

**I**t has been a year since President Benigno “Noynoy” Aquino III was elected president. His land and his government’s performance has been mediocre. Specifically, his campaign promises relating to human rights remain unfulfilled.

Noynoy failed to render justice to the victims of human rights violations (HRV) under the U.S.-Arroyo regime. No one during his first year in Malacanang has been prosecuted among the perpetrators of extrajudicial killings, enforced disappearance, torture, arbitrary arrests, illegal detention and military atrocities in the countryside.



Filipinos give Nonoy Aquino a failing mark for his first year as president. (Photo by Roy Velez)

It is to the victims’ and their relatives’ credit that civil suits have been filed against Gloria Macapagal-Arroyo and criminal suits against the butcher general Jovito Palparan and other military officers. Six of the Morong 43 health workers promptly sued for justice and damages against those responsible for their incarceration for ten months on false charges. Linda Cadapan, Concepcion Empeño and Edith Burgos are the courageous mothers who are holding the perpetrators of HRVs accountable and are taking them to task for the disappearance of Sherlyn, Karen and Jonas. The United Church of Christ in the Philippines (UCCP) followed through with a class suit.

Noynoy’s “righteous path” is stained with blood and tears. In his 365 days as president there were 48 extrajudicial killings, five disappearances, 29 torture cases, 151 illegal arrests and 3,010 victims of forcible evacuation from rural villages.

Data gathered by Karapatan for the second quarter of the year show the same growing list of HRVs under Noynoy’s Oplan Bayanihan (OPB), his government’s counterinsurgency program which is a prettified repeat of GMA’s Oplan Bantay Laya (OBL)

### *Bloody April*

Two progressive leaders were killed in two consecutive days in April.

In the early hours of April 11, Maguihan village chief **Kenneth Reyes**, 28, of Lemery, Batangas just returned home from a government-sponsored seminar for barangay captains, when he was shot and killed by two men believed to be members of military/police death squads. Reyes, who was also the Chairperson of Bagong Alyansang Makabayan (Bayan) - Batangas, and municipal coordinator of the Bayan Muna partylist, was active in the campaign against demolition in Maguihan and nearby villages.

Reyes was under police surveillance long before he was killed. In February 2010, men who claimed to be members of the Criminal Investigation and Detection Group (CIDG) of the Philippine National Police (PNP) went to the local Commission on Election office and asked

**TABLE 1: Victims of Extrajudicial Killing and Enforced Disappearance under the Noynoy Aquino government (per region) (July 2010 to June 2011)**

Region	EJK	ED
Cordillera Administrative Region	0	0
Cagayan Valley	2	0
Ilocos	2	0
Central Luzon	1	0
Southern Tagalog	11	0
Bicol	15	0
NCR	2	0
Eastern Visayas	6	0
Central Visayas	1	0
Western Visayas	1	2
Northern Mindanao	1	0
Caraga	0	2
Socsksargen	0	0
Western Mindanao	0	0
Southern Mindanao	6	1
ARMM	0	0
<b>Total</b>	<b>48</b>	<b>5</b>
<b>Organized</b>	<b>30</b>	<b>1</b>
<b>Women</b>	<b>3</b>	<b>0</b>

*Based on reports gathered by Karapatan*

about Reyes, who had just filed for candidacy as barangay chairman, and his two other colleagues. After elections, the police was reported to have conducted a background check on Reyes and his staff. The Batangas police also put up a detachment in Reyes's village even though the municipal police headquarters is already based there.

On April 12, at around 6:00 pm, **Santos "Ricky" Manrique**, 50, head of the Federation of Miners' Association in Pantukan (FEDMAP) was on his front lawn answering a call from an ICOM radio, when he was shot three times from behind by an unidentified man. The shooting was witnessed by Ricky's wife, Amelia, and their six-year-old grandson who stood a few feet away. Amelia narrated that the fair-skinned gunman, who was between 25 to 30 years old, also aimed his gun at her and the young boy. She said that three other men on board two TMX motorcycles who were waiting nearby may have served as look-outs on get-away motorbikes.

