

Initial Report of the **Independent International Commission of Investigation Into Human Rights Violations in the Philippines**

March 15, 2021



INVESTIGATE**PH**

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Independent International Commission of Investigation
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Foreword

The Independent International Commission of Investigation Into Human Rights Violations in the Philippines (INVESTIGATE PH)¹ was established in response to the October 7, 2020, decision of the UN Human Rights Council 45th Session (Resolution No. 45/33),² which was very disappointing to civil society.

The International Coalition for Human Rights in the Philippines (ICHRP)³ initiated this independent investigation into the human rights situation in the Philippines using the pertinent UNHRC resolutions, the June 2020 Report on the Philippines by the UN Office of the High Commissioner for Human Rights,⁴ and UN Special Procedure mandate holders' communications. It aims to update and deepen the OHCHR June 2020 Report on the human rights situation in the Philippines.

We sought and gained the commitment of seventeen eminent individuals with impeccable credentials for their independence and their commitment to human rights to be the Commissioners and Sub-Commissioners of INVESTIGATE PH.

The Commissioners announced the project to the Philippine media on December 17, 2020, and launched it to the international community on January 26-27, 2021. They are:

High Level Commissioners

Dr. Agnes Abuom, Moderator of the Central Committee, World Council of Churches

Atty. Suzanne Adely, President, National Lawyers Guild, USA

Rev. Michael Blair, General Secretary, United Church of Canada

Atty. Jan De Lien, Justis Lawyers Group, Belgium

Dr. David Edwards, General Secretary, Education International

Rev. Dr Chris Ferguson, General Secretary, World Communion of Reformed Churches

Rev. Dr Susan Henry-Crowe, General Secretary, General Board of Church and Society, The United Methodist Church

Atty. Jeanne Mirer, President, International Association of Democratic Lawyers

¹ <https://www.investigate.ph/>

² <https://undocs.org/en/A/HRC/RES/45/33>

³ <https://ichrp.net/>

⁴ <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>

Lee Rhiannon, former Senator, Greens Party, Australia

Senator Janet Rice, Australian Greens

The Most Reverend Archbishop Joris Vercammen, Archbishop (Ret.) of the Old Catholic Church of the Netherlands

Sub-Commissioners

Rev. Dr Peter Cruchley, Secretary for Mission Development, Council for World Mission

Derek Duncan, East Asia Area Executive, Global Ministries of the Christian Church (Disciples of Christ) and the United Church of Christ, USA

Atty. Raf Jespers, Justis Lawyers Group, Belgium

Rev. Marie-Claude Manga, KAIROS: Canadian Ecumenical Justice Initiatives

Rev. Kim Minji, Human Rights Center, National Council of Churches in Korea

Claire Moore, former Labor Senator, Australia

Dr. Mark Zirnsak, Senior Social Justice Advocate, Synod of Victoria and Tasmania, Uniting Church in Australia

This Initial Report to the 46th Session of the UN Human Rights Council focuses on whether or not the domestic remedies available to the Philippine government are used to respect, protect and fulfill human rights and fundamental freedoms; and whether or not the Philippine government fulfills its obligations under human rights treaties and agreements to which it is a party, as well as its pledges under the Universal Periodic Review.

It presents the results of investigations into selected emblematic violations, primarily those occurring after the OHCHR June 2020 Report.

INVESTIGATE PH will next report to the 47th Session (June 21 – July 9, 2021) and the 48th Session (September 13 – October 1, 2021).

The Second Report will elaborate on this Initial Report, by hearing from expert witnesses at the systemic level, as well as inquiring into further emblematic cases of violations of human rights not included in the Initial Report.

The Final Report will consolidate the Initial and Second Reports, present results of investigations into further violations occurring after the Second Report, present a

comprehensive human rights situation, submit inputs and analyses of resource persons and experts, and submit recommendations for action.

We urge the international community – both civil society and governments – to read these reports when they are published and to draw their own conclusions about the credibility of the claims by the Philippine government that existing mechanisms uphold the human rights of the Filipino people. We urge the international community to engage with the dire situation we have found and to take appropriate action to support the Filipino people in these heavy times.

Peter Murphy

Chairperson

INVESTIGATE PH Core Working Group

I. Introduction

This report of INVESTIGATE PH provides an update on the human rights situation in the Philippines since the June 4, 2020 report (A/HRC/44/22) of the UN Office of the High Commissioner for Human Rights (OHCHR).⁵ It focuses on violations of civil and political rights perpetrated by state forces.

The report highlights three areas of concern:

- Political repression by state forces has intensified and become more brazen since June 2020;
- The newly passed Anti-Terrorism Act (ATA),⁶ enacted July 2020, as well as the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) established by executive order in December 2018,⁷ have provided institutional mechanisms that facilitate these human rights violations; and
- Domestic remedies and mechanisms to address violations continue to be lacking.

The report draws upon testimonies and documents collected by INVESTIGATE PH teams which have launched a global people's initiative to document the above violations. It is based on a preliminary survey and examination of 49 illustrative cases that occurred largely during 2020 and 2021.⁸ Interviews were conducted directly with victims and witnesses by phone and online video, allowing INVESTIGATE PH's legal team of collators to amass and validate a repository of currently available evidence. The legal team also reviewed court records and other relevant documents. Two sessions of plenary hearings with Commission members, where victims and witnesses presented clarifying testimony on representative cases, were held.

The report follows and builds upon the aforementioned June 2020 report (A/HRC/44/22) on human rights violations, prepared by OHCHR.⁹ In October 2020, the UN Human Rights Council passed a resolution¹⁰ providing for technical cooperation and capacity-building for the promotion and protection of human rights in the Philippines, but without creating a mechanism for an independent international investigation. This report is the first in a series of three by INVESTIGATE PH, to be followed by a second report in July and final report in September 2021.

⁵ INVESTIGATE PH is the Independent International Commission of Investigation Into Human Rights Violations in the Philippines. For the June 4, 2020 report of OHCHR, see <https://undocs.org/en/A/HRC/44/22>.

⁶ <https://www.officialgazette.gov.ph/downloads/2020/06jun/20200703-RA-11479-RRD.pdf>

⁷ <https://www.officialgazette.gov.ph/downloads/2018/12dec/20181204-EO-70-RRD.pdf>

⁸ However, five violations occurred in 2019, one in 2018, and one in 2016 but its case is still pending.

⁹ <https://undocs.org/en/A/HRC/44/22>

¹⁰ <https://undocs.org/en/A/HRC/RES/45/33>

II. Context

In President Rodrigo Duterte's fifth year, the human rights crisis in the Philippines has continued to intensify.¹¹ Attacks against human rights workers, activists, and dissenters have grown more brazen.¹² Killings of journalists are at an alarming high: in 2020, the Philippines ranked third in the world for the most retaliatory murders of journalists.¹³ The Duterte administration has used the COVID-19 pandemic as a pretext to increase militarized repression.¹⁴ Extrajudicial killings of alleged drug offenders spiked with the COVID-19 lockdown and persist, amid Duterte's continued calls for this "War on Drugs" and incitements to violence.¹⁵

Duterte's rise to power in 2016 unleashed a bloody onslaught of killings of tens of thousands of mostly urban poor people in anti-drug operations.¹⁶ In May 2017, Duterte imposed martial law in Mindanao, which Congress extended three times until December 2019; and his administration has continued aerial bombings of civilian indigenous communities.¹⁷ Duterte has significantly increased military spending, doubling police officers' and soldiers' pay in 2018; while the national budget for opaque surveillance activities has grown five-fold in five years.¹⁸

In the context of the armed conflict between the Philippine government and the New People's Army (NPA) of the Communist Party of the Philippines (CPP), and because of Duterte's intolerance of dissent, the Duterte administration has escalated attacks against social movements, critics, human rights workers, and progressive organizations.

Already between 2015 and 2019, the UN Human Rights Office documented at least 248 extrajudicial killings of human rights defenders, legal professionals, journalists, and trade unionists, in relation to their work.¹⁹ Indigenous peoples asserting their right to

¹¹ <https://www.amnesty.org/download/Documents/ASA3530852020ENGLISH.PDF>;

<https://www.karapatan.org/karapatan-monitor-may-aug-2020>;

¹² <https://www.karapatan.org/karapatan-monitor-may-aug-2020>

¹³ Such murders are in retaliation for their journalism activity; <https://cpj.org/reports/2020/12/murders-journalists-more-than-doubled-killed/>

¹⁴ <https://www.cnnphilippines.com/news/2020/4/29/Philippines-COVID-19-quarantine-police-military.html>;

<https://www.karapatan.org/karapatan-monitor-may-aug-2020>, p. 2-4.

¹⁵ <https://www.hrw.org/news/2020/09/28/another-spike-philippines-drug-war-deaths>

¹⁶ <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf> p. 5;

<https://www.rappler.com/nation/chr-number-drug-war-victims>

¹⁷ <https://www.aljazeera.com/news/2017/5/24/duterte-declares-martial-law-after-mindanao-attack>;

<https://www.rappler.com/nation/martial-law-mindanao-ends-december-31-2019>;

<https://www.karapatan.org/karapatan-monitor-may-aug-2020>; <https://www.rappler.com/moveph/lumad-schools-continue-to-suffer-closures-attacks-coronavirus-pandemic>

¹⁸ <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf> p. 10;

<https://www.philstar.com/opinion/2018/10/21/1861787/afp-budget-biggest-ever>; <https://news.abs-cbn.com/news/01/09/18/cops-soldiers-other-uniformed-personnel-to-begin-receiving-doubled-pay>

¹⁹ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25924>. A report from a human rights group in the Philippines puts the number at 328 under the Duterte Administration (July 2016 - August 2020) and

self-determination and protection of their ancestral domains, as well as peasants asserting their land rights under an imperfect national land reform law, are also a primary target of killings.²⁰ The Philippines had the most killings of environmental defenders in the world in 2018.²¹

The Philippine military and police have long-standing counter-insurgency programs, which they carry out in partnership. Duterte inherited the counter-insurgency program Oplan Bayanihan (Cooperative Endeavour) from his predecessor, which he re-badged as Oplan Kapayapaan (Operation Peace) in 2016, and Oplan Kapatagan (Operation Stability) in 2019.²² These have implemented military and paramilitary operations against civilians suspected of being sympathizers of rebel groups.²³

“Red-tagging” – the vilification of individuals or groups as communists or terrorists – is used to justify repression. A broad range of advocacy for economic and social rights is being labelled anti-government and hence insurgent.²⁴ Under the guise of combating armed insurgency, the Philippine military, police, and other government agencies have systematically targeted critics and civil society organizations, through surveillance and harassment which have escalated to false charges, unlawful detention, and summary executions.²⁵

In December 2018, Duterte issued Executive Order 70,²⁶ creating the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) which enlists a broad range of government agencies, from the departments of education and social welfare, to the National Commission on Indigenous Peoples, to the police and military, to coordinate counter-insurgency activities.²⁷ On July 3, 2020, Duterte signed into law the controversial Anti-Terrorism Act (ATA),²⁸ significant elements of which contravene international standards.²⁹ The ATA has broad and vague provisions giving the

includes the killing of human rights defenders and lawyers, as well as peace consultants and political activists;
<https://www.karapatan.org/karapatan-monitor-may-aug-2020>, p. 3.

²⁰ <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-philippines/>, p. 3; see also “Table 1: Violation of Civil & Political Rights Under the Rodrigo Duterte Government (July 2016 to December 2020)” in Annex

²¹ <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-philippines/>, p. 3

²² <https://www.rappler.com/nation/oplan-bayanihan-ends>; <https://www.sunstar.com.ph/article/122068>;
<https://manilatoday.net/dutertes-coin>

²³ <https://www.icj.org/the-philippines-must-get-rid-of-its-militias-now/>;
https://congress.gov.ph/legisdocs/basic_18/HB00703.pdf

²⁴ E.g., <https://www.bbc.com/news/world-asia-54144623>;
<https://www.amnesty.org/download/Documents/ASA3530852020ENGLISH.PDF>

²⁵ <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 10-11

²⁶ <https://www.officialgazette.gov.ph/downloads/2018/12dec/20181204-EO-70-RRD.pdf>

²⁷ <https://www.officialgazette.gov.ph/downloads/2018/12dec/20181204-EO-70-RRD.pdf>;
<https://www.rappler.com/newsbreak/in-depth/duterte-final-gambit-task-force-against-communists>

²⁸ <https://www.officialgazette.gov.ph/downloads/2020/06jun/20200703-RA-11479-RRD.pdf>; regarding the controversy surround the ATA, see <https://thediomat.com/2021/02/battle-over-anti-terror-law-opens-at-the-philippines-top-court/>

²⁹ <https://www.jurist.org/commentary/2020/08/kanak-mishra-philippines-anti-terrorism-law/>

government comprehensive legal mechanisms to target critics, including through expanded surveillance, freezing of assets, and arbitrary arrest.³⁰

The Philippines has ratified core international human rights instruments such as the International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social, and Cultural Rights (ICESCR); the Convention Against Torture (CAT); and the 1949 Geneva Conventions, including those on protecting civilians in times of war.³¹ It has passed domestic laws on indigenous people's rights, women's rights, and children in situations of armed conflict.

However, implementation is not only lacking, but government actions have undermined these legal protections. The Philippine government has not ratified the International Convention for the Protection of All Persons from Enforced Disappearance.³² Duterte has sought to obstruct past UN investigations, and threatened an International Criminal Court prosecutor probing the "War on Drugs" with arrest.³³ In 2018, his administration's Department of Justice sought to place a UN special rapporteur on the rights of indigenous peoples on a "terrorist" watch list.³⁴

III. Ongoing Violations of Civil and Political Rights

Focusing on violations of civil and political rights, the following sections discuss: ongoing abuses in anti-drug operations; extrajudicial killings and the enforced disappearance of human rights defenders; torture, unjust detention, and arrests on trumped-up charges; political repression through threats and red-tagging; forced evacuation; violations of freedom of press and assembly; additional violations of international humanitarian law; and abuses in COVID-19 pandemic response. Through cases highlighted, this report examines how violations are increasingly severe, and discusses continued lack of redress. Police and military appear more emboldened to directly perpetrate acts of political repression.

³⁰ <https://cnnphilippines.com/news/2021/1/30/Anti-Terrorism-Act-oral-arguments-Supreme-Court.html>

³¹ It also ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); the Convention on the Rights of the Child (CRC); and the Convention on the Elimination of Racial Discrimination (CERD). It is bound by the UN Standard Minimum Treatment of Prisoners (Nelson Mandela Rules). The Philippines has undergone three universal periodic review cycles in 2008, 2012, and 2017. See <http://hrlibrary.umn.edu/research/ratification-philippines.html>; <https://www.officialgazette.gov.ph/2016/05/23/revised-irr-of-republic-act-no-10575/>

³² https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=137&Lang=EN

³³ <https://www.reuters.com/article/us-philippines-duterte-icc/i-will-arrest-you-duterte-warns-icc-lawyer-to-steer-clear-of-philippines-idUSKBN1HK0DS>; <https://www.aljazeera.com/news/2018/3/9/duterte-attacks-rights-officials-callamard-and-bensouda>;

³⁴ <https://www.rappler.com/nation/un-experts-tell-philippine-government-stop-red-tagging-victoria-tauli-corpuz-rights-groups>

A. Violations in the “War on Drugs”

The OHCHR has offered a conservative estimate that at least 8,663 people were summarily executed in relation to Duterte’s “War on Drugs” between June 2016 and early 2020.³⁵ Domestic human rights groups, including the Commission on Human Rights, believe the death count could be triple this number.³⁶ During the COVID-19 pandemic, drug-related killings at the hands of police have not only continued, but spiked. Human Rights Watch found that based on government data, police killed 50 percent more people per month on average between April and July 2020 than in the previous four-month period.³⁷ Worse, in August 2020, reported killings climbed to 76 percent over the four-month average before April 2020.³⁸

The vast majority of anti-drug operations are conducted without warrants,³⁹ and studies document police graft, theft, and corruption.⁴⁰ While police typically claim those slain were killed for fighting back, reports document systemic evidence and witness testimony to the contrary.⁴¹ Police have repeatedly recovered guns with the same serial numbers from different victims, suggesting they planted these to falsely incriminate those slain.⁴² Multiple investigations have also linked “vigilante” killings to police: apparent vigilantes were hired by or coordinating with police.⁴³

³⁵ While official government figures acknowledge only 5,903 drug-related killings by police and drug enforcement agents as of September 30, 2020, the death toll is likely far higher; <https://www.hrw.org/world-report/2021/country-chapters/philippines>. Discrepancies in government reports on the number killings have led a Human Rights Watch spokesperson to suspect manipulation of data; <https://www.aljazeera.com/news/2019/7/18/philippine-authorities-contradict-own-death-toll-in-drugs-war>.

³⁶ From July 1, 2016 to December 31, 2017, in three cities in the National Capital Region – Manila, Quezon, and Caloocan – data from the police stated that 965 people were killed by gunmen or police officers. The Stabile Center for Investigative Journalism cross-referenced 23 different sources and visited four communities to verify the information. The group collected information and tallied 2,320 drug-linked homicides in the same period for the same areas, nearly three folds the official data. <https://data.world/stabile-center/ph-drug-war/>

³⁷ <https://www.hrw.org/news/2020/09/08/killings-philippines-50-percent-during-pandemic>

³⁸ <https://www.hrw.org/news/2020/09/28/another-spike-philippines-drug-war-deaths>

³⁹ <https://undocs.org/en/A/HRC/44/22>

⁴⁰ E.g., see

https://www.researchgate.net/publication/330161081_Police_Violence_and_Corruption_in_the_Philippines_Violent_Exchange_and_the_War_on_Drugs, p. 46; <https://www.hrw.org/news/2017/04/27/philippine-drug-war-spawns-unlawful-secret-jail>; https://www.amnesty.org.uk/files/2017-04/ASA3555172017ENGLISH.PDF?9_73DdFTpveG_iJgeK0U13KUVFHKSL_X; Sheila S. Coronel, “Murder As Enterprise: Police Profiteering in Duterte’s War on Drugs,” in *A Duterte Reader: Critical Essays on Rodrigo Duterte’s Early Presidency*, edited by Nicole Curato (Ithaca: Cornell University Press), 2017

⁴¹ E.g., see <https://www.amnesty.org.ph/campaigns/war-on-drugs/>;

https://www.hrw.org/sites/default/files/report_pdf/philippines0317_web_1.pdf;

<https://www.cambridge.org/core/journals/asian-journal-of-law-and-society/article/governing-through-killing-the-war-on-drugs-in-the-philippines/878BFFB53E2705BEFD2373CDAC3E84F4>

⁴² <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6

⁴³ <https://www.reuters.com/article/us-philippines-duterte-police-specialrep/special-report-police-describe-kill-rewards-staged-crime-scenes-in-dutertes-drug-war-idUSKBN17K1F4>; https://www.amnesty.org.uk/files/2017-04/ASA3555172017ENGLISH.PDF?9_73DdFTpveG_iJgeK0U13KUVFHKSL_X;

https://www.hrw.org/sites/default/files/report_pdf/philippines0317_web_1.pdf; Sheila S. Coronel, “Murder As Enterprise: Police Profiteering in Duterte’s War on Drugs,” in *A Duterte Reader: Critical Essays on Rodrigo Duterte’s Early Presidency*, edited by Nicole Curato (Ithaca: Cornell University Press), 2017.

