

Action Network Human Rights- Philippines

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HEADLINES & POLITICS

Bulatlat.com, 03.01.2013

Aquino administration's human rights policy: Big in words, too little in action

By Ronalyn V. Olea

MANILA - Early on, President Benigno Aquino III vowed to put an end to the killings and bring perpetrators to justice.

Aquino signed in November Administrative Order No. 35, creating a nine-member "Inter-agency committee on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons." The so-called super body is mandated to investigate old and new cases of human rights abuses "with greater priority" to those committed under the past administration of Gloria Macapagal-Arroyo.

The super body is headed by Justice Secretary Leila de Lima. Members include the chairman of the Presidential Human Rights Committee (PHRC), the secretaries of the interior and local government and national defense, the presidential adviser on the peace process, the presidential adviser for political affairs, the chief of staff of the Armed Forces of the Philippines (AFP), the director general of the Philippine National Police (PNP) and the director of the National Bureau of Investigation (NBI).

The creation of such super body, however, received lukewarm response from human rights organizations. Human rights group Karapatan expressed skepticism especially since the alleged perpetrators - the AFP and the PNP - are part of the committee. In a statement released in September, Human Rights Watch noted that "there have been no successful prosecutions of military personnel for extrajudicial killings."

Human rights lawyers raised the question: "How come nobody has ever been credibly convicted for human rights violations under the present administration after all these years and after all supposed aid and support from foreign governments?" Edre Olalia, secretary general of the National Union of Peoples' Lawyers (NUPL), said. "The Aquino administration has not conducted a deep and thorough investigation, nor has it initiated the filing of substantial countersuit cases against human rights perpetrators..."

After all, the super body is not new.

In its 22-page report to the United Nations Human Rights Council's Universal Periodic Review (UPR) in May, the Philippine government enumerated [several monitoring mechanisms and task forces](#) set up by the Philippine government to address extrajudicial killings and enforced disappearances, including Justice Department Order 848 and the National Monitoring Mechanism. The UPR is a mechanism of the United Nations (UN) Human Rights Council to check if all UN member states comply with their human rights obligations.

Issued in December 2010, the Justice Department Order 848 created a Special Task Force to conduct a review of extrajudicial killings and enforced disappearances since the year 2001. No accomplishment report has been publicly released by the said task force to this day.

According to the Philippine government's report, the National Monitoring Mechanism will be set up by the PHRC and concerned government agencies, such as the PNP, AFP, DOJ, Department of Labor and Employment, Department of National Defense, NBI, Opapp, and the Judiciary, in partnership with the Commission on Human Rights.

The report stated that the National Monitoring Mechanism's objectives are two-pronged: a) to develop an effective monitoring mechanism to ensure that justice is served to the victims of extrajudicial killings, enforced disappearance and torture; and b) to strengthen institutional mandates, capabilities and engagements in effectively resolving cases of extrajudicial killings, enforced disappearance and torture.

Such task forces and monitoring mechanisms are reminiscent of

Gloria Macapagal-Arroyo's Task Force Usig and Melo Commission, which never resulted in the prosecution of perpetrators.

The only positive action taken by Aquino in relation to human rights is the signing of a landmark law criminalizing the practice of enforced disappearance.

[Relatives of victims](#) expressed hopes that perpetrators would be brought to justice but said they would remain vigilant.

Just before the signing of the law, Aquino appointed Gen. Eduardo Año, one of the suspects in the abduction of activist Jonas Burgos, as new chief of the Intelligence Services of the Armed Forces of the Philippines (Isafp).

Meanwhile, retired Gen. Jovito Palparan and his co-accused, Master Sgt. Rizal Hilario, remain at large despite a warrant of arrest for kidnapping and serious illegal detention of University of the Philippines (UP) students Karen Empeño and Sherlyn Cadapan.

Another military officer, Brig. Gen. Aurelio Baladad who was implicated in the arrest and detention of the 43 health workers in February 2009, was appointed by Aquino as AFP deputy chief of staff for operations. Baladad is one of the respondents in the [torture charges](#) filed by the so-called Morong 43.

Such actions and inactions are a portent of things to come.

Realities on the ground

In its national report to the UPR, the Aquino administration boasted of a decrease in extrajudicial killings. Citing data from Task Force Usig, the Philippine Government reported only 27 cases of extrajudicial killings involving media practitioners and activists from 2008 to 2011.

But human rights groups pointed out that the Aquino administration has not only failed to curb impunity but allowed impunity to flourish under its counterinsurgency program Oplan Bayanihan. Patterned after the United States Counterinsurgency Guide of 2009, Oplan Bayanihan professes peace and development but remains to be a vicious counterinsurgency plan which attacks civilians.

The year 2012 is marked with more killings and other human rights violations perpetrated by alleged state agents. According to human rights group Karapatan, there were 45 victims of extrajudicial killings as of October 2012, bringing the number of those killed to 129 since Aquino assumed office in June 2010.

Seventy-one of the victims since 2010 are farmers and 25 are indigenous peoples. Most of them were vocal against large-scale mining and other so-called development projects.

Most gruesome in these cases are the two massacres perpetrated by soldiers, according to accounts of witnesses.

On February 25, soldiers fired at the hut of the [Mancera family](#) in purok 6, sitio Mapatong, barangay Malaya, Labo, Camarines Norte, killing the father Benjamin and his two sons Richard, seven years old and Michael, ten. Meanwhile, [a mother and her two sons aged 15 and seven were killed](#) after soldiers of the 27th Infantry Battalion fired at their hut in Tampakan, South Cotabato on October 18.

Another prominent case is the killing of Dutch missionary [Wilem Geetman](#) who was shot dead inside his office in Angeles City, Pampanga on July 3.

During the presentation of its yearend report, Cristina Palabay, Karapatan secretary general, noted that "killings are becoming as gruesome as during the martial law years," citing the case of [Genesis Ambason](#), a tribal leader in Agusan del Sur, who was shot and tortured to death, his head had shrunk due to heavy beatings; and [Ely Oguis](#), a village council member in Albay who was shot and beheaded.

Three days before the International Human Rights Day, [three](#)



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[activists were gunned down](#) in two separate incidents.

Also alarming is the increasing number of internal refugees due to heavy military operations. Despite [pledges to uphold human rights](#), soldiers terrorized rural folk in areas where mining operations and other so-called development projects are underway.

At least 30,000 individuals, mostly peasant and indigenous peoples families, became victims of forced evacuations, Karapatan reported. In Mindanao alone, human rights groups revealed that more than 1,000 families, mostly Lumad, have been driven away from their homes by state security forces.

Arrests and vilification of activists and human rights defenders continue.

Karapatan documented 239 cases of illegal arrest and detention from July 2010 to October 2012. As of November 30, 2012, there are 398 political prisoners, at least 123 of whom were arrested under the Aquino administration.

Just before the year ended, six cases of arrests were reported. All of the victims were branded as New People's Army (NPA) guerrillas and charged with common crimes.

Two organizers of Courage, a federation of government employees unions, were [nabbed](#) in separate incidents on December 3 and brought to Camarines Norte detention facility.

Four days later, police arrested church worker [Aniceta Rojo](#) in Bago, Negros Occidental on December 7.

On December 13, nineteen farmers, including three minors, belonging to the Bukidnon tribe were arrested by elements of the 302nd Infantry Brigade in Negros Occidental. The farmers were accused of involvement in a gun battle with Army troops in Mahopaho subvillage, village San Agustin, Isabela town. Eleven were released the next day while the remaining eight are still detained and charged with murder and illegal possession of firearms.

On Christmas day, 65-year old Olegario Sevas was arrested, also in Negros Oriental. Initial reports indicate that Sevas was tagged as "Filemon Mendrez," an alleged leader of the NPA who had a P5.25 million (\$128 thousand) bounty for his arrest. The military said 'Filemon Mendrez' was charged with rebellion and robbery in band, while the warrant of arrest against Sevas does not bear his name. He is currently detained at the Bayawan City BJMP, Negros Oriental.

On December 28, an employee of the Department of Social Work and Development at Cagayan province and an organizer of the ACT Teachers Partylist, was arrested in Tuguegarao City for charges of murder. Rene Boy Abiva, 23, is accused of supposed involvement in the ambush against soldiers of the 86th Infantry

HRW; 01.02.13

Philippines: A Year of Pluses, Minuses on Rights -Decrease in Killings, But Impunity for Abusers

The overall human rights situation in the Philippines improved in 2012 with fewer extrajudicial killings and the passage of historic laws promoting rights. But the government has failed to address impunity for the most serious abuses. On prosecuting rights abusers, it needs to walk the walk, not just talk the talk.

The Philippine government adopted landmark human rights legislation in 2012, but failed to make significant progress in holding the security forces accountable for serious abuses, Human Rights Watch said today in its *World Report 2013*.

In its 665-page report, Human Rights Watch assessed progress on human rights during the past year in more than 90 countries, including an analysis of the aftermath of the Arab Spring.

In the Philippines, Human Rights Watch spotlighted the disturbing trend of increased threats and attacks on environmental and anti-mining activists by alleged members of the security forces.

"The overall human rights situation in the Philippines improved in 2012 with fewer extrajudicial killings and the passage of historic laws promoting rights," said Brad Adams, Asia director at Human Rights Watch. "But the government has failed to

Battalion of the Philippine Army in Tinoc, Ifugao.

"How could Mr. Abiva be in any way involved in the alleged crime when, at the time of the incident in Tinoc, he was and continues to work as a municipal liaison of the Department of Social Welfare and Development for its conditional cash transfer program?" ACT Teachers Party Rep. Antonio Tinio said in a statement.

"It seems that the Aquino government and the military are scrambling to show off their supposed 'achievements' in meeting their target of eliminating the CPP [Communist Party of the Philippines]-NPA through their Oplan Bayanihan, which resulted to grave, arbitrary and spurious arrests and charges of activists and individuals whom they easily branded as communists," Palabay said.

Recently, the Aquino administration put out a P466.88 million (\$11.38 million) reward for the capture of alleged 235 communist leaders through Joint Order No. 14-2012 of the Department of National Defense and Department of Interior and Local Government (DND-DILG).

The list has not been made public.