**TABLE 2: Victims of Extrajudicial Killing and Enforced Disappearance under the Noynoy Aquino Government (per sector)**  
(July 2010 to June 2011)

Sector	EJK	ED
Peasant	25	3
Worker	5	1
Indigenous People	4	0
Government Employee	3	0
Teacher	1	0
Youth and student	2	1
Environmentalist	2	0
Entrepreneur	2	0
Urban poor	3	0
Minor	1	0
<b>Total</b>	<b>48</b>	<b>5</b>
<b>Organized</b>	<b>30</b>	<b>1</b>
<b>Women</b>	<b>3</b>	<b>0</b>

**TABLE 3: Victims of Extrajudicial killing and Enforced disappearance under the Noynoy Aquino Government (per organization)**  
(July 2010 to June 2011)

Organization	EJK	ED
Kilusang Magbubukid ng Pilipinas (KMP)	12	0
Bayan	1	0
Bayan Muna	5	0
Anakpawis Partylist	2	0
Katribu Partylist	3	0
ACT Teachers Partylist	1	0
Kabataan Partylist	0	1
Anakbayan	1	0
COURAGE	1	0
Others	4	0
<b>Total</b>	<b>30</b>	<b>1</b>
<b>Women</b>	<b>3</b>	<b>0</b>

*Based on reports gathered by Karapatan*

Manrique was declared dead on arrival at the community hospital, with two gunshot wounds in the back, and one in the head. Being the leader of various small-scale miners' organizations in the municipality, and a member of Anakpawis partylist, he was at the forefront of the campaign against the entry of large-scale mining corporations in Pantukan, Compostela Valley.

On April 20, **Jerwin de Antonio**, 27, a fisherman and a new member of Anakbayan in San Jose, Navotas City, had just earned a day's work selling fish when he was seen being forced into a police car while being beaten up by three policemen identified as Ronie dela Cruz, Carancho and Gonzales. Witnesses later saw the policemen bring Jerwin to the Navotas Police Station 3 where he was charged with vagrancy. He was then brought to a clinic for medical check-up.

At around 5 o'clock the following morning, April 21, witnesses saw policemen again beating up Jerwin in an alley near a barangay outpost in Navotas West. Jerwin cried for help as the police ordered him to run. They taunted him with a gun trying to force him to fight back. Witnesses said they heard four shots and saw the police toss Jerwin into a tricycle. Jerwin's family went to the Navotas police to search for him, but were told that they had no information on him. Eventually, Jerwin's body was found with no identification in a funeral parlor at 1:00 am on April 22.

### *Relentless on arrests and detention*

Innocent civilians are being arrested by the police and military, and are being forced to admit to crimes that they did not commit.

On April 19, **Elizar Nabas**, 34, and a member of the National Federation of Sugar Workers (NFSW), was having a late lunch at an eatery in Escalante City, Negros Occidental, when members of the PNP Regional Public Safety Battalion (PNP-RSPB) and the Army's 62nd Infantry Battalion came and dragged him at gunpoint into a waiting van. The men introduced themselves as the police but did not show any warrant, nor did they inform Nabas why he was being taken.

Inside the van, the men tied up, blindfolded and covered Nabas's head with cloth which made breathing difficult. He was interrogated and his abductors tried to force him to admit that he was a member of the New People's Army (NPA). The interrogation continued for three more hours at the headquarters of the 62<sup>nd</sup> IBPA in Bato, Sagay City and for more than an hour at an army detachment in Barangay Libertad. Nabas denied his captors' claims and insisted that he was a member of the NFSW, a progressive organization of sugar plantation workers in Negros. At around 8:30 pm, he was brought to the Escalante City police station.

The next morning, police showed Nabas a warrant of

arrest for a certain Diro Pancho Sanchez, and told him to sign a document, which he refused to do. The PNP circulated to the media that the “NPA’s key cadre” Diro Pancho Sanchez, has been captured. Nabas is currently in the Bacolod City Provincial Jail facing arson charges.