A command memo issued by then PNP Chief Ronald dela Rosa on Duterte's first day in office immediately kicked off "War on Drugs" operations.⁴⁴ The memo provided directives for Project Double Barrel and its component, Project Tokhang, ordering police to conduct "house-to-house visitations" of "suspected drug personalities."⁴⁵ Warrants are not required, and individuals lack legal recourse to challenge their inclusion on target lists, undermining due process.⁴⁶ The "visitations" quickly became pretexts for summary executions. Dela Rosa's command memo encouraged officers to "neutralize" drug suspects, a term echoed in police reports to indicate a target has been killed.⁴⁷ Reports have even revealed a quota system, rewarding police who executed suspects with cash payments.⁴⁸

Although Duterte has briefly decreased anti-drug operations at moments of heightened controversy and public outcry, they continue without meaningful reforms to prevent extrajudicial killings and without accountability for perpetrators.⁴⁹ The Philippine National Police (PNP) has refused to implement transparency and accountability measures, such as complying with requests to disclose documents related to the killings to the Supreme Court and Commission on Human Rights.⁵⁰

The PNP reportedly launched 4,583 investigations internally from July 2016 to May 2019.⁵¹ To date, however, police officers have been convicted of murder in only one case, that of 17-year-old Kian delos Santos -- whose abduction was captured on closed-circuit television, and whose death provoked national protests.⁵²

Most other cases have stalled or been dismissed. That of the 17-year-old Joshua P. Laxamana is only one illustrative example.⁵³ In 2018, Laxamana left to attend an online

⁴⁴ <https://didm.pnp.gov.ph/images/Command%20Memorandum%20Circulars/CMC%202016-16%20PNP%20ANTI-ILLEGAL%20DRUGS%20CAMPAIGN%20PLAN%20%20PROJECT%20DOUBBLE%20BARREL.pdf>

⁴⁵ <https://didm.pnp.gov.ph/images/Command%20Memorandum%20Circulars/CMC%202016-16%20PNP%20ANTI-ILLEGAL%20DRUGS%20CAMPAIGN%20PLAN%20%20PROJECT%20DOUBBLE%20BARREL.pdf>

⁴⁶ <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 4

⁴⁷ <https://didm.pnp.gov.ph/images/Command%20Memorandum%20Circulars/CMC%202016-16%20PNP%20ANTI-ILLEGAL%20DRUGS%20CAMPAIGN%20PLAN%20%20PROJECT%20DOUBBLE%20BARREL.pdf>; Rise Up for Life and for Rights, "Communication and Complaint by Rise Up for Life and for Rights: Situation in the Philippines," August 27, 2018.

⁴⁸ <https://www.reuters.com/article/us-philippines-duterte-police-specialrep/special-report-police-describe-kill-rewards-staged-crime-scenes-in-dutertes-drug-war-idUSKBN17K1F4>; Sheila S. Coronel, "Murder As Enterprise: Police Profiteering in Duterte's War on Drugs," in *A Duterte Reader: Critical Essays on Rodrigo Duterte's Early Presidency*, edited by Nicole Curato (Ithaca: Cornell University Press), 2017.

⁴⁹ <https://www.npr.org/sections/parallels/2017/03/01/517918163/a-foreign-businessmans-murder-pauses-philippine-drug-war-but-for-how-long>; <https://www.hrw.org/news/2017/10/12/philippines-duterte-backpedals-abusive-drug-war>

⁵⁰ <https://www.rappler.com/newsbreak/investigative/duterte-government-rubbish-files-stall-supreme-court-drug-war-case-part-one>

⁵¹ <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6

⁵² <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6

⁵³ Virtual testimony of Laxamana's mother Christine Pascual during the February 19, 2021 Plenary hearing before the Sub-Commissioners. See also Fact Sheet for Case No.45 in Annex.

gamer tournament with two younger teenage companions, but never returned home.⁵⁴ He was reportedly killed in a shootout with police in Pangasinan. Police claimed he rode a motorcycle, was armed, and fought back, alleging they recovered a pistol and drugs from his possession. His body had multiple gunshot wounds and an injury of self-defense. Laxamana's mother filed charges of murder, obstructing justice, and planting evidence against police involved.⁵⁵ However, the Office of the Ombudsman, which handles corruption complaints, dismissed all charges in 2019, citing insufficient evidence to overcome a "presumption of regularity" granted police in the line of duty. The Supreme Court has upheld the dismissal.⁵⁶

The pattern of court dismissal traces back to the first "tokhang" case filed before the Ombudsman. Luis Bonifacio and Gabriel Lois Bonifacio, father and son, were both killed by the police on September 15, 2016, in Caloocan City, Metro Manila. According to Mary Ann Domingo, Luis' spouse and Gabriel's mother, police surrounded their home, and forced her and three young children outside. As she left, she saw her husband on his knees with guns pointed to his head, while her son refused to leave and pleaded for his father's life. Outside, Domingo heard gunshots. She sought the help of local *barangay* officials who responded they could not intervene in what they allegedly called a "legitimate police operation." The police later claimed the raid was a "buy-bust," and that the men resisted arrest and fought back. Family and neighbors assert there was no buy-bust and the victims were unarmed.⁵⁷

In March 2017, Domingo filed murder charges against the police, becoming the first family member to do so.⁵⁸ However, the Ombudsman downgraded the crime from murder to homicide, and dismissed all charges against the high-ranking officials involved. Reports document that other cases never reach the stage of complaint because witnesses and victims' families fear reprisal.⁵⁹

In February 2021, the Department of Justice revealed that out of 5,655 deaths in anti-drug operations which it has acknowledged to UNHCR, it was aware of only 916 cases submitted to prosecutors as of December 11, 2020.⁶⁰ Their statuses are undisclosed.

⁵⁴ One of Laxamana's companions, then 15-year-old Julius Sebastian, remains missing to this day.

⁵⁵ <https://news.abs-cbn.com/news/02/07/19/pangasinan-cops-face-murder-obstruction-of-justice-raps-for-dota-players-death>

⁵⁶ See Fact Sheet for Case No.45 in Annex.

⁵⁷ See also: <https://www.rappler.com/nation/tokhang-murder-raps-vs-superintendent-duterte>; Fact Sheet for Case No. 47 in Annex.

⁵⁸ This was the first time a family member filed charges with the Ombudsman in the current war on drugs:

<https://www.rappler.com/nation/superintendent-duterte-caloocan-ombudsman-fajardo>

⁵⁹ <https://www.amnesty.org.ph/wp-content/uploads/2019/07/They-Just-Kill-FullReportLoRes-1.pdf>; https://www.hrw.org/sites/default/files/report_pdf/philippines0317_web_1.pdf; https://www.amnesty.org.uk/files/2017-04/ASA3555172017ENGLISH.PDF?9_73DdFTpveG_iJqeK0U13KUVFHKSL_X; police have also withheld reports necessary for complainants to file cases.

⁶⁰ <https://www.rappler.com/nation/hrw-says-doj-damning-review-pnp-lapses-drug-war-bluff>

Regulations on police operations require that all killings by police undergo inquest or judicial inquiry, but only 328 of these deaths were made available to the Department of Justice for review.⁶¹

In July 2020, the Philippine Justice Secretary announced the creation of a government inter-agency panel to review killings during police operations. Agencies implicated in drug killings, such as the PNP and Philippine Drug Enforcement Agency, are parties to the panel, leading human rights groups to express concern regarding its lack of independence and efficacy.⁶² This February, Justice Secretary Menardo Guevarra acknowledged the panel has found that police failed to follow standard protocols when investigating drug-related killings, such as verifying weapons used and using paraffin tests to confirm if the person killed had actually fired a weapon as police reports alleged.⁶³ Nevertheless, accountability measures and the panels' next endeavors remain unclear, as killings continue. Meanwhile, by December 31, 2019, police had made over 223,780 drug arrests, exacerbating dangerous congestion in prisons on the eve of the COVID-19 pandemic.⁶⁴

B. Extrajudicial Killings and Enforced Disappearance of Human Rights Defenders

Recent extrajudicial killings demonstrate both the failure of government mechanisms to bring justice to murdered human rights defenders, and the state's role in these killings.⁶⁵ Military, police, and paramilitaries, which the government supports as part of counter-insurgency operations, are responsible for extrajudicial killings.⁶⁶ Human rights group Karapatan recorded at least 83 more extrajudicial killings in 2020 of known human rights defenders, government critics, and others targeted in relation to their purported political views -- amounting to over 376 such killings under Duterte.⁶⁷ These include journalists, church people, indigenous people, human rights workers, lawyers, and environmental advocates among others.⁶⁸

⁶¹ <https://www.rappler.com/nation/hrw-says-doj-damning-review-pnp-lapses-drug-war-bluff>

⁶² <https://www.hrw.org/world-report/2021/country-chapters/philippines>;

<https://www.amnesty.org/en/latest/news/2020/09/philippines-un-pressure-end-killings/>

⁶³ <https://www.rappler.com/nation/doj-drug-war-review-pnp-did-not-follow-rules-nanlaban-cases>

⁶⁴ <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 7;

<https://theaseanpost.com/article/packed-prisons-philippines>

⁶⁵ See Fact Sheet for Case No. 1, 2, 5, 6 and 7, as well as Summary Cue Card for Case No 3 and 4 in Annex.

⁶⁶ See Fact Sheet for Case No. 5 and 7 in Annex. Arnold P. Alamon, *Wars of Extinction: Discrimination and the Lumad Struggle in Mindanao* (Iligan City: Rural Missionaries of the Philippines Northern Mindanao Sub-Region, Inc.), 2017.

⁶⁷ See "Table 1: Violation of Civil & Political Rights Under the Rodrigo Duterte Government (July 2016 to December 2020)" in Annex; <https://www.karapatan.org/2019-karapatan-year-end-report>

⁶⁸ <https://www.karapatan.org/karapatan-monitor-may-aug-2020>

Indigenous leaders working to defend the environment, their human rights, and rights to their ancestral lands against development aggression have been targeted by red-tagging, increased militarization, and brutal extrajudicial killings.⁶⁹ In Duterte's first three years, 119 land and environmental defenders were killed, almost double the number for the three years before his election.⁷⁰ Most recent murders were perpetrated in rural areas of Mindanao and Negros which are being encroached upon by large-scale mining and agribusiness.⁷¹ The killings – committed in public places such as school grounds and even involving horrific mutilation – send a message terrorizing communities and seeking to silence those who oppose militarization and environmental degradation.⁷²

On December 30, 2020, in an incident known as the Tumandok Massacre, the Philippine military and police tortured and murdered nine unarmed civilian members of TUMANDUK, an alliance that unites 17 indigenous communities across the province of Iloilo.⁷³ They rounded up and imprisoned another 16 civilian members of TUMANDUK. The alliance has strongly opposed militarization, as well as the construction of the Jalaur Mega Dam, which would submerge 21,100 hectares of Tumandok land, displacing 17,000 people and destroying their agricultural lands. Tribal leaders refused to sign a consent resolution required for the dam to be built. The Tumandok have been red-tagged for this opposition. In August 2020, Duterte fast-tracked the dam project,⁷⁴ and in November, a community leader reported army and police harassment of local residents to the Commission on Human Rights.⁷⁵ Security forces threatened that those who disobeyed them would be charged under the Anti-Terrorism Act (ATA).⁷⁶ A month later, the above individuals were massacred by the Criminal Investigation and Detection Group Region 6, the 12th Infantry Battalion of the Philippine Army, and police, in a "Synchronized Enhanced Management of Police Operation."⁷⁷ Security forces went to the homes of civilians and subsequently shot them dead, some in the presence of their family members. The police claimed those killed were resisting arrest, though they only had search, not arrest, warrants.⁷⁸

⁶⁹ See Fact Sheet for Case No. 7 and 19. See also <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/>, p. 27-28; Arnold P. Alamon, *Wars of Extinction: Discrimination and the Lumad Struggle in Mindanao* (Iligan City: Rural Missionaries of the Philippines Northern Mindanao Sub-Region, Inc.), 2017.

⁷⁰ <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/>, p. 28

⁷¹ <https://www.globalwitness.org/en/campaigns/environmental-activists/defending-tomorrow/>, p. 28

⁷² E.g., see Arnold P. Alamon, *Wars of Extinction: Discrimination and the Lumad Struggle in Mindanao* (Iligan City: Rural Missionaries of the Philippines Northern Mindanao Sub-Region, Inc.), 2017.

⁷³ Virtual testimony of Analyn Giganto during the February 16, 2021 Plenary hearing before the Sub-Commissioners. See also Fact Sheet for Case No.7 in Annex. For all information until next citation.

⁷⁴ <https://progressive.international/wire/2021-02-16-the-struggles-and-aspirations-of-the-tumandok/en>

⁷⁵ Fact Sheet for Case No.7 in Annex.

⁷⁶ Virtual testimony of Analyn Giganto during the February 16, 2021 Plenary hearing before the Sub-Commissioners.

⁷⁷ Virtual testimony of Analyn Giganto during the February 16, 2021 Plenary hearing before the Sub-Commissioners. See also Fact Sheet for Case No.7 in Annex. For all information until end of paragraph.

⁷⁸ After the massacre, community members and families of those murdered continue to face harassment and intimidation by police and military, coercing them into signing documents, such as signing search warrants used to enter homes in the first place, and other documents that give community approval for further militarization. See virtual testimony of Analyn Giganto during the February 16, 2021 Plenary hearing before the Sub-Commissioners.

Zara Alvarez was a human rights defender, a paralegal for Karapatan, and a research and advocacy officer for the Negros Island Health Integrated Program.⁷⁹ Her work involved assisting with legal cases of political prisoners and documenting rights violations in impoverished communities.⁸⁰ Alvarez was arrested on trumped-up charges and imprisoned from October 2012 to July 2014; but eventually, the charges were dismissed for lack of evidence in March 2020.⁸¹ After her release, Alvarez continued her human rights work. In 2018, she was tagged as a “terrorist” on a list of 649 names in a Department of Justice court petition to designate individuals as terrorists, as well as the Communist Party of the Philippines (CPP) and New People’s Army (NPA) as terrorist groups.⁸² On the list were many human rights defenders, including a UN special rapporteur;⁸³ Alvarez’s name and all except two were eventually removed. But afterwards, Alvarez continued to experience threats and intimidation.⁸⁴

Alvarez’s name appeared on a police hit list in 2018,⁸⁵ and four others on the list were later murdered.⁸⁶ Because of these threats, in 2019, Alvarez joined Karapatan in applying for a court protection order or “writ of *amparo*,” but was denied by the Court of Appeals.⁸⁷ The Philippine government has asserted that seeking such court protection serves as a recourse for human rights defenders under threat,⁸⁸ but in numerous cases defenders have been killed while their applications are still pending or already denied.⁸⁹ On August 17, 2020, Alvarez was shot and killed by an unidentified assailant who fled by motorbike. She became the fifth person on the hit list murdered, and the 13th human rights worker in Karapatan slain under Duterte.⁹⁰ Minutes after Alvarez’s death, the

⁷⁹ See Fact Sheet for Case No.2 in Annex. See also virtual testimony of Cristina Palabay during the February 16, 2021 Plenary hearing before the Sub-Commissioners. Also, Summary of Case No. 27 and Fact Sheet for Case No. 42.

⁸⁰ <https://www.latimes.com/world-nation/story/2020-08-27/philippines-zara-alvarez-human-rights>; <https://www.gmanetwork.com/news/specials/content/170/zara-alvarez-tagged-you-re-dead/>

⁸¹ <https://www.fidh.org/en/issues/human-rights-defenders/philippines-killing-of-ms-zara-alvarez-karapatan-paralegal-in-negros>

⁸² See Fact Sheet for Case No. 2 in Annex. See also <https://www.rappler.com/nation/doj-terror-tag-list-communists-january-2019>; <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 11; <https://www.bbc.com/news/world-asia-54144623>.

⁸³ <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 11

⁸⁴ See Fact Sheet for Case No. 2 in Annex; see also <https://www.aljazeera.com/news/2020/8/19/human-rights-leader-killed-in-philippine-war-against-dissent>

⁸⁵ <https://www.latimes.com/world-nation/story/2020-08-27/philippines-zara-alvarez-human-rights>

⁸⁶ <https://www.latimes.com/world-nation/story/2020-08-27/philippines-zara-alvarez-human-rights>

⁸⁷ The court dismissed the petition without giving the petitioners the opportunity to present their evidence. Alvarez was not able to testify, but her Judicial Affidavit was among those submitted to the Supreme Court in an appeal against the dismissal. See also <https://www.gmanetwork.com/news/specials/content/170/zara-alvarez-tagged-you-re-dead/>

⁸⁸ https://www.ohchr.org/Documents/Issues/Defenders/CFI_killings/submissions/states/philippines-eng-y.pdf

⁸⁹ <https://www.gmanetwork.com/news/specials/content/170/zara-alvarez-tagged-you-re-dead/>

⁹⁰ <https://www.latimes.com/world-nation/story/2020-08-27/philippines-zara-alvarez-human-rights>

regional secretary general of Karapatan, Clarizza Singson, received a text message from an unknown number, “Don’t worry, you’re next.”⁹¹

Peace consultants of the National Democratic Front of the Philippines (NDFP) have also been targeted since the November 2017 breakdown of peace talks with the Duterte administration.⁹² Consultants are supposed to be protected under the Joint Agreement on Safety and Immunity Guarantees (JASIG), which established their rights to personal security.⁹³ Yet as of August 2020, 11 NDFP peace consultants have been imprisoned, and to date, five have been extrajudicially killed following the breakdown of talks.⁹⁴ Most recently, police killed peace consultants Agaton Topacio and Eugenia Magpantay on November 25, 2020, during a 3 a.m. raid on their home in Rizal.⁹⁵ Police claim the couple violently resisted arrest, but both were 68 years old, retired, and ailing.

Government agencies have not effectively conducted investigations into these political killings, with fatal consequences. In the case of the Tumandok Massacre, a House resolution (HR 1449) was filed urging an investigation, but available reports indicate none has yet commenced.⁹⁶ On February 28, 2021, Julie Catamin, a whistleblower for the massacre who had publicly exposed that individuals arrested en masse had evidence planted on them, was shot and killed.⁹⁷ The military also allegedly threatened Catamin that they would repeat the Tumandok Massacre in Catamin’s village.⁹⁸

Days after the murder of Catamin, the lawyer for victims of the Tumandok Massacre, Atty. Angelo Karlo Guillen, was stabbed by four men on two motorcycles in Iloilo City on March 3, 2021. Guillen is an officer of the National Union of Peoples’ Lawyers (NUPL) and also represents petitioners against the ATA before the Supreme Court.⁹⁹

Government investigators promised an inquiry into Zara Alvarez’s murder, yet six months later no results have been released.¹⁰⁰ Similarly, a Department of Justice task

⁹¹ <https://www.gmanetwork.com/news/specials/content/170/zara-alvarez-tagged-you-re-dead/>

⁹² <https://cnnphilippines.com/news/2017/12/29/How-peace-talks-with-communist-rebels-failed.html> for details about the breakdown in Peace Negotiations; <https://www.karapatan.org/karapatan-monitor-may-aug-2020>, p. 10 for information about Peace Consultants who have been killed.

⁹³ <https://peacemaker.un.org/philippines-safety-immunity-agreement95>; <https://peacemaker.un.org/philippines-implementing-agreement-safety98>

⁹⁴ For information on the number arrested: <https://www.karapatan.org/karapatan-monitor-may-aug-2020>, p. 14. For information on those killed: <https://www.karapatan.org/karapatan-monitor-may-aug-2020>, p. 10; and Fact Sheet No. 1 and Fact Sheet No. 5 in Annex.

⁹⁵ See Fact Sheet for Case No. 5 in Annex.

⁹⁶ See Fact Sheet for Case No. 7 in Annex for the information until the end of the paragraph.

⁹⁷ <https://newsinfo.inquirer.net/1401672/key-witness-in-tumandok-killings-in-capiz-shot-dead>; see also Summary Cue Card letter A.

⁹⁸ <https://www.gmanetwork.com/news/news/regions/778115/makabayan-bloc-seeks-probe-on-death-of-barangay-chair-in-iloilo/story/>

⁹⁹ He was stabbed in the head with a screwdriver and suffered other wounds. He survived the attack and is hospitalized; see Summary Cue Card for Case Letter A in Annex for all info in this paragraph.

¹⁰⁰ See Fact Sheet for Case No. 2 in Annex.

force, which includes the PNP, promised investigations into the August 10, 2020 murder of peasant advocate and peace consultant Randall Echanis;¹⁰¹ while the PNP created a task force to investigate the December 15, 2020 “riding-in-tandem” murder of red-tagged medical doctor Mary Rose Sancelan and her husband Edwin Sancelan.¹⁰² No findings in either case have been released.¹⁰³

Police have blocked family members from receiving information about victims, and obstructed investigations. An independent autopsy was requested by Echanis’ family; however, police from Laloma Station forcibly removed his remains, claiming they were not Echanis’ though he had been positively identified by his wife.¹⁰⁴ When an autopsy was eventually conducted, the remains were confirmed as Echanis’, and those present from the Commission on Human Rights concurred he was tortured before being killed.¹⁰⁵ Likewise, the son of the murdered couple Togpacio and Magpantay notes that police made it difficult for the family to recover their bodies, and failed to provide the family any documents about their deaths.¹⁰⁶

Enforced disappearances of human rights defenders also continue. Elena Tijamo worked 17 years for Farmers Development Center, Inc. (FARDEC) in Cebu, an NGO that provides legal aid and agricultural education to farmers.¹⁰⁷ In November 2019, Major General Reuben Basiao, the military’s deputy chief of staff for intelligence, red-tagged FARDEC during a Congressional briefing. FARDEC’s staff members have long been harassed by state forces, their offices raided in 2003 and 2009 by government agents who failed to find evidence of unlawful activity. On June 13, 2020, Tijamo was abducted from her home in front of her family, by six masked individuals. Her abduction was reported, and when police came to visit her family in response, they asked about her occupation but not the incident. They photographed the logbook, flyers, and organizational t-shirts of a farmer’s group Tijamo belonged to. Meanwhile, Tijamo’s abductors apparently demanded that posts about her abduction published by the independent media site, *Rappler*, be taken down.¹⁰⁸ Her whereabouts remain unknown.

