

# Civil and Political Rights Violations: When state abuse goes too far



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The right to life and dignity: Extrajudicial executions as *de facto* death penalty without due process

*Everyone has the right to life, liberty and security of person. (Art. 3, UDHR)*

*Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life. (Art. 6, ICCPR)*

*No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws. (Art. 3, 1987 Philippine Constitution)*

**T**HE RIGHT to life and dignity is an inalienable right of everyone and should be enjoyed by all by virtue of their being humans. Yet, during the first half of 2006, the right to life has been seriously and consistently attacked and violated with the unprecedented escalation of extrajudicial killings of progressives, labor and peasant leaders, human rights lawyers, media people and NGO workers. An environment of impunity as manifested by the seeming indifference and inaction of the GMA government in arresting and punishing all those responsible for these killings has persisted, leaving the sectors and groups under attack defenseless and vulnerable.

The use of extrajudicial executions or summary killings is not a recent phenomenon in the country. For instance, during the dark years of the martial law rule of former President Ferdinand E. Marcos, it has been



used as one of the tools to silence the opposition, maim the open mass movement through the liquidation of its leaders and mass activists, and sow terror and fear among the struggling masses. This counter-insurgency technique had primarily been carried out by paid assassins or hit men commissioned by the intelligence service of the Armed Forces of the Philippines.

After the downfall of the Marcos dictatorship, the use of extrajudicial executions persisted under the administration of former President Corazon C. Aquino, but this time the perpetrators were right-wing vigilante groups, death squads and religious fanatical groups which enjoyed the endorsement and backing of local governments and the Armed Forces of the Philippines (AFP). Following the US-sponsored low-intensity conflict (LIC) framework in the conduct of its counter-insurgency program, the Aquino government encouraged the formation and proliferation of anti-communist vigilante groups and death squads, particularly in rural areas identified to be influenced and/or controlled by the New People's Army (NPA).

According to a 1987 report on right-wing vigilantes prepared by the US-Philippine Fact Finding Mission to the Philippines, as of the middle of July 1987, the Philippine Alliance of Human Rights Advocates (PAHRA) recorded a total of 77 right-wing vigilante groups operating in various parts of the archipelago — 13 in Mindanao, 31 in the Visayas and 27 in Luzon. The major and notorious ones include the following:

1. *Alsa Masa* (Uprising of the Masses), established in 1984 in Davao City by former Agdao Barangay Captain Wilfredo "Baby" Aquino and later revived by former Metrodiscom head, Lt. Col. Franco Calida. Attributed to the group was the killing of Federico Fuentes, a farmer, during a December 10, 1986 Bayan rally and the assassination of Paul Perdido, a dentistry student of the Mindanao Aeronautical and Technological School (MATS) on March 9, 1987.
2. *NAKASAKA* (Nagkahiusang Katawhan Alang sa Kalinaw) or United People for Peace, was based in Davao del Sur and enjoyed the support of the Department of Interior and Local Government under former Sec. Jaime Ferrer. The group captured the headlines when it was reported during the second quarter of 1987 that some of its members, after beheading a suspected NPA rebel in Sta. Cruz, Davao del Sur, drank his blood.
3. *Katilingban Kalihukan Kontra Komunista* (4K), a group organized in the towns of Malapatan and Malugon, South Cotabato.



4. *El Tigre*, a vigilante group which operated in Bacolod City, Negros Occidental, and known to have links with another group called *Kristiano Kontra Komunismo* (KKK). An incident attributed to these two (2) groups, by virtue of their admission, was the bombing of the residence of Bishop Antonio Fortich.
5. *Negros' Concerned Citizens' Group to Fight Insurgency*, a vigilante group organized by the AFP and hacenderos in Negros.
6. *KADRE* (Katipunan ng mga Dating Rebelde at Detenido), a group operating in Cebu and Central Luzon.
7. *Sagrado Corazon Señor*, also known as *Tadtad*, a religious fanatical group which operated in Mindanao and affiliated with *Alsa Masa*.

Extrajudicial killings have continued unabated and have become commonplace during the first semester of 2006. Human rights groups say that on the average there is one victim a day of extrajudicial execution in the country. Some quarters have even ventured to say that cases of extrajudicial executions under the GMA administration may have surpassed the record of former Pres. Ferdinand E. Marcos during the height of the martial rule.

From January-June 2006, at least 98 political killings took place in various parts of the archipelago. These include men, women and elderly who were affiliated with progressive NGOs, POs, sectoral organizations, religious groups, human right lawyers' groups and militant party-list groups like Bayan Muna and Anakpawis (See Table 1).