**Malik Daggung Abdurahman**, 27, a teller in a money-changer shop was strolling in a mall in Manila on May 8, when he was arrested by four PNP Intelligence operatives. He was blindfolded with a towel and handcuffed. He was then brought to a safehouse and interrogated for three hours. The police tried to force Malik to admit that he was a certain Sahirun, which he denied. At around 6 pm, he was brought to the detention center of the Regional Police Intelligence Operations Unit (RPIOU) in Bicutan, Taguig City. He was photographed with the nametag, Sahirun. He was again blindfolded and tortured with water cure until 4:00 am the next day. Malik’s older brother, Jerry, found him in an RPIOU detention cell after three days of search. Malik’s personal belongings were taken from him.

Malik was arrested with a warrant for Kirih Hamid Sahirun, an alleged member of the “MILF Group (LMG)/ASG” who was accused of involvement in the 2007 ambush of Philippine Marines. He was transferred to the Basilan Provincial Jail on May 20.

**Anelfa Gemilo**, a 50 year old B’laan and peasant leader, got a text message from Nemesio Redondez who invited her to his house because he had something to give her. Although in doubt, Gemilo went to Redondez’s house where the latter accused her of extortion and of being

an NPA “tax collector”. Two policemen who were in the house arrested her.

Gemilo is the chairperson of Namama, a local peasant organization in Magsaysay, Davao del Sur. She filed bail for her temporary release.

Former development worker **Marilyn Badayos Condes and her 13 year-old daughter** were arrested and forced into a private vehicle by six armed men on June 18. Badayos and her daughter were temporarily staying in a pension house in Bacolod City to visit a relative, when the men, who did not identify themselves, barged in and pointed their guns at the two. The arresting team were later identified as intelligence operatives of the 303<sup>rd</sup> Brigade of the Philippine Army and PNP. They showed Badayos an arrest warrant for a certain “Marilyn Badayon” and forcibly took her despite her protest that that was not her name. She asked to contact her relatives and a lawyer, but her request was ignored.

Mother and daughter were later brought to the police station in Barangay Villarama, where she was divested of cash, medical receipts, personal documents and other belongings. She is currently detained at the Bayawan City detention facility of the Bureau of Jail Management and Penology (BJMP) and charged with rebellion. Her daughter is in the custody of relatives with the help of Karapatan-Negros.

#### *Straight path to demolition*

Despite Noynoy Aquino’s claims that the demolition of urban poor communities are on halt pending a dialogue

**TABLE 4: Political prisoners (as of June 30, 2011)**

Region where detained	Total no. of PPs	Women	NDFP Consultants	Arrested under PNoy
Cagayan Valley	6	2	1	4
Cordillera Administrative Region	0	0	0	0
Central Luzon	16	1	1	3
National Capital Region	154	7	7	5
Southern Tagalog	24	3	0	3
Bicol	25	4	1	5
Eastern Visayas	22	7	1	5
Western Visayas	19	4	0	3
Central Visayas	6	0	2	3
Caraga	6	1	1	2
Northern Mindanao	10	0	2	1
Western Mindanao	18	3	0	3
Southern Mindanao	26	2	1	6
SoCSKSarGen	7	0	0	0
ARMM	15	0	0	2
<b>Total</b>	<b>354</b>	<b>34</b>	<b>17</b>	<b>45</b>

*Based on reports gathered by Karapatan*



with “stakeholders”, shanties in various parts of Metro Manila are still being violently demolished without clear relocation programs for the dwellers.

In **Laperal Compound, Guadalupe Viejo, Makati City**, near the City’s Central Business District, more than 5,000 residents were forcibly evicted from their homes by combined members of the Makati Police, SWAT and Makati Police Safety Assistance (MAPSA) on April 27, following a fire the previous month. The Makati government claims that families affected by the fire, or some 4,000 residents, will be relocated to Calauan, Laguna. But at the time of the demolition, no clear nor concrete actions have been made to transfer the residents.