In a letter addressed to DILG Secretary Manuel Roxas III and Defense Secretary Voltaire Gazmin, the NUPL questioned the basis, propriety and legality of the said joint order.

"Undisclosed, the list will, based on abundant experience, definitely be used to harass political activists and leaders of peoples' organizations," NUPL's Olalia said. "We continue to see the utter disregard of the right to due process when such activists and leaders are routinely and perfunctorily arrested by virtue of generic John Doe warrants of arrest by mere substitution. All these are moreover in open violation of minimum standards in international law."

The lawyers' group expressed alarm that the list "may even be used as a hit list, or another version of an 'order of battle', opening the floodgates for more harassments, disappearances and extrajudicial killings."

Marie Hilao-Enriquez summed up Aquino's actions and inactions on human rights: "The Aquino regime had shown that it will not bring changes or even relief to the lives of the citizens now or in the future. Aquino had kept the AFP, with its blood-stained, unbroken human rights violations record, unpunished and untouchable."

"It deserves nothing but to be denounced by the Filipino people," Enriquez said.

address impunity for the most serious abuses. On prosecuting rights abusers, it needs to walk the walk, not just talk the talk."

In late 2012 the Philippine Congress passed, and President Benigno S. Aquino III signed, a landmark law that makes it mandatory for the government to provide reproductive health services. They also enacted a law that criminalizes enforced disappearances, the first such law in Asia, and one that could end the scourge of such abductions that have destroyed countless lives. On January 18, 2013, Aquino signed a law instituting policies for the protection and welfare of domestic workers. Other bills promoting human rights are pending in Congress, with at least one other, a bill compensating victims of abuses during the martial law period in the 1970s and 1980s, awaiting Aquino's signature.

However, Congress also passed the Cybercrime Prevention Act in September, which, if enforced, could severely undermine freedom of expression and the Philippines' status as a regional leader in internet freedom. The law allows for stiff criminal sentences for broadly defined online defamation. Aquino signed



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the law into force, but the Philippine Supreme Court suspended its enforcement in October, after a public outcry led by free-expression groups and bloggers.

"The Philippine Congress has shown the capacity to craft laws that promote and protect human rights," Adams said. "But it also passed a poorly thought out cybercrime law that could prove disastrous for internet freedom. The challenge now is for the government to implement these good laws in an effective manner while working to immediately overturn the cybercrime law."

In the past year, the Aquino administration said it would "actively engage international bodies in seeking ways to improve the criminal justice system," and promised to expedite human rights investigations and improve the justice system.

No progress on accountability for extrajudicial killings, disappearances

Little progress was made in successfully prosecuting cases of extrajudicial killings, enforced disappearances, and torture, Human Rights Watch said. Since 2001, hundreds of leftist activists, journalists, rights defenders, and clergy have been killed by alleged members of the security forces. Local human rights organizations reported approximately 114 cases of extrajudicial killings since Aquino came to office, though the number dropped sharply with just 13 reported in 2012.

Environmental activists appeared to bear the brunt of threats and attacks during the year, Human Rights Watch said.

On July 2, Aquino signed an executive order that aims to institu-

tionalize reforms in the Philippine mining sector, but it is silent on the issue of rights abuses arising from mining investments, and on the deployment of paramilitaries at the mines. Aquino defended an earlier directive to allow the use of paramilitary forces to augment the military in its campaign against insurgents, and to secure the operations of mining companies. Members of these forces have been implicated in serious human rights abuses.

The communist New People's Army and Islamist armed groups in the south continued to commit serious human rights abuses and violations of the laws of war, Human Rights Watch said.

Despite strong evidence that military personnel have been involved, investigations have stalled. Not a single case of extrajudicial killing by the security forces resulted in a conviction in 2012, and no such conviction has been reported since Aquino became president in 2010, Human Rights Watch said.

In 2012, Aquino did not keep his election promise to revoke Executive Order 546, which local officials cite to justify the provision of arms to their personal security forces. These "private armies" are responsible for much of the violence that has become common in the Philippines during elections. Although the government said it has disbanded 28 of these "private armies," nearly 100 still exist, according to the Interior Department.

"If 2012 was the year for new laws promoting human rights, then 2013 should be the year for effective action," Adams said.

Bulatlat.com, 09.01.2012

State of Press Freedom: Attacks and Threats in 2012

By Melanie Pinlac (Center for Media Freedom and Responsibility)

The failure of the Benigno Aquino III administration to stop the killing of journalists and to speed up the prosecution of cases in court has disappointed journalists, press freedom defenders—and those who have been demanding justice for their slain kin.

Nothing to celebrate

Compared to 2011, the number of journalists/media workers killed for their work this year has decreased. CMFR recorded a total of nine killings; four are currently categorized as work related. However, the decrease in the number of work-related killings is hardly worth celebrating in the context of the fact that none of the killings since Aquino came to power have been resolved.

The most recent work-related killing was that of radio broadcaster Julius Cauzo in Cabanatuan City, Nueva Ecija. Cauzo was a commentator for *dwJj 684*, a radio station owned by the family of the Cabanatuan City mayor. He was also vice president of the Nueva Ecija Press Club.

Before he was killed, Cauzo had been advocating approval of Cabanatuan's classification as a highly urbanized city (HUC). Pres. Aquino declared Cabanatuan an HUC in July 2012. The declaration reportedly led to a heated altercation among local politicians. The Commission on Elections (COMELEC) was supposed to hold a plebiscite last Dec. 1, but has postponed it until after the 2013 elections.

A gunman riding on a motorcycle shot Cauzo, who was then on his way to work. Passers-by found him sprawled along Cabanatuan's Flowerlane street. Cauzo sustained three gunshot wounds in the back. The suspects remain unidentified.

Like in other cases, the motorcycle used by the gunman had no plate number.

Among the work-related murder cases in 2012, only the murder of village chairman and blocktimer Aldion Layao (dxRP, Davao City, April 8) has reached the court. The speedy filing of Layao's case was partly due to his political connections and his widow's unrelenting effort to seek evidence and testimony to support the prosecution.

Two unidentified men riding in tandem on a motorcycle at-

PH drops in Press freedom ranking

In a country that has failed to enact a Freedom of Information law and where media killings continue, it comes as no surprise that the Philippines retained its low global ranking as far as press freedom is concerned.

The Philippines ranked 147 out of 179 countries surveyed in the [2013 World Press Freedom Index](#) by Paris-based organization Reporters Without Borders or Reporters Sans Frontieres (RSF) -- a drop of 7 places from 2012.

RSF based its global report on 6 factors:

- pluralism or options presented to the media
- media independence or the degree to which media are able to function independently of authorities
- environment and self-censorship
- legislative framework or the quality of legislative framework and its effectiveness
- transparency
- infrastructure

'Not surprising'

National Union of Journalists of the Philippines secretary-general Rowena Paraan said the Philippine ranking was to be expected, given the Aquino administration's lack of decisive action against media attacks and its failure to pass the Freedom of Information bill.

Based on how the countries were categorized, Paraan said 3 major factors continue to restrict press freedom in the Philippines: the killing of media practitioners; the absence of a Freedom of Information bill; and the slow progress of cases involving media killings, particularly the Ampatuan massacre.

Outlook for media freedom

Paraan said President Benigno Aquino III's [earlier pronouncements criticizing the media for publishing negative reports](#) also does not bode well for the outlook on media freedom in the Philippines.

"He has been consistent. Listen to the pronouncements of the President. *Masungit sa media*. He has been consistent in whining about government reports, consistent in blaming us for critical reports against the administration," Paraan said.

"This is surprising because if you ask academics and observers of the media, they will say that the media has been nice to the Aquino administration because of the general goodwill that they have been showing toward [it]," she added.



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tacked Layao who was driving home with his cousin and nephew last April 8. The alleged gunman, former barangay tanod Petronilo Demicillo, has been charged at the Davao City Regional Trial Court (RTC) as of April 25.

Other cases in 2012 are those of Rommel Palma of dxMC-Bombo Radyo, Koronadal City, April 30; and of Nestor Libaton of dxHM, Davao Oriental, May 8.

Slow pace

The slow pace of the trial of the suspected perpetrators and masterminds of journalist killings continued in 2012, with no conviction during the year. CMFR records show that there have been no convictions in any work-related case since 2009, when Joy Anticamara was convicted of homicide for killing broadcaster Armando "Rachman" Pace. The 2012 decisions on media murders—in the cases of Roger Mariano and Fernando Batul—were acquittals.

Branch 221 of the Quezon City RTC is still hearing the bail petitions of, so far, 58 accused perpetrators including those of five primary accused who are all Ampatuans, in the November 2009 Massacre. A positive development is the arraignment of Zaldy Ampatuan this Dec.12. Zaldy pleaded "not guilty" to 57 counts of murder. The court has yet to consolidate the 58th case—that of Reynaldo Momay—with the first 57 cases.

The murder of broadcaster and environmentalist Gerardo Ortega—the one case during the Aquino administration in which there has been the most progress—is now facing a legal obstacle. The Court of Appeals declared last Nov. 23 that the Justice secretary had erred in ordering a re-investigation of the alleged involvement of former Palawan governor Mario Joel Reyes, Coron town mayor Mario Reyes Jr., and three others in the Ortega slay. Joel Reyes allegedly masterminded the killing of Ortega. The Reyes brothers, a former provincial administrator, and two security personnel are facing murder charges together with the hired gunmen at the RTC Palawan Branch 52.

The case of the killers of broadcaster Romeo Olea has been classified as a cold case, with the police saying they have no leads.

Olea was killed on June 13, 2011 by an unidentified man in Iriga City, Camarines Norte. Olea hosted a public affairs program at dwEB-FM. He was the second dwEB-FM broadcaster killed under the Aquino administration, following Miguel Belen who was killed in July 2010.

Worrisome

The culture of impunity in the cases of media killing is clearly encouraging continuing violence against journalists and media workers in the Philippines. The number of cases of media harassment has also remained high.

Six journalists/media workers were physically assaulted in 2012. These incidents include the case of The Daily Tribune reporter Fernan Angeles. Angeles was covering the Malacañang beat at the time of the incident. The alleged motive was his reporting on the illegal drug trade in Pasig and nearby provinces.

