife, Janetta, she suspects that her husband's murder had something to do with the implementation of the agrarian reform program. She said her husband and 36 other agrarian reform beneficiaries were given

certificates of land ownership award by the Department of Agrarian Reform (DAR) last year. The certificates covered a portion of a sugar estate. Dolorosa was the third local NFSW

leader slain in Manapla since 2003, local police records show.

Eric Cabanit, staunch peasant leader since the martial law period, was killed in a marketplace in Davao City. His daughter was with him when he was attacked.

Kathy Alcantara, a woman leader-organizer of the *Pambansang Kilusan ng Makabayang Magbubukid* (PKMM), was killed mid-morning of December 5, 2006 in Brgy. Gabon, Abucay, Bataan. She was just a short distance from an ongoing seminar of PKMM, of which she was both organizer and resource person, when she was gunned down by killers on motorcycles. People who turned to look when they heard the shots were not in a position to recognize the motorcycle riders who in the meantime had sped away.

Their deaths add to the several hundreds of persons who had lost their lives for standing up and defending fundamental freedoms, social justice and human rights. They are usually, among others, leaders of people's organizations and/or cause-oriented groups, farmers, workers, youth, professionals, journalists and church people. More often than not they or their organizations have been branded at one time



Urgent call: But will the government listen?



Church workers have been at the forefront of human rights advocacy.

Photos by TRACY PABICO

or another by the military and/or police as “enemies of the state” or as “fronts” of the Communist Party of the Philippines (CPP) or that of the New People’s Army (NPA), the armed wing of the CPP. These killings are closely linked if not actually caused by the victims’ struggles for human rights. These unsolved killings, with no perpetrators brought to justice nor convicted, entrench deeper the culture of impunity¹.

Unknown Extent of Impunity

The extent of impunity in relation to the human rights situation in the Philippines, particularly in extrajudicial executions, enforced disappearances and torture, at the moment, can never be completely known.

The case of the brothers Raymond and Reynaldo Manalo (see “The Manalo Brothers: From Victims to Defenders,” *Human Rights Forum*, Vol. IV, No. 4, October-December 2007, pp. 12-16) graphically illustrate the extent of impunity in the country. The enforced disappearance and torture of the brothers confirm the poor implementation of civil and political rights in the Philippines.

In granting the brothers’ pe-



titution for a Writ of Amparo, the Supreme Court gave credence to the brothers’ account of military atrocities, despite government and military denials.

What is particularly alarming in the brothers’ sworn account is how they saw:

- Other victims of torture and enforced disappearance, and
- Other victims being extrajudicially killed.

The testimony of the Manalo brothers depicts a horrifying possibility of a much deeper problem of impunity. It also proves to what extent perpetrators of human rights vio-

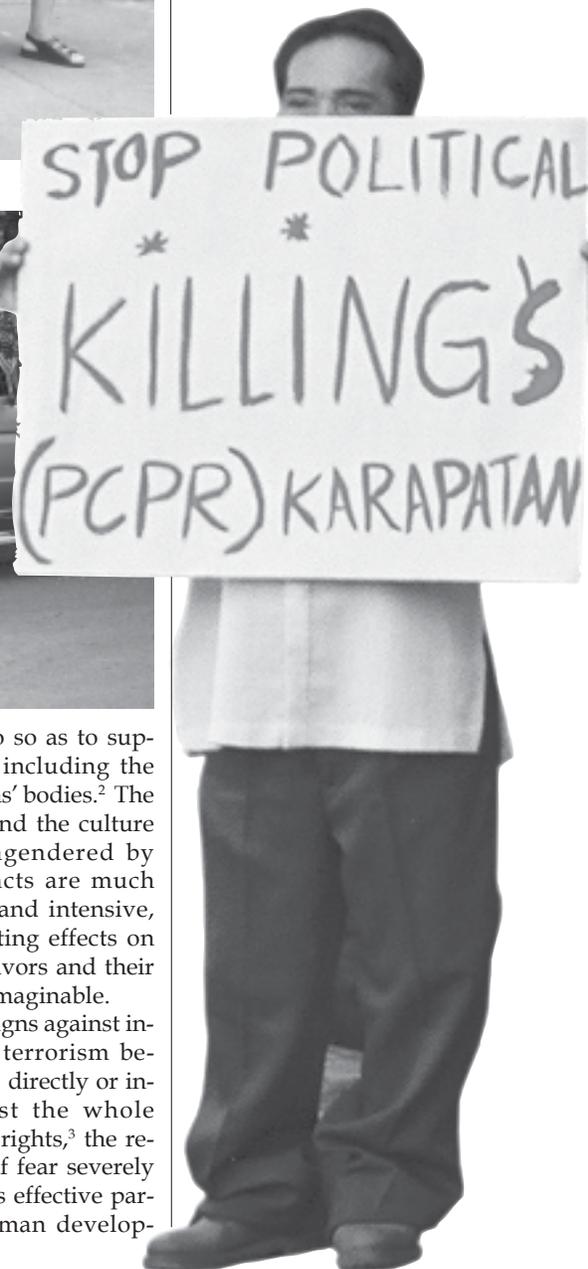
lations would go so as to suppress evidence, including the burning of victims’ bodies.² The climate of fear and the culture of impunity engendered by these heinous acts are much more extensive and intensive, and the devastating effects on the lives of survivors and their families are unimaginable.

When campaigns against insurgencies and terrorism become operations, directly or indirectly, against the whole range of human rights,³ the resulting climate of fear severely impedes people’s effective participation in human development.

Corruption: A Component of Impunity

In the midst of controversies and charges of corruption, President Arroyo blocked the people’s access to information. These obstacles, among others, are Executive Order 464⁴, Memorandum 108⁵, the use of executive privilege⁶, and Administrative Order 197⁷. These legal measures supplement and exacerbate an already existing coercive environment and climate of fear and uncertainty among the people.

The stonewalling of truth only further entrenches impunity in the face of the State’s un-





Photos by TRACY PABICO

willingness to give in to demands of transparency and accountability, especially with regard to loans and economic projects in bilateral and multi-lateral agreements.⁸ The most glaring example of this is the NBN-ZTE deal between China and the Philippines, a project that was overpriced by hundreds of millions of dollars which would be paid for by the Filipino people. Corruption thus results in violations of the economic, social and cultural rights of the people.

Vilification Campaign: Military Response to Protests Against HR Violations

The vilification campaign⁹ against people's organizations branded as "enemies of the State," the consequent harassment and intimidation of members, and the use of the "order of battle" (OB) listings by the military reveal a pattern that can only come from a State policy. Although unwritten and unofficial, the results of the policy are just as deadly for people and disastrous for their human rights.¹⁰

Aside from Professor Alston's independent find of an "order of battle" list during his official visit as U.N. Special Rapporteur on Extrajudicial Killings, the Report of the EU Needs Assessment Mission, has this to say:

...in Region 3, the Brigade level Order of Battle lists 300 individuals. It was reported to the Mis-

sion in that Region that Orders of Battle are amended and updated from time to time.¹¹

Officials in the military headquarters in Manila questioned the authenticity of the document. The same EU report pointed out that:

The overall counter-insurgency strategy, including military involvement in civil affairs, blurs the differentiation between combatants and non-combatants, thus contributing to the extrajudicial killing and forced disappearances. On more than one occasion, AFP personnel confirmed that civilians who supported the counter-insurgency through political affiliation, financial support, or legal representation were legitimate military targets.¹²



The People's Struggles to Break Impunity: Government and Military Responses

The campaigns to expose grave human rights violations have been made and sustained by concerned groups both in the national and international arenas. These campaigns include human rights education and para-legal trainings to enable communities especially in dif-

ficult and/or militarized areas to assert their human rights whether to State or non-State actors. Efforts are also continuously made to organize formations of human rights defenders and to dialog with appropriate government officials and bodies towards obtaining a breakthrough against impunity. People's diverse actions, on their own and/or in solidarity with others, toward the common goal of breaking impunity, elicited different responses from the three branches of Philippine government.