In **Barangay San Roque, Navotas City**, the demolition which started in February this year, still continued. A medium-rise residential building is planned to be constructed in the community. To date, there is no clear plan for the relocation of the residents. The March 16 killing of Antonio Homo is believed to be an attempt to strike fear in the community members who assert their rights.

On May 11, another demolition team arrived in Barangay San Roque. This time the residents put up a barricade. After the tension subsided, the residents and representatives of people’s organizations held an indignation program. The police broke up the program and arrested **Marte Brondial**, a resident who allegedly threw rocks at the police. They forced Brondial into a patrol car, slapped him around and threatened to bring him to the fish port. In another part of the community, **Jonard Marquez** was helping Roberto Homo, brother of Antonio Homo, who was about to be arrested by the police. As Homo tried to escape, the police grabbed Marquez, pushed him to the ground and beat him up with truncheons. They dragged him into a patrol car. He was threatened by a plainclothed policeman, “Baka dito ka na ilibing dahil sa sobrang tapang mo. (You might be buried here because of too much bravery).”

Karapatan’s paralegal volunteer for Navotas, **Artur Cadungon**, was at a nearby store when he was accosted by policemen. He was relaying updates to the Karapatan National Office and to the lawyers when a demolition team member pointed him out to the police and accused him of “spearheading” the residents’ resistance. While being dragged by the police, Cadungon called Karapatan-NCR for assistance. The threats and harassment by the police could be heard over the mobile phone.

Cadungon asserted in Navotas City Police Station that he was a paralegal volunteer and was subsequently released. Brondial and Marquez were released on bail on May 16.

### *Other rights defenders threatened*

The human rights situation clearly is dismal when those helping to protect it and assist the victims of rights violations become victims themselves.

**TABLE 5: Violation of Civil and Political Rights under the Noynoy Aquino Government (July 2010 to June 2011)**

Violations	No. of victims
Extrajudicial Killing	48
Enforced Disappearance	5
Torture	29
Frustrated Extrajudicial Killing	13
Illegal Arrest without Detention	56
Illegal Arrest and Detention	95
Illegal Search and Seizure	78
Physical Assault and Injury	32
Demolition	5,722
Violation of Domicile	87
Destruction of Properties	5,006
Divestment of Property	52
Forced Evacuation	3,010
Threat/Harassment/Intimidation	9,589
Indiscriminate Firing	5,047
Forced/Fake Surrender	32
Forced Labor/Involuntary Servitude	33
Use of Civilians in Police and/or Military Operations as Guides and/or Shield	15
Use of Schools, Medical, Religious and Other Public Places for Military Purpose	5,245
Restriction or Violent Dispersal of Mass Actions, Public Assemblies and Gatherings	803

*Based on reports gathered by Karapatan*

On April 30, a local anti-mining group **Bacalem**, organized a protest action against the magnetite or “black sand” mining operations in Gonzaga town, Cagayan province. They invited **Marjorie Pamintuan**, spokesperson of the Kalikasan People’s Network for the Environment. As the group assembled on the Saint Anthony Academy campus in Gonzaga, some 50 fully-armed policemen arrived and roamed around the campus grounds. The school Principal asked the police to stay off the school grounds.

A few minutes later, Gonzaga Mayor Carlito Pentecostes, Jr. stormed in with his bodyguards, and began shouting at the people to go home and stop creating “chaos, divisiveness and disorder” in his town. He also shouted invectives at the Bacalem officers and the school staff. He said that the rally was not allowed for he did not issue a permit. Pamintuan tried to explain that the Philippine constitution guarantees the people’s right to peaceful assembly. The mayor then yelled in Filipino, “There’s no constitution here! I’m the mayor here!” Pamintuan offered her hand as she introduced herself, but Pentecostes slapped her hand and said she was a member of the NPA. Pamintuan explained that she was invited to speak at the rally, but the mayor answered that she has no right to come and said she was deceiving the people.