¹⁰¹ <https://thediplomat.com/2020/08/killing-of-philippines-peace-consultant-sparks-scrutiny-of-government-investigations/>; see also Fact Sheet for Case No.1 in Annex.

¹⁰² See Fact Sheet for Case No.6 in Annex.

¹⁰³ See Fact Sheet for Case No. 1 and 6 in Annex.

¹⁰⁴ See Fact Sheet for Case No. 1 in Annex.

¹⁰⁵ See Fact sheet for Case No. 1 in Annex.

¹⁰⁶ See Fact Sheet for Case No. 6 in Annex.

¹⁰⁷ See Fact Sheet for Case No.8 in Annex for the rest of the information in this paragraph.

¹⁰⁸ See Fact Sheet for Case No. 8; See also: <https://www.rappler.com/newsbreak/iq/things-to-know-elena-tijamo-abduction>

C. Torture, Unjust Detention, and Arrest on Trumped-Up Charges

The human rights organization Karapatan has documented 222 incidents of torture perpetrated by Philippine state forces from July 2016 until December 2020.¹⁰⁹ The military and police have a lengthy history of resorting to torture and secret detention that persists, despite the 2009 Anti-Torture Act.¹¹⁰ The following case bears out concerns that the newly passed 2020 Anti-Terrorism Act (ATA) is enabling the use of torture to extract false confessions from those detained under it.¹¹¹

The first two individuals charged under the ATA were Japer Gurung and Junior Ramos, members of the Aeta indigenous community in Zambales of Central Luzon.¹¹² For decades, Zambales has been heavily militarized as mining companies like Dizon Copper-Silver Mines have encroached on indigenous lands, and Aeta communities have sought to oppose this.¹¹³ In August 2020, the Philippine military bombed an Aeta village in San Marcelino, forcing residents to flee.¹¹⁴ Gurung and Ramos are farmers in San Marcelino.¹¹⁵ On August 21, 2020, they heard gunfire from the mountains, and gathered their belongings to evacuate their families from the area. Instead, the two men and Ramos' father were detained by the military and tortured for six days until August 26.¹¹⁶ Afterwards, charges of terrorism under the ATA were filed against Gurung and Ramos, accusing them of being New People's Army (NPA) soldiers involved in a gunfight with the military on August 20.¹¹⁷

Ramos' father reports soldiers blindfolded his son, Junior Ramos, and would fire a gun near his son's head, threatening to kill him if he didn't admit to being an NPA member.¹¹⁸ To extract a confession from Gurung, the soldiers tied him up and

¹⁰⁹ See "Table 1: Violation of Civil & Political Rights Under the Rodrigo Duterte Government (July 2016 to December 2020)" in Annex.

¹¹⁰ For information about police use of torture see: <https://www.refworld.org/pdfid/5703b24f4.pdf>, p. 5-8; For information about military use of torture see: <https://www.amnesty.org/download/Documents/ASA3574272017ENGLISH.PDF>, p. 18-20; historically military torture was widespread during martial law under the Marcos regime: <http://www.amnesty.org.ph/wp-content/uploads/2014/11/asa350251982en.pdf>

¹¹¹ See also <https://www.omct.org/en/resources/statements/new-anti-terrorism-law-undermines-safeguards-against-arbitrary-detention-and-torture>

¹¹² See Fact Sheet for Case No. 9 in Annex. See also virtual testimony of Gia Clemente during the February 16, 2021 Plenary hearing before the Sub-Commissioners. Also, Fact Sheet for Case No. 20.

¹¹³ <https://www.rappler.com/nation/supreme-court-writ-kalikasan-zambales-mining-companies>; <https://www.manilatimes.net/2016/07/28/news/regions/mining-destroying-zambales-towns/276587/>; see also Fact Sheet for Case No. 20 in Annex which specifically mentions Dizon Copper-Silver Mines.

¹¹⁴ See Fact Sheet for Case No. 20 in Annex.

¹¹⁵ See Fact Sheet for Case No. 9 in Annex for all information until the next footnote.

¹¹⁶ The right of a person accused, arrested, or detained includes the right to be assisted by their counsel of choice. Thus, their legal rights were also violated as they were under the custody of the military for six days without access to counsel. See virtual testimony of Atty. Kathy Panguban during the February 16, 2021 Plenary hearing before the Sub-Commissioners.

¹¹⁷ See Fact Sheet for Case No. 9 in Annex.

¹¹⁸ See virtual testimony of Gia Clemente during the February 16, 2021 Plenary hearing before the Sub-Commissioners.

repeatedly mauled him; placed him inside a sack and hung him upside down; and suffocated him with a plastic bag and cigarette smoke.¹¹⁹ Both Gurung and Ramos had a stick forced up their anus, and were forced to eat their own feces.¹²⁰ Meanwhile, the military allegedly planted weapons and subversive documents in the families' possession; the two men and their minor wives were charged with illegal possession of explosives. The wives are thus still held in custody by the Department of Social Welfare and Development.¹²¹ Charges against Ramos' father were later dismissed by the investigating prosecutor.

Gurong and Ramos were initially represented by the National Union of Peoples' Lawyers (NUPL), and filed a petition to the Supreme Court for intervention against the ATA.¹²² However, while in jail, they were reportedly visited by officials from the National Commission on Indigenous Peoples (NCIP), which has worked closely to back government military operations and development plans.¹²³ Government representatives offered bribes to their mothers, in the form of groceries, promising the men would be freed if they dropped the NUPL as their legal counsel.¹²⁴ In February 2021, the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) held a press conference where Gurung and Ramos announced they would indeed drop their legal counsel.¹²⁵ The NTF-ELCAC then organized a video where the two apparently implied they had been coerced into filing the petition against the ATA; it used this video to promote the red-tagging of NUPL, even as an NTF-ELCAC lawyer threatened suits to disbar NUPL lawyers.¹²⁶ Gurung and Ramos are now represented by government attorneys from the Public Attorney's Office (PAO) in their trial for the ATA and other charges. They have not filed a counter-case regarding their torture.¹²⁷

¹¹⁹ See Fact Sheet for Case No. 9 in Annex.

¹²⁰ See Fact Sheet for Case No. 9 in Annex.

¹²¹ See Fact Sheet for Case No. 9 in Annex for remaining information in this paragraph.

¹²² This petition was denied on the grounds that they have an ongoing trial. <https://www.rappler.com/nation/aetas-barred-from-supreme-court-anti-terrorism-law-case-give-way-lower-court-trial>

¹²³ The NCIP is a government agency organized under the 1997 Indigenous Peoples Rights Act, mandated to protect the rights of indigenous peoples. However, it historically has often colluded to undermine land rights. E.g., see Arnold P. Alamon, *Wars of Extinction: Discrimination and the Lumad Struggle in Mindanao* (Iligan City: Rural Missionaries of the Philippines Northern Mindanao Sub-Region, Inc.), 2017.

¹²⁴ Virtual testimony of Clemente during the February 16, 2021 Plenary hearing before the Sub-Commissioners.

¹²⁵ <https://www.rappler.com/nation/aetas-barred-from-supreme-court-anti-terrorism-law-case-give-way-lower-court-trial>

¹²⁶ See Fact Sheet for Case No. 9 in Annex. <https://www.rappler.com/nation/aetas-barred-from-supreme-court-anti-terrorism-law-case-give-way-lower-court-trial>

¹²⁷ Virtual testimony of Clemente during the February 16, 2021 Plenary hearing before the Sub-Commissioners. Clemente also notes that Gurung reportedly complained of suffering discrimination and physical harassment as an indigenous Aeta in Olongapo City jail where the men are being held; they have been separated in the jail. As of her testimony, the public attorneys did not reach out to the families of Gurung and Ramos for information.

Detentions and arrests on trumped-up, politically motivated charges have risen since July 2016, a pattern documented by the OHCHR and numerous reports.¹²⁸ Police have engaged in a coordinated effort to crack down on human rights groups and progressive organizations, with a chilling effect on rights advocacy across the country.¹²⁹ The sweeping scope of this repression is evidenced in Karapatan's tally of 3,675 victims of illegal arrests under Duterte, of whom 1,040 were also detained.¹³⁰ These arrests have involved use of faulty warrants, entry without a judicial order (1,512 victims), illegal searches (1,037 victims), and planting of evidence -- especially weapons which result in non-bailable charges.¹³¹ Trumped-up charges may later be dismissed, but not before the accused has spent months or often years in jail.¹³² In some cases, those accused have remained in jail despite being cleared.¹³³

Unjust arrests have had fatal consequences. Reina Mae Nasino is a community organizer with the urban poor organization KADAMAY in Manila.¹³⁴ On October 31, 2019 and over subsequent days, police raided the offices of numerous progressive organizations, arresting 62 activists without warrants, including Nasino.¹³⁵ Police planted weapons and charged arrestees, including Nasino, with illegal possession of firearms and explosives.¹³⁶ At the time of her arrest, Nasino was pregnant.¹³⁷ In detention, she was denied adequate prenatal care.¹³⁸ With the COVID-19 pandemic, she joined a petition to the Supreme Court for temporary release on humanitarian grounds, given her pregnancy.¹³⁹ The petition stalled and was eventually remanded back to lower courts after several months.¹⁴⁰

¹²⁸ <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 11-13; <https://www.amnesty.org/en/countries/asia-and-the-pacific/philippines/report-philippines/>; <https://www.karapatan.org/karapatan-monitor-may-aug-2020>, p. 14-15; see "Table 1: Violation of Civil & Political Rights Under the Rodrigo Duterte Government (July 2016 to December 2020)" in Annex.

¹²⁹ See Fact Sheet for Case No. 10-14 and 19; Summary Cue Cards for Case No. 15, 16 and 18 in Annex; <https://www.amnesty.org/download/Documents/ASA3530852020ENGLISH.PDF>; <https://www.karapatan.org/2019-karapatan-year-end-report>

¹³⁰ See "Table 1: Violation of Civil & Political Rights Under the Rodrigo Duterte Government (July 2016 to December 2020)" in Annex.

¹³¹ "Non-bailable" means that bail is not recommended by the prosecutor, so those charged must await a full-blown trial, unless they petition for bail in court and prove that the evidence of their guilt is not strong. Either way, being charged with a non-bailable offense makes a long detention likely. For numbers of victims, see "Table 1: Violation of Civil & Political Rights Under the Rodrigo Duterte Government (July 2016 to December 2020)" in Annex.

¹³² Meanwhile, by 2018, 75 percent of Philippine prisoners were pre-trial detainees, their numbers inflated by the drug war. <https://theaseanpost.com/article/packed-prisons-philippines>

¹³³ See Fact Sheet for Case 13 in Annex

¹³⁴ See Fact Sheet for Case Nos. 10, 44 and 43 in Annex. See also virtual testimony of Marites Asis and Fides Lim during the February 16 and 19, 2021 Plenary hearings, respectively.

¹³⁵ <https://www.rappler.com/nation/jailed-activist-gives-birth-coronavirus-pandemic-july-2020>

¹³⁶ See Fact Sheet for Case No. 10 in Annex.

¹³⁷ See Fact Sheet for Case No. 10 in Annex.

¹³⁸ See virtual testimony during the February 16 Plenary hearing before the Sub-Commissioners.

¹³⁹ See Fact Sheet for Case No. 43 in Annex.

¹⁴⁰ See Fact Sheet for Case No. 43 in Annex.

While awaiting the Supreme Court's decision, Nasino gave birth to an underweight baby in July 2020.¹⁴¹ Health experts recommended exclusive breastfeeding, but authorities removed the infant from Nasino after 30 days. Multiple court motions were filed to compel adherence to domestic and international laws on the importance of breastfeeding. All were denied. Baby River died on October 9, 2020, of respiratory disease which health experts say could have been prevented by breastfeeding. On February 14, 2021, the newborn baby of another political prisoner, Nona Espinosa, who was detained in Negros in September, died after being separated from her mother for three days.¹⁴²

Windel Bolinget is an Igorot leader in the Cordillera People's Alliance who joined indigenous and Moro people from across the country in filing the 26th case against the ATA on August 6, 2020.¹⁴³ A month later, a warrant was issued for his arrest, and that of 10 other human rights defenders and activists, slapping the group with a fabricated murder charge.¹⁴⁴ Though many are based in the northern Philippines, they were accused of killing an indigenous leader in the southern province of Davao del Norte, in Mindanao, back in 2018. Bolinget was not properly informed of the charge until January 2021. At that time, without pursuing other legal avenues, Cordillera police suddenly announced a "shoot-to-kill" order against him.¹⁴⁵ Due to the threat to his life, Bolinget was forced to turn himself in to the National Bureau of Investigation.¹⁴⁶ Bolinget and at least one of the other accused filed motions for reinvestigation, and submitted evidence, including witness testimony, that they were not present in Davao Del Norte at the time of murder.¹⁴⁷ As his motion pended, Bolinget remained detained for over a month.¹⁴⁸

Police are detaining activists on the grounds of possessing firearms and explosives, but there appears to be a pattern in which weapons may have been planted.¹⁴⁹ In several cases, local officials who are legally required to stand as witnesses during searches arrived late, after police had already conducted illegal, invalid searches -- even ransacking premises -- and had time to plant evidence. Such a sequence of events

¹⁴¹ See Fact Sheet for Case No. 44 in Annex for all information until next footnote.

¹⁴² Such practices contravene international law on the rights of children. <https://www.rappler.com/nation/another-baby-dies-while-separated-from-imprisoned-mother-negros-oriental>

¹⁴³ See Fact Sheet for Case No. 19 in Annex. See also virtual testimony of his wife Elvira Bolinget during the February 19, 2021 Plenary hearing before the Sub-Commissioners. <https://newsinfo.inquirer.net/1318408/indigenous-peoples-file-26th-case-vs-terror-law>

¹⁴⁴ See Fact sheet for Case No. 19 in Annex until next footnote; see also <https://www.philstar.com/headlines/2021/01/20/2071863/groups-hit-shoot-kill-order-cordillera-police-indigenous-leader> for information about the timing of the arrest warrant.

¹⁴⁵ <https://www.philstar.com/headlines/2021/01/20/2071863/groups-hit-shoot-kill-order-cordillera-police-indigenous-leader>

¹⁴⁶ See Fact Sheet for Case No. 19 in Annex until next footnote.

¹⁴⁷ See Fact Sheet for Case No. 19 in Annex. See also virtual testimony of Elvira Bolinget during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

¹⁴⁸ See Fact Sheet for Case No. 19 in Annex.

¹⁴⁹ See: <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 11.

transpired during the December 10, 2020, arrests of six trade unionists and one journalist in Metro Manila (the “Human Rights Day Seven”);¹⁵⁰ the October 31, 2019, mass arrests and raids on offices of progressive organizations in Bacolod City, Negros;¹⁵¹ the February 7, 2020, arrests of progressive organization members in Tacloban City, Leyte;¹⁵² and finally the December 2, 2020, arrest of Amanda Echanis, an organizer of peasant women in Cagayan.¹⁵³ In these cases, the arrestees’ alleged weapons were planted. In fact, most of the 54 human rights defenders arrested in Negros on October 31, 2019 had their charges dropped due to weak evidence.¹⁵⁴ Yet those with dismissed cases have not received any compensation for their suffering and loss of reputation, or for police misconduct.

During a December 1, 2020 Senate investigation, the NTF-ELCAC publicly red-tagged *Manila Today*, an independent publication started by Lady Ann Salem.¹⁵⁵ Nine days later, Salem’s home office was raided, and she became one of the “Human Rights Day Seven” arrested for weapons and explosives possession. These charges against Salem were later dismissed, due to irregularities in the police’s conduct surrounding the search warrant and search. Nevertheless, the prosecutor opposed the motion to release her. She and her co-accused were not released until a month later, on March 5, 2021.¹⁵⁶

Joel Demate, a trade unionist arrested with the “Human Rights Day Seven,” sought to question his detention by petitioning the Supreme Court for *habeas corpus*. The Supreme Court ordered the trial courts to hear his petition.¹⁵⁷ However, the trial court ruled that the prosecutor’s belated filing of criminal charges against Demate cured and legalized the initial defects in his arrest.¹⁵⁸ He and four others of the “Human Rights Day Seven” remain jailed.¹⁵⁹

¹⁵⁰ See Fact Sheet for Case No. 13 in Annex. See also virtual testimony of her sister Jasma Salem during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

¹⁵¹ See Fact Sheet for Case No. 11 in Annex.

¹⁵² See Fact Sheet for Case No. 12 in Annex.

¹⁵³ See Fact Sheet for Case No. 14 in Annex.

¹⁵⁴ See Fact Sheet for Case no. 13, 11, 12 and 14 in Annex.

¹⁵⁵ See Fact Sheet for Case No. 13 in Annex. See also virtual testimony of her sister Jasma Salem during the February 19, 2021 Plenary hearing before the Sub-Commissioners for all information until next footnote.

¹⁵⁶ <https://www.rappler.com/nation/mandaluyong-court-orders-release-journalist-lady-ann-salem-trade-unionist>

¹⁵⁷ <https://www.rappler.com/nation/police-discreet-appeal-spoils-christmas-bail-human-rights-7-detained-activists-december-2020>

¹⁵⁸ The trial court based its ruling on jurisprudence in the case of *Ilagan vs. Enrile* (G.R. No. 70748, Oct. 21, 1985), dating back to the Marcos dictatorship; <https://www.philstar.com/headlines/2020/12/18/2064737/two-human-rights-day-7-seek-release-order-supreme-court>

¹⁵⁹ <https://newsinfo.inquirer.net/1403837/makabayan-bloc-seeks-release-of-5-more-activists>

D. Political Repression Through Threats and Red-Tagging

Surveillance, threats, and intimidation of human rights defenders and dissenting voices have intensified.¹⁶⁰ To discredit the targets of this repression, these tactics are often paired with red-tagging. As the above sections have shown, red-tagging is part of a concerted campaign against progressive organizations that has a chilling effect on civil society. It not only seeks to isolate and vilify targets, but precedes and accompanies harassment, imprisonment, and killings.¹⁶¹ In this context, the red-tagging of civilians has been orchestrated into a serious threat to their lives, liberty, and security; while red-tagging organizations is intertwined with government actions to dismantle them.¹⁶²

Harassment includes press conferences and statements where military leaders accuse civilians of NPA-affiliation, resulting in media articles.¹⁶³ Government agencies, officials, and organized trolls use social media posts to amplify the allegations.¹⁶⁴ Apparently doctored photos emerge, often sourced from the military, and are circulated to support claims.¹⁶⁵ The military typically places prominent banners and flyers with photos of “wanted terrorists” and “communists” in public locations to discredit and intimidate targets.¹⁶⁶ Human rights workers and others have reported not only being trolled on social media, but followed, photographed, and surveilled by suspected agents of the state. Such constant surveillance and threats have intimidated a broad range of civil society actors – teachers, journalists, lawyers, clergy, doctors, indigenous leaders, farmers, trade unionists, women leaders, those working with the poor and marginalized, even celebrities – from continuing their everyday activities, causing harmful health impacts and even untimely death from extreme stress.¹⁶⁷

¹⁶⁰ <https://www.amnesty.org/download/Documents/ASA3532932020ENGLISH.PDF>; <https://www.karapatan.org/karapatan-monitor-may-aug-2020>; <https://thediomat.com/2020/12/philippines-celebrates-human-rights-day-with-crackdown-on-activists/>; <https://mb.com.ph/2020/12/01/chr-red-tagging-prevalent-under-duterte-administration/>

¹⁶¹ <https://www.amnesty.org/download/Documents/ASA3530852020ENGLISH.PDF>; <https://www.karapatan.org/2019-karapatan-year-end-report>; <https://www.karapatan.org/karapatan-monitor-may-aug-2020>

¹⁶² <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>; <https://www.amnesty.org/download/Documents/ASA3530852020ENGLISH.PDF>

¹⁶³ E.g., see <https://www.karapatan.org/2019-karapatan-year-end-report>

¹⁶⁴ <https://newsinfo.inquirer.net/1387520/militarys-mpa-list-greeted-with-jeers-jitters>; <https://news.abs-cbn.com/spotlight/02/25/21/philippine-critics-in-firing-line-of-anti-communist-misinformation-war>; <https://www.rappler.com/newsbreak/fact-check/list-dead-captured-former-up-students-mpa>

¹⁶⁵ On the military’s doctored photos of alleged insurgents, see: <https://www.rappler.com/newsbreak/inside-track/philippine-army-photoshopped-communist-surrenderers>

¹⁶⁶ E.g., see <https://www.bbc.com/news/world-asia-54144623>; <https://www.amnesty.org/download/Documents/ASA3530852020ENGLISH.PDF>; <https://philippines.icas.news/2020/11/23/red-tagged-church-rights-workers-in-mindanao-look-public-protection/>; <https://www.karapatan.org/karapatan-monitor-may-aug-2020>

¹⁶⁷ E.g., see <https://www.gmanetwork.com/news/news/nation/768473/red-tagged-doctor-feared-for-her-life-before-getting-killed/story/>; <https://www.bulatlat.com/2017/10/01/ronnie-garcia-mamanwa-educator-dedicated-life-fellow-lumad/>

Political repression intertwined with red-tagging worsened after the December 2018 formation of the NTF-ELCAC, tasked with implementing a so-called “whole-of-nation” approach to counter-insurgency that reaches all sectors of society.¹⁶⁸ The NTF-ELCAC coordinates red-tagging efforts and the targeting of progressive organizations. Together with localized “whole-of-nation” committees it liaises with, it functions to suppress political opposition, curtail the work of constitutional bodies designed to offer checks and balances, and block civil society organizations from serving those in need.¹⁶⁹

On February 9, 2021, the regional director of the PNP in Cordillera issued a memorandum to local police departments urging them to “encourage” local government units to pass resolutions against the Cordillera People’s Alliance, an indigenous organization that has opposed mining and dams for decades, as well as “allied,” “left leaning” organizations.¹⁷⁰ It provided a January 26, 2021 memo declaring these groups “persona non grata” as an example, and listed 25 organizations, including indigenous, labor, women’s and youth groups, as well as political parties, to similarly repress.