Civil and  
Political  
Rights  
Violations:  
When State  
Abuse Goes  
Too Far

**TABLE 1: List of victims of extrajudicial executions, January-June 2006, Philippines**

A. BAYAN MUNA Leaders & Members

Name	Age	Affiliation	Date of Incident	Place of Incident
1. Armando Leabres		Bayan Muna	Jan. 10	San Miguel, Bulacan
2. Antonio Alde, Jr.	25	Bayan Muna	Jan. 30	Borongan, Eastern Samar
3. Maximo Frivaldo	39	Bayan Muna	Jan. 30	Irosin, Sorsogon
4. Nicandro Serpio		Bayan Muna	Feb.	Pangasinan
5. Jensen Cristobal		Bayan Muna	Feb. 18	Paseo de Magallanes, Pasay City
6. Arturo Caloza	45	Bayan Muna	March 4	Zone 5 Brgy. Villa Marina, San Jose City, Nueva Ecija



Name	Age	Affiliation	Date of Incident	Place of Incident
7. Florencio Perez Cervantes	27	Bayan Muna	April 5	Brgy. San Cruz, Rosario, Agusan Del Sur
8. Marilou Rubio Sanchez	42	Bayan Muna	April 22	Brgy. Magsikap, Gen. Nakar, Quezon
9. Virgilio Rubio	40	Bayan Muna	April 22	Brgy. Magsikap, Gen. Nakar, Quezon
10. Jesus Bustinera	62	Bayan Muna	April 27	Brgy. Caranday, Baa, Camarines Sur
11. Jayson Delen		Bayan Muna	April 27	LitanaSt. Brgy. Gubat, Daet, Camarines Norte
12. Jimmy Mirafuentes		Bayan Muna	April 27	Daraga, Albay
13. Ronald Comercia	26	Bayan Muna	April 28	Brgy. Sta. Isabel, Iriga City, Camarines Sur
14. Rev. Jeremias Tinambacan	49	Bayan Muna, UCCP	May 9	Along National highway in Brgy. Mobod, Oroquieta City
15. Ricardo Balauag	51	Bayan Muna	May 10	Brgy. Garit Sur, Echague, Isabel
16. Elena "Baby" Mendiola,	54	Bayan Muna	May 10	Brgy. Garit Sur, Echague, Isabel
17. Manuel Nardo	40	Bayan Muna	May 13	Brgy. Quebiawan, San Fernando, Pampanga
18. Jose Doton	62	Bayan Muna, UCCP	May 16	San Nicolas, Pangasinan
19. Noel "Noli" Capulong	51	Bayan Muna, UCCP	May 27	Brgy. Parian, Calamba, Laguna
20. Sotero Llamas	55	Bayan Muna	May 29	Tabaco, Albay

#### B. ANAKPAWIS Leaders & Members

Name	Age	Affiliation	Date of Incident	Place of Incident
1. Abner Dalan	28	Anakpawis	Jan. 23	Camarines Sur
2. Roberto de la Cruz		Anakpawis	Feb.	Lucena City, Quezon
3. Jay M. Allunar		Anakpawis	Feb. 5	Makilala, Cotabato
4. Romeo Leovate		Anakpawis	Feb. 9	Mulanay, Quezon
5. Agnes Abellon		Anakpawis	Mar 20	San Marcelino, Zambales

C. Leaders & Members of Other Progressive NGOs, POs, Trade Unions, etc.

Name	Age	Affiliation	Date of Incident	Place of Incident
1. Noli Villalon		Activist	Jan. 7	San Miguel, Bulacan
2. Ofelia "Nanay Perla" Torno-Rodriguez	61	Divisoria Farmers Association - AMC AMGL	Jan. 16	Brgy. Divisoria, Mexico, Pampanga
3. Mateo Morales		Indigenous Rights worker of Religious of the Good Shepherd's Tribal Filipino Ministry	Jan. 24	Brgy. Dona Flavia, San Luis, Agusan del Sur
4. Allan Ibasan	18	Farm laborer	Jan. 31	Sta. Inez West, Sta. Ignacia, Tarlac
5. Dante Salgado	17	Farm laborer	Jan. 31	Sta. Inez West, Sta. Ignacia, Tarlac
6. Alvino Tacadao		Nagkahiusang Mag-uuma sa Nabundasan	Feb. 3	Sitio Salvacion, Nabundasan, Tulunan, Cotabato
7. Salvador Dante Y. Villarasa Jr.		Farmers Mortuary Association	Feb. 3	Sition Concepcion, Kisante, Makilala, Cotabato
8. Benjaline Hernandez		Karapatan	Feb. 5	North Cotabato
9. Audie Lucero	19	Youth for Nationalism and Democracy	Feb. 13	Abucay, Bataan
10. Florencio Agunos		Rizal Leyte Small Farmers Association	Feb. 15	Brgy. Rizal, Kananga, Leyte
11. Melanio Evangelista	43	Kapunungan sa mga Mag-uuma sa Surigao del Sur (KAMASS) <i>(Org. Of Peasants in Surigao Sur)</i>	Feb. 17	Brgy. Unidad, Cagwait, Surigao del Sur
12. Marciso Senon		KMP-SMR	Feb. 23	Purok 6-B of Brgy. Limbaan, New Corella, 500 meters from the detachment of 60 <sup>th</sup> IBPA and 72 <sup>nd</sup> IBPA
13. Napoleon Pornasodoro	56	Bagong Alyansang Makabayan Chair	Feb. 27	Brgy. Ilayang Iyam, Lucena City, Quezon
14. Nestor Arinque	39	United Peasants in Mabini (HUMABI)	Mar 7	Provincial Road of Purok I, Abaca, Mabini, Bohol
15. Crisanto "Santi" Teodoro	45	Bagong Alyansang Makabayan	Mar 10	Malolos, Bulacan
16. Tirso Cruz	33	United Luisita Workers Union (ULWU)	Mar 17	Brgy. Pando, Concepcion, Tarlac
17. Cris Hugo		League of Filipino Students	Mar 19	Brgy. Washington Drive, Legaspi City