The mayor’s bodyguards seized Bacalem officer, **Romeo Bayudan**, and forcibly took him home. Another

Bacalem officer appealed to the mayor to stop the mining operations, but the mayor replied that he is an engineer and he knows what he is doing, and that the mining operation is bringing revenues to the town. He also threatened to send the Bacalem officers to jail.

The mayor then noticed **Rochelle Garma**, a school staff member who was documenting the incident with her camera. The mayor grabbed the camera and smashed it on the ground. He shouted another stream of invectives at the people around. Meantime, one of his bodyguards took pictures of the school staff members and the Bacalem coordinating team. Pentecostes later cooled down and talked with the Bacalem officers and school staff. He said he will take action to stop the 24-hour magnetite mining operations in Gonzaga.

On April 9, **Mohida Sali** was on her way home to Cotabato City with her father and 12 year old niece, when she decided to drop by the barangay hall to look into a reported physical assault of a woman by a policeman. They were stopped on the way by Garyflor Marfil, Commanding Officer of Police Precinct No. 4, who pointed his .45 caliber pistol at Sali's face. Marfil claimed that he was conducting an inspection because of an alleged commotion earlier. The police chief pulled the trigger but the pistol did not fire. The gun fired on the fourth attempt, but luckily, no one was hit. Sali and her family quickly ran to the barangay hall for safety. There they met Ms. Kays Salik, who reported that she was physically assaulted by Marfil.

Sali is a paralegal staff of Barug Katungod and head of the Task Force Documentation of Kawagib, Karapatan's chapter in the ARMM. Prior to the April 9 incident, Sali has been receiving threatening text messages from persons believed to be policemen.

### *Violence vs villages*

Militarization subject individual villagers to violence and hundreds become internal refugees or what the United Nations refer to as internally displaced persons.

On April 8, **Norbaiya Madanlo and her family** fled from their home in **Maragatas village, Lupon, Davao del Sur** after the military launched an army operation following an alleged encounter with the NPA. Norbaiya, her husband **Eldie**, and their three children with ages ranging from 1 to 13, were walking along the road when soldiers fired at them without warning. Norbaiya called out that they are civilians and that the soldiers should stop shooting. Eldie was hit in his right thigh. Norbaiya requested the soldiers to help carry her husband to the main road. But the soldiers quickly left without a word. Norbaiya was forced to leave two of her children behind to watch over their father as she sought help. Assisted by her brother and a neighbor she was able to bring Eldie to the hospital the next day.

On April 12, Norbaiya went back to their village to check on their house. Her neighbours told her that the soldiers claimed that her husband was a member of the NPA.

From May 6 up to the time of this writing, soldiers of the 29<sup>th</sup> IBPA have intensified their harassment of communities in the villages of **Mahaba, Marihatag and Buhisan, San Agustin**. A total of 218 families or some 800 individuals, including **Manobos**, left their homes and sought safety at the municipal gyms of Marihatag and San Agustin and at the Buhisan barangay hall to evade military harassment.

Soldiers of the 29<sup>th</sup> IB PA set up camp in the barangay hall, health center, day care center and Sangguniang Kabataan offices in Mahaba. They conducted a census, listed full names and nicknames of household members, listed and took pictures of the villagers and their homes in violation of the villagers' right to privacy. On June 19, soldiers in separate incidents fired at a 14-year-old boy and three abaca farmers in Mahaba.

Schoolchildren missed out on their education as the opening of classes was suspended at the Mahaba Elementary School, San Roque Primary School and the community schools of Magkahunao School and Luknodon. Farm work was also disrupted as those who attend to their farms were harassed and threatened by soldiers who accused the farmers of supporting the NPA.

Despite the villagers' appeal to the soldiers to leave, army officers Lt. Warren Ching, Maj. Judith Loayon and Capt. Ramiel Fugnit reiterated that they will not leave Mahaba and will instead build a detachment there. The intensified operations coincided with the announcement by the Coal Exploration and Development Corporation (ACEDC) that they will begin their development and production in their coal mining sites in Andap Valley in the municipalities of San Agustin, and Marihatag, Lianga and Tago.