President Arroyo, for example, praised the work and record of then General Jovito Palparan, Jr.¹³ who was suspected as responsible for the extrajudicial killings committed in the areas of his different assignments.

Until now, there are determined efforts to make justiciable the human rights treaties that the Philippine government had already signed and ratified, especially the ICESCR. That



Impunity could also thrive through laws that purport to protect human rights.

(the Human Security Act of 2007), which uses “a misleading semantic.”¹⁵

There are now bills on criminalizing torture and on enforced disappearances which closely follow definitions and provisions in the related international conventions. Their passage into laws could help in realizing justice for people.

In the meantime, the laws leading to the resolutions of cases of extrajudicial killings and enforced disappearances have been found wanting. Victims and relatives of victims who pursued justice through the legal system have been frequently frustrated by persons and processes meant to assist them in obtaining redress. For example, FIDH observed that Article 7 of the ICCPR and article 15 of the CAT [to both of which the Philippines is a State party], Section 25 of the 2007 anti-terrorism law (RA 9372), also prohibited the admissibility of evidence obtained

through torture or duress.

However, the actual case of the Supreme Court in this domain threatens the effectiveness of this principle. Indeed, the Supreme Court considers that “the confessant bears the burden of proof that his confession is tainted with duress, compulsion or coercion by substantiating his claim with independent evidence other than his own self-serving claims that the admissions in his *affidavit* are untrue and unwillingly executed. Bare assertions will certainly not suffice to overturn the presumption.”¹⁶

Judicial Activism

It is within this context that the judicial activism of the Supreme Court, which resulted in the issuance of the writ of amparo and the writ of habeas data, must be considered.

The two writs created hope that they would decrease the occurrence of extrajudicial killings and enforced disappearances. In fact, initial successes have been obtained. Some people who were abducted were surfaced.¹⁷ But then, for fear of retaliation and of the possibility of undergoing another round of harassment and intimidation, or worse – that of being extrajudicially killed – the victims and/or relatives do not pursue the filing of charges. In fact, some of those who were surfaced expressed gratitude to the military for “keeping them safe.” Some even returned with the military to the latter’s camp. Others who have been brought back home by the military after almost a year of enforced disappearance are too afraid to even officially acknowledge the atrocities committed.

There is at least one case in which a writ of amparo was filed against the human rights organization Karapatan. Somehow, the military was able to use the family of a youth who was in the ‘protection program’ of the said organization. This only shows that the military are learning how to make use of both law and intimidation to further entrench impunity

bills formulated to this end have not been certified urgent by the Chief Executive show the rank of importance Ms. Arroyo’s administration gives to the justiciability of human rights.

There is, for example, an absence of laws criminalizing torture and enforced disappearances. This situation is contrary to the international commitments of the Philippines under Article 7 of the ICCPR. The Philippines is a State Party to the Convention against Torture (CAT). Yet the FIDH mission in 2007 stated that “...in zones of armed conflict, acts of torture accompany every military operation.”¹⁴ While human rights formations welcome the signing of the Optional Protocol to the Convention against Torture (OPCAT), its full effect can only be felt when a law is passed criminalizing torture. At the moment, most if not all human rights defenders do not think one could certainly make a “presumption of regularity” of respect for human rights, espe-

cially against torture, when arrests or abductions are made by the military or the police of people perceived to be “enemies of the State.”

Impunity thus could persist due to the absence of laws that translate ratified international human rights instruments into national laws. Impunity could also thrive through laws that purport to protect human rights, such as the anti-terrorism law



The criminal justice system needs to win back the trust and confidence of the general public.

against the people.

As the EU Needs Assessment Mission notes, "The legal framework, including standard operating procedures, for investigating extrajudicial killing is in place, but seems not to be implemented or applied."¹⁸ The Mission also noted that the "main obstacle to successful investigation of extrajudicial killings, given by officials within the Philippine authorities concerned, is the unwillingness of witnesses to come forward."¹⁹ FLAG had enumerated the weaknesses of the government's Witness Protection Program in its report to the Special Rapporteur on Extrajudicial Killings.²⁰

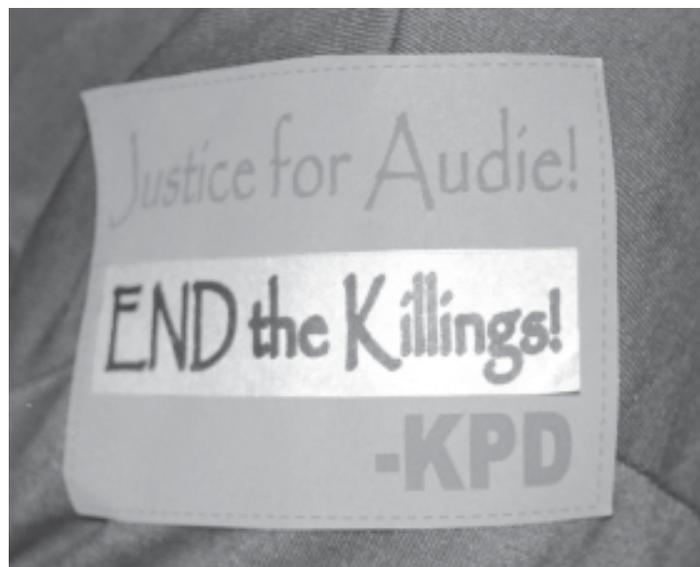
From investigations to court hearings to protecting witnesses, the criminal justice system needs to win back the trust and confidence of the general public.

As for the AFP, it is not seen as a politically neutral entity in terms of its constitutional mandate. The current degree of involvement of the AFP in civil affairs is counterproductive towards developing democracy, especially among the grass-roots communities, and is inimical to democratic processes and institutions. It is hoped that the new human rights office of the AFP would educate and train officers and soldiers on human rights and international humanitarian law and monitor their obligations of conduct.

The posturing of the top officers of the AFP (headed by the Chief of Staff, Hermogenes



Photos by TRACY PABICO



Esperon) and the PNP last February 25, 2008 only confirmed that they are partisan towards the incumbent political power.

It is thus not surprising that Professor Alston stated at the end of his initial report that his recommendations "will make little difference unless there is a fundamental change of heart on the part of the military or the

emergence of civilian resolve to compel the military to change its ways. Then, and only then, will it be possible to make real progress in ending the killings."

Concomitantly, real progress in the participation of people to realize their economic, social and cultural rights can only be done when the said fundamental changes are insti-

tuted in the government and in the military.

Working for the Emergence of Civilian Resolve

Building formations of human rights defenders at the grass-roots level is an imperative and not an option when the rule of law is weakened and a culture of impunity pervades. Furthermore, impunity in the whole range of human rights persists not because it is formidable, but because civil society, and even human rights defenders, are fragmented.²¹

There is a need, therefore, to organize broad formations that ensure a sensitized citizenry with appropriate skills and an engaged civil society. Aware of their dignity as expressed in their human rights, the affected people would exact accountability from all actors, whether State or non-State, yet without confusing that the State is the primary duty-bearer.