■ Civil and Political Rights Violations: When State Abuse Goes Too Far



Name	Age	Affiliation	Date of Incident	Place of Incident
18. Liezelda "Inday" Estorba-Cuñado	30	Gabriela Women's Party	April 3	Brgy. Panadtaran, Candijay, Bohol
19. Gerry Cuñado	30	Partner of Ms. Liezelda Cuñado	April 3	Brgy. Panadtaran, Candijay, Bohol
20. Elpidio de la Victoria		Visayan Sea Squadron, Cebu City Bantay Dagat Commission	April 12	Brgy. Dausi, Talisay City, Cebu
21. Rico Adeva	39	Task Force Mapalad organizer	April 15	Talisay, Negros Occ.
22. Teodoro Palama	38	Farmer	April 16	Brgy. Bignay Uno, Sariaya, Quezon
23. Porferio Maglasang		Pambansang Katipunan ng Makabayang Magbubukid	April 22	Brgy. Camansi in Kabandalan City, Negros Occidental
24. Enrico Cabanit		Pambansang Ugnayan ng mga Nagsasariling Local na Organisasyon sa Kanayunan (UNORKA-Mindanao)	April 24	Panabo City, Davao del Norte
25. Anna Liza Gandia a.k.a. Annaliza Abanador	35	Kilusang para sa Pambansang Demokrasya	May 18	Balanga, Bataan
26. Rev. Andy Pawikan	30	UCCP	May 21	Brgy. Fatima, Pantangan, Nueva Ecija
27. David Costuna	48	Brgy. Captain	June 3	Eastern Samar
28. Arcadio Macale	60	Local agrarian reform officer	June 3	Eastern Samar
29. Rafael Markus Bangit		Cordillera People's Alliance (CPA)	June 8	Bus stop in Pangasinan
30. Tito Marata		Kilusang Magbubukid sa Pilipinas	June 17	Oroquieta City
31. George Vigo	33	Community & Family Services, Int'l (CFSI)	June 19	Brgy. Singao, Kidapawan City, Cotabato
32. Maricel Vigo	36	Solar Power Technology system; wife of George Vigo	June 19	Brgy. Singao, Kidapawan City, Cotabato
33. Eladio "Jazz" Dasi-an	37	Messenger of LGU of Guihulngan, Negros Oriental	June 20	Oroquieta City, Negros Oriental
34. Wilfredo Cornea		Task Force Mapalad	June 26	Hacienda Mulawin, Sagay, Negros Oriental

Sources: PDI. May 25, 2006. A6; PDI. March 1, 2006. A18; Today. June 19, 2006. A2; Luige A. del Puerto. PDI. June 8, 2006. A9; PDI. May 20, 2006. A1; PDI. April 18, 2006. A15; Asian Human Rights Commission-Urgent Appeals Programme, 23 January 2006, 8 February, 2006, 23 February, 2006, 1 March, 2006, 3 March 2006, 22 March 2006, 6 April 2006, 20 April 2006, 26 April 2006, 9 May 2006, 28 June 2006, 16 June 2006, 1 June 2006, 7 July 2006.



In the recent months, it has been noticed that many of the summary executions have occurred in Central Luzon, which is currently the area of assignment of the notorious Army official, Maj. Gen. Jovito Palparan, Jr. According to Mayor Edgardo Galvez, since January 2006, in the town of San Ildefonso, Bulacan, at least 11 persons suspected to be members of the New People's Army (NPA) and other militant organizations have been killed. At least 7 people have been abducted and reported missing.