Many children from Barangays Mahaba and San Agustin were forced to stop schooling as their families flee their homes due to intense military operations. (Photo courtesy of Karapatan-Caraga)

On May 20, army soldiers of the 29<sup>th</sup> IBPA conducted military operations in the forested areas near **Sitio Zapanta, Brgy. Bangayan, Kitcharao, Agusan del Norte**. On May 23, some 40 soldiers had an encounter with NPA rebels about four kilometers from the Zapanta sitio center. The soldiers turned their ire on **Erning Polinar**, who was in his lumberyard near the encounter site. They hit Polinar on the jaw with the butt of an M-16 rifle, strafed and ransacked his lumberyard, and slaughtered his chicken and dog for their food.

The next day, May 24, soldiers put up checkpoints and roadblocks around the sitio. On May 25, around 381 **Mamanwa** residents and settlers of Zapanta were forced to evacuate their homes. Among the evacuees were two school teachers and around 30 Grade 1 and 2 pupils of the Zapanta Elementary School.

The residents were able to return to their homes on June 15 or three weeks later.

### *Torture as a policy*

Nobody will believe the government's claim that "torture is not a policy."

In the morning of April 12, in another sitio in Maragatas village, farmers **Marlon Villarmino**, 26, and **Nestor Marquita**, 26, were tending the farm in Sitio Tagaras, when some 60 soldiers of the 28<sup>th</sup> Infantry Battalion passed by.

Two soldiers summoned the farmers to a nearby hut. Even fearing for their lives, Villarmino and Marquita approached the hut and saw more soldiers inside. The soldiers began interrogating them about the NPA, of which they claimed the two were members. The two, who are members of Logdeck Farmers Association, vehemently denied the accusation but soldiers threatened to shoot them. They then interrogated the two separately.

The soldiers struck Villarmino with a rifle and punched his torso so hard that he curled on the ground in pain. A soldier held a 12-inch knife against him while another soldier, who appeared to be in command, asked "Where are the NPAs?" Out of pain and fear, Villarmino "confessed" that he was an NPA member and made up a story about his "companions." Marquita, on the other side of the hut, was also beaten up by some six soldiers and was also forced to "admit" that he was a member of the NPA.

The two farmers were interrogated until the next morning, and were later ordered to guide the soldiers to an NPA camp. Nothing was found. The soldiers brought them to the village center, where Villarmino's father, Cesar, reiterated that his son and Marquita were civilians. The soldiers did not believe Cesar.

The two farmers were brought to the headquarters of the 28<sup>th</sup> IBPA and interrogated once more. They were forced to do chores around the camp. Whenever a team of soldiers went out on military operation, one of them was

used as guide. They were held captive in the camp for 17 days even if their families continuously appealed for their release. Every time the families visited, the soldiers would say that they could not be released for they were already charged with rebellion.

On April 29, the mothers of the two, together with representatives of Karapatan and local peasant groups inquired from the Lupon Police Station about the charges against the two but were told that there were none. They then proceeded to the headquarters of the 28<sup>th</sup> IBPA, and insisted that the two be released. After a hard confrontation, Capt. Alexander Alod said that they would bring them to the police station for a medical check-up. At the police station, the two farmers were forced to sign a police blotter stating that they were "NPA surrenderrees" which they denied. Villarmino and Marquita were finally released at around 5:00 pm, but expressed fear for their lives and the safety of their families.

### *Elusive peace*

Oplan Bayanihan, a counter-insurgency operational plan patterned after the U.S. COIN Guide dictates the Aquino government's attitude on the peace negotiations.