Next, on February 24, 2021, the Regional Law Enforcement Coordinating Committee (RLECC) in the Cordillera issued a resolution instructing police to “conduct tokhang” on “left-leaning personalities” – explicitly referencing the “strategy... used in the government’s war on drugs.”¹⁷¹ RLECC is a local “whole-of-nation” committee composed of 47 police and government officials from agencies including local labor, education, health, and social welfare departments. “Tokhang” in the war on drugs is the practice of police conducting door-to-door raids to purportedly demand the “surrender” of “drug personalities,” on the basis of often inaccurate target lists; through these operations, police have extrajudicially executed thousands they claim were fighting back or resisting arrest.¹⁷² Citing the NTF-ELCAC’s mandate as inspiration, the RLECC resolution proposes a “tokhang” strategy of police visits to political targets to “dissuade” them from supporting the CPP-NPA.

Local human rights groups have expressed alarm at the potential for extrajudicial killings and abuses, as well as at the broad government backing of police to silence political opposition. A retired bishop has sought a court injunction against the implementation of the “tokhang” plan.¹⁷³ Rather than demilitarizing counter-insurgency activities and shifting towards socioeconomic development, the NTF-ELCAC has instead mobilized government agencies to support and coordinate greater militarization.

¹⁶⁸ <https://www.rappler.com/newsbreak/in-depth/duterte-final-gambit-task-force-against-communists>

¹⁶⁹ <https://www.karapatan.org/2019-karapatan-year-end-report-p-11-13>; <https://www.karapatan.org/>

¹⁷⁰ See “Cordillera People’s Alliance (CPA) and Left Leaning Organizations” in Annex 7;

<https://www.facebook.com/ceGPCordi/posts/3665047530288616>

¹⁷¹ See “RLECC-CAR Resolution No. 04 s. 2021” in Annex 7.

¹⁷² <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf> p. 4-5

¹⁷³ <https://newsinfo.inquirer.net/1404545/stop-tokhang-vs-left-church-leader-asks-court>

Alarming, recent events discussed in the Epilogue show police raids and arrests have escalated to “tokhang”-style political killings in other regions.¹⁷⁴ These killings are encouraged by Duterte himself, who in a March 5, 2021, speech told police and soldiers to “disregard human rights” and “kill” and “finish off” all “communists.”¹⁷⁵ This month, Duterte kicked off visits to award *barangays* “cleared” of “communist influence” extra funding through the NTF-ELCAC.¹⁷⁶

The Commission on Human Rights (CHR) is constitutionally mandated to monitor and address human rights violations in the Philippines.¹⁷⁷ After criticizing the Duterte administration’s “War on Drugs,” it has been attacked, red-tagged, and threatened with funding cuts. Duterte accused the CHR and its head, Chito Gascon, of siding with the CPP. In another speech, he called Gascon “gay” and a “pedophile” after Gascon expressed concern for victims of anti-drug campaign killings. In 2017, the House of Representatives, where the administration has a supermajority, proposed to cut CHR’s budget to ₱1,000 (approximately USD \$20); House Speaker Pantaleon Alvarez asserted CHR is only concerned with the “rights of criminals,” so should seek money from criminals.¹⁷⁸

The Rural Missionaries of the Philippines (RMP) is a national, inter-congregational, and inter-diocesan organization engaged in missionary work.¹⁷⁹ The NTF-ELCAC has continuously labeled the group as terrorist and accused it of being an above ground arm of the CPP. On December 26, 2019, the Anti-Money Laundering Council froze RMP’s bank accounts, citing “probable cause” they were related to “terrorism financing.” To date, RMP is unable to use its funds for projects to help the poor and the marginalized.

The Makabayan bloc is an opposition voice in Congress that includes the Bayan Muna, Gabriela Women’s Party, and Kabataan party-lists.¹⁸⁰ As a progressive bloc that seeks to represent marginalized sectors, its candidates have long been subject to state repression and even assassination. During the 2019 national election campaigns, Makabayan candidates were red-tagged by General Antonio Parlade Jr., spokesperson of the NTF-ELCAC, and slandered by members of the Duterte administration. The NTF-

¹⁷⁴ The March 7, 2021, case of the Southern Tagalog Killings discussed in the Epilogue, suggest that these Tokhang style strategies are in fact being implemented by police against political targets – even without a resolution as in the case of Cordillera.

¹⁷⁵ <https://www.aljazeera.com/news/2021/3/6/kill-them-all-duterte-wants-communist-rebels-finished>

¹⁷⁶ <https://www.rappler.com/nation/duterte-begins-tour-present-ntf-elcac-aid-communist-free-barangays>

¹⁷⁷ See Fact Sheet for Case No. 30 in Annex.

¹⁷⁸ <https://cnnphilippines.com/news/2017/09/12/Commission-on-Human-Rights-CHR-House-budget.html>

¹⁷⁹ See Fact Sheet for Case No. 24 in Annex.

¹⁸⁰ See Fact Sheet for Case No. 26 in Annex. See also virtual testimony of Rep. Carlos Zarate Jr. during the February 16, 2021 Plenary hearing before the Sub-Commissioners. See also Fact Sheet for Case No. 17.

ELCAC sought to disqualify the bloc from running in future polls, likely in anticipation of the 2022 national elections.¹⁸¹

The NTF-ELCAC supported mothers of youth activists in filing harassment cases before the Department of Justice against Bayan Muna representative Neri Colmenares and Kabataan representative Sarah Elago for human trafficking and kidnapping.¹⁸² Though the cases were dismissed, they served to politically discredit their targets.

E. Forced Evacuation

As of December 2020, there have been 457,696 victims of forced evacuation under the Duterte administration, according to Karapatan.¹⁸³ About 400,000 of these internal refugees were displaced as a result of the Marawi siege, a long and bloody military operation following a botched attempt to arrest the alleged Southeast Asian Emir of the Islamic State.¹⁸⁴ As of January 2021, at least 87,775 Marawi residents are still internally displaced.¹⁸⁵ The situation of their human rights will be examined further in INVESTIGATE PH's Second Report. Other forced evacuees are primarily peasants and indigenous groups, internally displaced due to military occupations and bombings, as well as the influx of foreign development and agribusinesses.¹⁸⁶

As one recent example, on August 21, 2020, 659 families in the indigenous Aeta community in San Marcelino, Zambales were forced to evacuate their homes after the 7th Infantry Division of the Philippine Army conducted raids and bombings in the area.¹⁸⁷ Indigenous rights group Umahon claims that the repeated bombings of the Aeta community were meant to displace the Aetas to pave the way for the mining explorations of Dizon Copper-Silver Mines, Inc., which Aeta residents oppose as detrimental to the environment and their ancestral lands.¹⁸⁸ In September 2020, the

¹⁸¹ <https://manilastandard.net/mobile/article/341110>; <https://newsinfo.inquirer.net/1371344/govt-wants-makabayan-bloc-out-of-house-to-weaken-rivals>

¹⁸² <https://news.abs-cbn.com/news/05/30/20/youth-activists-oppose-writ-of-amparo-petition-parents-filed-at-sc-for-missing-child>

¹⁸³ See "Table 1: Violation of Civil & Political Rights Under the Rodrigo Duterte Government (July 2016 to December 2020)" in Annex.

¹⁸⁴ <https://www.rappler.com/newsbreak/in-depth/marawi-series-rappler-timeline>

¹⁸⁵ <http://www.protectionclusterphilippines.org/wp-content/uploads/2021/02/Mindanao-Displacement-Dashboard-January-2021-1.pdf>, p. 1

¹⁸⁶ <http://cendoc.docip.org/collect/cendocdo/index/assoc/HASHf5df/0343942b.dir/EM19Carino050716.pdf>; <http://www.protectionclusterphilippines.org/wp-content/uploads/2021/02/Mindanao-Displacement-Dashboard-January-2021-1.pdf>, p. 4, 10; Arnold P. Alamon, *Wars of Extinction: Discrimination and the Lumad Struggle in Mindanao* (Iligan City: Rural Missionaries of the Philippines Northern Mindanao Sub-Region, Inc.), 2017.

¹⁸⁷ See Fact Sheet for Case No. 20 in Annex. See also virtual testimony of Gia Clemente during the February 16, 2021 Plenary hearing before the Sub-Commissioners. Also, Fact Sheet for Case No. 9. <https://news.abs-cbn.com/news/09/01/20/soldiers-probed-for-allegedly-forcing-aetas-to-eat-human-waste-in-zambales>

¹⁸⁸ <https://www.facebook.com/UMAHONAnakpawis/photos/a.112720593697587/177234723912840>; <https://www.philstar.com/nation/2020/09/01/2039367/chr-investigate-alleged-military-maltreatment-aetas-zambales>

Commission on Human Rights said it will conduct a separate and impartial probe on the incident, but has yet to release findings.¹⁸⁹

F. Violations of Freedom of Press and Assembly

Numerous reports show the current administration has an alarming track record with respect to its treatment of the press.¹⁹⁰ State repression of press freedom has expanded.¹⁹¹ In May 2020, the National Telecommunications Commission ordered ABS-CBN, the Philippines' largest television network, which provided free access to news for millions, to shut down; and in July 2020, Congress denied its franchise renewal.¹⁹² On June 15, 2020, a Manila court convicted Maria Ressa, a prominent journalist and head of *Rappler*, of cyber libel.¹⁹³ In May 2020, the Office of the Mayor of Guimba brought charges against the community radio station Radyo Natin Guimba for spreading "fake news," providing COVID-19 relief that was not coordinated by the government, and instructing people to hold protest signs calling for relief.¹⁹⁴ These actions instill a climate of fear amongst journalists, suppress or discourage reporting on controversial and community issues, and restrict access to information for the general public.

The People's Alternative Media Network (Altermidya) is a network of outlets which publishes news that often receives less attention in mainstream media.¹⁹⁵ It serves as a crucial source of information on conditions among marginalized sectors and in rural areas. Government supporters and officials have attacked the network.¹⁹⁶

Since December 2018, Altermidya member outlets *Bulatlat.com*, *Pinoy Weekly*, and *Kodao* have suffered cyber-attacks that have shut their websites down when news or statements on human rights violations were posted.¹⁹⁷ A private forensic investigation traced the attacks to a single source which used search words like "Duterte" to determine where to direct attacks, suggesting they were instigated by Duterte supporters.¹⁹⁸

¹⁸⁹ See Fact Sheet for Case No. 20 in Annex.

¹⁹⁰ <https://rsf.org/en/philippines>; <https://www.amnesty.org/download/Documents/ASA3530852020ENGLISH.PDF>

¹⁹¹ See also Fact Sheet for Case No. 22; see Summary Cue Card for Case No.41; See also virtual testimony from Rhea Padilla during the February 19 hearings before the Sub-Commissioners.

¹⁹² <https://thediplomat.com/2020/07/lawmakers-vote-to-close-down-philippines-largest-tv-network/>

¹⁹³ <https://www.hrw.org/news/2020/06/15/philippines-rappler-verdict-blow-media-freedom>

¹⁹⁴ Karapatan Monitor (May-Aug 2020), p. 5; <https://www.rappler.com/nation/nueva-ecija-town-file-complaint-against-local-radio-station>

¹⁹⁵ See Fact Sheet for Case No. 22 in Annex. See also virtual testimony of Rhea Padilla during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

¹⁹⁶ See Fact Sheet for Case No. 22 in Annex; <https://www.philstar.com/headlines/2020/12/02/2060955/altermidya-pursue-legal-action-against-red-taggers>

¹⁹⁷ See Fact Sheet for Case No. 22 in Annex; <https://www.iawrt.org/news/it-companies-challenged-over-cyber-attacks>

¹⁹⁸ See Fact Sheet for Case No. 22 in Annex.

The NTF-ELCAC's 2019 year-end report and various government officials have red-tagged Altermidya outlets.¹⁹⁹ In an August 2019 Facebook post, the Concepcion (Romblon) Municipal Police Station claimed *Kodao* is an above ground organization of the CPP.²⁰⁰ Major General Pio Diñoso III, a military commander in Samar, red-tagged Altermidya journalist Frenchie Mae Cumpio, claiming she is a high-ranking CPP official after she reported about human rights issues in Tacloban.²⁰¹ Like other red-tagged journalists, she has been forced to limit her reporting due to fears for her safety.²⁰²

Pro-military vigilantes, and now the government's security forces, have also confiscated *Pinoy Weekly's* print publications.²⁰³ In September 2019, a self-identified "pro-government" group forcibly removed bundles of *Pinoy Weekly* magazines from the local chapter office of the urban poor organization, KADAMAY, in Pandi, Bulacan; they destroyed the publications by publicly setting them on fire, in the military's presence.²⁰⁴ In July 2020, the police themselves ordered members of KADAMAY to surrender copies of the magazine, threatening them if they did not comply.²⁰⁵ The same month, police also forced relief workers to surrender *Pinoy Weekly* copies at a police checkpoint.²⁰⁶ The Presidential Task Force on Media Security has not taken steps to protect red-tagged journalists. In December 2020, Altermidya filed a complaint to the Office of the Ombudsman and Commission on Human Rights, calling for an investigation of the NTF-ELCAC's vilification, but as of yet there are no updates on actions taken.²⁰⁷

State security forces violently dispersed indigenous environmental defenders who were attempting to protest illegal mining operations. In Nueva Vizcaya, members of anti-mining group Kasibu Inter-tribal Response for Ecological Development (KIREED) were arrested in 2017, but then released soon after for lack of evidence.²⁰⁸ The military accused them of supporting communist rebels, as local residents have campaigned against mining company Oceanagold Corporation. Oceanagold's gold mining has caused river siltation and used up water, harming families and their livelihoods. In 2019, Oceanagold's mining permit expired; the company filed suit, but trial and appellate courts upheld this expiration.²⁰⁹ Backed by public sentiment, the provincial government

¹⁹⁹ See virtual testimony of Rhea Padilla during the February 19, 2021 Plenary hearing before the Sub-Commissioners; Fact Sheet for Case No. 22 in Annex.

²⁰⁰ See Fact Sheet for Case No. 22 in Annex.

²⁰¹ See virtual testimony of Rhea Padilla during the February 19, 2021 Plenary hearing before the Sub-Commissioners. Communication from NUPL, March 8, 2021.

²⁰² See virtual testimony of Rhea Padilla during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

²⁰³ <https://www.rappler.com/nation/pnp-confiscates-progressive-magazine-after-anti-terror-law-takes-effect>

²⁰⁴ <https://www.altermidya.net/hinggil-sa-panununog-ng-pinoy-weekly-issues-sa-pandi-bulacan/>

²⁰⁵ <https://newsinfo.inquirer.net/1312334/pinoy-weekly-publisher-condemn-alleged-illegal-seizure-of-print-magazines-by-bulacan-police#ixzz6TLWnsY7f>

²⁰⁶ <https://www.rappler.com/nation/pinoy-weekly-files-complaint-chr-illegal-seizure-printed-copies>

²⁰⁷ See virtual testimony of Rhea Padilla during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

²⁰⁸ See Fact Sheet for Case No. 21 in Annex.

²⁰⁹ See Fact Sheet for Case No. 21 in Annex; <https://news.mongabay.com/2020/07/philippine-court-rejects-oceanagolds-bid-to-keep-mining-on-expired-permit/>

directed locals to restrain Oceanagold's operations.²¹⁰ However, on April 6, 2020, escorted by the police, Oceanagold's trucks forcibly entered the area.²¹¹ The local community formed a human barricade, which the police violently dispersed, injuring at least three.²¹² Chairperson of indigenous organization DESAMA Rolando Pulido was arrested and charged with "disobeying" police officers.²¹³ Despite the expiration of Oceanagold's permit to operate, the company still continues operations.

G. Other Violations of International Humanitarian Law

Duterte ceased peace talks with the National Democratic Front of the Philippines (NDFP) in 2017, and permanently terminated the talks in 2019.²¹⁴ The 1998 Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) is a bilateral agreement between the government and the NDFP, which includes the CPP and NPA, to respect human rights and international humanitarian law amidst the ongoing armed conflict.²¹⁵ A product of the now-stalled peace process, the agreement prohibits desecration of those who have died in armed conflict, requiring that remains are disposed of with respect.

On November 28, 2020, 22-year-old Jevilyn Cullamat, an alleged medic of the NPA, was killed during an alleged encounter with the Philippine Army in Marihatag, Surigao del Sur.²¹⁶ She was the youngest daughter of a Congressional representative from the Bayan Muna party-list. The Philippine Army's 3rd Special Forces Battalion arranged her remains as if she was carrying a rifle, together with firearms, improvised explosives, as well as CPP-NPA-NDFP flags, and photographed her body with members of the military posing in the background.²¹⁷ The photo was uploaded by the state-run *Philippine News Agency* on its Twitter account, but after public backlash, the Tweet was taken down.²¹⁸ The photo's creation and distribution violate international humanitarian law on the dignified treatment of the dead.²¹⁹ Meanwhile, National Security Adviser Hermogenes Esperon, Jr., who is vice-chair of the NTF-ELCAC, used the publicity on Cullamat's

²¹⁰ <https://news.mongabay.com/2020/07/philippine-court-rejects-oceanagolds-bid-to-keep-mining-on-expired-permit/>

²¹¹ See Fact Sheet for Case No. 21 in Annex. <https://news.mongabay.com/2020/04/standoff-over-philippines-didipio-mines-escalates-despite-covid-19-lockdown/>.

²¹² <https://miningwatch.ca/news/2020/4/29/global-civil-society-organizations-condemn-violent-dispersal-indigenous-peoples>

²¹³ See Fact Sheet for Case No. 21 in Annex.

²¹⁴ <https://news.abs-cbn.com/news/03/21/19/duterte-announces-permanent-termination-of-peace-talks-with-reds>

²¹⁵

https://peacemaker.un.org/sites/peacemaker.un.org/files/PH_980316_Comprehensive%20Agreement%20on%20Respect%20for%20Human%20Rights.pdf; on international humanitarian law, see https://www.icrc.org/en/doc/assets/files/other/what_is_ihl.pdf

²¹⁶ See Fact Sheet for Case No. 23 in Annex.