Church or religious leaders have also been targets of extrajudicial executions in the first half of 2006. These include Rev. Jeremias Tinambacan, Jose Donton, Pastor Andy Pawikan, Noel Capulong and Rafael Markus Bangit. The victims were all affiliated with the United Church of Christ in the Philippines (UCCP). The military has suspected them of being members or supporters of militant sectoral and multisectoral organizations.

Media people have not been spared from extrajudicial executions, making media work a highly dangerous profession in the country today.

During the first half of 2006, at least six (6) media workers have been summarily executed. Two (2) of these incidents took place in Metro Manila while another two (2) were in Central Luzon (See Table 2). These incidents have earned for the Philippines the label of being the "2<sup>nd</sup> most dangerous country" for journalists, next to Iraq, according to the Reporters sans Frontieres. This adds to the numerous titles or labels earned by the country in recent years with the escalation of extrajudicial killings, including the "2<sup>nd</sup> most dangerous for labor unions" next to Colombia, according to the International Labor Solidarity Mission, a US-based labor rights NGO.

■  
Civil and  
Political  
Rights  
Violations:  
When State  
Abuse Goes  
Too Far

**TABLE 2 : List of journalists assassinated, January-June 2006.**

Name	Age	Affiliation	Date of Incident	Place of Incident
1. Rolly Cañete	65	dxPR, Pagadian City	Jan 20	Pagadian City
2. Graciano Aquino	40	Central Luzon Forum, Bataan	Jan 21	Bataan
3. Orlando Mendoza		Tarlac Profile/ Tarlac Patrol	April 2	Tarlac
4. Nicolas Cervantes	66	Surigao-based newspaperman	May 2	Mandaluyong City, NCR
5. Alberto Orsolino	45	Saksi	May 16	Caloocan City
6. Fernando "Dong" Batul	36	DYPR Puerto Princesa, Palawan	May 22	Puerto Princesa, Palawan

Sources: NUJP website ([www.nujp.org](http://www.nujp.org)); Today. May 17, 2006. A1 & A2; Today. January 28, 2006, p. 5.



For the year 2005, a total of 63 journalists were killed in 23 countries, according to the Reporters sans Frontieres. Out of the 63 killings, 7 took place in the Philippines and 24 in Iraq. Meanwhile, in 2005, many journalists were likewise arrested and imprisoned in the line of duty — 32 in China, 24 in Cuba, 17 in Ethiopia, 13 in Eritrea and 5 in Myanmar. There were also 1,300 media persons physically assaulted or threatened, and 807 arrested. Thus, 2005 was considered as the deadliest year particularly for those in the media profession.

Victims of summary executions have not been confined to those critical of and/or opposing the GMA government and its programs and policies. Urban poor children and young adults suspected to be involved in illegal activities like mobile phone snatching, drug trafficking and theft have also been common victims of summary executions, particularly in the cities of Davao and Cebu.

Statistics of the Coalition Against Summary Execution (CASE), a Davao City-based NGO, revealed that since the start of the GMA administration in 2001 up to 2005, a total of 446 children and young adults have been summarily executed in Davao City. This does not include the “collateral damage”, i.e. friends, spouses, relatives and bystanders who were hit in the course of the killing of the target (See Table 3).

The victims of summary executions in Davao City were mostly males and killed for unknown motives. Others were executed because of their alleged involvement in drug trafficking and theft.

**TABLE 3: Cases of Summary Executions of Children and Young Adults in Davao City, 2001-2005**

YEAR	MALE	FEMALE	TOTAL
2001	27	2	29
2002	56	3	59
2003	92	6	98
2004	105	2	107
2005	150	3	153
2006			
<b>TOTAL</b>	<b>430</b>	<b>16</b>	<b>446</b>

Source: Coalition Against Summary Executions (CASE), 2005.

From January to June 2006, at least 7 victims, mostly children and young adults, were summarily executed in Davao City. In this city, the perpetrators either killed their targets by shooting or stabbing (See Table 4).



**TABLE 4: List of victims of summary executions, Davao City, January-June 2006.**

NAME	AGE	SEX	PLACE OF INCIDENT	DATE OF INCIDENT	SUSPECTED PERPETRATORS
1. Rachel Von Bagas	18	F	Corner Torres & Clarin Sts., near Univ. of Southeastern Phils.	Jan. 31	Shot by 2 unidentified men on board a blue Honda Wave motorcycle w/o plate number
2. Johsen Depines	17	M	Corner of Palma Gil & Ponciano Sts.	March 11	Stabbed 22 times by 3 unidentified men
3. Ruel Guitan	20	M	Motorpool of Bachelor Bus	March 19	Shot 3 times by motorcycle-riding man
4. Ralph Joseph Tongcaling	19	M	Toril	April 9	Shot by 2 armed men on board a motorcycle
5. Daniel Intod	19	M	NHA Subdivision, Bangkal	April 17	Shot by 4 unidentified gunmen on board 2 XRM motorcycles
6. Junicar Basilio	16	M	Bucana	June 5	Shot by 4 men
7. Tristan Jamir Laurente Sacandal	19	M	Quirino Ave.	June 26	Stabbed to death by 3 unidentified men

Sources: Otero, Feb. 2, 2006; Sevilla, March 13, 2006; Sun Star Davao, March 23, 2006, April 11, 2006, April 18, 2006, June 28, 2006, June 7, 2006.