Fighting impunity should not just be in the realm of civil and political rights, but also in

the arena of economic, social and cultural rights. The rights to food, water, electricity and other basic services in this present crisis should be linked to the hemorrhaging of the people's coffers due to corruption. The concomitant violations in the economic, social and cultural spheres in the government's fight against terrorism must also be noted and denounced. Civilian resolve should not just break impunity, it should also reclaim back the people's dignity and obtain justice for us all. ■

.....
This article is from a paper submitted to the OMCT (World Organization Against Torture) for the seminar "Addressing the Economic, Social and Cultural Root Causes of Violence through the UN Special Procedures System" held June 23-27, 2008 in Geneva. The writer is the Chairperson of the Philippine Alliance of Human Rights Advocates (PAHRA). He is also a convenor of the Citizens' Council for Human Rights (CCHR).

NOTES:

¹ United Nations. "Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity": "Impunity" means the impossibility, *de jure* or *de facto*, of bringing the perpetrators of human rights violations to account

- whether in criminal, civil, administrative or disciplinary proceedings
- since they are not subject to any inquiry that might lead to their being accused, arrested, tried and, if found guilty, sentenced to appropriate penalties, and to making reparations to their victims."

² This burning of bodies was also mentioned in the affidavit of torture victim Ver Eustaquio, mass leader of the organization United Masses for Democracy and Justice, when he and his companions filed charges of abduction and torture against their alleged perpetrators.

³ Philippine Daily Inquirer, May 18, '08, p. A18. The right to education of children in Datu Halun Elementary School in Tawi-Tawi, Mindanao, as representative of the province's 7,000 children in preschools up to grade 6 levels has been reneged by the Department of Education in the Autonomous Region in Muslim Mindanao (ARMM) by not providing the much needed textbooks and other teaching aids. The province is perceived by the government and the military as Abu Sayyaf area.

⁴ This Executive Order bars any government official of the Executive branch from testifying before any legislative inquiry without the permission of the Chief Executive. In the meantime, this E.O. has been substantially nullified by a Supreme Court decision. (Pangalangan, Raul C. "Be careful what you wish for", Philippine Daily Inquirer, March 7, 2008, p. A14.)

⁵ Ibid.

⁶ After the Supreme Court struck down significantly E.O. 464, the same SC made a "dangerously crippling decision" regarding executive privilege. (Bernas, Joaquin G., S.J. "A dangerously crippling decision". PDI, March 11, 2008, p. A15)

⁷ Administrative Order 197 issued by Ms. Gloria M. Arroyo on September 25, 2008. Note specifically provision no. 2: "The DND/AFP shall draft legislation in consultation with the Presidential Legislative Liason Office and Congress allies for safeguards against disclosure of military secrets and undue interference to military operations inimical to national security."

⁸ Freedom from Debt Coalition (Philippines) considered the following RP-China Loan-related agreements as corruption-riddled: The North Luzon Railways Project (NLRP), the South Luzon Railways Project (SLRP), the National Broadband Network (NBN) Project and the Cyber-Education Project (CEP).

The anomalies and/or controversies surrounding these projects were heard during the Senate investigation on February 8, 2008 in which Engr. Rodolfo Noel "Jun" Lozada, Jr. revealed he had been involved in some of the said projects of government, all funded by the Export-Import Bank of China.

⁹ According to the Free Legal Assistance Group, "In other cases, soldiers conduct 'public meetings' where they present a version of the power point presentation 'Knowing the Enemy' and read aloud the names of 'wanted persons' listed in the 'Military Order of Battle.'

¹⁰ A report by Jean Marie Ferraris, Legal Resource Center, illustrates this point: The indigenous people of the Atamatisalug who were internally displaced due to military operations in their areas were being accused as being used by militants in the former's complaints against the said operations, according to military-organized groups of indigenous people.

In March, 2008, several truckloads of military men in full-combat gear were deployed in the city of Marikina, Metro Manila, particularly in the area where teachers belonging to the organization ASSERT were beginning to organize fellow public school teachers into unions. The teachers were forced to attend brain-washing seminars conducted by the military led by Col. Buenaventura Pascual, during which, some non-government organizations were labeled as "fronts of the NDF-CPP-NPA".

¹¹ European Commission, External Relations Directorate General. "EU Needs Assessment Mission Philippines, 18-28 June 2007. Report", p.35

¹² Ibid.

¹³ Gen. Palparan was chief of the 7th Infantry Division (ID), which includes command responsibility over troops deployed in Central Luzon. Charges of robbery,

grave coercion and serious illegal detention were filed against him and 13 others, mostly Army personnel, recently for taking over a mine site in Masinloc, Zambales.

("Army probing troops with Palparan in Zambales port takeover")

¹⁴ FIDH. "Report: International Fact-finding Mission in cooperation with the Philippine Alliance of Human Rights Advocates (PAHRA) and the International Rehabilitation Council for Torture Victims (IRCT), April, 2008, p.28. "[Torture] may be usual in the process of abduction by the military, the police or their civilian auxiliaries.", p.30

¹⁵ Ibid., pp.25-26. There are no specific references to international human rights law. It must be remembered too that while there is mention of a general "safeguard" and "respect for human rights", for one there is still no domestic legislation against torture, thus making implementation problematic.

¹⁶ FIDH, op.cit., p.33. For instance, Supreme Court of the Philippines. *People of Philippines vs. Dindo "Bebot" Mojillo*, G.R. No. 145566, March 9, 2004.

¹⁷ Ruel Munasque, a youth leader, taken by the military in Mindanao, was released on November 7, 2007.

¹⁸ EU, op.cit., p.15

¹⁹ Ibid.

²⁰ Free Legal Assistance Group. "Extrajudicial, Summary or Arbitrary Executions in the Philippines, 2001- 2006" submitted to Prof. Philip Alston in February 2007

²¹ EU Needs Assessment Report, op.cit., p.44. "Though widespread and vibrant, civil society in the Philippines is fractured.... The consequences of this split are still reflected in civil society activity today."

■ FREEDOM FROM DEBT COALITION

"In third world countries like the Philippines, equal justice will have a synthetic ring unless the economic rights of the people, especially the poor, are protected with the same resoluteness as their right to liberty. The cases at bar are of utmost significance for they concern the right of our people to electricity and to be reasonably charged for their consumption. In configuring the contours of this economic right to a basic necessity of life, the Court shall define the limits of the power of respondent MERALCO, a giant public utility and a monopoly, to charge our people for their electric consumption. The question is: should public interest prevail over private profits?" – Supreme Court Chief Justice Reynato Puno (Third Division, G.R. No. 141314-November 15, 2002)

ANG PILIPINAS ay kabilang sa mga bansang naghihirap, ngunit ang presyo ng kuryente dito ay kahalintulad sa mayayamang bansa. Dito sa Asya, pangalawa lamang tayo sa bansang Japan sa may pinakamataas na singil sa kuryente. Ang pangunahing dahilan sa ganitong kalagayan ay ang patuloy na pagbabayad ng kuryente mula sa mga tinatawag na Independent Power Producers (IPPs) – kuryente na hindi nalikha at nagamit ngunit garantisado ang pagbabayad mula sa konsyumer dahil na rin sa mga tinatawag na take-or-pay, fuel and exchange rate guarantees na laman ng kontrata.

Ang IPP's ay ang pinasok na kontrata ng pamahalaan at Napocor sa mga pribadong mamumuhunan upang magtayo ng mga bagong planta. Ginawa ito upang maampat ang kakulangan sa suplay ng kuryente simula noong panahon ni dating Pangulong Aquino, na nagpatuloy hanggang sa panunungkulan nina Presidente Ramos, Estrada at



PEPITO FRIAS

Gloria Macapagal-Arroyo. Umabot sa mahigit 900 bilyong piso ang kabuuang obligasyon ng pamahalaan mula sa mga IPPs.