²¹⁷ For a reproduction of the photo, see See Annex 7.

²¹⁸ See Fact Sheet for Case No. 23 in Annex.

²¹⁹ Article 16 of the 1949 Geneva Convention; Article 34 (1) of the 1977 Additional Protocol I on International Armed Conflicts; Article 4 of the 1977 Additional Protocol II on Non-International Armed Conflicts.

death to red-tag and discredit the Bayan Muna party-list.²²⁰ Upcoming INVESTIGATE PH reports will further explore violations of international humanitarian law.

H. Abuses in COVID-19 Pandemic Response

Illustrative incidents covered in this report indicate that the Duterte administration's response to the COVID-19 pandemic has emphasized a militarized lockdown that criminalizes survival activities of the poor.²²¹ State security forces have also used the COVID-19 pandemic as a pretext for political repression, such as suppressing public outcry against the Anti-Terrorism Act (ATA).²²² Meanwhile, the Supreme Court has largely failed to alleviate the situation of prisoners in dangerous detention conditions.²²³

On March 16, 2020, the Philippine government declared a state of calamity for six months.²²⁴ In the next three months, police arrested 193,779 people for quarantine violations.²²⁵ Lockdown in the Philippines is enforced by the military and police, as well as local *barangay* officials.²²⁶ In addition to the suspension of schools, mass gatherings, and public transportation, strict stay-at-home orders have included requirements to carry quarantine passes to go outside and pass checkpoints, depending on the region and time.²²⁷ While the World Health Organization has recommended containing the spread of COVID-19 through social distancing regulations,²²⁸ research and evidence show lockdowns have heightened the suffering of urban poor people.²²⁹ These communities rarely receive sufficient government assistance, yet lockdowns deprive them of their livelihoods, since they must work outside daily for basic subsistence.²³⁰

In the Philippines, urban poor people who disobey quarantine orders to meet their economic needs have been criminalized.²³¹ On April 1, 2020, twenty-one residents of Sitio San Roque, Quezon City were arrested for converging in a major thoroughfare.²³²

²²⁰ See Fact Sheet for Case No. 23 in Annex.

²²¹ See Fact Sheet for Cases No. 31, 32, 33, 36, 38 and 39; see also Summary Cue Cards for Cases No. 34, 35, 37 and 40 in Annex.

²²² See Fact Sheet for Cases No. 33 and 36 and Summary Cue Card No. 37 in Annex.

²²³ See Fact Sheet for Case No. 43 in Annex.

²²⁴ <https://cnnphilippines.com/news/2020/3/17/ph-state-of-calamity-coronavirus.html>

²²⁵ <https://www.rappler.com/nation/court-clears-activists-quarantine-case-notifiable-disease-law-improper>

²²⁶ <https://www.amnesty.org/en/latest/news/2020/04/philippines-president-duterte-shoot-to-kill-order-pandemic>; <https://www.scmp.com/week-asia/economics/article/3080765/coronavirus-fears-grow-martial-law-lockdown-philippines>; <https://www.amnesty.org/en/latest/news/2020/04/philippines-investigate-humiliating-abuses-curfew/>

²²⁷ <https://www.scmp.com/week-asia/economics/article/3080765/coronavirus-fears-grow-martial-law-lockdown-philippines>

²²⁸ <https://www.who.int/westernpacific/emergencies/covid-19/information/transmission-protective-measures>

²²⁹ <https://link.springer.com/article/10.1007/s10708-020-10281-6>;

<https://openknowledge.worldbank.org/handle/10986/33477>

²³⁰ <https://link.springer.com/article/10.1007/s10708-020-10281-6>;

<https://openknowledge.worldbank.org/handle/10986/33477>

²³¹ <https://www.opendemocracy.net/en/state-repression-philippines-during-covid-19-and-beyond/>

²³² See Fact Sheet for Case No. 32 in Annex for all remaining information provided in this paragraph

Nearly a thousand people had gathered because of a rumor relief aid would be distributed. When no relief arrived, a few peacefully expressed their grievances, leading media to misinterpret the gathering as a protest. Riot police subsequently dispersed and chased the crowd, arbitrarily arresting those seeking to comply as well as passersby. Although eventually bailed out at a cost of ₱367,500 (about USD \$7,500) through donations and public support, the arrestees still have charges pending for unlawful assembly and non-compliance with COVID-19 regulations. Residents desperate for relief were met with police response rather than assistance.

The night of April 1, 2020, Duterte called for police, military, and *barangay* officials to shoot dead those who disobey pandemic-related orders.²³³ Meanwhile, women sex workers have been forced to exchange sex with policemen for passes to leave their homes, to feed their families.²³⁴

Police have also harassed attempts by urban poor residents to organize mutual aid, targeting certain civil society organizations in a pattern of political intimidation.²³⁵ On April 6, 2020, the Quezon City police stormed community kitchens in Sitio San Roque organized by the residents. The police took down placards demanding food, mass testing, and services.²³⁶ Police chief Lieutenant Colonel Rodrigo Soriano claimed the kitchens were banned under the Luzon-wide lockdown, but national guidelines do not provide so.²³⁷

Others expressing grievances regarding elected officials' handling of the pandemic have been subject to repression. Maria Victoria Beltran is an artist who was arrested without a warrant on April 19, 2020, after she satirically posted on Facebook that Cebu City was the “epicenter” of COVID-19, and drew threats from City Mayor Edgardo Labella that she would be jailed for these comments.²³⁸ All the charges against Beltran -- for cybercrime, violating law on reporting of diseases, and fake news -- were eventually dropped, but she was held in police custody for three days.²³⁹

During the pandemic, at a time when the public's ability to voice opposition has been limited, Duterte fast-tracked the ATA's passage into law by certifying the bill as

²³³ <https://pcoo.gov.ph/presidential-speech/nation-address-of-president-roa-duterte-on-coronavirus-disease-2019-covid-19-pandemic/>

²³⁴ <https://www.rappler.com/newsbreak/in-depth/prostitutes-abused-by-cops-first-cross-coronavirus-border>

²³⁵ See Summary Cue Card No. 35 in Annex.

²³⁶ See Fact Sheet for Case No. 32 in Annex; <https://www.rappler.com/nation/police-storm-community-kitchens-tear-down-protest-posters-quezon-city-april-6-2020>

²³⁷ <https://www.rappler.com/nation/police-storm-community-kitchens-tear-down-protest-posters-quezon-city-april-6-2020>

²³⁸ See Fact Sheet for Case No. 38 in Annex.

²³⁹ <https://www.dw.com/en/maria-victoria-beltran-filipino-artist-confronts-duterte-on-covid-19-response/a-53524106#:~:text=Beltran%20was%20forced%20to%20pay,was%20released%20on%20April%2021>

urgent.²⁴⁰ Simultaneously, police repeatedly used COVID-19 as a cover to arrest those opposing the bill.²⁴¹ On June 5, 2020, police arrested seven university students who were protesting the Anti-Terrorism Bill at the University of the Philippines in Cebu, later announcing the students had violated the general community quarantine and COVID-19 prohibitions on public assembly.²⁴² The students were not initially informed of their rights or basis for arrest. Moreover, they wore face masks and observed social distancing protocols, while police violated these public health protocols at the time of arrest.²⁴³

On June 26, 2020, police arrested 20 people at a Pride Protest in Manila, where members of the LGBTQ+ community were calling for an anti-discrimination bill while opposing the Anti-Terrorism Bill.²⁴⁴ Arrestees were charged with violating the law on reporting communicable diseases and the Public Assembly Act, neither of which prohibits protests.²⁴⁵ After reviewing video footage of the march, the prosecutor verified health protocols had been observed by protesters, while a police officer at the scene had violated COVID-19 protocols.²⁴⁶

While public health is used as a pretext for repression, arrests contribute to a worsening public health crisis in prisons and detention centers. Philippine prisons have the highest rate of jail occupancy in the world, with overcrowding that makes social distancing impossible.²⁴⁷ There is also little to no testing of inmates, detainees, or guards.²⁴⁸ Arresting those who allegedly violate public health protocols can contribute to, rather than hinder, the pandemic's spread.²⁴⁹ Dangerous conditions in prisons have led international human rights organizations to recommend the release of low-risk and vulnerable detainees.²⁵⁰

On April 8, 2020, twenty-two political prisoners filed a case with the Supreme Court requesting this type of compassionate release for themselves, and the creation of a prisoner release committee to recommend release for other vulnerable detainees.²⁵¹

²⁴⁰ <https://www.rappler.com/nation/duterte-certifies-urgent-tougher-anti-terrorism-bill>

²⁴¹ See Fact Sheet for Cases No. 33 and 36 and Summary Cue Card No. 37.

²⁴² See Fact Sheet for Case No. 36 in Annex; <https://cebudailynews.inquirer.net/315800/police-ready-charges-against-7-arrested-protesters>

²⁴³ See Fact Sheet for Case No. 36 in Annex.

²⁴⁴ See Fact Sheet for Case No. 33 in Annex.

²⁴⁵ See Fact Sheet for Case No. 33 in Annex.

²⁴⁶ See Fact Sheet for Case No. 33 in Annex.

²⁴⁷ <https://www.icrc.org/en/document/philippines-amidst-covid-19-outbreak-icrc-focuses-one-most-vulnerable-places-prisons>

²⁴⁸ <https://www.rappler.com/newsbreak/investigative/philippine-jails-covid-time-bomb>

²⁴⁹ <https://www.rappler.com/newsbreak/investigative/philippine-jails-covid-time-bomb>

²⁵⁰ <https://www.hrw.org/news/2020/04/06/philippines-reduce-crowded-jails-stop-covid-19>

²⁵¹ See Fact Sheet for Case No. 43 in Annex. See also virtual testimony of Fides Lim during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

The petitioners, who include elderly, sick, and pregnant prisoners, are human rights defenders and activists arrested on non-bailable charges.²⁵²

In response, the Office of the Solicitor General stated that congestion is not a valid reason to release inmates, and Interior Secretary Eduardo Año, whose agency oversees the Bureau of Jail Management and Penology, claimed prisons and detention centers are “COVID-free.”²⁵³ The Supreme Court ultimately remanded the petition to the lower courts, so that the detainees have no recourse but to seek tedious bail processes.²⁵⁴ The consequences of this disregard are illustrated in the aforementioned case of petitioner Reina Mae Nasino, whose baby died as a result of separation from its imprisoned mother.²⁵⁵

Beyond a disregard for health, there are also legal violations as a result of COVID-19 in the prisons. Due to social distancing rules, lawyers must meet with their clients via video meetings, so the principle of privileged communication is undermined.²⁵⁶

IV. Domestic Remedies: Lack of Redress for Ongoing Violations

This report not only confirms but expands upon the June 2020 OHCHR report’s findings on the deepening human rights crisis in the Philippines. With the drug war, the creation of the NTF-ELCAC, the July 2020 passage of the Anti-Terrorism Act (ATA), and the Philippine government’s militarized response to COVID-19, the perpetration of human rights violations by state forces has become more institutionalized, streamlined, and entrenched.²⁵⁷

The cases this report has explored offer detailed evidence that domestic remedies for such violations are insufficient. Domestic remedies have been ineffective at providing redress – and at halting continued abuses. The power imbalance between victims of state violence, and perpetrators who have the backing of government apparatuses, is grave. Structures to redress this imbalance are lacking.

²⁵² See Fact Sheet for Case No. 43 in Annex. See also virtual testimony of Fides Lim during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

²⁵³ <https://www.rappler.com/newsbreak/investigative/philippine-jails-covid-time-bomb>

²⁵⁴ See Fact Sheet for Case No. 43 in Annex. See also virtual testimony of Fides Lim during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

²⁵⁵ See Fact Sheet for Case No. 44 in Annex.

²⁵⁶ See virtual testimony of Fides Lim during the February 19, 2021 Plenary hearing before the Sub-Commissioners. This problem also emerged in the case of Reina Mae Nasino.

²⁵⁷ <https://www.hrw.org/world-report/2021/country-chapters/philippines>;
<https://www.amnesty.org/en/latest/news/2020/07/philippines-dangerous-antiterror-law-yet-another-setback-for-human-rights/>; <https://www.karapatan.org/karapatan-monitor-may-aug-2020>, p. 3-10;
<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=25999&LangID=E>

This Initial Report submits the following reasons for the failure of domestic remedies:

- **The police and military are perpetrating violations -- and obstructing investigations.**

From the “War on Drugs” to the targeting of human rights defenders, the police and military are responsible for perpetrating extrajudicial killings,²⁵⁸ massacres,²⁵⁹ enforced disappearances,²⁶⁰ torture,²⁶¹ unjust detentions and arrest,²⁶² as well as other acts of repression.²⁶³ State-sponsored paramilitaries, and “vigilantes” who are in fact hired by or working with government security forces, are also perpetrators.²⁶⁴ Transparency and accountability measures for the police and military are grossly lacking.²⁶⁵ The police have obstructed investigations and planted evidence, refusing to comply with Supreme Court orders to release documents.²⁶⁶

- **Investigations of violations are not impartial.**

Investigations into police and military abuses are mostly conducted internally, if at all, by the police and military themselves.²⁶⁷ They lack independence and impartiality. Special inter-agency task forces and panels to probe extrajudicial killings have also included the police, military, Philippine Drug Enforcement

²⁵⁸ See Fact Sheet for Case No. 5, 45, 46, 47 and 48 in Annex; see also:

<https://www.karapatan.org/FINAL+REPORT+OF+THE+NATIONAL+FACT-FINDING+AND+SOLIDARITY+MISSION+IN+NEGROS+ORIENTAL%2C+PHILIPPINES+April+4-8%2C+2019>

²⁵⁹ See Fact Sheet for Case No. 7 in Annex; see also:

<https://www.karapatan.org/ano+red+tags+victim+of+baras+massacre+to+cover+up+the+militarys+war+crimes>

²⁶⁰ <https://www.bulatlat.com/2017/08/30/4-people-disappeared-duterte/>;

<https://www.karapatan.org/desaparecidos+warns+of+rise+in+cases+of+enforced+disappearance+under+terror+law+launches+protest+quilt+for+justice>

²⁶¹ See Fact Sheet for Case No. 9 in Annex; see also: for further information about police use of torture see:

<https://www.karapatan.org/Peasant+organizer+arrested%2C+tortured+-+Karapatan>; For information about military use of torture see: <https://www.amnesty.org/download/Documents/ASA3574272017ENGLISH.PDF> p. 18-20.

²⁶² See Fact Sheet for Case No. 10, 11, 12, 13, 14 and 19. See also <https://www.bulatlat.com/2020/06/05/cops-break-into-up-cebu-grounds-arrest-7-protesters/>

²⁶³ See for example Fact Sheet for Case No. 23; 33; 36.

²⁶⁴ Arnold P. Alamon, *Wars of Extinction: Discrimination and the Lumad Struggle in Mindanao* (Iligan City: Rural Missionaries of the Philippines Northern Mindanao Sub-Region, Inc.), 2017; <https://www.reuters.com/article/us-philippines-duterte-police-specialrep/special-report-police-describe-kill-rewards-staged-crime-scenes-in-dutertes-drug-war-idUSKBN17K1F4>; https://www.amnesty.org.uk/files/2017-04/ASA3555172017ENGLISH.PDF?973DdFTpveG_iJgeK0U13KUVFHKSL_X.

²⁶⁵ <https://www.amnesty.org.ph/wp-content/uploads/2019/07/They-Just-Kill-FullReportLoRes-1.pdf>, p. 32-35; <https://www.rappler.com/newsbreak/investigative/duterte-government-rubbish-files-stall-supreme-court-drug-war-case-part-one>; <https://www.rappler.com/nation/hrw-says-doj-damning-review-pnp-lapses-drug-war-bluff>;

²⁶⁶ E.g., see Fact Sheet for Case No. 1, 10, 11, 12, 13, and 14 in Annex; see also:

<https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 11; <https://www.amnesty.org.ph/wp-content/uploads/2019/07/They-Just-Kill-FullReportLoRes-1.pdf>, p. 34-5;

<https://www.rappler.com/newsbreak/investigative/duterte-government-rubbish-files-stall-supreme-court-drug-war-case-part-one>

²⁶⁷ <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6;

<https://www.amnesty.org.ph/wp-content/uploads/2019/07/They-Just-Kill-FullReportLoRes-1.pdf>

Agency, or bodies implicated in abuses.²⁶⁸ Police investigations have not bothered to probe the sources of prior threats leading up to the extrajudicial killings of human rights defenders.²⁶⁹

- **Available mechanisms for civilians to hold police and military accountable are failing.**

The Office of the Ombudsman is a key legal channel for people to file complaints against police, military, and government agents for corruption and abuse.²⁷⁰ Yet the Ombudsman has mostly ruled in favor of police and military.²⁷¹ Procedures at the Ombudsman are slow, tedious, and inconsistent.²⁷² The Ombudsman has let off superior officers in the few cases to reach it.²⁷³ Only one drug campaign-related killing of thousands has resulted in police being convicted of murder.²⁷⁴ The majority of extrajudicial killings, torture, disappearances, and unjust detentions do not result in prosecution, much less conviction.²⁷⁵

- **Court protections are inaccessible, slow, and discriminatory.**

Human rights defenders facing threats to their lives have applied for court protection orders (“writ of *amparo*”), only to be denied because courts required higher proof of threats’ seriousness and specific sources.²⁷⁶ In numerous cases, applicants were killed after being denied protection, or while their applications

²⁶⁸ <https://www.hrw.org/world-report/2021/country-chapters/philippines>;
<https://www.amnesty.org/en/latest/news/2020/09/philippines-un-pressure-end-killings/>;
<https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6

²⁶⁹ See Fact Sheets for Cases No. 1, 2, 6 and Summary Cue Cards for Case No. 3 and 4 in Annex.

²⁷⁰ <https://www.ombudsman.gov.ph/about-us/mandate/>

²⁷¹ See Fact Sheets for Cases No. 45, 46, 47, 48 in Annex;

<https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6. For the numbers regarding the Ombudsman’s ruling on torture: <https://www.amnesty.org/en/latest/news/2014/12/above-law-police-torture-philippines/>. Of the 10,859 complaints received by the Ombudsman in 2018, only a handful (less than 6%) were decided in court, and most of those were for graft and corruption; of 698 new cases filed with the courts in 2018, only 10 related to the Philippine National Police.

<https://www.ombudsman.gov.ph/docs/08%20Resources/2018%20Ombudsman%20Annual%20Report.pdf>.

²⁷² E.g., see Fact Sheet for Case No. 22 and Summary Cue Card for Case No. 41 in Annex.

²⁷³ E.g., see Fact Sheet for Cases No. 45, 46, 47 and 48 in Annex;

<https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6; <https://www.amnesty.org.ph/wp-content/uploads/2019/07/They-Just-Kill-FullReportLoRes-1.pdf>; <https://www.rappler.com/nation/calooacan-court-verdict-cops-lied-kian-delos-santos-helplessly-killed>; and note 258 above.

²⁷⁴ <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6.

²⁷⁵ E.g., see Fact Sheet for Cases No. 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13 14 and 19 in Annex;
<https://www.amnesty.org.ph/wp-content/uploads/2019/07/They-Just-Kill-FullReportLoRes-1.pdf>;
<https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6;
<https://www.amnesty.org/en/latest/news/2014/12/above-law-police-torture-philippines/>

²⁷⁶ See virtual testimony of Christina Palabay during the February 16, 2021 Plenary hearing before the Sub-Commissioners; See Also Fact Sheet for Case No. 42 in Annex.

were still pending.²⁷⁷ Mistrust of the judicial system is high.²⁷⁸ Court backlogs and slow procedures ensure that justice is delayed.²⁷⁹ The majority of prisoners in Philippine jails – 75 percent in 2018 – are pre-trial detainees.²⁸⁰ Many cannot afford bail.²⁸¹ Human rights defenders continue to be systematically and falsely charged with illegal explosives possession, a non-bailable offense.²⁸² Victims of political repression who seek to challenge their unjust detention through *habeas corpus* have had lower courts simply uphold their imprisonment based on a subsequent filing of charges, regardless of unjust procedures.²⁸³ They have remained in jail as pre-trial and post-trial detainees, often for years.²⁸⁴

- **The government’s National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) is orchestrating political repression and militarizing governance.**

The NTF-ELCAC is an inter-agency body that involves a broad range of government agencies, including those for health and human services, in backing the police and military’s counter-insurgency operations.²⁸⁵ The task force has led the “red-tagging” of human rights defenders, government critics, and political opposition, organizing their vilification as “communists” or “terrorists” in public forums and media.²⁸⁶ It provides cover, justification, and support to police and military operations to target and dismantle civil society organizations through

²⁷⁷ See Fact Sheet for Case No. 42, 2, and Summary Cue Card for Case No. 27 in Annex; and virtual testimony of Christina Palabay during the February 16, 2021 Plenary hearing before the Sub-Commissioners. See also:

<https://www.rappler.com/nation/zara-alvarez-petition-writ-amparo-habeas-data-court/>;

<https://www.gmanetwork.com/news/specials/content/170/zara-alvarez-tagged-you-re-dead/>.