Unidentified men mauled and shot Angeles near his home in Balatiw, Pasig City last March 11. A case has been filed against some suspects at the Pasig RTC.

Most of the journalists and media workers killed or assaulted in the Philippines have been from the provincial press. But the Angeles shooting incident was the second work-related case in Metro Manila during Aquino Presidency. The first case in the

capital was that of broadcast journalist Marlina "Len" Flores Sumera who was shot and killed in Malabon, a municipality of Metro Manila, March 2011.

Even the victims' kin have been threatened for actively seeking justice. In October, unidentified men tried to locate the mother of an Ampatuan Massacre victim. Earlier this year, the media also received reports of an assassination plot on the widow of broadcaster Dennis Cuesta.

Paper victories

There were some "victories" this year. But these were paper victories.

A Makati court convicted the gunman in the March 2009 shooting of former chief of reporters and anchor for dxCC-Radio Mindanao Network (RMN) Nilo Labares. However, gunman Bernardo Aguilar had jumped bail and is allegedly freely roaming.

Last June 2012, Branch 134 of the Makati RTC sentenced Aguilar to six years and one day to 12 years and one day imprisonment. The court also ordered Aguilar to pay Labares Php 255, 006 (approximately USD6, 061) in actual damages and Php 20, 000 (Approximately USD 475) in temperate damages.

Another "victory" was the 2011 declaration released in 2012 by the United Nations Human Rights Committee (UNHRC) that the Philippine libel law is incompatible with the International Covenant on Civil and Political Rights (ICCPR). The UNHRC said the penalty of imprisonment for libel in the Philippines is "excessive". But the Philippine government nevertheless passed a Cybercrime Prevention law that strengthens the use of criminal libel against free expression by raising the penalties for libel committed online from six months to four years to four years to 10.

Government officials who had filed libel charges under the Revised Penal Code against provincial journalists were apparently as unconcerned with—or ignorant of—the UNHRC declaration.

And yet the declaration was the most significant development in the Philippine campaign to decriminalize libel. The UNHRC was responding to broadcaster Alexander "Lex" Adonis's petition demanding compensation for the two years he spent in prison for his conviction in absentia in a libel complaint filed by then Davao City 1st District and House Speaker Prospero Nograles. Nograles filed libel complaints against Adonis, then Bombo Radyo station manager Dan Vicente, and the Manila-based tabloid Abante Tonite for publishing reports that Nograles had run naked from a hotel room after the husband of his alleged mistress caught them in bed.

Hostility to press freedom

The by now apparent lack of political will to stop the killings and to enhance free expression—in fact the hostility of the Aquino administration to press freedom—has preserved the culture of impunity and perhaps even strengthened it.

In 2010, press freedom advocacy groups and journalists' associations welcomed the Aquino presidency in the hope that his administration would implement several suggestions on speeding up the investigation of the killings and the prosecution of the killers. They also held him to his campaign promise to support a Freedom of Information (FOI) Act. Two years have passed since then with neither the suggestions being implemented, nor an FOI Act that would enhance rather than restrict access to government-held information in place.

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The Philippine Star, 21.01.2013

GMA seeks dismissal of PCSO plunder case

By Edu Punay

Citing lack of probable cause, President Gloria Macapagal-Arroyo has asked the Supreme Court (SC) to dismiss the plunder charges against her for the alleged misuse of P365.9 million in Philippine Charity Sweepstakes Office (PCSO) funds.

Through her lawyer Rodolfo Jimenez, Arroyo invoked her constitutional and statutory right to be presumed innocent.

Arroyo said the necessary elements of plunder under Republic Act 2080 have not been established in the preliminary investigation conducted by the Office of the Ombudsman.

He cited 21 cases wherein the SC upheld the existence of reasonable doubt in acquitting an accused in a criminal case.

In the case of *People vs. Avila*, the SC held: "It is not the duty of an accused to prove his innocence before the prosecution proves his guilt, but rather it is the reverse, that is, that the prosecution must prove the guilt of the accused beyond reasonable doubt before the accused is put to proving his freedom and legal responsibility."

In October last year, Arroyo asked the SC to stop her indictment and void a resolution of the Office of the Ombudsman finding probable cause to charge her with plunder.

However, the SC under Chief Justice Ma. Lourdes Sereno has not yet acted on her plea.

The SC acted first on two petitions for interventions that constituents of Arroyo in Pampanga had filed.

The first one was filed last Dec. 21 by Rico Ocampo, Eugene Paul Ponio, Marcelo Valencia and Joaquin Mañalac, while the second was filed last week by over 40 Pampanga residents led by Guagua Mayor Ricardo Rivera.

In full-court session last Jan. 8, the SC ordered the Office of the Solicitor General to answer these petitions for intervention.

Both petitions argued that Arroyo's incarceration for a non-bailable charge had deprived them of full representation in Congress.

Arroyo had been wrongly charged of misusing P366 million in PCSO funds as the Commission on Audit itself had fully liquidated the amount, they added.

Audit Commissioner Heidi Mendoza had confirmed compliance with requirements for the release of the funds involved, the petitioners said.

INSTITUTIONS

Inquirer.net, 8.01.2013

SC modifies implementation of judicial affidavit rule

By Tetch Torres

MANILA, Philippines—Refusing to suspend the implementation of the Judicial Affidavit Rule (JAR), the Supreme Court has instead modified its implementation, requiring public prosecutors in criminal cases to use, in lieu of judicial affidavit, the sworn statements executed by complainants and their witnesses. The new rule, which took effect last Jan. 1, requires the submission of judicial affidavits in lieu of direct testimony of witnesses in criminal cases where the maximum imposable penalty does not exceed six years.

In its two-page resolution, the SC requires the attending public prosecutor, when presenting the witness, to "affirm the truth of what the sworn statement contains and ask the witness only those additional direct examination questions that have not been

amply covered by the sworn statement."

The modified compliance shall be for one year only and on Jan. 1, 2014, the JAR shall be in full effect in criminal cases, the SC said.

The high court also said it "expects the public prosecutors in both the first and second-level courts to take steps during the one-year modified compliance period (1) to seek the needed augmentation of their ranks; and (2) to develop methods and systems that would enable them to fully comply with the requirements of the Judicial Affidavit Rule when the modified compliance period ends."

The JAR covers criminal cases where the maximum imposable penalty does not exceed six years.

The Philippine Star, 07.01.2013

House OKs bill seeking reforms in criminology profession

By Paolo Romero

MANILA, Philippines - The House of Representatives has approved on third and final reading a bill seeking to regulate the practice of criminology in the country following criminal incidents involving new graduates or students of criminology.

House Bill 6736 seeks to reform the criminology profession and strengthen it by setting standards of practice and service which are excellent, world class and globally competitive, according to its authors.

Cagayan de Oro Rep. Rufus Rodriguez, president of the Centrist Democratic Party and one of the authors of the measure, said several students and new graduates of criminology have been implicated in serious crimes so there is a need to improve the regulation of the profession.

Other authors of the bill include Representatives Andres Salvacion Jr., Joseph Emilio Abaya, and Maximo Rodriguez Jr.

The bill creates a Professional Regulatory Board for criminologists, a collegial body under the administrative supervision and control of the commission to be composed of a chairperson and two members appointed by the President.

One of the functions of the board is to supervise and regulate the

registration, licensure and practice of criminology in accordance with the provisions of the bill.

Another is to promulgate, adopt or amend the syllabi and tables of specifications of the subjects for the licensure examination/s in consultation with academe and the Commission on Higher Education (CHED).

The board is also tasked to prepare questions for the licensure examination, which will strictly be within the scope of the syllabi of the subjects for examination as well as administer, correct and release the results of the licensure examinations.

The measure also aims to empower the board by providing it with quasi-judicial authority in addition to its executive, administrative and rule-making powers.

One of the key provisions of HB 6736 is to develop and upgrade the subjects for licensure examination.

Under the bill, the subjects for licensure examination for criminologists shall include but not be limited to criminal jurisprudence and procedure, law enforcement administration and crime detection and investigation, among others.

Another provision is to implement the Continuing Professional



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Education (CPE) for the development of the professional compe-

tence of criminologists.

MindaNews, 16.01.2013

SOMEONE ELSE'S WINDOWS: Bello the belt

By H. Marcos C. Mordeno

MALAYBALAY CITY- Congress has passed a bill that would give indemnification to some 10,000 victims of the Martial Law regime of Ferdinand E. Marcos. The bill is now being finalized at the bicameral conference committee.

Unfortunately, it has hit snags with the insistence of Senator Joker Arroyo and Akbayan Rep. Walden Bello to exclude as victims those who took up arms against Marcos even if they too suffered rights abuses. I find this personally revolting.

Arroyo's and Bello's position implies two things: [1] the victims deserved the death, torture and other indignities committed against them by the Marcos dictatorship simply because they had resorted – or are believed to have resorted – to violent means; and [2] since a good number of the victims had belonged to this category, excluding them would be tantamount to exculpating the late strongman of the grave crimes he committed while in power.

It is unthinkable, if not downright absurd, that Arroyo, a human rights lawyer during Martial Law, and Bello, a prominent foreign-based activist then, are now leading the campaign to ostracize the victims who had suffered much in those dark days.

As a lawyer, Arroyo is fully aware that even suspects of ordinary crimes are entitled to the protection of their rights once they are under government custody.

Inquirer.net, 16.01.2013

Bicam on human rights compensation bill OKs panel to evaluate claims

By Karen Boncocan

MANILA, Philippines – The bicameral conference committee on human rights compensation bill for victims during the Marcos regime has approved the creation of a compensation board which will evaluate claims.

Bayan Muna Partylist Representative Neri Colmenares on Wednesday said that the members of the panel were now discussing the qualifications of the members of the board.

Senate Bill 3334 proposed that the compensation board scrutinized claims for compensation by martial law victims.

Rappler.com, 17.01.2013

Sereno faces uphill battle in High Court

By Purple Romero

DAVAO CITY, Philippines - Without mincing words, lawyer Troy Mendoza said Chief Justice Maria Lourdes Sereno should resign.