Bukod sa pagkabaon sa utang ng Napocor ay malaking suliranin din ang pinansyal na pangangailangan upang tustusan ang industriya ng kuryente na siyang naging batayan upang lubusang

ANG USAPIN NG KURYENTE MULA SA PERSPEKTIBA NG KARAPATANG PANTAO

pumaloob ang gobyerno sa pangkalahatang pagrereporma sa industriya. At bilang kapalit para sa nasabing pinansyal na pangangailan ay ang pagsasakatuparan naman ng tinatawag na Structural Adjustment Program na ang pangunahing instrumento ay ang programang pribatisasyon, deregulasyon at liberalisasyon. Ito ay mga kondisyones upang makakuha ng panibagong pautang mula sa mga pangunahing institusyon na nag-aalok nito tulad ng World Bank, Asian Development Bank, Japan Eximbank at International Monetary Fund. Nagkakahalaga ng halos US\$1 bilyon na pautang ang nakuha ng gobyerno upang pasimulan ang nasabing programa.

Ang Electric Power Industry Reform Act (EPIRA) na naisabatas noong 2001 ang nagsilbing legal na mandato at balangkas sa pagsasagawa nito. Ngunit mula noon at hanggang ngayon, ay patuloy na nagresulta sa walang-kaparisan pandarambong ang nilikha nitong epekto hindi lamang sa patuloy na pagtaas sa presyo ng kuryente kundi maging sa kabuuang kinasasadakan ng industriya. Dahil bukod sa ginawa nitong lehitimo ang pangongolekta sa mga madadayang kontrata sa mga

Dito sa Asya, pangalawa lamang tayo sa bansang Japan sa may pinakamataas na singil sa kuryente.

.....
IPP's na mas kilala noon bilang PPA (Power Purchased Adjustment) ay ginawa rin nitong mistulang pamilihan ang industriya ng kuryente mula sa kaliwa't kanan na pagbebenta ng mga ari-arian ng gobyerno mula sa iba't ibang sektor nito. Ang tinutukoy na sektor ay ang generation, distribution, transmission at supply na pangunahing kumakatawan sa ating bayarin sa kuryente.

Ang presyo ng kuryente sa ilalim ng EPIRA at pamumuno ni GMA

Pribatisasyon ng Napocor at Transco

Mahigit sa limampung porsyento na ang naibenta na



JAY AZUCENA

mga planta (generation) mula sa dating pinangangasiwaan ng Napocor, habang nakatakdang ibenta ang natitira hanggang sa taong 2009. Bukod sa porma ng direktang pagbebenta ay mayroon din nagaganap na pribatisasyon sa paraan naman ng pagsasapribado ng kontrata na nakapailalim sa kontrata ng mga dating IPPs ng Napocor. Tinatawag nila ito ngayon bilang IPP administrator, isang pribadong entidad na mangangasiwa sa suplay ng kuryente na papasok sa mga bilateral contracts sa mga distribution companies at

maging sa pagbebenta para naman sa binuksang pamilihan ng kuryente sa Wholesale Electricity Spot Market (WESM).

Gayundin ang dinadaluyan ng nalilikhang kuryente mula sa tinatawag na transmission grid (high voltage wires) na nabili naman ng Monte Oro Grid Resources at ng State Grid of China noong nakaraang Disyembre 2007 sa halagang \$3.95 bilyon, batay sa ginawang bidding ng Power Sector Assets and Liabilities Management Corporation (PSALM). Ang PSALM ang ahensya na binuo ng EPIRA upang pangunahan

ang pagbebenta ng mga nabanggit na mga ari-arian ng gobyerno. Patuloy din ang pagbebenta ng mga sub-transmission grid (*low-voltage wires*) mula sa dating pag-aari at nasa pangangasiwa ng Transco (National Transmission Corporation) para ipagbili sa mga private distribution utilities at mga electric cooperatives.

Kaugnay nito, upang lalong ma-engganyo ang mamumuhunan na bilhin ang mga planta ng Napocor, ay kinakailangan din nitong itaas ang presyo upang sa ganitong paraan ay mabawi ang kanyang puhunan. Sa katunayan ay mayroong 15 ulit na rates adjustment ang iginawad sa presyo ng kuryente ng Napocor (8th GRAM at 7th ICERA). Bukod dito ay mayroon pang rate increase na P1.03 mula sa aplikasyon ng NPC na P1.98/kwh. Ito na ang pinakamataas na iginawad na pagtaas sa presyo ng kuryente sa kasaysayan ng ERC. Iginawad ito upang diumano ay maging 'financially and technically viable' ang planta sa mata ng pribadong sektor.

Para naman sa epekto ng pribatisasyon ng TRANSCO ay kapansin-pansin ang biglaang pagtaas sa presyo nito sa panahon na nagsisimula ang buong proseso sa bidding sa kabila ng matagal na panahon na hindi paggalaw. Mula sa P0.7716/kwh noong Nobyembre 2005 ay biglang tumaas ito sa halagang P0.9163/kwh noong Mayo 2006. Sa ilalim rin ng Epira ay tinanggal na ang ilang subsidyo tulad ng tinatawag na cross-subsidies na diumano ay isang distorsyon o sagka sa totoong presyo ng kuryente sa merkado. Pinapasan din ng mga konsyumer ang epekto sa korupsiyon bunga ng mga nagaganap na transaksyon sa proseso ng pribatisasyon.

Ang papel ng gobyerno sa industriya at ang elektrisidad bilang instrumento ng kaunlaran

Ang matitirang papel ng gobyerno ay ang regulasyon na pangunahing gagampanan ng



Energy Regulatory Commission (ERC) hinggil sa pagtatakda sa halaga ng kuryente. Ang Napocor, Transco at Department of Energy (DOE) ay magbabalangkas ng mga programa na tinatawag ngayon bilang Philippine Power Development Plan (2006-2014). Pangunahing responsibilidad nito na tiyakin ang pangangailangan sa elektrisidad ng buong bansa katuwang ang mga pribadong sektor. Ang partikular na tungkulin ng Napocor ay hikayatin ang pribadong sektor na lumahok sa 61 (off-grid) na mga lugar na kung saan ay itinuturing na *unviable areas* tulad ng malalay, maliliit at hiwa-hiwalay na isla sa buong bansa (Bantayan Island sa Cebu, Oriental Mindoro, Timog bahagi ng Palawan, Catanduanes, Marinduque, Tablas, Romblon at Masbate). Ang pondo dito ay kinukuha



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mula sa missionary electrification na nagsisilbing subsidyo para sa lahat ng nakapaloob sa Small Power Utilities Group (SPUG).