The use of extrajudicial killing in dealing with suspected criminals has likewise been practiced in Cebu City. From December 2004 till February 2006, a total of 120 people have been killed vigilante-style in Cebu City.

Under the present dispensation, summary executions are usually carried out by unmasked motorcycle-riding men who operate in pairs and who carry out their activities in broad daylight and in front of others. Such boldness in carrying out summary executions indicates several things and is reflective of the kind of socio-political environment we live in:

- Criminal elements are free to engage in illegal acts with impunity.
- Law enforcement agencies are inutile in preventing these criminal activities and protecting the people’s rights as evidenced by the huge number of unsolved cases where the perpetrators continue to roam scot-free.
- There is indirect approval by the state of acts like summary/ extrajudicial executions because of its silence and/or indecisiveness in putting the perpetrators to justice. A culture of impunity is perpetuated in the midst of the escalating and serious human

Civil and Political Rights Violations: When State Abuse Goes Too Far



rights violations. Moreover, state approval has been demonstrated with the open support and tribute extended to military officials like Maj. Gen. Jovito Palparan, Jr. whose military record is replete and tainted with human rights violations.

Other forms of civil and political rights (CPR) violations which have had serious impact on the people's right to life include abduction and disappearance of political activists and members and leaders of NGOs and POs (See Table 5).

For the first half of 2006, at least 23 individuals have been abducted and/or ambushed, resulting in their disappearance, death or disability. Out of the 23 individuals, 9 continue to be missing.

**TABLE 5: List of abducted, ambushed &/or missing individuals, January-June 2006.**

Name	Age	Affiliation	Date of Incident	Place of Incident
1. Francis Noel Desacula - <i>Missing</i>	35	Former labor activist	Jan. 9	Laurel, Batangas
2. Reynaldo Manalo				
3. Raymond Manalo		Villager	Feb. 14	San Ildefonso, Bulacan
4. Pepito Campos <i>Missing</i>	60	Brgy. Chairman, Bagong Sikat, Cabiao, Nueva Ecija	Feb. 18	San Antonio, - Nueva Ecija
5. Leonardo Parungao <i>Missing</i>	49	Chief of village security officer	Feb. 18	San Antonio, - Nueva Ecija
6. Rogelio Concepcion - <i>Missing</i>	36	Solid Dev't Corp. Workers Asso. (SDCWA)	Mar 6	Brgy. Mataas na Parang, San Ildefonso, Bulacan
7. Joey Estriber - <i>Missing</i>	37	Bataris Formation Center	Mar 3	Baler, Quezon
8. Elena "Baby" Mendiola - <i>Ambush survivor</i>		Bayan Muna	Mar 10	Echague, Isabela
9. Amante Abelon - <i>Ambush survivor</i>		Peasant leader	Mar 20	San Marcelino, Zambales
10. Ronald Intal - <i>Missing</i>	24	Samahan ng mga Kabataang Demokratiko sa Asyenda Luisita (SAKDAL or Asso. Of Democratic Youth in Hacienda Luisita)	April 3	Brgy. Balete, Hacienda Luisita, Tarlac
11. Dario Almonte - <i>Missing</i>		Peoples' Coalition for Alternative Dev't (PCAD)	April 6	Sta. Clara, Batangas City

Civil and Political Rights Violations: When State Abuse Goes Too Far

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TANGGALIN  
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-KPD**

**PALPARAN  
BERDUGO!  
TANGGALIN  
SA SERBISYO!  
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**WANGI  
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Name	Age	Affiliation	Date of Incident	Place of Incident
12. Nicanor Briones - <i>Ambush survivor</i>	42	Nat'l Federation of Sugar Workers- Camarines Sur (NFSW-CS)	April 6	Trianggulo, Naga City, Camarines Sur
13. Gerardo Cristobal - <i>Ambush survivor</i>	35	Union leader	April 28	Brgy. Anabu, Coastal, Imus, Cavite
14. Riel Custodio		Kalipunan ng mga Magsasaka sa Kabite (Farmers' Federation in Cavite)	April 28	Between Tagaytay City & Pauan Bawan, Batangas
15. Axel Tintin 16. Enrico Ybanez 17. Michael Mesias 18. Aristides Sarmiento		-same- Civilian Civilian Civilian		
19. Brian Macalisang	16	Anak Bayan	April 30	Tukuran, Zamboanga del Sur
20. Benedicto Magdaong	52	Anakpawis	May 5	Angeles City, Pampanga
21. Philip Limjoco - <i>Missing</i>	52	Charged w/ left- right conspiracy to overthrow GMA in Feb. 2006	May 8	Dau, Pampanga
22. Roland Ralla Porter - <i>Missing</i>	50	Bayan Muna	May 16	Brgy. Olympia, Makati City
23. Domingo "Jojo" Guinto		Tricycle driver	May 17	Gen. Tinio, Nueva Ecija