"She should step down," he said. "[President Benigno Aquino III] should appoint a new chief justice."

Mendoza said this just a day after Sereno spoke before 3,000 lawyers at the 40th anniversary of the Integrated Bar of the Philippines on January 16.

Sereno, like a preacher, asked the lawyers to pray for the High Court and to be more patient as she studies reforms for problems in the justice system like clogged dockets and congested jails.

The crowd of lawyers cheered and applauded, but when the noise died down, there were IBP members like Mendoza, whose doubts about [Sereno](#) surfaced.

Mendoza said Aquino made a mistake when he appointed a junior justice to the highest post in the judiciary. Sereno was in the SC for only two years when she was named replacement of dismissed [chief justice Renato Corona](#) in August 2012.

Corona was removed from office by the Senate sitting as an impeachment court in May last year for failing to declare P180

How much more political activists who had opted to risk their lives to get rid of a dictatorship? Even former First Lady Imeldific Marcos, Senator Ferdinand "Bongbong"

Marcos Jr. and the rest of their family must be wondering what has crept into the supposedly brilliant minds of the two lawmakers, i.e. if they have no hand in this thing.

Ruling on a class suit filed by the victims, the court in Hawaii had said years ago that Marcos was guilty of human rights violations during his 20-year rule, 14 years of it under Martial Law. But Arroyo and Bello are now seeking to undermine such decision and deny justice to the victims, and in effect, absolve the Marcoses.

This is a classic case of legislative double-cross, where the very lawmakers who are least expected to oppose the approved Senate and House versions of the indemnification bill are the ones guilty of a planned rubout.

Is Bello in particular just trying to put one over Akbayan's political rivals?

Arroyo and Bello have nothing to lose if the indemnification bill gets approved by the President without revisions that would exclude those who actually joined the armed struggle against Marcos or are believed to have done so. If this is so, then maybe they stand to gain from blocking its approval?

Just thinking aloud.

The panel is presently in talks to resolve contentious issues on SB 3334 and House Bill 5990, which seeks to include 9,539 human rights victims who were part of a prior complaint adjudged by the US Federal Court System in Hawaii.

The Senate version also requires evidence of human rights violations against the martial law victims.

This goes against the House position, led by the principal author of its version Deputy Speaker Lorenzo Tanada III, which seeks to acknowledge the Hawaii plaintiffs as victims during the Marcos regime without requiring evidence.

million in peso and dollar accounts in his statement of assets, liabilities and networth.

Mendoza said Aquino should have appointed one of these senior magistrates -- Justices Antonio Carpio, Martin Villarama or Presbitero Velasco -- instead.

Sereno, 52, will stay in the post for 18 years and will only step down when she reaches the mandatory retirement age of 70. Her appointment was not welcomed by everyone, however.

Division

Carlos Zarate, former president of IBP Davao-chapter said they are aware of how her appointment has caused division in the Court.

"Her appointment had been controversial. We know for a fact that there's still division in the high court. Probably not in the collegial cases, but there is. Of course those of us who are on the ground are also watching how that unfolds," he said.

Last year, there was a lot of brouhaha over how justices would not attend the flag ceremony on Mondays because she was there. But the cracks in the court really showed in December 2012, when Justice Teresita Leonardo De Castro called for the recall or amendment of a Court resolution that ratified Sereno's



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earlier decision to restore the [regional court administrator's office](#) (RCAO).

De Castro said the resolution does not contain the deliberations made by the other justices on the matter. De Castro said the Court opposed the restoration of RCAO, which was launched in 2008 to decentralize court operations.

Zarate said he hopes the division could be resolved soon.

After all, the judiciary is plagued with "systemic ills" as how Sereno had said herself, which have to be addressed immediately. These include having 600,000 cases in the lower courts that are yet to be resolved, Sereno said.

She lauded the initiatives of the IBP to offer free legal aid. Under the rule on mandatory legal aid service, lawyers are required to render at least 60 hours of free legal aid services to indigent litigants in a year.

Free legal aid is not enough, however.

Shortage of prosecutors, judges, courts

Zarate said in Mindanao, the problem extends to the lack of prosecutors. Judge Agerico Avila from Catbalogan, Samar said Visayas also suffers from the same problem, as well as lack of judges.

According to data from the National Economic Development Authority, the ratio of prosecutors to people is 1:20.

Prosecutors carry out the preliminary investigation and determine if a complaint is substantial enough for a case information to be filed in court.

Aside from the lack prosecutors, there's also shortage in courts and judges.

"There are courts where there are no judges, such as in Basilan or in Region XI like in Davao Oriental, there are first-level courts where there are no judges yet," Zarate said.

Court administrator Jose Midas Marquez had previously said that one in every 4 courts in the country does not have a permanent judge. He blamed the shortage on the unattractive compen-

sation to judges. Lower court judges could earn as much as P70,000 per month, but private practitioners still earn more.

The issue of unfilled vacancies in the lower courts has pitted the Supreme Court with Malacañang. In 2011, judges went on a black protest after the Department of Budget and Management tried to impound P2 billion of the SC's budget and placed it under the Miscellaneous and Personnel Benefits Funds.

The DBM said the funds will be released once the vacancies are filled. The SC said this violates the fiscal independence of the High Court, however.

The DBM gave in, but the tension remained. Sereno tried to ease this and also get higher funds for the SC whose budget is less than 1% of the general appropriations. She did this by inviting Budget Secretary Florencio "Butch" Abad to the SC in September last year.

Abad said there is now "openness" between the [SC and the DBM](#).

Convincing her peers

Still, even as she tries to address the problems of the judiciary, Sereno also has to find ways to prove she was the right person for the position of chief justice. She needs to convince not only the public, but her fellow lawyers as well.

Sereno has been in the position for 5 months. When she spoke before the members of the IBP, however, she reiterated she did not ask for the post. Neither did she intentionally want to "stand out."

"I wrote dissenting opinions and was in the minority, but I did not do that to be noticed," she said in the vernacular.

Sereno thanked the IBP as some of them, she said, "cheered for her, prayed for her," but the lawyers knew the cold tension within the SC has yet to completely thaw.

She is a new chief justice, and her every move is being watched. Will she succeed in reforming the judiciary?

"We are in the wait-and-see mode," Zarate said.

Philstar.com, 17.01.2013

New AFP chief vows to make insurgency 'irrelevant'

By Alexis Romero

Incoming Armed Forces of the Philippines (AFP) chief Lt. Gen. Emmanuel Bautista vowed to make insurgency irrelevant and to continue implementing the military security plan "Bayanihan." Bautista said he would have a more direct hand in implementing the security plan now that he is the chief of the 125,000-strong military.

"That is our goal - for the NPA (New People's Army) to be irrelevant, for the armed struggle to end, to render the armed struggle irrelevant," he said.

Bautista noted that one of the goals of the security plan - the signing of a framework agreement with the Moro Islamic Liberation Front - has been attained. The MILF and the government peace panels signed the agreement last October 15.

Bautista is said to be the lead architect of Bayanihan, which aims to end armed conflict through development and the active participation of various sectors. The security plan took effect on Jan. 1, 2011 and will end on June 30, 2016.

While the military credits Bayanihan for the supposed reduction

of armed hostilities, some bloody attacks occurred during its implementation.

Insurgents have managed to launch deadly offensives against soldiers recently despite the military's claim that the group is on a decline. Eleven soldiers, including an Army captain, and a civilian were killed in an ambush staged by rebels in Tinoc, Ifugao last April.

Four days after the Tinoc incident, four soldiers and a civilian were slain after about 20 NPA rebels attacked an Army team in Labo, Camarines Norte.

High-profile attacks against Mindanao-based soldiers also happened during the implementation of Bayanihan. Among them is the clash with MILF forces in Al-Barka, Basilan in October 2011, which left 19 soldiers dead and 14 others wounded.

Despite these setbacks, the military claims that Bayanihan has depleted the strength of armed groups like the NPA and the Abu Sayyaf.

Sun Star, 29.01.2013

Government shows indifference to FOI, bishops say

By Kathrina Alvarez

MANILA -- The influential Catholic Bishops Conference of the Philippines (CBCP) has questioned the continued indifference of the Aquino government to the controversial freedom of information (FOI).

In its Pastoral Statement after their 106th Plenary Assembly, the bishops of the Philippines said it is something unexpected since

the administration has long been harping on its Daang Matuwid (straight path) and anti-corruption motto. "It is ironic that the government that prides itself of treading the Daang Matuwid fears the FOI because of possible discovery of wrongdoing by public officials. Why are they afraid to entrust the citizens with the truth of their governance?" asked the CBCP.



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To note, President Benigno Aquino III had refused to certify the FOI bill as urgent despite promising to push for the FOI bill during the presidential campaign in 2010. In a statement, the CBCP still called on lawmakers to prioritize what is dubbed as a landmark bill despite only a few days left before the adjournment of the 15th Congress. The FOI bill was finally sponsored at the House of Representatives five days before it adjourns for the May 13 polls. A legislator said the public should compel its representatives in the House to show up in the plenary to allow controversial measure to move in the last remaining sessions of the 15th Congress.

In a press conference, House Deputy Majority Leader and Marikina City Representative Romero Quimbo said that like with the reproductive health (RH) bill, the public should also put pressure on their representatives if they want the FOI bill also enacted into law. Quimbo said there are "limitations and realities" facing members

of the House of Representatives who are running in the 2013 midterm elections.

"The problem really is that it's almost campaign period and a lot of them are already campaigning, especially those who are running for a different position," he said. Congress will again take a break on February 7 to give way for the campaign period, which starts on February 12. House Deputy Speaker Loren Tañada III, the main proponent of the FOI bill, earlier urged Majority Leader Neptali Gonzales II, the chairman of the House committee on rules, to certify the proposal as urgent.

The FOI bill provides access to information being used for decision making or project management as well as transcripts and minutes of official meetings. It is also considered the implementing measure of two constitutional provisions on the right of the people to information on matters of public concern.

Inquirer.net, 30.01.2013

Casiño lauds bishops' support for call to end political dynasties

By Karen Boncocan

A lawmaker on Wednesday lauded the Catholic Bishops' Conference of the Philippines (CBCP) for backing a measure which sought to put an end to political dynasties.