As Bagong Alyansang Makabayan (Bayan) pointed out in its circular on Noynoy's first year in Malacanang and his State of the Nation Address (SONA), the US-Aquino regime hopes that a combination of intensive military operations and bogus development programs will drive revolutionary forces to surrender via peace negotiations within the next three years. It is not the goal of the regime to resolve the roots of armed conflict in the country. Its limited grasp of the historical roots of armed revolution allows it to offer only superficial solutions. Its formula for peace consists primarily of blatant deception and vicious militarization.

Despite the just demand of the National Democratic Front of the Philippines (NDFP) for its 17 consultants covered by the JASIG to be released, they still languish in jail. The official meeting of the GPH and NDFP peace panels scheduled for June is postponed.

**Noynoy Aquino's performance in his first year as President does not auger well for human rights among so many other issues and problems to be addressed. Let's make the coming SONA an occasion to remind the new President about all the ills that continue to beset our society. Let's demand action as promised. But aside from exposing what he failed to do, let's call the public's attention to his government's wrongdoings especially the policies and programs which are anti-people, pro-globalization and militarist. The haciendero president should shape up or ship out!**

# Legal instrument subverting people's initiatives

IT IS THE INTENT of both Oplan Bantay Laya and Oplan Bayanihan to increase the role of civilians and local government units (LGUs) in countering insurgency. Below are the objectionable excerpts from a Provincial Board Resolution which is an "Ordinance Regulating Outreach Activities through Medical and Fact-Finding Mission in the Countryside of Negros Oriental and for Other Purposes."

It is a dangerous legislative act by an LGU that aims to limit assistance that people's and civil society organizations offer besieged villages. It discourages groups from conducting independent investigations of reported atrocities and/or effects of natural disasters on the villages. It is tantamount to building a dossier of those who organize and participate in such pro-people missions. It justifies acts of violence against them.

All efforts must be exerted to prevent passing of similar LGU resolutions and to demand the repeal and resist implementation of those which have already been passed.

**RESOLUTION NUMBER 1026 OF THE PROVINCIAL BOARD OF NEGROS ORIENTAL APPROVING THE ORDINANCE NUMBER 5 AUTHORED BY SPM MELIMORE C. SAYCON (excerpt)**

ORDINANCE NO. 5, SERIES OF 2008

Be it enacted by the Sanguniang Panlalawigan that:

Section 1. Title. This Ordinance shall be called AN ORDINANCE REGULATING OUTREACH ACTIVITIES THROUGH MEDICAL AND FACT-FINDING MISSION IN THE COUNTRYSIDE OF NEGROS ORIENTAL AND FOR OTHER PURPOSES.

...

Section 4. Policy. Any group or team planning to conduct humanitarian and fact-finding mission and outreach activities shall secure a written permission from the office of the Governor for the aforesaid activity.

...

Section 6. Registration. Any group or team who will conduct humanitarian, fact-finding mission and outreach activities, shall provide the information but not limited to the following:

(b) Number and Names of Participants. The Team Leader of the humanitarian, fact-finding mission or outreach activities shall submit the names, addresses and contact numbers of its participants such as doctors, nurses, dentist, and intended beneficiaries to the Office of the Governor, Mayor, and Barangay Chairman for record purposes;

...

(g) Submission of Inspections. The Team shall be submitted voluntarily their bags, boxes, to the authorities for inspection to determine the content and quantity of the medicines and medical equipment, among others for record purposes.

Section 7. Recording. All Humanitarian, fact-finding missions and outreach activities shall be recorded in the police blotter. The duty officer of the police station shall record the following:

(a) The actual arrival and departure of the participants who conducted the humanitarian, fact-finding missions and outreach activities;

(b) The route of the humanitarian, fact-finding mission and outreach activities to indicate the sitio and Barangay of the city/municipality as itinerary.

Section 8. Commitment. The Team of a humanitarian, fact-finding mission and outreach activities shall commit before the local chief executive or any of his to follow strictly the presented itinerary.

...

Section 10. Physical Appearance. The Team of the Humanitarian, fact-finding mission and outreach activities shall make a physical appearance before the local chief executive of the city/municipality and Barangay or any of their representatives, immediately upon returning from the outreach which includes the physical count of the returning team with their signatures.