Sources: PDI. June 5, 2006. A1 & A13; PDI. May 26, 2006. 4; PDI. May 15, 2006. A1 & A23; PDI, May 4, 2006. A8; PDI. May 7, 2006. A18; AHRC-Urgent Appeals Programme, 27 January 2006, 17 March 2006, 20 March 2006, 21 March 2006, 24 March 2006, 10 April 2006, 18 April 2006, 28 April 2006, 30 April 2006, 26 May 2006, 29 May 2006, 6 July 2006.

Finally, the right to life and dignity has been violated with the physical and economic displacement of thousands of individuals as a consequence of military operations. During the first quarter of 2006, several families residing in San Ildefonso, Bulacan had to flee their homes to escape harassment and intimidation by the elements of the 24<sup>th</sup> Infantry Battalion of the Philippine Army led by Master Sgt. Rollie Castillo. Among the affected residents were Yolanda Lorenzana (54), Aileen Lorenzana-Gutierrez, daughter of Yolanda, and Yolanda's 10 children.

On June 28, 2006, at least 4,134 families in the municipalities of Shariff Aguak, Mamasapano, Dapiawan and Datu Saudi Ampatuan in the province of Maguindanao, had to flee their homes and farms due to fighting between the armed militias supported by military troops and rebels in the province.

Historically, innocent civilians, mostly children, women and the elderly, have to forcibly leave their homes and farms to secure themselves from military encounters between the rebel groups and the AFP. Oftentimes, they are housed in overcrowded evacuation centers like schools and churches, with minimal provisions for their basic needs. This state of evacuation centers makes infants and children especially vulnerable to infectious diseases and even death, an indication of the state's failure to fulfill their human rights obligations by providing adequately for the emergency needs of internal refugees.

Meanwhile, internal displacement of civilians in the country is not only due to military operations. This is also triggered by military harassment, intimidation and the threat of arrest and detention as evidenced by the experience of residents of Towerville Subdivision, a government housing resettlement area in San Jose del Monte, Bulacan. Since February 28, 2006, about 100 residents of the subdivision have been forced to leave their homes for fear of being arrested and detained following the deployment of Army soldiers in the subdivision. Members of the 56<sup>th</sup> Infantry Battalion have conducted house-to-house inspection, put up a military checkpoint and detachment, and imposed curfew hours in the subdivision. These developments have sowed fear among the residents.

## Perpetuating a culture of impunity: The state's response to human rights violations

The GMA government's response to the spate of summary killings and other forms of civil and political rights' violations throughout the country can be described as reactive and conflicting. While seemingly showing concern and condemning the series of political killings, it has indicated approval and support to this manner of dealing with the so-called "enemies of the state" by openly praising and even promoting those suspected to be behind these dastardly acts. One such personality is the infamous Maj. Gen. Jovito Palparan, Jr. of Central Luzon, who was recently awarded the "Distinguished Service Star" by the Philippine Army for his "eminently meritorious and valuable service" during his stint as commander of the 8<sup>th</sup> Infantry Division in Samar in 2005.

Prior to his current assignment as commander of the 7<sup>th</sup> Infantry Division in Central Luzon, Maj. Gen. Jovito Palparan, Jr. was the head of the country's peace-keeping contingent in Iraq in 2004. During the early part of 2005, he became the commander of the 204<sup>th</sup> Brigade operating in Mindoro Oriental, then later transferred to Samar as commander of the 8<sup>th</sup> Infantry Division. In all these areas of assignment, a pattern of political killings, harassment and intimidation was observed.



■  
Civil and  
Political  
Rights  
Violations:  
When State  
Abuse Goes  
Too Far



Aside from the accolade given to him, Gen. Palparan was promoted for his undying commitment and efforts in crushing the insurgency problem in the country. In less than three (3) years, he was promoted from colonel (2003) to major general in October 2005. Palparan's promotion speaks loudly of the GMA government's stance on the general's strategy in dealing with opposition and dissent. The current administration has remained unmindful or indifferent to the pattern of serious human rights violations observed in areas where Palparan had been and is assigned, consequently tolerating a culture of impunity and leaving potential targets vulnerable to human rights violations.