Bayan Muna Partylist Representative Teddy Casiño said that the Church's support was "a burst of inspiration in the long and arduous road of political reform."

The CBCP has earlier pledged its support for a people's initiative seeking an end to political dynasties.

Casiño said that House Bill 3413 titled "An Act Prohibiting the Establishment of Political Dynasties" was still pending at the House committee on suffrage and electoral reforms.

The measure seeks to prohibit an incumbent official's spouse or

relative of up to second degree of consanguinity or affinity from pursuing a public office in the same province or city.

He said that there was no time left to see its passage in the 15th Congress and instead appealed to the "CBCP and the faithful to show its resolve by supporting candidates who embody their yearning for genuine change and political reform."

"With the 15th Congress coming to a close, it is in this year's elections that such a clamor for change should be realized," said Casiño who said he would support a people's initiative to see to the bill's passage.

SC dismisses petition to ban political dynasties

The Supreme Court on Tuesday denied the motion for reconsideration sought by a businessman who had asked the high tribunal to compel the Commission on Elections (Comelec) to prohibit members of political dynasties from running in the May elections.

In its first en banc session for the year, the high court junked businessman Louis Biraogo's appeal on the dismissal of his petition earlier by the high tribunal.

In October last year, Biraogo filed a 26-page petition for mandamus, asking the high court to order the Comelec to enforce the constitutional ban on political dynasties in the coming national and local polls.

Biraogo had lamented how dynasties still dominate the country's political landscape, adding that the current batch of candidates for 2013 was the "best testament to that political and constitutional mockery."

"The refusal of the government, the Congress in particular, to fulfill the constitutional prohibition against political dynasties has been a continuing insult to the Filipino people. Something must be done about this anomaly," Biraogo said.

Biraogo identified candidates in the forthcoming election who belong to political dynasties: senatorial aspirants Bam Aquino and Margarita Cojuangco, cousin and aunt of President Aquino; the children of Vice President Binay – Nancy, Abigail and Erwin – who are running for senator, congressman and Makati City mayor, respectively; and the family of former President and Manila mayoral bet Joseph Estrada, who has seven relatives running for various positions next year.

The petitioner also cited the Magsaysays, Cayetano, Villars, Angaras, Revillas, Belmontes, Pacquiaos and Jalosjoses, whose members currently occupy government posts or are running for other positions next year.

Biraogo contended that while the Congress had not yet passed a law defining the term "political dynasties," the Comelec is vested with implied powers to make a definition and the "ministerial duty" to prohibit political dynasties.

Aside from Biraogo, other petitioners seeking the high court's intervention in implementing the antipolitical dynasty provision include former Sen. Teofisto Guingona and anticrime advocate Dante Jimenez.

Philippine Daily Inquirer, 09.01.2013

CURRENT CASES OF HR VIOLATIONS

KARAPATAN Press Statement, 17.01.2013

Just like Arroyo's OBL, Aquino's OpBay attacks leaders of people's organizations, rights defenders

Illegal arrests, trumped-up charges

Yet another case of political repression against human rights defenders is reported under the Aquino regime.

Leaders of people's organizations such as Karapatan-Negros Secretary General Fred Caña, Christian Tuayon of Bayan-Negros, Ronald Ian Evidente of KMU-Negros, Clarizza Singson

of Gabriela-Negros, Bernardito Patigas of the North Negros Alliance of Human Rights Advocates (NNAHRA), and Gualberto Dajao of the Alliance of Concerned Teachers (ACT-Negros) are being implicated in a fabricated murder charge for the death of a certain 1Lt. Archie Polenzo who was allegedly killed during NPA-AFP clash in March 2010.



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"These forms of attacks, through the filing of fabricated charges, against human rights defenders are escalating, at a time when Aquino's counter-insurgency program Oplan Bayanihan (Op-Bay) is on its last year of Phase 1 implementation. Cristina Palabay, secretary general of Karapatan, noted that 28 persons were successively arrested and detained in less than one month, from December 2012 to early January this year. The indigenous peoples in Negros Occidental were arrested and jailed in the course of military operation in the community, with the soldiers accusing them of coddling NPA members; while most of the members of progressive organizations were arrested using, and insisting on, names from existing warrants, which were not theirs. The 28 arrested were from Cagayan Valley, Negros Oriental and Occidental, Quezon province and members of Courage and Piston, organizations of government employees and drivers, respectively and, of Act Teachers Partylist. Also among those charges were two leaders from the Kilusang Mayo Uno (KMU)-National Capital Region.

"This reminds us of the Southern Tagalog 72 during the Oplan Bantay Laya days of Gloria Macapagal Arroyo where members and leaders of progressive organizations faced trumped-up

charges to harass and intimidate them. We demand that all charges against these activists and civilians be withdrawn or immediately dismissed," Palabay said.

The names of the Negrense activists were included in an affidavit executed by an alleged NPA surrenderee Freddie Sanchez. He mentioned some 51 names of individuals which he claimed are top ranking CPP-NPA leaders who purportedly attended a meeting that 1Lt. Polenzo's group had monitored and later clashed with. "The AFP is making up stories to harass us and destroy the legal mass movement in Negros Occidental," Clarissa Singson of Gabriela-Negros said.

One of the 51 names cited in the warrant was Michael Celeste. In June 2011, Celeste became a victim of enforced disappearance when he was abducted by elements of a paramilitary group Revolutionary Proletarian Army-Alex Boncayao Brigade (RPA-ABB). Celeste remains missing.

Karapatan will join various people's organizations on Friday, January 18, at a protest action in Mendiola to condemn the increasing cases of political repression and to call for the immediate and unconditional release of political prisoners.

KARAPATAN Press Release, 28.01.2013

Two cases of disappearance reported to human rights groups after enactment of Anti-Enforced Disappearance Law

Case Update:

As of January 29, 2013, Muin Kahal Hamja was presented by the authorities and was brought to Basilan Provincial Jail where his brother Muhammadiya Hamja is also detained. Human rights workers in Basilan are still trying to get a copy of his charge sheet.

Unfortunately, Sheikh Bashier Mursalum remains missing. According to an eye witness, he was first gunned down by his abductors before he was picked up and brought inside the get away vehicle on the 24th of January.

Karapatan and Families of Desaparecidos for Justice (Desaparecidos) deplored the abduction of Sheikh Bashier Mursalum and Muin Kahal Hamja, as these organizations add two more names to the long list of enforced disappearances in the country. The abduction happened after President Aquino signed the Anti-Enforced Disappearance Act of 2012 in December. "Muin Kahal and Mursalum's disappearances show that the law itself is not a deterrent in the practice of enforced disappearance. This poses a challenge to the law against enforced disappearance and to the Aquino government to prosecute those who abducted and detained them," said Cristina Palabay, Karapatan secretary general. "The law seems brave enough to make state agents criminally liable for the act of enforced disappearance but we have yet to see its enforcement," Palabay added. Sheikh Bashier Mursalum, a muslim scholar, was abducted by state agents last January 22 in Basilan. On January 24, Muin

Kahal Hamja was abducted by armed men at 2:00 AM in his home in Bgy. Kumalarang, Isabela City, Basilan. "We initially welcomed this new law, but the rage in our hearts remains knowing that the families of Hamja and Mursalum are searching in vain for their loved ones," Lorena Santos, secretary general of Desaparecidos, said. Muhammadiya Hamja, Muin Kahal's brother, was also a victim of enforced disappearance in 2001 but was located by the quick reaction team composed of members of Karapatan, Muhammadiya's son and Commission on Human Rights investigators. "We found him hidden and tortured inside the office of Criminal Investigation and Detection Group (CIDG) in Camp Crame, Philippine National Police Headquarters in Quezon City," said Palabay.

Muhammadiya is now sickly but is still detained, facing trumped up charge of bombing in Basilan Province - the same case he and his brother Muin Kahal already faced in 2001 but was acquitted in 2005 for lack of evidence. "As much as we have hope in our hearts that this law will help pave the way for justice, but our hopes are dimmed when we witness the continuing commission of human rights violations by state security forces under Oplan Bayanihan." Santos said.

Sun Star, 29.01.2013

Right advocates' support sought in probe of Negros Occidental ambush

MANILA -- A police official has asked the support of the Commission on Human Rights and groups involved in human rights welfare to help the police and the military in the investigation on Sunday's ambush in Negros Occidental that killed nine people.

Chief Superintendent Agrimero Cruz Jr., Western Visayas Police Regional Office (PRO) director, said this is an opportunity for all human rights advocates to show their support against the actions of the New People's Army (NPA), whose members allegedly staged the recent ambush in Barangay Puso, La Castellana town.

"I hope that they will support the ongoing investigation so that justice will be served to the victims of the gruesome murders," Cruz said. He described the incident as the "highest form of

brutality and violations of human rights."

Cruz said survivor-witnesses of the incident disclosed that the suspected NPA members killed the victims who were already pleading for their lives while those already slain were again shot at close range to ensure their death.

Local authorities were among the fatalities in the incident and were identified as Police Officer 1 Richard Canja of La Castellana Police Station; barangay tanods Mario Recablanca and Timo Esplecera, and Jonathan Mateo, Ramer Compleza, and Ulysis Tamayor, who were members of Barangay Peacekeeping Action Teams.

Civilians identified as Lito Lucban, Virginia Ordoñez, and Ricky Dingcong, were also killed.



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The ambush also injured two police officers and six civilians, police said.

The victims, on board a truck, were on their way to Barangay Cabacungan, La Castellana, when the suspected NPA members fired upon them.

The Armed Forces of the Philippines (AFP) has condemned the ambush, saying "the attack on non-combatants is clearly another violation of the Comprehensive Agreement on Human Rights and International Humanitarian Law they signed."

MindaNews, 16.01.2013

Kidapawan scribe on hit list?

MALAYBALAY CITY – A contract to kill a journalist based in Kidapawan City after the May 13 elections has reportedly been put out, the National Union of Journalists of the Philippines (NUJP) said in a statement today.

Details of the supposed plan to kill Joy Francisco were contained in text messages to Malu Manar, chair of the NUJP in Kidapawan, and another journalist on Sunday, January 13.