Maging ang paglilinang sa mga *renewable energy* (REs) na nagmumula sa ating sariling

likas-yaman ay ipinasasakamay na ngayon sa pribadong sektor. Ang Malampaya Natural Gas na pag-aari ng Shell at PNOC-EDC na pangunahing pinagkukunan natin ng ating geothermal energy ay napunta na rin sa karibal nilang may-ari ng



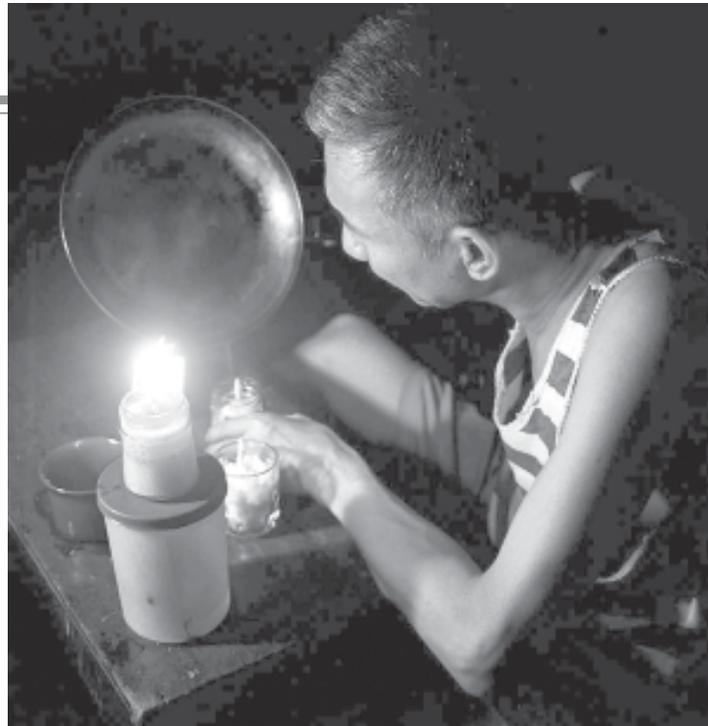
FREEDOM FROM DEBT COALITION

Meralco – walang iba kundi ang mga Lopezes.

Kung susuriing mabuti, ang pangunahing pangako ng EPIRA ay pagbaba sa presyo at pag-unlad ng serbisyo sa buong bansa – ngunit kabaligtaran lahat ang nangyari. Sa katunayan, mula 2003 hanggang sa kasalukuyan ay halos 100% na ang itinaas ng presyo ng kuryente. Mula sa halagang P5.65/kwh (2003) ay umakyat ito sa pinakamataas na presyo noong Disyembre 2007 sa halagang P11/kwh kung ibabatay sa average consumption na 200/kwh.

Si GMA at ang patuloy na pagtaas sa presyo ng kuryente

Noong taong 2001, sa ilalim ng panunungkulan ni GMA, naipasa ang batas na EPIRA. Sa loob ng 7 taon ay puspusan ang kanyang pagtutulak upang isalba ang bangkaroteng NPC



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Pinapasan din ng mga konsyumer ang epekto sa korupsiyon bunga ng mga nagaganap na transaksyon sa proseso ng pribatisasyon.

mula sa pagkalubog nito sa napalaking pagkaka-utang na siyang naging mitsa upang ideklara niya ang financial crisis noong 2004. At upang ibsan ang ganitong kalagayan ay isinulong ang pagpapataw ng 12% na buwis (mula sa dating zero rate) sa industriya ng kuryente. Ito ang Reform Value Added Tax o RVAT.

Nilalaman din ng EPIRA ang pagpasan ng pamahalaan sa P200 bilyon na utang ng Napocor. Sa ilalim din ng batas na ito nabuo ang palpak na ERC na siya rin mismo ang nag-aapruba sa komposisyon ng mga miyembro ng Komisyon. Isang patunay dito ay kinakailangan pang habulin sa Korte Suprema ang mga ginawang desisyon ng ERC tulad

ng kaso ng pagpasa ng Meralco sa konsyumer ng kanilang corporate income tax at ang overcharging sa paniningil ng PPA.

Maging ang WESM ay lantarang ipinagyabang noong SONA 2006 na ngayon ay pinagmumulan ng pinakamataas na suplay ng kuryente ng mga distribution utilities tulad ng Meralco. Ito ay sa kabila na 10% lamang ito ng kabuuang suplay ng kuryente, ngunit sa kasalukuyan ay pumapalo ang halaga sa P12/kwh mula sa dating P2.788/kwh noong Hunyo 2006. Ang natitirang 90% ay nagmumula sa mga bilateral contracts at madadayang IPPs.

Malinaw na ang mga problema ng industriya sa kuryente ay lalong lumala at ang kapakanan ng mga konsyumer ay dumausdos, mula sa dating pagiging miserable patungo sa kalagayan na halos hindi na makapagbayad dahil na rin sa patuloy na pagtaas ng singil sa kuryente.

Sa puntong ito, dapat maunawaan na mahalaga ang kuryente dahil nagpapagaan ito sa buhay ng tao. Ngunit ngayong nasasakdal ito sa maanomalyang kalagayan, hindi na halos nito ganap at lubusang nagagampanan ang mismong dahilan ng kanyang pag-iral sa ating lipunan – ang magpagaan at magpaunlad sa

buhay ng mga mamamayan. Isa na itong balakid sa pang-araw-araw na pamumuhay ng bawat pamilyang Pilipino at maging sa usapin ng progresong panlipunan.

Ang matinding epekto ng mataas na presyo ng kuryente

Epekto sa industriya at ekonomiya hinggil sa hindi pagkakaroon ng abot-kayang kuryente

Maliban sa daing ng mga mahihirap, ang mataas na presyo ng kuryente ay laganap na reklamo rin ng mga negosyante, lokal man o dayuhan, dahil sa dagdag na gastusin sa operasyon ng kanilang mga negosyo sa bansa. Batay sa ginawang survey ng Asian Development Bank (ADB), mula 20% hanggang 45% ng kabuuang operating expenses ng semiconductor industry (na pangunahing export industry ng bansa) ay napupunta sa kuryente lamang. Halos 30% naman ang inilalaan ng mga nasa textile industry. Sobrang mataas na gastos ito, kung ikukumpara sa 12% ng Indonesia at 10% ng Malaysia.

Kapag mataas ang gastos sa operasyon ng mga pabrika, tumataas din ang presyo ng mga produkto. Kapag mataas ang presyo ng produkto, mahirap ibenta sa merkado dahil disbentahe ito sa kompetisyon. Ito ay natural na batas ng kapitalismo. Kaya para makabawi, tinitipid ng mga negosyante ang ibang gastusin sa produksyon. Bina-barat ang manggagawa, binababa ang kalidad ng produkto, dinadaya ang gobyerno tulad ng hindi pagbabayad ng tamang buwis at pagpigil sa mga planong ekspansyon. Sa madaling sabi, interes ng publiko at ekonomiya ang nasasakripisyo.

Kung ang mga negosyante na nakakahanap ng paraan upang mabawi ang dagdag na gastos sa pagnenegosyo ay nagrereklamo sa mataas na presyo ng kuryente, paano na ang ordinaryong pamilyang

Pilipino? Hindi bababa sa P1,900 hanggang P2,850 ang babayaran ng isang pamilya na kumukonsumo ng 201 kwh hanggang 300 kwh kada buwan. 20% na ito ng buwanang kita ng isang minimum wage earner.

Kapansin-pansin din na maging sa mga nasasakupan sa prangkisa ng Meralco (Quezon, Laguna, Rizal, Cavite at Batangas), mula sa pinakamahirap na komunidad nito ay damang-dama ang mabigat na pagbabayad sa kuryente. Sa isang pag-aaral na tinawag na "Meralco Rural Electrification Project" noong 2002, sinubukang alamin ang kapasidad ng mga konsyumer sa sistema ng kanilang pagbabayad. Ayon dito, "43% of respondents always paid their electricity tariff on schedule, while 53% of respondents delayed somewhat in paying their bill, and 1% of respondents always delayed paying their bill. As a result, 18.8% of respondents experienced disconnection of electricity."

Sa loob ng nakalipas na anim na taon mula nang isagawa ang ganitong pag-aaral ay patuloy ang pagtaas ang bayarin sa kuryente kung kaya't hindi kalabisang isipin na tumaas din ang bilang ng mga hindi nakakapagbayad sa takdang panahon at ang iba naman ay hindi na magawang magpalagay muli ng koneksyon sa tuwing napuputulan - at ang tanging paraan na natitira para sa kanila ay gumawa ng ilegal na koneksyon o di kaya ay magbayad sa kanilang sariling mga lokal na sindikatong "IPPs."