Section 11. Mandatory. The Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) or any law enforcement agency shall assist the team upon presentation of a copy of the written permission to conduct a humanitarian, fact-finding mission and outreach activities in a sitio, barangay belonging to a certain city/ municipality.

Section 12. Penal Provisions.

(a) A violation of any of the provision of this ordinance shall be penalized with a fine ranging from One Thousand Pesos (P 1,000.00) to Five Thousand Pesos (P5,000.00) or imprisonment ranging from one month to six months or both upon the discretion of the court.

(b) When the offender is a non-government organization (NGO), People's Organization (PO) or government sector, the officer or members thereof who is responsible for the violation of this ordinance shall suffer the penalty imposed upon the discretion of the court.

(c) When the offender is foreign institutions / group, the team leader shall be recommended for immediate deportation and barred entry to the country.

...

Section 14. Repealing Clause. All Ordinance, resolutions, or rules inconsistent with the provisions of this ordinance are hereby repealed or modified accordingly.

Enacted, December 10, 2008.

# GMA and AFP/PNP HR Violators: Usigin, Papanagutin, Huwag Patakasin

*“This is but a small step to end impunity in our country. Yet, this is a move forward in our long march for justice.”*

This is the statement of doctors **Merry Mia Clamor** and **Alex Montes**, nurse **Gary Liberal**, **Teresa Quinawayan**, **Mercy de Castro** and **Rey Macabenta**, all belonging to Morong 43. They are among the 43 health workers who were illegally arrested while attending a health services skills training in Morong, Rizal. They were arbitrarily detained for ten months after which they were released as the charges against them were dropped. All of them were psychologically tortured and some physically violated. The six filed on April 4 the first civil case against Gloria Macapagal-Arroyo and her military henchmen, in keeping with their efforts at seeking justice and ending impunity.

Along with GMA, sued for damages under Articles 27, 32 and 33 of the Civil Code are former National Security Adviser **Norberto Gonzales**, former Chief of Staff **Gen. Victor Ibrado**, **Gen. Delfin Bangit**, former Commander of the 2nd Infantry Division **Gen. Jorge Segovia**, and several other military and police officials.

On May 4, **Mrs. Linda Cadapan** and **Mrs. Concepcion Empeno**, mothers of disappeared UP students **Sherlyn** and **Karen**, followed suit as they filed a criminal complaint in the Department of Justice against “Arroyo’s butcher-general” **Jovito Palparan** and other military officials for the rape, serious physical injuries, arbitrary detention, maltreatment, grave threats and grave coercion of their daughters. **Sherlyn** and **Karen** have been missing since 2006 after being abducted by the military.

**Mrs. Edita Burgos**, mother of desaparecido **Jonas**, filed a criminal complaint on June 9, against Army Major **Harry Baliaga**, Lt. Col. **Melquiades Feliciano** et al for the arbitrary detention of **Jonas**. She also accused former AFP Chiefs of Staff **Hermogenes Esperon** and **Alexander Yano**, retired Lt. Gen. **Romeo Tolentino** and retired PNP Chief **Avelino Razon** of violating Presidential Decree 1829 for falsely testifying before the Court of Appeals.

Representatives of the United Church of Christ in the Philippines (UCCP) led by its **Secretary General Bishop Reuel Norman Marigza**, **Pastor Berlin Guerrero** and the kin of the late **Joel Baclao Jr.**, **Rev. Edison Lapuz**, **Andy Pawican**, **Rev. Raul Domingo** and **Noel “Noli” Capulong** filed a civil case against Gloria Macapagal-Arroyo on June 17 for the liquidation, harassment, illegal detention or torture with impunity by her military agents and operatives, who, by law, were then all under her ultimate control and command responsibility.

Karapatan expects the list of lawsuits and class suits against Arroyo and her military and police generals to grow longer as victims and their relatives come out to exact justice and retribution.



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