Francisco is the publisher and editor-in-chief of the weekly Southern Voice Journal.

The statement quoted Manar as saying the texter identified himself as a member of a gun-for-hire group which is suspected to be involved in the 2011 murder of Italian priest Fr. Fausto "Pops" Tentorio.

Business World Online, 14.01.2013

No political killings in Samar, says mayor

By Reyana L. Arinto

TACLOBAN CITY -- Calbayog City Mayor Ronaldo P. Aquino has dismissed reports of political killings in his city.

"Recent reports of killings in Calbayog City are not politically motivated. It should not be a cause for great alarm since the police are there to solve them. Our city has transformed into a community that is free of violence and fear," Mr. Aquino said. The latest violence, which occurred last Sunday, resulted in the killing of three persons and the wounding of two others. Supt. Elmer B. Cinco, chief of Calbayog City police office, identified the victims as Lito Abajo, William Somino and Dencio de la Cruz, of legal age and all residents of Barangay Migara, an upland village in Calbayog. Wounded were Reynante Buscagan and Inocenta Casaljay, who are being treated at the Our Lady of Porziuncula Hospital, Inc. and St. Camilus Hospital, respectively. "We have yet to determine whether the motive of the killing was political. But we have launched manhunt operations against the perpetrators," Mr. Cinco said in telephone interview. The killing happened hours before politicians in the entire Sa-

The Philippine Star, 13.01.2013

North Cotabato vice mayor killed in ambush

By John Unson

COTABATO CITY, Philippines – A re-electionist vice mayor in North Cotabato was killed in an ambush Friday afternoon, two days before the implementation of a nationwide gun ban, which takes effect today, the start of the 120-day election period.

Kabacan Vice Mayor Policronio Dulay, 70, was coming out from a department store along Maria Clara street when two men riding on motorcycle shot him with caliber .45 pistols, according to Superintendent Leo Ajero, chief of the Kabacan municipal police.

Dulay's bid for a second term as vice mayor of Kabacan is being challenged by Datumaidu Sultan, an ethnic Maguindanao.

Ajero said investigators are looking into politics as the motive for the killing of Dulay.

"The NPAs continue to wage armed violence, disrupt the peace-building initiatives of the government and even disrespect the peace process by violating past ceasefire pronouncements," said military spokesperson Col. Arnulfo M. Burgos Jr.

"Our troops in the area will strictly follow the rules of engagement and will respect and promote human rights in all our operations," he added. **(Emmanuel Louis Bacani/Sunnex)**

"The texter further alleged that a staff of a local politician had set up a meeting with a member of his group and has promised to pay P100,000.00 for the killing of

Francisco. The texter said he chose to divulge the plan to kill Francisco after learning that the target is a woman," it added.

Manar attempted to call the number (+639214095902) but failed.

"It is unclear why the text was sent to Manar and not directly to Francisco," the statement said.

Francisco said she has reported the matter to police authorities.

"Francisco has been critical of a particular politician in North Cotabato in the past but said it is also possible other people may be taking advantage of her well-known tiff with the local politician to mislead her," the NUJP said.

mar province signed a peace covenant.

"Based on initial investigation, the victims were shot at random by still unidentified suspects who fled towards the mountainous part of Lower Happy Valley and Seven Hills," Mr. Cinco said. Police have earlier identified Lower Happy Valley and Seven Hills as lairs of partisan armed groups operating in the first district of Samar.

A series of purported political killings and forced disappearances have been reported since 1995 in Calbayog City and surrounding municipalities comprising the first congressional district of Samar.

Political leaders killed in recent times in Samar included Calbayog Mayor Reynaldo S. Uy in 2010, Matuguinao Mayor Carlos de la Cruz in 2009, Tarangnan Mayor Anieto Olaje and his successor Francisco Montero in 2004. Samar is one of the 15 provinces tagged as high-risk in the run-up to the May midterm elections based on the proliferation of partisan armed groups, organized crime groups and other threat groups.

The North Cotabato police yesterday created Task Force Dulay to oversee the investigation on the killing of the vice mayor.

Relatives of Dulay have also asked the Criminal Investigation and Detection Group to help determine the identities of the killers.

Dulay, a retired policeman, first served as councilor for three consecutive terms before he was elected vice mayor in 2010.

The incident preceded the fatal ambush of Rowena Lu Sangki, 40, a senior staff of the social welfare department in the Autonomous Region in Muslim Mindanao.

Sangki was riding a tricycle on her way to Cotabato City from their office in Semba area in Datu Odin Sinsuat town when two motorcycle-riding men blocked her path shot her.



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A passenger identified only as Rahima was wounded in the attack. She was rushed to a nearby hospital for treatment. Police probes theorized that the killing of Sangki could be work related.

Bulatlat.com, 12.01.2013

Crackdown on political activists feared as 28 nabbed in 1 month

By Ronalyn V. Olea

MANILA - Renimelda Abiva, 53, could not stop crying as she spoke about the arrest of her son, Rene Boy on December 28.

Mrs. Abiva said she could not believe that her son, an employee of the Department of Social Welfare and Development (DSWD) for more than two years, has been charged with murder in relation to an alleged ambush by the New People's Army (NPA) in Tinoc, Ifugao on April 25 last year.

"My son has never been to Ifugao," Mrs. Abiva told *Bulatlat.com* in an interview. "Why arrest someone who did not do anything wrong?"

Rene Boy, also an organizer of ACT Teachers party list, is one of the 28 activists arrested in a span of one month, according to human rights group Karapatan.

Mrs. Abiva, who travelled all the way from their hometown in Aritao, Nueva Vizcaya, 231 kilometers from Manila, to join a press conference, January 11, called on the Aquino administration to release her son and all the others who were slapped with fabricated charges.

Rene Boy's wife, Mildred, said she initially thought her husband had been mistaken for somebody else. The policemen who went to their house were looking for a certain Rene Abiva, not Rene Boy Abiva. "But when Virgilio Corpuz was arrested and charged with the same case, I knew the arrests were politically motivated," Mildred said.

Corpus, 61, regional coordinator of Cagayan Valley for Pagkaka-isa ng mga Samahan ng Tsiper at Opereytor Nationwide (Piston), was arrested January 4 at his home in Santiago City, Isabela. The arresting team, the Philippine National Police Regional Mobile Group, accused the Corpus of being a certain "Harold Castillo."

Sixteen other individuals have been charged in connection with alleged NPA ambushes. Among them are the [two organizers of Courage](#), a federation of government employees unions, who were arrested on December 3 in Manila and detained in Daet, Camarines Norte.

Randy Vegas, 40, and Raul Camposano, 51, were arrested on the same day in two separate incidents. They later found out that

ARMM acting Gov. Mujiv Hataman has ordered the regional police office to help the municipal police of Datu Odin Sinsuat to investigate the incident.

they have been charged with murder, theft and frustrated murder. The charges were in connection with their alleged participation in an ambush by the New People's Army (NPA) against the Armed Forces of the Philippines in Maot, Labo, Camarines Norte on April 29, 2012.

"The charges are clearly fabricated," Ferdinand Gaité, Courage national president, said. "How can they [Vegas and Camposano] participate in two alleged NPA ambushes in Camarines Norte and in Ifugao in the same month?"

Included in the Labo, Camarines Norte charge sheet are Kilusang Mayo Uno-National Capital Region leaders Roy Velez and Amelita Gamara.

Others arrested were church worker Anecita Rojo in Bago City, Negros Occidental on December 7; farmers Dennis Ortiz, Eleceo Lopez and a 17-year-old boy, in Mulanay, Quezon on December 21.

Nineteen farmers, including three minors, were also arrested by soldiers in Isabela, Negros Occidental on December 13.

On Christmas day, Oligario Sebas, 65, was arrested in Negros Oriental and presented to the media as "Felimon Mendrez," an alleged top-ranking NPA cadre in Central Visayas.

'Silencing dissenting voices'

Cristina Palabay, Karapatan secretary general, said those arrested are not NPA fighters but activists involved in advocacy work for people's rights and welfare.

"They are simple citizens, members and leaders of progressive organizations who are considered as enemies of the state and branded as NPAs," Palabay said. "Clearly, the arrests aim to silence dissenting voices."

The red baiting, Palabay said, is meant to justify the grave violations on civil and political rights of the victims.

Palabay said they are expecting the arrests to continue, citing the 235 list of alleged communist leaders in a Joint Order No. 14-2012 of the Department of National Defense and Department of Interior and Local Government (DND-DILG). The joint order places a P466.88 million (\$11.38 million) reward for the capture of alleged communists in the list.

National Union of Journalists in the Philippines Alert, 03.01.2013

City councilor and block-timer shot dead

A city councilor in San Pablo, Laguna hosting a block-time radio program was shot dead afternoon of Jan. 3.

Unidentified gunmen aboard a motorcycle fired shots at Dr. Edgardo Adajar, councilor and program host at local station 101.5 Hot FM, and driver Rolando Leonardo, outside the Little Coliseum cockpit arena in Barangay (village) Concepcion between 4:00 and 4:30 pm, according to reports from the Philippine National Police in San Pablo.

Adajar was declared dead on arrival at the San Pablo District Hospital while Leonardo died early morning today (Jan. 4).

Until his death, Adajar was hosting the daily block-time program "Doc Egay Adajar & Co." from 9:00 am to 12:00 pm.

Prior to being reelected in 2010, Adajar was voted councilor for three terms, from 1998 to 2007. He ran under the party Pwersa

ng Masang Pilipino and, later, under the United Nationalist Alliance. From 2008 to 2010, he served as a political consultant at the Office of Sen. Juan Ponce Enrile.

Police have yet to determine whether his killing was linked to his work as commentator or as councilor.

Local journalists said Adajar was known for his hard-hitting commentary, although they said the councilor figured in several incidents that involved local reporters and a politician.

In an alert released Oct. 13, 2006, NUJP reported that Adajar filed a libel case against *Directo Balita* columnist Iring Maranan, one of the journalists he reportedly attacked, and the paper's publisher Paul Manalo, after the paper ran stories on Adajar's mauling of Maranan.