Epekto sa pagkakaroon ng suliranin sa akses sa kuryente

Dito sa Kamaynilaan ay umaabot sa halagang P3,000 hanggang P5,000 ang babayaran upang makakuha ng koneksyon sa kuryente. Bagama't magkakaiba ang sinisingil ng mga distribution utilities para sa tinatawag na *installation fee* batay na rin sa dami ng kagamitan ay lubhang mataas ang singil na ito. Bukod pa dito ang pasikot-sikot na mga rekisitos tulad ng pagkuha sa *right of way* at titulo ng lupa at mga proseso na



FREEDOM FROM DEBT COALITION

dadaan upang mailagay ang koneksyon at metro. Sadyang mabigat ang ganitong singilin kung susuriin ang antas ng kahirapan na patuloy na nararasan ng mga mamamayan hindi lamang sa kuryente kundi maging sa pangangailangan sa tubig, bigas, pamasaha at iba pang batayang serbisyo.

Ngunit ayon naman sa ginawang presentasyon ni Tom Crouch, Deputy Director General ng ADB, sa nakaraang Philippine Energy Summit, patuloy na nadagdagan ang bilang ng nagkaroon ng kuryente sa buong bansa. Mula 55% noong 1986 ay umabot na ito sa 94% (2006) para sa mga nakonektahang mga barangay sa Pilipinas. At para na rin sa taong nabanggit ay may karagdagang tirahan ang nagkaroon ng elektrisidad, mula sa hindi bababa sa 50% ay tumaas sa 75%.

Kaugnay nito, dapat mawawala ang pagkakaiba ng depinisyon hinggil sa koneksyon sa barangay at mga tirahan, upang masuring mabuti ang tunay na antas sa ginagawang programa ng gobyerno para sa pagbibigay ng elektrisidad. Tinuturing ng pamahalaan na naabot ang

sinasabing 94% (*barangay level*) noong 2006 sa paraan ng pagbibilang na kung saan ang bawat barangay (gaano man karami ang populasyon nito) basta't mayroong mga pamilyang konektado sa main grid o mula sa sistema na nakalagay dito, ay binibilang na sa ganitong kategorya. Samantala, ang bawat tirahan naman na tinuturing na nakonektahang 75% ay binibilang sa paraan na kung saan kapag nalagyan na ng linya o koneksyon ang komunidad o mga tahanan (*household level*) papunta sa main lines ng distribution utilities ay pasok na sa ganitong sistema ng panukat.

Lubhang alanganin ang ganitong mga datos. Una ay ang limitadong pagkonsidera na ang bilang ng mga tirahang nakakonekta sa main distribution lines ay katumbas na rin ng dami ng populasyon para sa buong barangay. Pangalawa, hindi tiyak o nasa antas potensyal pa lamang dahil sa hindi naman garantisadong magagamit o gagamitin ang nilagay na koneksyon bunsod na rin ng mataas na bayarin sa kuryente at iba pang kadahilanan.

Maging ang dokumento ng

ADB na tinawag na "Operationalization of the National Development Plans and Programs for Promoting Rural Electrification in the Philippines" (Concept Paper, 30 March 2005) ay nagpahayag ng mga sumusunod, "On April 2004, the DOE established and created an Expanded Rural Electrification Program, which targets 100% *barangay* electrification by 2008 and 90% household electrification by 2017. By 2004, it has already achieved 91% *barangay* electrification level. However, the success level is not indicative that full electrification in the country is achieved. It should be noted that the definition of "electrification" for grid connection refers to having access to electricity services i.e., when distribution line has reached the *barangay* proper. Meanwhile, for off-grid electrification a minimum of thirty households have been energized."

Hindi lamang sa mga lunsod nararanasan ang ganitong problema. Mas higit na nadarama ito sa kanayunan. Napag-alaman sa hiwalay na pag-aaral na hikahos ang mga mahihirap na mamamayan sa usapin din ng paglalagay ng koneksyon sa kani-kanilang tahanan. Ayon mismo sa ADB,

“The installation fees, equivalent of 0.5 – 1 year electricity bills or 70-150% of monthly income, are unaffordable for many poor families.”

At sa ilalim ng panunungkulan ng administrasyong GMA ay patuloy nitong hinihimok ang pribadong sektor na lumahok sa tinatawag na Expanded Rural Electrification Program mula sa iba’t ibang kaparaanan.

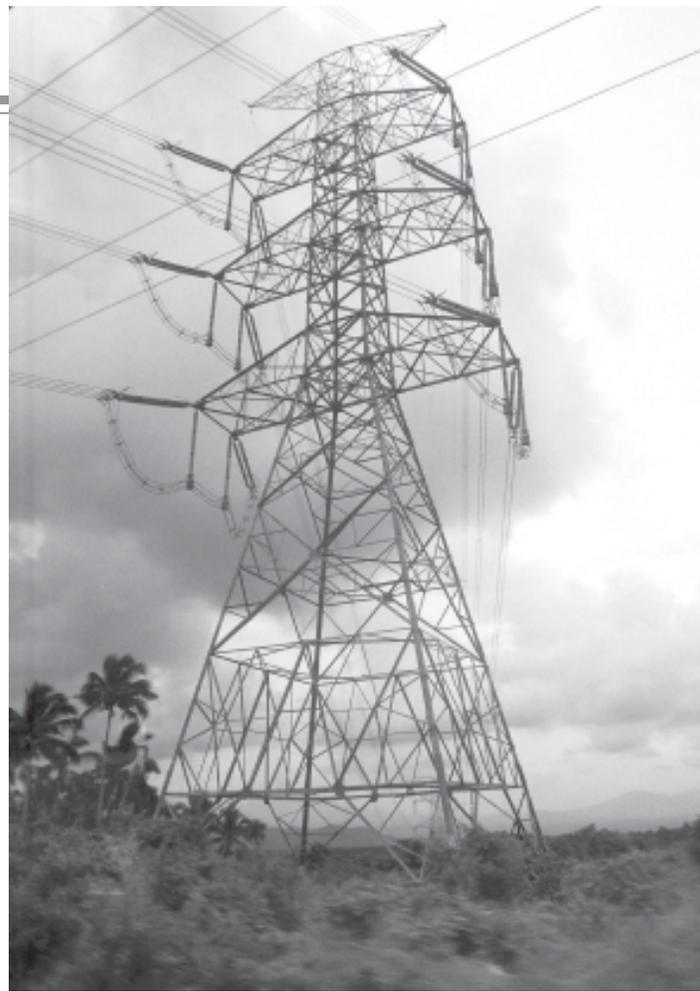
Ang pananagutan ng pamahalaan

Ang kuryente ay hindi direktang nakapaloob sa mga batayang karapang pantao na kinikilala sa buong mundo. Hanggang sa kasalukuyan ay patuloy pa rin ang debate kung ito ba ay bahagi ng mga batayang karapang pantao tulad ng edukasyon, pagkain, pabahay, kalayaan sa pamamahayag at iba pang mga pangunahing pangangailangan. Ang batayang prinsipyo na gumagabay sa pagturing sa mga sinasaad ay mga bagay na hindi puwedeng mawala sa pag-iral ng sangkatauhan bunga na rin ng hindi mapasubaliang katotohanan sa mahalagang papel nito sa lipunan – samakatuwid, nararapat lamang na bigyang garantiya ng bawat pamahalaan.