Ironically, while President Arroyo had commuted those sentenced to death to life imprisonment in her Easter Sunday message on April 15, 2006, and eventually signed into law RA 9346 (*An Act Prohibiting the Imposition of the Death Penalty in the Philippines*) on June 24, 2006, her government has adopted the use of extrajudicial execution as a policy in silencing opposition, discouraging dissent and dealing with the so-called "enemies of the state" and suspected criminal elements. Without due process and on the basis of mere suspicion or association, defenseless activists, human rights defenders, NGO workers, journalists, urban poor children and youth are executed by vigilante groups or death squads who continue to move around freely.

Civil and  
Political  
Rights  
Violations:  
When State  
Abuse Goes  
Too Far

Despite the creation of Task Force *Usig* under the supervision of the DILG-PNP, and recently the Melo Commission headed by former Supreme Court Justice Jose Melo, extrajudicial killings remain unabated and justice continue to be denied the victims and their families. Fear dominates the hearts and minds of potential witnesses of extrajudicial killings who generally refuse to cooperate with and divulge what they know to government authorities because of the apprehension of being the next victim. The state has not demonstrated its willingness and capability to provide safety and assistance to these people. Under the present circumstance, the GMA government has utterly failed to comply with its human rights obligations of respecting and protecting the peoples' human rights, foremost of which is their inalienable right to life.

## Turning a blind eye to the rights of the accused

Side by side with extrajudicial executions, the first half of 2006 was also replete with cases of illegal, warrantless arrest and detention, particularly of activists, leaders and members of NGOs, POs and party-list groups. Among the well-publicized cases was the arrest and detention of Cong. Crispin Beltran on February 25, 2006, a day after the declaration of a state of national emergency through Proclamation 1017, which banned protest mass actions in public places and curtailed the people's freedom of



expression, right to peaceful assembly and to seek redress of grievances.

Another case of illegal arrest and detention which took place during the first half of 2006 and has elicited public attention/concern was the case of the “Punks 11”, a group of backpackers arrested by the Benguet PNP at a checkpoint in Buguias, Benguet on February 14, 2006. The group, on their way to Sagada, Mt. Province, was arrested without warrant on suspicion of being NPA rebels who raided an Army detachment in Mankayan during the early part of February 2006. Among the 11 arrested are two (2) minors (See Table 6).



**TABLE 6: Partial list of illegally arrested/detained individuals, January-June 2006.**

Name	Age/ Sex	Date of Incident	Place of Incident	Suspected Perpetrators
<b>PUNKS 11</b>		Feb. 14	Checkpoint in Abatan, Buguias, Benguet	1604 <sup>th</sup> Police Prov'l Mobile Group (PPMG) & 3 <sup>rd</sup> Co. of Police Reg'l Mobile Group (PRMG)
1. Rundren Berloize Lao	24/M			
2. Anderson Alonzo	18/M			
3. Aldo Christian Manoza	18/M			
4. Ron Pandino	20/M			
5. Jethro Villagracia	21/M			
6. Neil Russel Balajadia	25/M			
7. Darwin Alagar	21/M			
8. Arvie Nuñez	21/M			
9. Jefferson dela Rosa	20/M			
10. Frencess Ann Bernal	15/F			
11. Ray Lester Mendoza	16/M			
12. Crispin Beltran	73/M	Feb. 25	Muzon, Bulacan	PNP-CIDG under Sr. Inspector Rene Corpuz
13. Joel de la Rosa		April 30	Brgy. Ajos, Catanauan, Quezon	Army's Southern Luzon Command
14. Arman de los Santos				
15. Alexis Uy				
<b>ERAP 5</b>		May 22	Quezon City	ISAFP agents
16. Virgilio Eustaquio				
17. Ruben Dionisio				
18. Dennis Ibona				
19. Jose Justo Curameng				
20. Jim Cabauatan.				

Sources: Asian Human Rights Commission (AHRC)- Urgent Appeals Programme, 1 June 2006, 3 March 2006, 28 February 2006; PDI, May 7, 2006. A18; PDI, May 26, 2006. 8; <http://www.malaya.com.ph/may27/news1.htm>;

Civil and  
Political  
Rights  
Violations:  
When State  
Abuse Goes  
Too Far



Another case of illegal arrest and detention involves five supporters of former President Estrada, known as the “Erap 5”. Based on the accounts of the 5, in the afternoon of May 22, armed ISAFP agents entered the house of Virgilio Eustaquio. They arrested Eustaquio and his friends without presenting any warrant, and not even introducing who they were. The ISAFP agents who abducted the 5 them latter to the ISAFP headquarters in Camp Aguinaldo.

In many of the cases of illegal arrest and detention, the victims were not properly informed of the reason(s) for their arrest and were not represented by a lawyer of their choice.