Philippine Daily Inquirer, 23.01.2013

Isabela town mayor shot dead in Quezon City – police report



Action Network Human Rights- Philippines

By Julie M. Aurelio

MANILA, Philippines—A mayor of a town in Isabela province was shot dead outside a Quezon City inn on Tuesday night. Supt. Pedro Sanchez, the Masambong police station commander,

identified the victim as Mayor Erlinda Domingo of Maconacon, Isabela. She was declared dead on arrival at the East Avenue Medical Center.

UPDATES ON HR VIOLATIONS

InterAksyon.com, 18.12.2012

'Soldiers shot botanist, companions after thinking they were communist rebels'

By Abigail C. Kwok

The Commission on Human Rights (CHR) said soldiers mistook botanist Leonard Co and his companions as communist rebels when they fired at Co's group two years ago in Kananga, Leyte. Although the Army operation was "legitimate," the supposed encounter was not, CHR chairperson Etta Rosales said in a phone interview.

"There was no legitimate encounter because the military failed to see the difference between the combatants and non-combatants. These were civilians and soldiers mistook them to be combatants. They shot at these people. That is a violation of the International Humanitarian Law (IHL)," Rosales said.

Soldiers also failed to bring Co and his companions--forest guard Sofronio Cortez and guide Julio Borrromeo--to the hospital immediately, Rosales said. It took them 2 1/2 hours to do so,

causing the victims to bleed to death.

"They mistook them for NPAs but that is a violation because under the IHL, unless you are sure that the target is the enemy you should not fire," Rosales said. "We think they should be criminally and administratively charged," she added.

The CHR said initially nine soldiers were liable for the death of Co and his companions, including 1st Lt. Ronald Odchimar and Lt. Col. Federico Tutaan. The CHR resolution was forwarded to the Department of Justice for further action.

Sought for comment, Army spokesman Major Harold Cabunoc welcomed the CHR findings.

"We welcome this action so that our soldiers can answer the allegations in a court of law. They have the constitutional right of being presumed innocent," Cabunoc said.

Sun Star Davao, 14.01.2013

Tulawie wants to be detained in Davao

Jereco O. Paloma

THE camp of Temogen "Cocoy" Tulawie, a human rights activist who was accused to be behind a bombing incident in Sulu in 2009, requested the court to detain him in Davao City despite the junking of earlier motions to hold the hearings here.

Branch 19 of the Regional Trial Court (RTC) Manila has upheld its recent order issued in October last year transferring the trial of Tulawie's case in Manila for various reasons.

Lawyer May Ann Arnado of the Mindanao People Caucus (MPC) and one of the legal counsels of Tulawie in Davao City said they are hopeful that the court this time will hear their side and allow Tulawie to be detained in Davao City Jail, where he is presently detained for several months now.

One of the main complainants against Tulawie is Sulu Governor Abdusakur Tan, who was the one who requested the Supreme Court (SC) to transfer the case trial venue from Davao City to Manila.

Tan cited several reasons for his motion to transfer the trial venue, which was granted by SC in October of last year, one of these reasons is that Davao City is not a neutral place to try Tulawie since various human rights activists are very active in the city and this might affect the case.

Arnado said they wanted Tulawie to be detained in Davao City while the case is being heard in Manila primarily for security reasons since Tulawie's family received direct threats.

Tulawie, he said, is also not safe once he will be permanently detailed in Manila.

The first hearing for Tulawie's case is set on January 25, just a few days away but the court is yet to decide on their pending motion.

"We are exhausting all the available remedy to be able to secure him (Tulawie) and protect his safety," Arnado said Monday.

In the meantime, pending the decision from the court for the defense's motion to detain Tulawie here, Arnado said they will coordinate with various groups and with the Commission on

Action Network Human Rights Philippines, Press Release, 10.01.2013

Philippine Human Rights Defender in Danger: Human Rights Group asks German Parliamentarians to speak up for the safety of Cocoy Tulawie

The German-based Action Network Human Rights -Philippines (AMP) commemorates the first anniversary of the arrest of Human Rights Defender Cocoy Tulawie by asking President Aquino and German Parliamentarians to spare no effort to protect the life and health of this human rights activist.

The well-known Philippine human rights defender, who has been advocating human rights in Sulu for many years, was arrested one year ago, on January 13, 2012.

He is accused of having prepared an attempt on the life of Sakur Tan, Governor of the Province of Sulu, in 2009. Together with many national and international partners, the Action Network for Human Rights in the Philippines is convinced that the accusations against Mr. Tulawie have been made up in order to silence this activist.

"We have information, that all witness statements, on which the indictment is based, are forced and have in the meantime been withdrawn. Due to his work as human rights activist, Mr. Tulawie had already been massively threatened in Sulu, so that he was forced to hide away until his arrest", explains Maik Grabowski, the coordinator AMP.

In the wake of the attempted relocation of his process to Manila by Governor Tan, Mr. Tulawie was again threatened with death. "According to numerous reports, imprisoned violent criminals have already been ordered to murder Mr. Tulawie upon his arrival at the prison of Bicutan. Therefore, it must be feared that Mr. Tulawie's life is in danger, should he be transferred to the prison of Bicutan" says Jochen Motte, chair of AMP.

Therefore the German human rights and development agencies of the Action Network sent letters to several German Parliamentarians asking them to advocate for the safety of Mr. Tulawie and support the case to convince the Philippine government to act in compliance with the UN Declaration of Human Rights Defenders.

Human Rights (CHR) for the safe transfer of Tulawie to Manila for his first trial.

For Tulawie's trial in Manila, several progressive lawyers have already signified to volunteer to be part of tulawie's legal team Manila.

"This is a sensitive case and we already had enough threats that is why we cannot put his safety in jeopardy," Arnado said.

PEN International, 01.02.2013

Poet Ericson Acosta released, charges dropped.



Action Network Human Rights- Philippines

The Writers in Prison Committee of PEN International is delighted to learn that on 31 January 2013 the case against poet, song-writer, journalist and activist Ericson Acosta was dismissed for lack of evidence. Acosta had been held without trial since February 2011. The Philippines PEN Centre, joined by PEN International and its national Centres world wide were part of a sustained local and international campaign that is believed to have contributed to his release.

[...] Ericson Acosta has been freed after being detained for almost two years on what are now acknowledged to be trumped up charges of illegal possession of explosives. On 31 January 2013 the Department of Justice (DoJ) released a favorable resolution to Acosta's Petition to have his criminal case reviewed. His Petition for Review was filed at the DoJ in September 2011. Orders for his release are expected imminently. [...]

InterAksyon.com, 23.01.2013

On 2nd anniversary of Ortega murder, Senate to probe link between killing and Malampaya anomalies

By Karl John C. Reyes

The Senate Blue Ribbon committee will begin investigating on Thursday the possible link between the reported misuse of billions of pesos in Palawan's share from the Malampaya Gas Project and the murder two years ago of broadcaster and environmental activist Gerardo Ortega.

The probe was sought by Senator Teofisto Guingona III, who said Wednesday that Ortega's death "stirs speculations that it was due to his involvement in disclosing the alleged anomalies in the disbursement of government's money."

The start of the inquiry also marks the second year since Ortega was gunned down in Puerto Princesa City by a team of hired killers who later pointed to former Palawan governor Joel Reyes and his brother Mario, mayor of Coron town, as the alleged masterminds.

The brothers have been declared fugitives and are believed to

Ericson Acosta has worked as cultural writer for the Manila Times, and has acted in and directed a number of theatre plays. On 13 February 2011, Acosta was arrested by the military, in San Jorge, Samar, east of the country, on suspicion of being a member of the New People's Army (NPA). At the time of his arrest, Acosta was said to be unarmed and conducting research on human rights and environmental issues in the area. He was reportedly held incommunicado for three days, during which he was ill-treated, tortured and threatened with death. On 16 February 2011, the charge of illegal possession of explosives was filed against him.

Ericson Acosta has continued to write and to give press interviews from prison. [...]

Inquirer Mindanao, 31.01.2013

B'laan leader Capion confirms brother killed in clash with soldiers

By Aquiles Zonio, Orlando Dinoy

GENERAL SANTOS CITY, Philippines—The leader of a group of B'laan natives waging war against the copper and gold mining project of Xstrata's Sagittarius Mines Inc. confirmed Thursday that his brother was killed in a raid by government soldiers on Tuesday and called the operation an act of betrayal as their surrender was being arranged.

Daguil Capion, often referred to as a bandit by the authorities, said his brother, Kitari, and two others died in the Tuesday military operation in a remote area of Kiblawan, Davao del Sur.

Capion said he and his men felt betrayed by the authorities because just last Sunday, Kitari discussed their planned surrender with a relative working for SMI and a military officer.

He said that, with his blessing, Kitari met with Dot Capion and Army Capt. Joel Wayagwag, head of Task Force Kitaco, in an area in Barangay Bong Mal, a village that borders Kiblawan and Tampakan, South Cotabato.

Task Force Kitaco is a special unit created under the Army's 1002nd Infantry Brigade in the wake of attacks by various armed groups against SMI and is mandated to secure the areas where the mining company operates.

"During that meeting, Dot and Capt. Wayagwag pledged to help us in our planned surrender. Kitari had relayed to them my vow that we will cease our armed struggle," he told the Inquirer by phone in Filipino. Capion said they were tired of running from the law and were ready to face a string of charges filed against them, including murder and robbery in band.

But he clarified that while their armed struggle would cease, their opposition to SMI's operation continued.

have fled the country even as their lawyers continue efforts to quash a warrant of arrest issued against them early last year.

Before his death, Ortega had ceaselessly criticized the alleged anomalies in the implementation of projects funded by the Malampaya royalties.

Guingona also noted continuing exposes into these alleged irregularities.

Charges have also been filed by anti-corruption advocates in Palawan, among them Bishop Pedro Arigo, against several government officials.

"We should answer the questions on whether the huge amounts of money were used to further the development in Palawan, or were they used to benefit a few government officials? We will leave no stones unturned in this investigation," Guingona said.

Capion said that after the meeting with Dot and Wayagwag, their group converged on Sitio Nakultana in Barangay Kimlawis in Kiblawan. He and Kitari stayed in separate huts while awaiting news about their surrender feeler.