²⁷⁸ <https://www.lowyinstitute.org/the-interpreter/philippines-verdict-impunity>;

<https://www.sws.org.ph/swsmain/artcldisppage/?artcsyscode=ART-20181010122553>

²⁷⁹ E.g., see virtual testimony of Fides Lim during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

²⁸⁰ <https://theaseanpost.com/article/packed-prisons-philippines>

²⁸¹ E.g. see <https://www.gmanetwork.com/news/news/specialreports/314386/too-poor-to-post-bail-thousands-spend-years-in-jail-without-conviction/story/>. With COVID-19, the Supreme Court ruled to reduce bail for some indigent prisoners, but others may fall through the cracks; <https://businessmirror.com.ph/2020/05/01/sc-slashes-bail-for-poor-pdls-to-ease-prison-congestion-control-virus-spread/>

²⁸² E.g. see Fact Sheet for Case No. 7, 10, 11, 13, 43, 44 in Annex.

²⁸³ See Fact Sheet for Cases No. 49 in Annex; see also:

<https://www.philstar.com/headlines/2020/12/18/2064737/two-human-rights-day-7-see-release-order-supreme-court>

²⁸⁴ E.g., see virtual testimony of Fides Lim during the February 19 hearing in which she mentioned cases where prisoners have been in prison for over 10 years awaiting a trial). In Case number 13, Esparago and Salem have had the charges against them dismissed, but they were still held in prison. See also:

<https://www.rappler.com/voices/thought-leaders/analysis-lengthy-pretrial-detention-philippines-little-dark-secret>

²⁸⁵ <https://www.rappler.com/newsbreak/in-depth/duterte-final-gambit-task-force-against-communists>;

<https://www.karapatan.org/2019-karapatan-year-end-report>, p. 11-13, 58-66.

²⁸⁶ See Fact sheet for Case No. 9, 17, 22, 23, 24, 26, 42 and see Summary Cue Card for Case No. 25, 27, 28 and 29 in Annex.

intimidation, threats and harassing surveillance;²⁸⁷ raids and unjust arrests;²⁸⁸ enforced disappearances;²⁸⁹ and extrajudicial killings.²⁹⁰ The NTF-ELCAC is effectively militarizing government, eroding checks and balances, and restricting spaces for dissent through a “whole-of-nation” approach that leaves victims isolated and with less recourse to seek redress through state agencies.²⁹¹

- **Counter-insurgency activities are targeting lawyers, denying victims access to independent counsel.**

Lawyers have been targets of extrajudicial killings, threats, and harassment – including those of the National Union of Peoples’ Lawyers (NUPL), which provides free counsel and representation to victims of state violence and on public interest issues.²⁹² Public defenders have also been killed for taking on controversial cases.²⁹³ The NTF-ELCAC launched a public campaign to attack and discredit the NUPL, and torture victims were influenced by government agencies to reject independent legal representation by the NUPL.²⁹⁴ Pro bono representation is already severely lacking, and repression has a chilling effect on lawyers’ willingness to help victims of state violence.²⁹⁵

- **Efforts to challenge unjust laws through legal channels are being dismissed in court or repressed.**

Counter-insurgency activities have targeted petitioners who sought to challenge the ATA, pressuring them to drop their cases or slapping trumped-up charges against them.²⁹⁶ With the COVID-19 pandemic, police have arrested participants in public demonstrations and filed harassing charges against them for disobeying authorities in violation of health regulations, breaching the Public Assembly Act,

²⁸⁷ See Fact Sheet for Case No. 22, 24; and Summary Cue Cards for Case No. 25; 27; 28, 29 in Annex. See virtual testimony of Rhea Padilla during the February 19, 2021 Plenary hearing before the Sub-Commissioners; and virtual testimony of Christina Palabay during the February 16, 2021 Plenary hearing before the Sub-Commissioners.

²⁸⁸ See Fact Sheet for Case No. 13 in Annex.

²⁸⁹ See Fact Sheet for Case No. 8; also:

<https://www.karapatan.org/desaparecidos+warns+of+rise+in+cases+of+enforced+disappearance+under+terror+law+launches+protest+quilt+for+justice>

²⁹⁰ See Fact Sheet for Case No. 7; See also: See virtual testimony of Christina Palabay during the February 16, 2021 Plenary hearing before the Sub-Commissioners.

²⁹¹ See also <https://www.karapatan.org/2019-karapatan-year-end-report>, p 11-13; “RLECC-CAR Resolution No. 04 s. 2021” in Annex 7.

²⁹² See Summary Cue Card for Case No. 28; <https://freedomhouse.org/article/philippines-attacks-against-lawyers-escalating>

²⁹³ <https://www.lrwc.org/killing-the-lawyers-forty-jurists-murdered-in-the-philippines-since-2016-report/>
<https://www.rappler.com/newsbreak/iq/list-judges-prosecutors-lawyers-killed-under-duterte-government>

²⁹⁴ Case 9. The police do not allow those whose houses are being searched or have been arrested to call a lawyer (Case 13, HRD7)

²⁹⁵ On difficulties securing legal representation, <https://worldjusticeproject.org/sites/default/files/documents/WJP-A2J-2019.pdf>, p. 85, indicates only 20% of people with a legal problem in the Philippines are able to access help (as of 2018); <https://www.philstar.com/headlines/2021/03/05/2082198/attack-red-tagged-rights-lawyer-have-chilling-effect-members-legal-profession>

²⁹⁶ See Fact Sheet for Case No. 9, 19 in Annex.

and “resistance,” despite the protesters observing physical distancing and other health protocols.²⁹⁷ Alternative, independent, and critical media has also been targeted for repression.²⁹⁸ Erosions of due process are being legalized and institutionalized.²⁹⁹

- **Opposition political voices providing a check on police, military, and executive power have been eliminated from the Supreme Court and Congress.**

The Duterte administration has taken bold steps to eliminate political opposition.³⁰⁰ It petitioned the Supreme Court to remove Chief Justice Maria Lourdes Sereno, who critiqued the “War on Drugs” and martial law in Mindanao, from the Supreme Court;³⁰¹ and helped target Senator Leila de Lima, also a vocal drug war critic, with false drug charges landing her in prison.³⁰² Following the 2019 elections, Duterte gained majority control over Congress.³⁰³ This enabled him to rush the passage of the ATA, despite it containing arguably unconstitutional provisions.³⁰⁴ The ATA was strongly opposed across civil society, and thirty-seven petitions regarding its constitutionality are pending before the Supreme Court.³⁰⁵

- **Public institutions and bodies which should provide checks and balances, or oversight on the police and military, have been eviscerated or lack clout.**

The Commission on Human Rights suffered a major threat to its budget in September 2017, and was red-tagged by NTF-ELCAC spokesperson General Antonio Parlade.³⁰⁶ The Joint Monitoring Committee of the CARHRIHL, tasked to monitor whether human rights and international humanitarian law are respected

²⁹⁷ See Fact Sheet for Case 33 and 36; Summary Cue Card for Case 37 in Annex. Case 35

²⁹⁸ See Fact Sheet for Case No. 22; See also virtual testimony of Rhea Padilla during the February 19, 2021 Plenary hearing before the Sub-Commissioners; see also <https://thediomat.com/2020/07/lawmakers-vote-to-close-down-philippines-largest-tv-network/> and <https://www.bbc.com/news/world-asia-53046052>

²⁹⁹ E.g., roving search warrants issued from remote courts using generic “John Does,” filing charges in distant venues, classifying charges as non-bailable, expanding warrantless arrests, applying “presumption of regularity” for police, and more. On the weaponization of search warrants: <https://news.abs-cbn.com/spotlight/03/09/21/weaponized-search-warrants-in-bloody-sunday-killings-put-pressure-on-supreme-court-to-act-to-prevent-bloodshed>.

³⁰⁰ <https://www.aljazeera.com/news/2019/6/25/duterte-attempting-to-silence-political-opponents-report>

³⁰¹ <https://www.reuters.com/article/us-philippines-judiciary-idUSKBN1IC0EM>; <https://www.theguardian.com/world/2018/may/12/fear-for-democracy-after-top-philippine-judge-and-government-critic-removed>

³⁰² <https://www.lowyinstitute.org/the-interpreter/philippine-senator-taking-president-duterte>; <https://www.theguardian.com/world/2017/feb/24/philippines-senator-leila-de-lima-president-duterte-serial-killer-faces-arrest>; <https://www.cnnphilippines.com/news/2020/2/23/de-lima-third-year-in-jail.html>

³⁰³ <https://www.rappler.com/nation/elections/official-results-senators-philippines>; <https://www.rappler.com/newsbreak/iq/numbers-composition-18th-congress-philippines>

³⁰⁴ <https://www.rappler.com/nation/duterte-certifies-urgent-tougher-anti-terrorism-bill>; <https://cnnphilippines.com/news/2021/1/30/Anti-Terrorism-Act-oral-arguments-Supreme-Court.html>

³⁰⁵ <https://thediomat.com/2021/02/battle-over-anti-terror-law-opens-at-the-philippines-top-court/>

³⁰⁶ See Fact Sheet for Case No. 30; <https://cnnphilippines.com/news/2017/09/12/Commission-on-Human-Rights-CHR-House-budget.html> <https://www.rappler.com/nation/gascon-reaction-chr-budget-2018-restoration-house>

in armed conflict, is not fully operational.³⁰⁷ Locally, government officials who are legally required to witness police searches have instead arrived late and failed to act independently.³⁰⁸ *Barangay*-level officials, those most accessible to citizens, have colluded to create drug target lists for police, and have refrained from interfering with police operations when residents seek their help.³⁰⁹

- **Even when remedies are secured, they are inadequate justice.**

Although some trumped-up charges against human rights defenders and drug suspects have been dismissed, in many cases the damage is already done: such attacks immobilize critics, further political repression, and unjustly imprison people for years, without compensation for harm or accountability for police abuses.³¹⁰ Moreover, occasional instances of convicting perpetrators – such as when police were found guilty of Kian de los Santos' murder – have not resulted in changing the institutional priorities and practices that are giving rise to human rights abuses in the first place, and that continue to fuel drug war and extrajudicial killings.³¹¹ Rare convictions which hold individuals accountable still do not address the institutional drivers of human rights violations.

V. Preliminary Recommendations

This Initial Report offers the following preliminary recommendations.

To the United Nations Human Rights Council:

- Urge Member States, relevant United Nations agencies, and other stakeholders to make use of international mechanisms, including the establishment of UNHRC commissions of inquiry, fact-finding missions, or investigations, to help improve the human rights situation in the Philippines, exert accountability, and deliver measurable as well as reliable justice to victims.
- Ensure the permanent protection of all witnesses in the INVESTIGATE PH process, and all other investigations on cases of extrajudicial killings (EJKs) and other human rights violations, as well as protection of all individuals and organizations “red-tagged,” against all acts of intimidation and reprisal; ensure

³⁰⁷ E.g., <https://www.philstar.com/opinion/2018/03/17/1797474/implementing-carhrihl-more-relevant-ever>; see also Fact Sheet for Case No. 23 in addition to the other human rights violations outlined in this report.

³⁰⁸ E.g., see Fact Sheet for Case No. 10, 11, 12, 13 and 14 in Annex.

³⁰⁹ E.g., <https://www.amnesty.org.ph/wp-content/uploads/2019/07/They-Just-Kill-FullReportLoRes-1.pdf>, p.6; https://www.hrw.org/sites/default/files/report_pdf/philippines0317_web_1.pdf, p. 7; see Case 47 in Annex.

³¹⁰ See virtual testimony of Rhea Padilla during the February 19, 2021 Plenary hearing before the Sub-Commissioners; Summary Cue Card for Case No. 18; Fact Sheet for Case No.17 in Annex. Regarding lengthy unjust imprisonment, see virtual testimony of Fides Lim during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

³¹¹ For instance, in the ruling on Kian de los Santos' murder the judge did not comment on the validity or legality of the police operation that led to this killing in the first place: <https://www.rappler.com/nation/calocan-court-verdict-cops-lied-kian-delos-santos-helplessly-killed>

that protection plans be made with independent international institutions for their safety and security.

- Ensure the Philippine government's compliance with its obligation to provide adequate, effective and prompt reparation, including indemnification, to victims of gross human rights violations and to their families.
- Continue to exert pressure and/or use moral suasion on the Philippine authorities to provide immediate and unhindered access to international human rights monitoring and investigative mechanisms, including UN bodies, the Universal Periodic Review and the Special Procedures of the Human Rights Council, investigators of the International Criminal Court, and to this Independent International Commission of Investigation.
- Ensure that the human rights situation in the Philippines remains on the agenda of the Council, and ensure robust monitoring, documentation and reporting on the situation at regular intervals to the Council.
- Support the formal submission of this INVESTIGATE PH Initial Report to Member States, through UNHRC mechanisms, as well as the Second Report in June 2021, and the Final Report in September 2021.

To States in General, their respective Ministries of Foreign Affairs or Parliaments:

- Monitor the compliance of the Philippine government with international human rights treaties and obligations such as the International Covenant on Civil and Political Rights (ICCPR) and its Second Optional Protocol, as well as the other International Human Rights Covenants to which the Philippines is a signatory, and mobilize diplomatic tools to ensure that these obligations are observed and realized.
- Ensure that diplomatic guidelines on human rights and human rights defenders are observed and implemented in the Philippines.

To the International Criminal Court:

- Receive this Initial Report and the two succeeding Reports of INVESTIGATE PH.
- Expedite the process of bringing the preliminary examination to a conclusion and of reaching a decision on whether to seek authorization to open an investigation into the situation in the Philippines.

To the International Labor Organization:

- Expedite the ILO High Level Tripartite Mission to the Philippines, which was decided on in 2019.

To Civil Society:

- Promote this Report, its findings and conclusions to relevant state actors, civil society, and the international community.
- Mobilize the broadest array of support for the call for accountability and justice for the victims in the Philippines, along with calls to end military assistance to Philippine state actors.
- Become an Endorser of INVESTIGATE PH.

VI. Conclusion

The courage of human rights defenders, survivors, witnesses, civil society organizations, journalists, lawyers, and tireless advocates on the ground has helped to ensure the human rights violations featured in this report are brought to light.

The evidence set out in this report demonstrates that serious violations of human rights have intensified since the June 2020 report (A/HRC/44/22) of the UN Office of the High Commissioner for Human Rights (OHCHR),³¹² and the October 2020 resolution of the UN Human Rights Council on technical and capacity-building assistance to the Philippine government regarding its human rights responsibilities.³¹³

Police killings of civilians in the “War on Drugs” have spiked during the COVID-19 lockdown: as of August 2020, such killings rose 50 to 76 percent per month on average, compared to in months preceding lockdown.³¹⁴ The militarized response to the pandemic is criminalizing the survival activities of the poor. It has also enabled political repression – including violations of media freedom, expression, and freedom of assembly – coinciding with the passage of the widely opposed Anti-Terrorism Act (ATA), which was fast-tracked and enacted in July 2020.³¹⁵

Extrajudicial killings of human rights defenders, lawyers and judges, and peace consultants, have continued to climb, with a recent massacre of nine Tumandok indigenous people in December 2020.³¹⁶ Enforced disappearances persist.³¹⁷ A case

³¹² <https://undocs.org/en/A/HRC/44/22>

³¹³ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26355&LangID=E>

³¹⁴ <https://www.hrw.org/news/2020/09/08/killings-philippines-50-percent-during-pandemic>;

<https://www.hrw.org/news/2020/09/28/another-spike-philippines-drug-war-deaths>

³¹⁵ <https://www.rappler.com/nation/duterte-certifies-urgent-tougher-anti-terrorism-bill>;

<https://www.karapatan.org/karapatan-monitor-may-aug-2020>;

<https://www.nytimes.com/2020/07/10/world/asia/philippines-congress-media-duterte-abs-cbn.html>

<https://newsinfo.inquirer.net/1272136/cebu-artist-arrested-for-fake-news-bags-international-award>

<https://www.rappler.com/nation/cops-arrest-individuals-pride-month-protest-manila-june-2020>; see also Fact Sheet for Case No. 33 and 36; and Summary Cue Card for Case No. 37 and 38 in Annex.

³¹⁶ See Fact Sheet for Case No. 7. See Virtual testimony of Analyn Giganto during the February 16, 2021 Plenary hearing before the Sub-Commissioners.

³¹⁷ See Fact Sheet for Case No. 8 in Annex.

recounted in this report involving violence against Aeta indigenous people in Luzon shows that the new ATA is now enabling torture.³¹⁸

Forced evacuations of whole communities in the countryside continue, because of aerial or artillery bombardment, or the placing of military detachments inside *barangays*.³¹⁹ And the recent trophy photo of the remains of a slain NPA medic breaches the Geneva Conventions, core international humanitarian law.³²⁰

Political repression – and the human rights violations that result from it – have become more institutionalized, streamlined, and brazen, due to the mechanisms of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) and ATA. The NTF-ELCAC is systematizing both “red-tagging” – the vilification of individuals or groups as communist or terrorist – and state violence against those tagged.³²¹

Military and police commanders, as well as President Duterte himself, have openly proscribed individuals and organizations.³²² While the ATA provoked a record number of petitions to the Supreme Court to declare it unconstitutional, petitioners have been coerced to drop their case and slapped with harassing counter-charges.³²³

A core claim of the Philippine government in the UN Human Rights Council in June and October 2020, and in February 2021 – that domestic accountability mechanisms are “functioning as they should” – cannot be sustained.³²⁴

Rather, the state forces that perpetrate violence are obstructing investigations.³²⁵ Investigations that are carried out have usually been neither impartial nor independent,

³¹⁸ See Fact Sheet for Case No. 9 in Annex; see also virtual testimony of Gia Clemente during the February 16, 2021 Plenary hearing before the Sub-Commissioners.

³¹⁹ See “Table 1: Violation of Civil & Political Rights Under the Rodrigo Duterte Government (July 2016 to December 2020)” in Annex; see also Fact Sheet for Case No. 20 in Annex.

³²⁰ See Fact Sheet for Case No. 23 in Annex; https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.32_GC-III-EN.pdf

³²¹ <https://www.rappler.com/newsbreak/in-depth/duterte-final-gambit-task-force-against-communists>; <https://www.karapatan.org/2019-karapatan-year-end-report>

³²² See Fact Sheet for Case No. 22, 25, 30 and 42; Summary Cue Card for Case No. 27, 28 and 29. See also: <https://www.aljazeera.com/news/2021/3/6/kill-them-all-duterte-wants-communist-rebels-finished>; <https://www.karapatan.org/2019-karapatan-year-end-report>

³²³ See Fact Sheet for Case No. 9 and 19 in Annex. <https://www.cnn.ph/news/2021/3/9/supreme-court-anti-terrorism-act-attacks-petitioners-lawyers.html>

³²⁴ <https://genevapm.dfa.gov.ph/national-statements/889-ph-statement-at-the-high-level-segment-of-the-46th-session-of-the-hrc>; <https://pcoo.gov.ph/OPS-content/on-the-ph-governments-comprehensive-reaction-to-the-latest-report-of-the-united-nations-office-of-the-high-commissioner-for-human-rights/>; https://www.ohchr.org/Documents/Issues/Defenders/CFI_killings/submissions/states/philippines-eng-y.pdf

³²⁵ See Fact Sheet for Case No. 1, 10, 11, 12, 3, and 14 in Annex; see also: <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 11; <https://www.amnesty.org.ph/wp-content/uploads/2019/07/They-Just-Kill-FullReportLoRes-1.pdf>, p. 34-5; <https://www.rappler.com/newsbreak/investigative/duterte-government-rubbish-files-stall-supreme-court-drug-war-case-part-one>

but are overseen wholly or in part by the agencies responsible for abuse, such as the police, military, and drug enforcement agency.³²⁶ Mistrust of the judicial system is high, and channels for victims of abuse to seek justice are failing them.³²⁷ The Ombudsman, which handles complaints against officers, routinely rejects most.³²⁸ Human rights defenders under threat have often been denied court protection orders, with lethal consequences.³²⁹ When police have planted evidence to jail human rights defenders, *habeas corpus* is not functioning to speed their release, because courts are allowing belated charges filed by prosecutors to correct irregularities at time of arrest.³³⁰ Most prisoners are pre-trial detainees, and some political prisoners have been held in detention even after trumped-up charges against them are dismissed.³³¹

On a larger level, checks and balances in governance have been eroded.³³² Instead, the NTF-ELCAC is advancing the militarization of governance, drawing a broad range of government agencies, including those for health and human services, into backing police and military operations.³³³

As this report goes to press, the local law enforcement committee that liaises with the NTF-ELCAC in Cordillera has ordered a “tokhang” against “left leaning personalities” – house-to-house police operations styled after the “War on Drugs.”³³⁴ Police raids in Southern Tagalog on March 7, 2021, resulting in their slaughter of nine trade unionists,

³²⁶ <https://www.hrw.org/world-report/2021/country-chapters/philippines>;
<https://www.amnesty.org/en/latest/news/2020/09/philippines-un-pressure-end-killings/>;
<https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>, p. 6

³²⁷ <https://www.lowyinstitute.org/the-interpreter/philippines-verdict-impunity>;
<https://www.sws.org.ph/swsmain/artcldisppage/?artcsyscode=ART-20181010122553>

³²⁸ See also Fact Sheets for Cases No. 45, 46, 47, 48 in Annex.