Ang tanong: puwede bang mabuhay ang tao ng walang kuryente? Marahil ay magkakaiba ang sagot at opinyon ng bawat tao sa ganitong katanungan. Ngunit isang bagay ang tiyak: isang malaking kalokohan ang paghahangad ng progreso kung walang sapat at abot-kaya na kuryente. Ang elektrisidad ay kritikal na sangkap ng ating ekonomiya, na siya namang esensyal na bahagi sa pag-unlad ng buong lipunan.

Sa katunayan, sinasalamin ito ng mga sumusunod na mga batas at deklarasyon na nagbibigay pagkilala sa kahalagahan ng elektrisidad kaugnay ng pag-unlad ng tao bilang miyembro ng lipunan:

Una, ang Art.2, Sec. 9 (Declaration of Principles) sa Saligang Batas ng 1987: *“The*



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State shall promote just and dynamic social order that will ensure the prosperity and independence of the nation and free the people from poverty through policies that provide adequate social services, promote full employment, a rising standard of living, and an improved quality of life for all.”

Pangalawa, ang declaration of policy, section 2 ng EPIRA, *“It is hereby declared the policy of the State:*

- (a) *To ensure and accelerate the total electrification of the country;*
- (b) *To ensure the quality, reliability, security and affordability of the supply of electric power;*
- (c) *To ensure transparent and reasonable prices of electricity in a regime of free and fair competition and full public accountability to achieve greater operational and economic efficiency and enhance the competitiveness of Philippine products in the global market;*
- (f) *To protect the public interest as it is affected by the rates*

and services of electric utilities and other providers of electric power;

- (g) *To assure socially and environmentally compatible energy sources and infrastructure;*
- (h) *To promote the utilization of indigenous and new and renewable energy resources in power generation.”*

Pangatlo, ang article 11 ng International Covenant on Economic, Social, and Cultural Right: *“Everyone has the right to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.”*

Ganunpaman, batid natin ang buong katotohanan sa likod ng ganitong mga uri ng batas at pahayag.

Patuloy ang pagtaas ng presyo ng kuryente at kung paano ito naging perwisyo, imbes na ginhawa, sa bawat Pilipino. Maging ang suliranin sa pagkakaroon ng linya ng kuryente ay may bahid ng

pagiging abstrakto para sa pamilya na itinuturing na nagkaroon ng elektrisidad. Hindi rin malulutas sa paraan ng pagbibigay ng P500 subsidyo laluna kung ito ay kakarampot at hindi pang-matagalan.

Ang malala pa, maging ang suplay ng kuryente sa bansa noong 2006 na mayroong *dependable capacity* na 13,939 MW ay sobra-sobra sa *peak demand* na umaabot lamang sa 8,760 MW noong taong nabanggit. Kaya’t ang kuryenteng ito na dapat ay napakinabangan ay patuloy na nawawaldas sa kabila na garantisado ang pagbabayad bunga na rin nang hindi episyente na sistema at pamamalakad.

Ang pinakamalaking pananagutan ng pamahalaan sa ating suliranin ay nagmumula sa prinsipyo at balangkas na gumagabay sa batas na EPIRA. Dahil ang esensyal na nilalaman nito ay ang kusang pagsasantabi sa papel ng pamahalaang tiyakin ang interes ng publiko at bilang kapalit ay ang pagpapahintulot na mamayani ang interes ng mga pribadong sektor – sa pamamagitan ng pagsandig ng buong programa at patakaran ng gobyerno sa kumpas at interes ng mamumuhunan. Alinsunod na rin ito sa diwa ng pribatisasyon, deregulasyon at liberalisasyon ng buong ekonomiya na siyang umiiral ngayon sa pandaigdigang kalakaran.

Higit sa lahat, hindi magaganap sa ganitong mga uri ng polisiya at patakaran ang mga inaasam na pagbabago hangga’t nananatiling pundido ang isipan ng ating pamahalaan na sa katunayan ay kumukuha lamang ng enerhiya mula sa patuloy na pangungutang at paninikil sa karapatang pantao. Sa ultimo, ang diskurso ng mga usapin sa elektrisidad ay lagpas na sa aspetong teknikal at pang-ekonomiya – at ang usapin ng karapatang pantao bilang instrumento o lente ng pagsusuri ay nararapat lamang maging susing bahagi sa paghahangad ng mamamayan para sa tunay na hustisya at kaunlaran. ■

UNEMPLOYMENT WILL WORSEN



WHETHER IT'S only a 'slow-down,' as some analysts say, or a full-blown recession, as everyone else believes, the ripple effect of the financial meltdown in developed economies will definitely have crippling effects on a population already in the maws of poverty.

In a recent survey conducted

by the Makati Business Club (MBC), the country's "most influential businessmen and CEOs" expect that layoffs will increase toward the end of the first quarter of 2009 - coinciding with the influx into the job market of more than a million fresh college graduates.

MBC's executive director

Alberto Lim told the media that "unemployment will rise, definitely," as MBC member-firms intend to implement cost reduction measures like hiring freezes, work hour reduction and even job cuts.

Even as government economists try to allay fears about more hardships to come, companies are already announcing layoffs.

In early November, furniture industry leaders admitted that they have already cut back on labor in response to weakened demand for furniture products from the US market.

Export processing companies in the provinces have already started layoffs, Partido ng Manggagawa (PM) reported. In Cebu alone, seven companies have either reduced their workforce or their work hours.

Most of those affected were women workers, PM's Renato Magtubo said.



EVEN THE BPO SECTOR IS NOT IMMUNE

THE CURRENT global financial crisis, coupled with a more "inward looking" Obama presidency, will also take its toll on the business process outsourcing (BPO) sector, touted as a "bright spot in the sea of economic gloom."

The local BPO sector, with an employment estimate of 300,000, accounts for some 10 percent of the global outsourcing business, about 85 percent of which is in banking and comes mainly from the US.

One local BPO firm has already laid off some 900 workers, after it lost a major US-based client which had gone bankrupt. Small local outsourcing businesses will be hardest hit, reports say. Another local BPO firm is about to go under after a US-based client slashed its business by almost 80 percent.

Such is the uncertainty over the outsourcing sector that analysts have been cautioning even corporate giants like Ayala Corp. to "revalidate" their BPO plans.

SOURCES:

- www.abs-cbnnews.com
- www.bworldonline.com
- www.inquirer.net
- www.irinnews.org

INTERNATIONAL LABOR MARKET WEAKENS

EVEN BEFORE the rich nations officially owned up to a coming recession in their respective economies, a survey released in July this year by Manpower Inc. showed that employers in most of the world's major labor markets are planning to slow the pace of hiring.

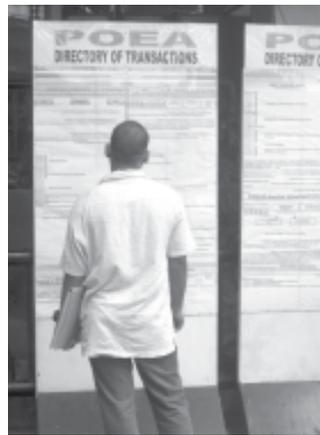
With more than 10 percent of the 90 million Filipinos working abroad, a slowdown in overseas hiring would be disastrous to the country's economy. Remittances from overseas Filipino workers (OFWs) account for more than 10 percent of the country's gross domestic product (GDP), official figures show.

It is estimated that some 20 million workers worldwide will lose their jobs because of the present financial crisis. Some migrant labor experts

say this figure is an understatement. Most vulnerable among the OFWs are the low-skilled workers, especially the domestic helpers and those employed in the construction industry. Low-skilled workers account for more than 35% of overseas-based Filipinos.

But even semi-skilled workers will also face the crunch. Some 75 Filipino workers have been fired from an Australian ship-building facility in November, due to "the global recession and the credit crunch," the company's official told the media.