Furthermore, the penchant of the current administration to violate the rights of the accused can be gleaned from the practice of law enforcement agencies and the military to present and parade suspects in front of the media as if they have already been convicted. This is a clear violation of the right of the accused to be presumed innocent. At present, there is no law in the country prohibiting or criminalizing this practice of the police, the military and government officials in treating arrested suspects resulting in the stigmatization and humiliation of the latter.

The use of torture as a means to extract information, lower self-esteem and/or weaken the resolve of individuals arrested for whatever reason has been a standard operating procedure (SOP) of the police and military personnel in the treatment of suspects. Although law enforcement agents are fully aware that the use of torture is illegal and a serious human rights violation as stipulated in the 1987 Philippine Constitution, the Universal Declaration of Human Rights (UDHR, 1948), the International Covenant on Civil and Political Rights (ICCPR, 1966), and the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT, 1984), to which the Philippines is a state party, the practice persists. The absence of an anti-torture law which criminalizes the act is a major stumbling block in the prevention of these acts and the prosecution of abusive military and law enforcement agents. Although an anti-torture bill had been filed in the House of Representatives and was approved by the House Committee on Justice last June 2006, the struggle to formulate a law still goes a long way.

From January-June 2006, several torture cases were reported. These include the case of five individuals, namely Aristides Sarmiento, Michael Masayes, Axel Alejandro Pinpin, Rico Ybañez and Riel Custodio, who were tortured and held incommunicado for a week by military men in Camp Vicente Lim, Laguna; Haron Abubakar Buisan, tortured at the Gen. Santos Reformatory Center due to mistaken identity for a bus robbery with homicide incident last April 11, 2005.

## The continuing attack on the freedoms of expression and peaceful assembly

The series of repressive proclamations and executive orders like the Calibrated Preemptive Response (CPR), EO 464 or the “gag order”, issued by the GMA government in 2005 was sustained with the release of Presidential Proclamation 1017 on February 24, 2006 declaring the whole archipelago in a state of national emergency. The proclamation banned the holding of rallies and demonstrations curtailing the people’s freedoms of expression and to seek redress for grievances.

Freedom of the press was likewise attacked. First was the raid on the offices of *The Daily Tribune*, a known Arroyo critic. The media were not-too-subtly warned of prosecution and closure should they overstep what the administration thought was allowable reportage within the context of a state of emergency.

In fact while the state of national emergency was in effect, there were concrete efforts taken by the GMA government to clamp down on critical media groups like the Philippine Center for Investigative Journalism (PCIJ) (Nocom, PDI, MArch 22, 2006. A2).

Despite the lifting of the PP 1017 on March 3, 2006, its effects continued to be felt with the persistence of arbitrary arrest and detention, censorship of the media, and campaigns of threat and intimidation against “enemies of the state”. The people’s freedoms of expression and peaceful assembly have been placed in a critical balance because anytime and anywhere agents of the beleaguered GMA government can arbitrarily attack the people’s political rights, and engage in irresponsible actions in the name of national security.

### *GMA’s Oplan Bantay Laya*

The deterioration of the human rights situation in the country can be attributed to the state’s internal security blueprint dubbed *Operation Bantay Laya* which is anchored on the war against terror and the anti-communist campaign. Judging from its behavior and positioning especially after the Garci tapes exposé last July 2005, it can be deduced that *Oplan Bantay Laya* constitutes several major strategies in dealing with so-called enemies of the state, and with serious impact on human rights. These include the following:

1) issuance of repressive proclamations, orders and laws curtailing the people’s civil and political rights and freedoms;



■  
Civil and  
Political  
Rights  
Violations:  
When State  
Abuse Goes  
Too Far



2) use of extrajudicial executions as a means of “neutralizing sectoral/front/legal organizations” of the communist movement;

3) intensification of psychological warfare through misinformation campaigns intended to sow lies, fear and hatred among the public, such as showing of propaganda films such as “Paglaban sa Kataksilan;

4) mass harassment, threat and intimidation of communities identified to be influenced by and/or supportive of communist insurgents like the conduct of house-to-house inspections, imposition of curfew hours and checking of *cedula* by the military, like those experienced by the people of San Ildefonso in Bulacan, San Jose in Nueva Ecija and Masinlok in Zambales.

Surely, the GMA government has resorted to the usual tactics of force and deception used by embattled regimes to maintain itself in power and defend its legitimacy. In doing so, it has virtually ignored principles of human rights and good governance like transparency, accountability and the rule of law.

In the midst of these human rights violations and abuses, the people’s organization and resistance are key to regaining their humanity and dignity.

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■  
Civil and  
Political  
Rights  
Violations:  
When State  
Abuse Goes  
Too Far



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