³²⁹ See Fact Sheet for Case No. 42, 2, and Summary Cue Card for Case No. 27 in Annex; and virtual testimony of Christina Palabay during the February 16, 2021 Plenary hearing before the Sub-Commissioners. See also:

<https://www.rappler.com/nation/zara-alvarez-petition-writ-amparo-habeas-data-court>;
<https://www.gmanetwork.com/news/specials/content/170/zara-alvarez-tagged-you-re-dead/>.

³³⁰ See Fact Sheet for Cases No. 49 in Annex; see also:

<https://www.philstar.com/headlines/2020/12/18/2064737/two-human-rights-day-7-see-release-order-supreme-court>

³³¹ <https://theaseanpost.com/article/packed-prisons-philippines>; see virtual testimony of Jasma Salem during the February 19, 2021 Plenary hearing before the Sub-Commissioners.

³³² See Summary Cue Card for Case No. 30; <https://www.aljazeera.com/news/2019/6/25/duterte-attempting-to-silence-political-opponents-report>; <https://www.reuters.com/article/us-philippines-judiciary-idUSKBN1IC0EM>;
<https://www.lowyinstitute.org/the-interpreter/philippine-senator-taking-president-duterte>;
<https://www.theguardian.com/world/2017/feb/24/philippines-senator-leila-de-lima-president-duterte-serial-killer-faces-arrest>;
<https://www.rappler.com/nation/duterte-certifies-urgent-tougher-anti-terrorism-bill>;
<https://cnnphilippines.com/news/2021/1/30/Anti-Terrorism-Act-oral-arguments-Supreme-Court.html>;
<https://www.karapatan.org/2019-karapatan-year-end-report>; <https://www.karapatan.org/karapatan-monitor-may-aug-2020>

³³³ <https://www.rappler.com/newsbreak/in-depth/duterte-final-gambit-task-force-against-communists>;
<https://www.karapatan.org/2019-karapatan-year-end-report>, p. 11-13; see “RLECC-CAR Resolution No. 04 s. 2021” in Annex 7.

³³⁴ <https://newsinfo.inquirer.net/1400268/45-cordillera-officials-ok-tokhang>; see also “RLECC-CAR Resolution No. 04 s. 2021” in Annex 7.

indigenous leaders, and urban poor organizers in their homes and offices, suggests events are on the cusp of heightened bloodshed.³³⁵

The human rights crisis in the Philippines springs from deep and long-standing economic, social and political conflicts in the society, including its international relations. Our investigation raised hopes among the victims that help – and justice – might come from the international community. This investigation itself is a product of decades of developing international solidarity relations. The United Nations, its Member States, the International Criminal Court, and international civil society all have vital roles to play in challenging the flagrant violations of human rights taking place in the Philippines – and in using all available international mechanisms to restrain these state abuses and hold the perpetrators accountable.

Epilogue

Even over the short course of this investigation, political repression and human rights violations have further intensified.³³⁶ As recently as March 7, 2021, police and military killed nine activists and human rights defenders and arrested six others in “tokhang”-style coordinated raids across the Calabarzon region.³³⁷ These serial and apparently orchestrated killings took place two days after Duterte ordered military and police to “kill” all communist rebels and to “forget about human rights.”³³⁸ Victims include fisherfolk leaders Chai and Ariel Evangelista who were reportedly killed in front of their ten-year-old son, as well as labor leader, Emmanuel Asuncion.³³⁹

Extrajudicial killings that may be related to the Tumandok massacre are also ongoing, as noted in the main report.³⁴⁰ On March 3, there was an attempt to kill human rights lawyer and National Union of Peoples’ Lawyers (NUPL) assistant vice president Angelo Guillen, who is representing those Tumandok who were arrested. Guillen was stabbed in the head and neck by anonymous assailants a few blocks away from a police

³³⁵ <https://news.abs-cbn.com/video/news/03/10/21/un-rights-body-slams-bloody-sunday-killings-in-calabarzon>

³³⁶ While some of the following cases have been included in the report above, this epilogue is a general examination of how these very recent cases further illustrate the same issues: continuing and often institutionally facilitated human rights violations, and the ineffectiveness of domestic remedies.

³³⁷ See Summary Cue Card for Case Letter B in Annex; see also: <https://www.rappler.com/newsbreak/iq/names-activists-killed-by-duterte-government-bloody-sunday-march-7-2021>

³³⁸ <https://www.aljazeera.com/news/2021/3/6/kill-them-all-duterte-wants-communist-rebels-finished>; see also: <https://www.rappler.com/nation/dead-arrested-calabarzon-crackdown-progressives-march-7-2021>

³³⁹ <https://www.rappler.com/newsbreak/iq/names-activists-killed-by-duterte-government-bloody-sunday-march-7-2021>

³⁴⁰ The murder of Julie Catamin and the attempted murder of Atty Guillen were also discussed in the main report, Section B. See Summary Cue Card for Case Letter B in Annex; see also: <https://www.karapatan.org/killing+of+barangay+chief+in+tapaz+capiz+meant+to+silence+truth+about+tumandok+massacre>; <https://newsinfo.inquirer.net/1403259/lawyer-for-red-tagged-tribal-folk-stabbed-laptop-documents-taken>; <https://newsinfo.inquirer.net/1401282/village-chief-of-indigenous-community-in-capiz-slain>

station.³⁴¹ This happened just three days after *barangay* chief Julie Catamin – a key witness in the case of the Tumandok massacre – was murdered.

Arrests of activists, and even educators, continue, and appear to be politically motivated. There have been a series of arrests of local activists carried out in Mindanao, including the arrest of fisherfolk leader, Rogelio de Asis.³⁴² Police officers also arrested teachers, students, and tribal leaders from a school for displaced indigenous people in Cebu. Six of those arrested are detained, as of this writing.³⁴³

Police and *barangay* officials' brutality towards mostly poor citizens during COVID-19 also persists.³⁴⁴ In February 2021, police arrested a market porter for not wearing a face mask, and then physically beat him for not being able to pay his fine.³⁴⁵

The new cases demonstrate that violations continue to be enacted through the institutional mechanisms designed by the Duterte Administration: namely the Anti-Terrorism Act (ATA) and the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC). On December 27, 2020,³⁴⁶ Elizabeth Estilon and Enriqueta Guelas were arrested on charges of violating the ATA and also of illegal possession of firearms and explosives. Estilon is currently nine months pregnant. This is concerning, given that the mistreatment of political prisoners Reina Mae Nasino, and more recently Nona Espinosa, led to the deaths of their newborns.³⁴⁷

Political repression continues to expand as journalists writing for mainstream media, universities, and churches are also targeted by the NTF-ELCAC, the police, the military, and some government officials, both at the national and local levels.

In February, the NTF-ELCAC threatened to sue Tetch Torres, a reporter for *INQUIRER.net*, after she wrote about the petition filed against the ATA by Junior Ramos and Japer Gurung.³⁴⁸ General Parlade, spokesperson of the NTF-ELCAC wrote on Facebook that it could be possible to file charges against journalists such as Torres,

³⁴¹ <https://cebudailynews.inquirer.net/367409/pnp-listing-lawyers-for-red-terrorists>

³⁴² See Summary Cue Card for Case Letter E; see also:

<https://www.philstar.com/headlines/2021/02/12/2077262/fisherfolk-leader-arrested-crimes-against-humanity-murder-charges>; See also: <https://www.bulatlat.com/2021/02/15/6-arrested-in-a-week-rights-group-decries-escalating-state-terrorism/>

³⁴³ See Summary Cue Card for Case Letter F.

³⁴⁴ For reference see: <https://www.amnesty.org/en/latest/news/2020/04/philippines-investigate-humiliating-abuses-curfew/>

³⁴⁵ See Summary Cue Card for Case Letter N. For another case of a recent COVID-19 response from the police See Summary Cue Card for Case Letter O. See also: <https://www.manilastandard.net/news/national/346386/chr-looks-into-arrest-of-violators-in-silay.html>

³⁴⁶ See Summary Cue Card for Case Letter G.

³⁴⁷ <https://www.philstar.com/headlines/2021/03/09/2083127/group-asks-chr-uphold-rights-pregnant-woman-senior-charged-under-terror-law>; See Summary Cue Card for Case Letter P.

³⁴⁸ See Summary Cue Card for Case Letter H. See also Fact Sheet for Case No. 20.

who are “aiding terrorists by spreading lies.”³⁴⁹ In relation to these and other comments from the general, Senate committees criticized Parlade on February 22, 2021, noting that his remarks “could never be disassociated” from his institutional affiliation with the NTF-ELCAC.³⁵⁰ That report from the committees validates the serious and dangerous nature of the reckless claims Parlade has made about not only Torres, but also about many other journalists, activists, lawyers, and progressive politicians.³⁵¹ At the same time, the report did not criticize other authorities like Duterte who engage in reckless threats – and has not implicated the NTF-ELCAC more broadly.³⁵²

On January 15, Defense Secretary Lorenzana abrogated an accord between the University of the Philippines (UP) and the Department of National Defense, which ensured academic freedom and freedom of speech and association on campus by regulating military and police presence there.³⁵³ This accord had been in place for more than 30 years, and its abrogation came after numerous acts of red-tagging in which President Duterte branded the UP system as a “recruitment ground” for the Communist Party of the Philippines (CPP) and New People’s Army (NPA). The abrogation was also followed by public statements by General Parlade in which he red-tagged an additional 17 universities as “recruitment centers” of the CPP and NPA without evidence.³⁵⁴ Subsequently, UP alumni and student members of the NUPL were linked to the NPA by the Armed Forces of the Philippines and the NTF-ELCAC respectively.³⁵⁵

In just these first few months of 2021, new laws, resolutions and processes have been initiated in the name of “counter-insurgency” and “counter-terrorism.” These new mechanisms run the risk of further institutionalizing political repression and the violation of human rights. For example, a new order announced on February 5, 2021, would require all international aid to NGOs to be cleared with the foreign ministry.³⁵⁶ This could severely curtail the ability of the Philippine NGO sector – about 60,000 registered aid groups – to provide assistance to those in need.³⁵⁷

³⁴⁹ See Summary Cue Card for Case Letter H.

³⁵⁰ <https://newsinfo.inquirer.net/1399698/fwd-red-tagging-report-senate-panel-finds-parlades-remarks-damaging-to-ph-military>

³⁵¹ see Fact Sheet for Case No. 22, 26, and 30; and Summary Cue Card for Case No. 28

³⁵² <https://www.rappler.com/nation/human-rights-watch-parlade-probe-begin-larger-efforts-vs-red-tagging-under-duterte>

³⁵³ See Summary Cue Card for Case letter L until next footnote.

³⁵⁴ See Summary Cue Card for Case letter K. Note that he also listed University of the Philippines (Diliman and Manila here).

³⁵⁵ See Summary Cue Card for Case Letter J and I in Annex. See also screenshot of the list of red-tagged UP alumni in Annex 7. Also note that beyond universities, civil society organizations such as churches have also been targeted. The United Church of Christ in the Philippines (UCCP) in Davao has been repeatedly red-tagged by the NTF-ELCAC, the details of which can be found in Cue Card for Case Letter D.

³⁵⁶ <https://www.reuters.com/article/philippines-ngos-idINKBN2AO16A>

³⁵⁷ <https://www.reuters.com/article/philippines-ngos-idINKBN2AO16A>; This can also be seen in the Summary Cue Card for Case letter M, where police reposted an infographic on what can be considered “acts of terrorism” under the ATA, which included donating or helping relief drives that are not government or state-recognized.

On March 5, 2021, amidst his order to police and military to “kill all communist rebels,” Duterte promised to send NTF-ELCAC funds to “communist free” *barangays*.³⁵⁸ Such a promise financially incentivizes extrajudicial killings. As noted above, the results of Duterte’s March 5 speech have already been borne out in the March 7 “Bloody Sunday Massacre” in Calabarzon.³⁵⁹ Finally, as has already been detailed in the main report, the February 2021 resolution by the Cordillera RLECC to conduct “tokhang” on “left-leaning personalities” is poised to replicate the atrocities of the drug war, and to further institutionalize political, extrajudicial killings.³⁶⁰

While new institutional mechanisms are being proposed to cover up and validate human rights violations, existing mechanisms continue to fail to provide effective remedies for victims. Security forces continue to obstruct investigations. Several days after the March 7 massacre of nine trade unionists, indigenous leaders, and urban poor organizers in Calabarzon, police and military were still barring family members from accessing the bodies of those deceased.³⁶¹ This mirrors other cases in which security forces attempted to hide evidence or refused to release the bodies of victims.³⁶²

As noted in the main report, the Justice Secretary’s acknowledgment of police failure in investigating drug killings has not led to any clear accountability measures.³⁶³ Instead, the Justice Secretary himself has recently criticized human rights defenders and the victims’ families for “failing” to present witnesses or cooperate in the investigations. This statement deflects attention away from the fact that it is the duty of the Department of Justice to trace, secure and develop cases, and that the powers of its investigative arms and processes makes it much more equipped to carry out that work, as opposed to the victims’ families and human rights defenders.³⁶⁴

Furthermore, regardless of the acknowledgment that the police have failed to investigate themselves properly, the Philippine National Police (PNP) continue to be asked to investigate cases of police misconduct. Take for instance, a February 2021

³⁵⁸ <https://www.rappler.com/nation/duterte-begins-tour-present-ntf-elcac-aid-communist-free-barangays>
<https://newsinfo.inquirer.net/1403830/ushering-in-local-projects-rody-gives-kill-order-vs-reds>

³⁵⁹ See Summary Cue Card for Case letter B.

³⁶⁰ The RLECC resolution is discussed in section D of the main report.

³⁶¹ <https://www.rappler.com/nation/lawyer-says-families-blocked-from-claiming-bodies-bloody-sunday-victims>. Their remains have only been released to their families on March 11, but only after a long stand-off with the police and after more than 20 relatives and paralegals were locked up inside the funeral parlor overnight till the following morning. Also, representatives of the NCIP and the Public Attorney’s Office tried to misrepresent themselves as lawyers of the families of the indigenous peoples and persisted in talking to them until they were called out by the latter’s chosen counsel from the NUPL. This seems to be similar to the approach these government agencies took to the tortured Aetas in Zambales.

³⁶² See also Fact Sheet for Case No. 1 and 5.

³⁶³ <https://www.rappler.com/nation/doj-drug-war-review-pnp-did-not-follow-rules-nanlaban-cases>

³⁶⁴ <https://www.gmanetwork.com/news/video/gmadigitalspecials/549022/the-mangahas-interviews-doj-secretary-menardo-guevarra/video>

case that was documented in a recently circulated video of a police officer planting a gun on the body of a drug suspect.³⁶⁵ The case has been turned over to the PNP for further investigation. But the police declared that the subject officer reportedly died recently in an accident.

Even in those cases where trumped up charges are dropped, the damage inflicted by these charges is without effective, adequate, and definite remedy. For instance, the arrest warrant for indigenous activist Windel Bolinget and mass activist Lutgardo Jurcales Jr, together with their co-accused activists, has been recalled³⁶⁶ and journalist Lady Ann Salem and labor organizer Rodrigo Esparago have been finally released.³⁶⁷ Nonetheless, as has been evidenced in numerous other cases, being charged or red-tagged to begin with puts one's life at risk.³⁶⁸ Furthermore, the dropping of these specific charges has not led to meaningful reform in terms of safeguarding the rights of government critics, human rights defenders, indigenous people, or journalists – but rather, comes amidst flagrant, ongoing rights violations.

Finally, on March 12, 2021, the intelligence chief of a local police station in Calbayog City, Fernando Calabria, made a formal and open “request” to a local clerk of court asking for a list of lawyers who “represent CTG (Communist Terrorist Groups) personalities” in the court. Calabria claimed his request was in compliance with “higher PNP offices.”³⁶⁹ The letter is accompanied by a matrix which includes “Mode of Neutralization” alongside the names of lawyers and their alleged clients. “Neutralization” is often understood, and has repeatedly been interpreted by security forces, as “killing.”³⁷⁰ While recent reports indicate that Calabria has been relieved of his role, and that the order purportedly does not come from “high PNP offices,” the PNP officer in charge also noted that Calabria likely made the request as a result of the “pressure of crafting a ... comprehensive report on the communist insurgency situation in his area of responsibility.”³⁷¹

³⁶⁵ <https://www.cnn.ph/regional/2021/3/10/PNP-Bukidnon-buy-bust.html>

³⁶⁶ See Summary Cue Card for Case Letter C. Note that the arrest warrant has also been recalled for Jurcales and the other activists facing this same fabricated charge of murder. See also Fact Sheet for Case No. 19 in Annex.

³⁶⁷ <https://www.rappler.com/nation/mandaluyong-court-orders-release-journalist-lady-ann-salem-trade-unionist>; these cases were discussed in the main report section C.

³⁶⁸ See Fact Sheet for Case 2 and 6 in the Annex.

³⁶⁹ See photo of the letter from the Police Lieutenant to the local clerk in Annex 7.