President Arroyo assured that the government has a contingency plan for OFWs. The measures include "24/7 heightened monitoring of overseas labor-market displacement, monitoring of job



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orders for any decrease in overseas labor demand, registration of OFWs for possible redeployment and assistance in the repatriation of OFWs who lose their jobs." The president also said that, should there be a recession in the US, there will be "massive skills upgrading and retooling."

How such a contingency plan will really help jobless overseas workers is not known, however.

HUNGER: EMPTY PROMISES MAKE EMPTY PLATES

TOP TEN

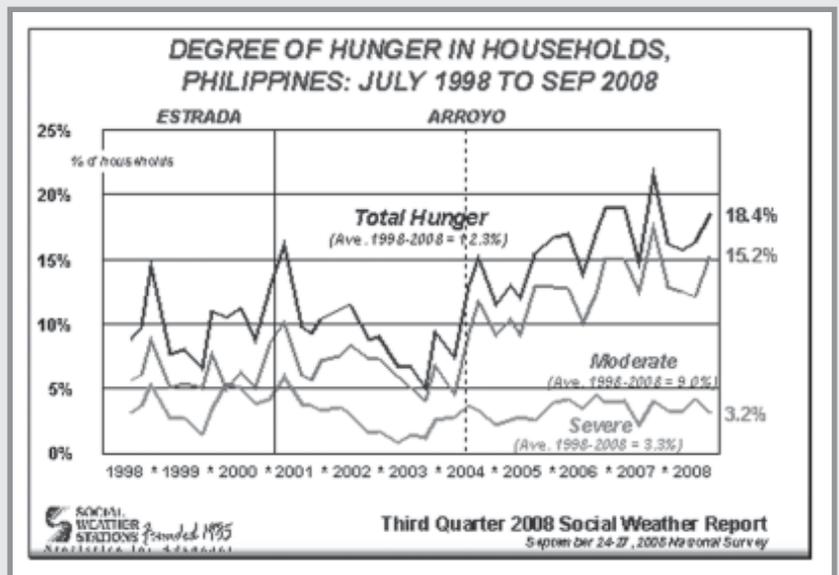
"Have there been times in the last 12 months when you and/ or your family have not had enough to eat?"

"Often + Sometimes" lack food in the past 12 months

 CAMEROON	55%	 BOLIVIA	35%
 PAKISTAN	53%	 GUATEMALA	35%
 NIGERIA	48%	 GHANA	32%
 PERU	42%	 RUSSIA	23%
 PHILIPPINES	40%	 MEXICO	23%

Source: Gallup International - Voice of the People™ 2008

EMPTY PLATES: DEGREE OF HUNGER IN HOUSEHOLDS, PHILIPPINES: JULY 1998 TO SEPTEMBER 2008



Source: 3rd Quarter Social Weather Report, September 24-27, 2008 National Survey
<http://www.sws.org.ph/>

HR TRIVIA:

THE RIGHT WORDS

"A widespread lack of food triggers other threats, from social unrest to environmental degradation, while undermining the wellbeing of an entire generation on whom the world will depend in the future."

Ban Ki-moon, Secretary General of the United Nations

IN THIS QUARTER

World Food Day 2008 (October 16)

IN NOVEMBER 1979, on the occasion of the Food and Agriculture Organization's 20th general conference, the member nations of the Food and Agriculture Association of the United Nations (FAO) established October 16 as "World Food Day."

This year's commemoration of World Food Day has never been

more pertinent, as more and more people all over the world face hunger and starvation in the face of a global food crisis.

It is estimated that 923 million people are suffering from hunger and malnutrition, and the spiralling food prices put at risk not only those living below the poverty line, but even those on the brink of poverty. With poverty worsening in the country, Filipinos are among those whose right to food is severely impaired.

The Philippines ranked 5th among 55 countries in a recent global hunger survey by Gallup International. Four out of 10 Filipinos were found to have experienced an empty stomach in the last 12 months.

Based on its own hunger survey conducted September 24-27, 2008, the Social Weather Station estimated that the number of families who experienced hunger at least once in the last three months has increased to 18% (3.3 million households).

Going without food is a choice that is forced upon millions of Filipinos because of high food prices. IBON's October 2008 survey showed that 75% of Filipinos "have difficulty buying enough food."

LABADA REPUBLIC

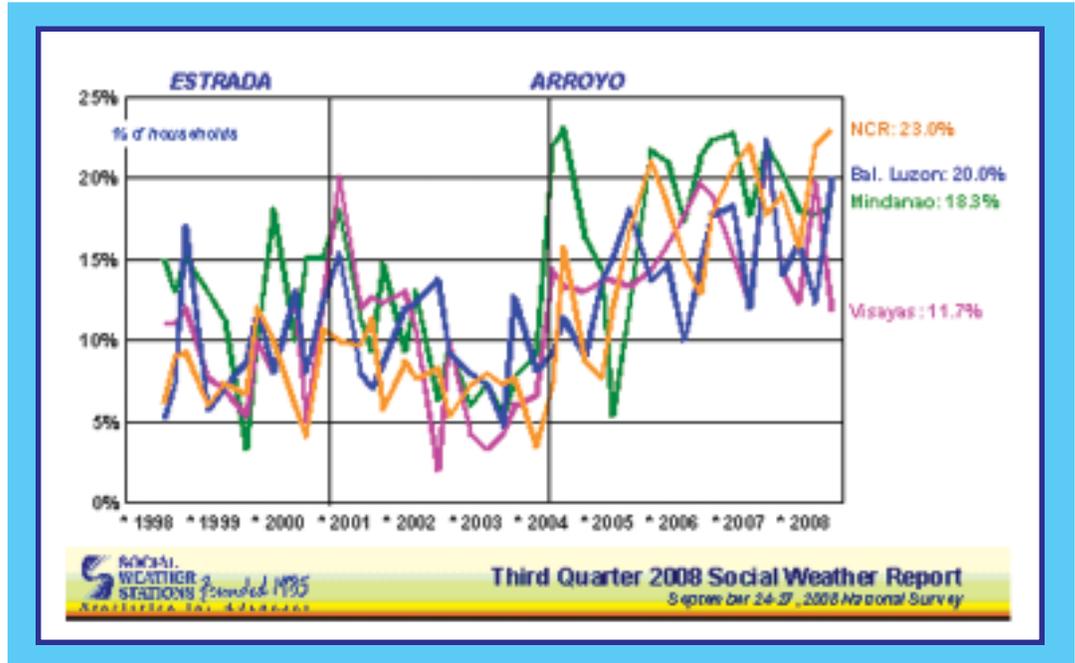


CORRECTION

IN THE June 2008 issue of HR Forum, the poverty statistics presented in "Facts and Figures" were all sourced from the website of the National Statistical Coordination Board (NSCB).

**EMPTY PLATES:
INCIDENCE OF HUNGER
IN HOUSEHOLDS, BY
LOCATION: JULY 1998
TO SEPTEMBER 2008**

Source: 3rd Quarter Social Weather Report, September 24-27, 2008 National Survey <http://www.sws.org.ph/>



ANNOUNCEMENT

SINCE APRIL 2004, the Philippine Human Rights Information Center (PhilRights) has been accepting interns from local and international institutions and universities. This Internship Program is open to college students, researchers or professionals who want to expand their experience in human rights work. Interns are assigned to one of PhilRights' four institutional programs: information, research, training, and monitoring/documentation.

For details, please contact Mr. Pepito D. Frias, PhilRights Training Associate, at 433-1714 and 426-4048; E-mail: philrights@philrights.org.

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