He said they had expected the "good news" to arrive on Tuesday, as Dot and Wayagwag had pledged.

"But instead of the good news, soldiers came and strafed the hut that Kitari was occupying," Capion said.

He said some of their men fired back but they were overwhelmed by the sheer number of operating troops—ironically, he said, they were led by Wayagwag—and decided to fall back, leaving the wounded Kitari and two other dead comrades behind.

Kitari subsequently died in a hospital in Koronadal City, where soldiers had rushed him, according to a military report on the incident.

Army Capt. William Rodriguez, spokesperson of the 1002nd Infantry Brigade based in Malungon, Sarangani, dismissed Capion's claim. But he confirmed that Wayagwag led the troops that killed Kitari and two other "bandits."

"Government troops under Capt. Wayagwag of Task Force Kitaco were conducting a patrol when fired upon by the group of Dagil Capion. The firefight ensued for about five minutes. Kitari was injured and was brought to a hospital but was later declared dead," Rodriguez said.

Kitari was the younger brother of Daguil and Batas Capion, whose family remains in the forefront of the armed struggle against Sagittarius Mines Inc.



Action Network Human Rights- Philippines

Despite the “betrayal,” Capion said he was still determined to surrender but would wait for the intervention of “an honest and trusted government official.” If such intervention does not take place, then his group would continue the struggle against SMI and other interests threatening the B’laan way of life and ancestral domain.

“We are ready to die for our struggle,” he said.

“We are only trying to protect our right to existence within the domain that our forebears left for us to care for our tribe,” Capion added.

The Capions, who descended from a long line of traditional B’laan leaders, maintain that SMI has caused dislocations among B’laan communities and that its operations threatened the livelihood of the natives.

But for authorities and government officials in areas where SMI operates, including Kiblawan, the Capions and their band of fighters are plain bandits who have been involved in senseless killings and robberies.

MAGUINDANAO MASSACRE

Philippine Center for Investigative Journalism, 03.01.2013

BIR files charges vs. another Ampatuan lawyer

THE BUREAU OF INTERNAL REVENUE slapped yet another lawyer linked to the controversial Ampatuan clan with tax evasion charges, the second such lawyer to be charged for the same offence in just two months.

Internal Revenue Commissioner Kim Henares identified the lawyer as Atty. Redemberto R. Villanueva, who was found by the BIR to have a total tax liability of P 37 million pesos for the years 2010 and 2011.

Key to the tax case against Villanueva is his purchase of a large house in ritzy Dasmariñas Village, Makati for P 58.47 million in 2010, Henares said. Henares said the BIR finds it strange that Villanueva could afford to buy such a house when he only paid P110,788 in income taxes for the same year. Henares said the income tax that Villanueva paid for that year was far out of proportion to the amount of money he spent for the purchase of the house in Dasmariñas.

“We looked at the expenditure method,” Henares said. “If you have all that money to spend, then you generated an income for that year.”

Interestingly, the house in question has been placed under a provisional asset preservation order or PAPO by a Manila court, after it was included by the Anti

Money Laundering Council as among the assets allegedly belonging to former Autonomous Region in Muslim Mindanao Governor Zaldy Ampatuan, who is one of the accused in the 2009 Maguindanao Massacre.

The AMLC claims that the Dasmariñas property is one of at least 162 properties illegally acquired by members of the Ampatuan clan using government funds. The AMLC had also filed a forfeiture case against other assets in the name of Atty. Villanueva, in the belief that Villanueva was holding these assets for Zaldy Ampatuan.

Sources of the Philippine Center for Investigative Journalism had also revealed that the Dasmariñas property was regularly used by Zaldy Ampatuan whenever he traveled to Manila.

PEACE PROCESS

MindaNews, 26.01.2013

No annex signed but GPH, MILF sign TOR on Third Party Monitoring Team

By Carolyn O. Arguillas

DAVAO CITY (MindaNews/25 January) – The government (GPH) and Moro Islamic Liberation Front (MILF) peace panels

Human Rights News January 2013

The Capion brothers have pending warrants for their arrest, including one for murder issued on January 29 last year.

Soldiers and policemen have been hunting them down in the hinterlands of the provinces of Davao del Sur, South Cotabato, Sultan Kudarat and North Cotabato.

On Oct. 18 last year, one of the many operations aimed at capturing the Capion brothers turned ugly when soldiers instead killed Daguil’s wife and his two sons. The deaths of Juvy and her two children, Pop, 13, and John, 8, caused an uproar and put in question anew the military’s respect for human rights.

The Eastern Mindanao Command maintained that the deaths of Daguil’s wife and two sons were the result of a legitimate encounter but it was eventually forced to conduct an inquiry. Lt. Col. Lyndon Paniza, 10th Infantry Division spokesperson, later announced that a military prosecutor had recommended the court-martial of a junior officer and 12 infantrymen for tactical lapses in the Oct. 18 operation.

The case against the soldiers remains undecided to this day.

In addition to the Dasmariñas property, Henares said Villanueva purchased a parking slot for the Eisenhower condominium in San Juan for half a million pesos in 2010.

This was unusual, since Villanueva would not buy a condominium unit in the same building until the next year, Henares said. It was only in 2011 when Villanueva would buy a condo unit in Eisenhower for P2.56 million.

Also in 2011, Villanueva bought another property in Eastwood Lafayette for P 2.62 million. Yet while he had the money to purchase these two condominium units, Villanueva would only pay income tax of P 3,723 for that same year, Henares said.

All in all, Villanueva has a tax liability of P 36.93 million for those two years, she added.

Henares said that the BIR was not targeting Ampatuan lawyers, as the Bureau is not even certain if Villanueva is representing the Ampatuans in any of the court cases.

However, she acknowledged that the investigation into Villanueva was triggered by reports that he was responsible for purchasing the Dasmariñas house for the Ampatuans.

“That was what triggered the investigation, that it was his (Ampatuan’s) house, and that there was a sale, and a sale was made to the lawyer,” Henares said. [...] “If the lawyer had only paid the right taxes, there wouldn’t be a problem. The problem is that he did not report the correct income sufficient to make the purchase.”

Villanueva was the second lawyer linked to the Ampatuans to be charged for tax evasion by the BIR.

Earlier in December, the BIR also filed tax evasion charges against Atty. Arnel Manaloto after it found that the income taxes paid by Manaloto were inconsistent with his purchase of 8 properties previously owned by former Datu Unsay Mayor Andal Ampatuan Junior. The PCIJ earlier reported that Manaloto purchased the eight properties from Andal Jr for P 20 million.

Manaloto is a lawyer for Andal Jr. in some of his cases. More interestingly, the eight properties in question were to have been the subject of a civil forfeiture case by the government – until Manaloto bought them from his client.

ended their five-day peace talks in Kuala Lumpur without completing any of the four annexes to the Framework Agreement on



Action Network Human Rights- Philippines

the Bangsamoro (FAB).

The panels, however, issued a Joint Statement claiming the talks "successfully ended" with both parties "achieving a milestone" with the signing of the Terms of Reference for the Third Party Monitoring Team (TPMT), the body that will "review, assess, evaluate and monitor the implementation of the Framework Agreement on the Bangsamoro (FAB) and its Annexes."

The panels will identify the members of the TPMT "within one month," the Joint Statement said.

Under Sec. 11 of the FAB's Chapter 7 (Transition and Implementation), the TPMT is to be composed of "international bodies, as well as domestic groups to monitor the implementation of all agreements."

Sec. 12 provides that at the end of the transition period, the GPH and MILF peace panels, the Malaysian Facilitator and the TPMT "shall convene a meeting to review, assess or evaluate the implementation of all agreements and the progress of the transition" and an 'exit document' officially terminating the peace negotiations " may be crafted and signed by both Parties if and only when all agreements have been fully implemented."

Signed on October 15 last year, the FAB provides for the creation of the Bangsamoro, a new autonomous political entity that would replace the Autonomous Region in Muslim Mindanao (ARMM) by June 30, 2016.

FURTHER READING

Top ten issues for human rights in 2012

By Harry Roque

Here's my choice for the top ten most important developments for Human Rights in the Philippines for 2012:

1. Passage of the Anti-Enforced Disappearance Law. Unfortunately, the passage of this law was overshadowed by the passage of the Reproductive Health Law. I say unfortunate because unlike the RH Law which in jurisprudence says is a penumbra of the due process clause, the crime of "desperacidos", which unlike violations of international humanitarian law is not considered a crime under customary public international law.

This means that a domestic law is actually required to make enforced disappearances criminal. Now that we have this law, victims of desperacidos can actually file criminal charges for enforced disappearances without relying on kidnapping, if their loved ones survive; or murder, if their loved ones are found dead.

In their Joint Statement Friday, the panels announced the extension of the tours of duty of the Malaysian-led International Monitoring Team (IMT) and the Ad Hoc Joint Action Group (AHJAG) for another year "in recognition of their important roles in the peace process, without prejudice to adjustments that may be needed pursuant to developments in the crafting of the Annexes to the FAB."

Progress on the negotiations on the Annexes was mentioned in the Joint Statement only on the third of the six-paragraph statement. It said the panels "expressed satisfaction on the continuing progress of the discussions on the Annexes to the FAB," agreed to meet again in February and are "confident that the Annexes will be completed and signed at the soonest possible time."

President Aquino on December 18 signed Executive Order 120 creating the Transition Commission (TransCom) that would prepare the groundwork for the setting up of the Bangsamoro. The House of Representatives and Senate passed resolutions in support of the EO, the Christmas break.

The TransCom's main task is to draft the Bangsamoro Basic Law.

The President has yet to name the 15-member TransCom, eight of whom would be from the MILF and seven from the GPH.

2. Passage of the Reproductive Health Law. The passage of this law has made jurisprudence on the right to privacy unnecessary. Prior to passage of the law, women's rights advocates relied on the United Nations Convention on the Elimination of Discrimination Against Women in arguing that failure of the state to provide family planning implements to those who cannot afford them is a form of discrimination.

They also relied on the US Supreme Court decision that states that the right to limit one's family size is covered by the right to privacy and is a "penumbra" of the due process clause. With this domestic law in place, it has now become the business of government to ensure that its citizens can freely choose the size of their families.

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