³⁷⁰ <https://news.un.org/en/story/2020/06/1065582>; <https://www.rappler.com/nation/pnp-ejk-philippines-supreme-court-war-on-drugs-neutralize-carpio>

³⁷¹ <https://www.philstar.com/headlines/2021/03/13/2084055/cop-relieved-asking-calbayog-court-list-lawyers-representing-communist-rebels>

Annexes

Annex 1: New Data from Karapatan

TABLE 1:
VIOLATION OF CIVIL & POLITICAL RIGHTS
UNDER THE RODRIGO DUTERTE GOVERNMENT
(JULY 2016 TO DECEMBER 2020)

Violations	No. of Victims
Extrajudicial Killing	376
Frustrated Extrajudicial Killing	488
Enforced Disappearance	18
Torture	222
Illegal Arrest without Detention	2,635
Illegal Arrest and Detention	1,040
Illegal Search and Seizure	1,037
Physical Assault and Injury	485
Demolition	6,492
Violation of Domicile	1,512
Destruction of Property	7,068
Divestment of Property	921
Forced Evacuation	457,696
Threat/Harassment/Intimidation	103,843
Indiscriminate Firing	8,592
Bombing	372,629
Forced/Fake Surrender	3,349
Forced Labor/Involuntary Servitude	35
Use of Civilians in Police and/or Military Operations as Guides and/or Shield	147
Use of Schools, Medical, Religious and Other Public Places for Military Purpose	45,780
Restriction or Violent Dispersal of Mass Actions, Public Assemblies and Gatherings	4,125

TABLE 2:
VICTIMS OF EXTRAJUDICIAL KILLING & ENFORCED DISAPPEARANCE
UNDER THE RODRIGO DUTERTE GOVERNMENT
BY REGION (JULY 2016 TO DECEMBER 2020)

Region	Extrajudicial Killing	Enforced Disappearance
Ilocos	5	
Cordillera Administrative Region	4	
Cagayan Valley	6	
Central Luzon	10	1
National Capital Region	2	1
Southern Tagalog	21	2
Bicol	52	
Western Visayas	46	
Central Visayas	50	1
Eastern Visayas	9	1
Northern Mindanao	24	
Caraga	29	1
SoCSKSargen	38	4
Western Mindanao	1	
Southern Mindanao	56	1
ARMM	23	6
Total	376	18
<i>Female</i>	<i>55</i>	<i>4</i>
<i>Rights Defender</i>	<i>196</i>	<i>8</i>

TABLE 3:
VICTIMS OF EXTRAJUDICIAL KILLING & ENFORCED DISAPPEARANCE
UNDER THE RODRIGO DUTERTE GOVERNMENT
BY SECTOR (JULY 2016 TO DECEMBER 2020)

Sector	Extrajudicial Killing	Enforced Disappearance
Church	7	
Entrepreneur	7	
Environmentalalist	14	
Fisherfolk	3	
Government Employee	38	1
Indigenous People	68	6
Peasant	297	15
Lawyer	2	
Human Rights Worker	18	1
Worker	16	
Youth and Student	16	
Cultural Worker	2	
Moro	47	3
Transport	10	
Health	4	
Minor	14	1

TABLE 4:
VICTIMS OF EXTRAJUDICIAL KILLING & ENFORCED DISAPPEARANCE
UNDER THE RODRIGO DUTERTE GOVERNMENT
BY AFFILIATION (JULY 2016 TO DECEMBER 2020)

Affiliation	Extrajudicial Killing	Enforced Disappearance
Anakpawis	27	1
Balatik	2	
Bayan	2	
Bayan Muna	8	
CPA	1	
Gabriela	1	
Kaluhhamin	8	2
Kalumbay	6	
Karapatan	13	
Kasalo	5	
Katribu	2	
KMP	100	1
KMU	5	
NDFP	12	1
NUPL	1	
Pamalakaya	3	
Pasaka	13	
PCPR	1	
RMP	1	
Others	19	3

Annex 2: 36 Fact Sheets

The following are the fact sheets for 36 of the 49 illustrative cases that form the basis of this investigation. They are based on materials and sources made available to the legal team of collators at the time of their writing. A full list of references for these cases can be found in Annex 5 and a detailed description regarding how the investigation was conducted can be found in the introduction of this report.

FACT SHEET

Case No. 1

Randall Echanis (Extrajudicial Killings)

Randall ‘Randy’ Echanis, 71 years old, was a high-profile peasant advocate and peace consultant, as well as a former political prisoner. He served as a longtime political consultant for the National Democratic Front of the Philippines (NDFP) in the peace negotiations with the government. When the peace talks were terminated, Echanis expressed security concerns and received threats.

In the early morning of August 10, 2020, he was brutally murdered. It was about 1:00 a.m. when barangay (village) officials found his dead and bloodied body inside his own rented space in Quezon City, Metro Manila. His entire room and belongings were in disarray. His folding bed was crumpled, and the bedding was soaked in blood.

Policemen called the Caloocan branch of funeral home Pink Petal. Echanis’ remains arrived at around 4:00 a.m. The retrieval of the body for autopsy was not easy. Erlinda Echanis, Randy’s widow, was only able to positively identify his body at noon of that day after searching different funeral homes.

Based on the initial external examination, Echanis reportedly bore wound holes in the head that looked like gunshot wounds, 21 punctured wounds, 12 stab wounds, and other lacerated wounds. The cadaver’s state indicated that Echanis was tortured and brutally killed. An independent autopsy was immediately requested by the family to further know the actual cause of death.

By 8:30 p.m., the legal counsel representing Erlinda fulfilled the necessary paper work, requirements, and coordination with the Criminal Investigation and Detection Unit for the release and transfer of her husband’s remains to the family’s chosen funeral home.

As Echanis’ colleagues were processing papers at the funeral home, more than 10 policemen from Philippine National Police Laloma Station, reportedly upon direct orders from the National Capital Region Police Office (NCRPO), arrived and they were insisting to take away the remains of Echanis, claiming that no release order was issued and that the case is still under investigation. When the family opposed this, the policemen forcibly snatched his remains and took it with them and brought it to the funeral parlor.

The next day, while Sentro Para sa Tunay na Repormang Agraryo (Center for Genuine Agrarian Reform) and Anakpawis Quick Reaction Team (QRT) were negotiating for the release of the cadaver, the PNP La Loma illegally arrested Paolo Colabres, a member of the QRT for alleged “obstruction of justice.” Colabres was detained at Camp Karingal in Quezon City from August 11 to August 20. He and Echanis’ counsel Luz Perez of the National Union of Peoples’ Lawyers *NUPL) are still facing charges of “obstruction of justice.”

Echanis' remains were practically held hostage by the police and deprived his family and colleagues the right to privately mourn and grieve for the victim. Despite the positive identification of the cadaver by the wife, the police still claimed that the remains were not Echanis but one "Manuel Santiago". A cross-matching exam, however, proved that the cadaver and Echanis are one and the same. However, the police obviously delayed the release of the cross-matching report, resulting in the delay of the cadaver's transfer to the UP College of Medicine Morgue for autopsy.

On the evening of August 12, at around 8:00 pm, the cadaver was finally transferred from Pink Petals to the UP College of Medicine Morgue for necessary X-Ray procedures in preparation for the autopsy to be conducted by forensic pathologist Dr. Racquel Fortun. Based on the autopsy conducted by Dr. Racquel Fortun, the immediate cause of death was Intrathoracic Hematoma, the antecedent cause was injuries to the aorta, heart and esophagus, and the underlying cause was stab wound to the back.

The hole wounds on Echanis' head turned out not to be gunshot wounds. Based on the post-mortem x-ray, the left side of Echanis' head was fractured, possibly caused by a blunt injury or from the impact of beating. An internal hemorrhage inside his skull indicated that he was still conscious and did not die instantly from the said head wounds. There were also bruises all over his body, possibly an indication that he struggled with his killer/s. His face also bore visible contusions.

The autopsy also showed a foreign object -- a sharp metal still impaled on Echanis' back that penetrated and struck his aorta. The said injury caused Echanis' death. The sharp metal found on his back is similar to that of an icepick blade without a handle. The multiple stab wounds on Echanis' back were possibly caused by a sharp weapon like a knife. There were also many punctured wounds on his back possibly caused by the said sharp metal similar to an icepick that was impaled on his back.

Investigators from the Commission on Human Rights were also present during the autopsy and concurred in the finding that Echanis was tortured before he was killed. Senator Francis Pangilinan of the Philippine Senate urged the National Bureau of Investigation and the Philippine National Police to probe the death of Echanis.

In August 11, 2020, Justice Secretary Menardo Guevarra ordered an investigation into the killing. Six months later, the results of this investigation have yet to be released. #

FACT SHEET

Case No. 2

Zara Alvarez Extrajudicial Killings

Zara Alvarez, 39, a resident of Sitio Canipaan, Brgy. Banquerohan, Cadiz City, Negros Occidental, was a paralegal of Karapatan Negros Island and a research and advocacy officer of the Negros Island Health Integrated Program.

She was previously arrested on October 30, 2012, on trumped-up charges of murder and frustrated murder but was released in July 2014 when her petition for bail was granted. The cases against her were dismissed only in 2020. After her release, she continued her advocacy work.

Zara had long been a victim of red-tagging in Negros. She was included as among those tagged as “terrorists” in the proscription case of the Department of Justice filed in 2018. Her name and that of all 600 plus respondents except for two were stricken off the list, but the threats against her by State forces continued.

Because of these threats, she joined Karapatan in applying for the protective writ of *amparo* before the courts but this was summarily denied by the Court of Appeals. She was supposed to be presented as a witness in the said petition.

In August 17, 2020, she was murdered.

At about 7:00 pm of that day, as she and the caretaker of the boarding house she was staying were walking back towards the said boarding house, a man wearing dark shorts, shirt, jacket, and black mask suddenly went behind Zara's back and shot her three times.

Zara's companion immediately ran away from the shooter. She was able to recall that the shooter fired another three rounds at Zara, before she fell down to the ground. Other witnesses saw the lone shooter 'jog' away from the scene, and as it was dark, they never got a good look at another man waiting at the corner with a motorcycle.

Neighbors immediately called the barangay (village) officials to report the shooting incident. According to the police report, village officials Brgy. Kagawad Hernani Castor received the call about the incident and called local Police Station 3 at Mandalagan. Several police officers arrived at the place of incident and saw Zara lying on the ground. They called the Red Cross for possible revival, but they declared Zara dead.

Karapatan Negros was informed of the incident at about 8:00 p.m. but could only get to place the next morning because of the curfew imposed due to the pandemic.

Results of the autopsy showed that Zara died due to a gunshot to the thorax, her aorta was ruptured and the bullet exited through her chest. She also sustained multiple gunshot wounds to her right arm, left and right feet, sole of left and right feet, left upper and lower chest area, abdomen, and left lower back area. There were fractures on her ribs. Her right lung and liver were also ruptured.

She was a single mother of a young daughter.

Government investigators promised to investigate her murder, adding that they are looking into the victim's affiliation with alleged "leftist groups" as a possible lead for the attack. Yet, six months after the incident, the results of this investigation has yet to be released. #

FACT SHEET

Case No. 5

Eugenia Magpantay and Agaton Topacio (Extra-judicial Killings)

On 25 November 2020, at around 3:00 a.m., police operatives killed elderly couple Agaton Topacio and Eugenia Magpantay during a raid in Angono town, Rizal province. Topacio and Magpantay were retired peace consultants of the underground National Democratic Front of the Philippines.

The Philippine National Police (PNP) claimed that the senior citizens resisted arrest and tried to escape. Magpantay and Topacio also supposedly fired upon the PNP officers serving search and arrest warrants. The PNP allegedly found a Colt M-16 automatic rifle, a caliber .45 Rock Island pistol, a caliber .45 Federal pistol, two MK2 grenades, various gun magazines, and bullets during the search.

During a 3 December 2020 interview with media outfit ABS-CBN, PNP chief General Debold Sinas justified the pre-dawn operation as a precaution from being spotted by the subjects and their alleged community contacts. Sinas added that the couple's advanced age does not matter as there are elderly people who still can kill. He then said that the PNP's Internal Affairs Service will investigate the deaths.

In a 5 December 2020 Facebook post, the couple's son, human rights lawyer VJ Topacio of the Pro-Labor Assistance Center (PLACE) and the National Union of Peoples' Lawyers (NUPL), doubted the likelihood of his parents' fighting back against the police as they were both 68 years old and ailing. He likewise questioned the number of PNP personnel deployed to conduct the search as there were more or less 50 officers who conducted the operation.

VJ also revealed the difficulties his family experienced in retrieving the cadavers of his parents. From 26 November 2020, they had been tossed around by PNP personnel without getting a clear answer where the couple's bodies were taken. They were forced to visit multiple camps and stations. His sibling eventually found their parents at the Antipolo Memorial Homes.

Even after having found the bodies, the police made the release arduous by requiring proofs of the couple's identities. Police also failed to provide the family any report or document about the death of the couple.

Magpantay and Topacio had been subjects of intense police manhunt, which even resulted in the October 2014 wrongful arrest of Lourdes Quioc and Reynaldo Ingal. The police mistook Quioc and Ingal as the couple. Quioc and Ingal were released after spending 17 months in jail. #

FACT SHEET

Case No. 6

Dr. Mary Rose and Edwin Sancelan (Extrajudicial Killings)

Armed men riding in tandem on a motorcycle shot dead spouses Mary Rose and Edwin Sancelan on their way home in Guihilngan City, Negros Oriental on 15 December 2020. The spouses were brought to a hospital but were declared dead. Recovered in the crime scene were 15 empty shells from a caliber .45 gun. The Philippine National Police has created a task force to probe into the killing.

Mary Rose was a medical doctor and the city's health officer. She also headed Guihilngan's Inter-Agency Task Force on the Management of Emerging Infectious Disease. Her husband Edwin also worked for the local government unit.

Dr. Sancelan had feared for her life after her name appeared in a "hitlist" by a local anti-communist group in 2017. KAGUBAK (*Kawsa Guihilnganon Batok Kumunista* - Cause of Guihilnganon Against Communism) distributed flyers threatening the lives of 15 alleged members of the Communist Party of the Philippines and the New People's Army in Negros Oriental. Since 2017, individuals in KAGUBAK's list have been killed including Heidi Flores Malalay in 2018 and lawyer Anthony Trinidad in 2019.

Dr. Sancelan was the first name that appeared in the list. KAGUBAK accused her to be one "JB Regalado", the reported spokesperson of the Leonardo Panaligan Command of the NPA in Central Visayas. She issued an affidavit denying membership with the NPA.

On 22 December 2020, Central Visayas police chief Brig. Gen. Ronnie Montejo announced that one of the motives they are investigating is the supposed linkage of the Sancelans to the NPA.

Montejo claimed that the Sancelans might have been ordered killed for disowning membership with the NPA. He said that there were reports that Dr. Sancelan had treated NPA soldiers. He added that Edwin had also been monitored supposedly for being an NPA member.

The KAGUBAK list has been brought to the attention of law enforcement authorities during a 2019 Senate inquiry into the spate of killings in Negros. At that time, Philippine National Police chief Gen. Oscar Albayalde announced that they would investigate KAGUBAK after being urged to ensure the safety of those on the hitlist. The current PNP chief, Debold Sinas, was then the Central Visayas police director.

As of this writing, no information on any significant development on the case has been received. #

FACT SHEET

Case No. 7:

(Recommended for Plenary Hearing Priority #1)

“Tumandok Massacre” (Extrajudicial Killings)

The Tumandok massacre occurred at 4:00 am of December 30, 2020, killing nine and imprisoning 16 unarmed civilian members of the *Tumandok nga Mangunguma nga Nagapangapin sa Duta kag Kabuhi* (TUMANDUK), an alliance of 17 indigenous peoples' communities in the towns of Tapaz and Jamindan, Capiz and the town of Calinog in the province of Iloilo.

Due to their vocal dissent on human rights violations and fervent opposition to militarization, the TUMANDUK have been red-tagged by the military as members and supporters of the Communist Party of the Philippines and its armed wing the New People's Army (CPP-NPA).

A month before the incident, a community leader of Barangay Lahug sought help from the Commission on Human Rights (CHR) because the residents were threatened by the Philippine Army and the Philippine National Police (PNP), who were deployed in their barangay (village) since June of 2020.

As staunch defenders of both their communities and the environment, the TUMANDUK was vocal in its opposition against the construction of the Jalaur Mega Dam. The project promised to provide uninterrupted water supply to 32,000 hectares of farmland and increase the annual production of rice. However, this project would also submerge 21,100 hectares of agricultural lands and homes of 17,000 Tumanduk individuals under water, hence the vehement opposition. Tribal leaders of the Tumandok stood up against the project to protect their ancestral domain and refused to sign the consent resolution required before projects can be implemented in ancestral domains.

The TUMANDUK proved to be a hindrance to the project being the largest group of indigenous peoples in the hinterlands of Panay and so, on December 30, 2020, the Synchronized Enhanced Management of Police Operations (SEMPO) orchestrated the massacre which was carried out by the combined forces of the Criminal Investigation and Detection Group (CIDG) Region 6, the 12th Infantry Battalion of the Philippine Army (IBPA) and the PNP.

According to PLTCOL Gervacio Balcameda, the chief of CIDG 6, their troops served search warrants to 22 persons in Tapaz, Capiz and 3 in Calinog, Iloilo. Their targets were said to be “high value personalities” of the CPP and were in possession of firearms and explosives. This operation led to a blood bath.

The PNP insisted that the slain indigenous peoples were members of the CPP-NPA who fought back to resist arrest, even though the warrant was merely to search. Those killed

were recognized indigenous community leaders in their respective barangays. All were unarmed civilians and non-combatants.

Family members of Eliseo Gayas were ordered to go out of their house by the officers, in contravention of the proper procedure for the implementation of a search warrant, which is to have witnesses to oversee the search. As soon as the armed operatives entered the house, Gayas was shot four times, killing him outright.

As the operation started at dawn, Mario Aguirre and Roy Giganto were still asleep. Yet, the armed operatives forcibly entered their homes and they were shot dead in the presence of their families.

In the same operation, sixteen other indigenous peoples were arrested and falsely charged with illegal possession of firearms and explosives.

According to the family of Aileen Catamin, she was tied and tortured by the military operatives. The family also added that when she was brought to the Tapaz Police Station due to her wounds, Catamin was tortured.

The Makabayan bloc in Congress filed House Resolution No. 1449, urging the House of Representatives to investigate the Tumandok massacre and the subsequent arrests. Available reports indicate that the investigation has not started to date. #

FACT SHEET

Case No. 8

(Recommended for Plenary Hearing Priority #2)

Elena Tijamo

(Enforced Disappearance)

On the evening of June 13, 2020, four armed men and two women wearing black short pants and masks entered the home of the Tijamo family in Bantayan Island, Cebu. Elena Tijamo, whose hands were tied behind her back and mouth was plastered by masking tape, was held by the two female perpetrators.

Violeta Tijamo, the sister of the victim, drawn out by the commotion saw the perpetrators and asked what they would do to her sister and one of the male perpetrators responded that her (Elena's) husband has a major offense.

Elena's daughter Nica was also drawn out of her room by the commotion and tried to approach her mother but she was blocked and pushed back by the armed men. The men kept repeating that they were only after Elena. Elena was brought out on foot in an unknown direction passing through the fields. Her laptop, cellphone and her sister's tablet were also taken away.

During the first quarter of 2019, at the height of the implementation of the so-called anti-terrorist operations tagged as *Oplan Sauron*, Elena was red-tagged by State elements as being an 'alleged NPA'. State elements approached leaders of farmers/fisherfolks organizations asking about the existing organizations in their locality and the whereabouts of Elena. Violeta also said that she heard from neighbors that police officers were asking if the Tijamo family members were really native to Bantayan.

Moreover, a week before the abduction, individuals who claimed to be from the government agency Department of Social Work and Development (DSWD) allegedly took photos of Elena and her family supposedly for a COVID-19 subsidy program but they were unable to produce IDs when Elena asked for identification.

When the incident happened, Elena had been working for 17 years for farmers' group Farmers Development Center, Inc. (FARDEC) that provide legal aid and agricultural education to farmers in Bantayan. FARDEC was tagged as a communist front by Deputy Chief of Staff for Intelligence Major General Reuben Basiao during a congressional briefing on November 5, 2019.

FARDEC's Bohol office was also raided in 2003 while its Cebu office was visited by military intelligence operatives accompanied by the Bureau of Fire Protection personnel in November 2009. Nothing irregular and unlawful was found in the FARDEC offices so the government operatives only left but not after intimidating FARDEC's staff members. FARDEC's Bohol Coordinator Carmilo Tabada and board member Danilo Olayvar were also visited by State agents after Elena's abduction and they were warned to stop working for the farmers sector.

The abduction of Elena was reported to the *barangay* (village officials) and was in turn reported to the police. On June 14, 2020, six policemen with only one of them in uniform arrived at Tijamo's home in response to the report of abduction but they only asked about Elena's occupation but not about the incident. The police reportedly took pictures of the logbook of a farmer's group Violeta was a member of and of flyers and the organizations' T-shirts.

After the incident, Elena's family was able to speak to her four times through 5-minute phone calls but Elena would only repeat to demand that the news articles about her abduction be taken down and that she was okay and would be returning soon.

However, as of this writing, the whereabouts of Elena remains unknown and there are no leads as to the identity and motive of her abductors. Elena's relatives and human rights organizations have gone to military camps and detention centers but were unable to get any lead on her whereabouts.

Patrick Torres, the Executive Director of FARDEC, believes that the red-tagging incident against the group and its community workers are connected to the abduction of Tijamo since it provides a pattern of community workers being vilified through red-tagging, subjected to surveillance, and abducted. #

FACT SHEET

Case No. 9

(Recommended for Plenary Hearing Priority #1)

“Japer Gurung and Junior Ramos” (Torture)

On August 26, 2020, elements of the Armed Forces of the Philippines (AFP) charged Aeta indigenous peoples (IP) Japer Gurung and Junior Ramos, with violation of the new Anti-Terrorism Law, among other crimes. The multiple criminal complaints against them stemmed from an alleged gunfight that took place between the Philippine Army and members of the Kilusang Larangang Gerilya (KLG) Bataan Zambales (KLG BATZAM), an alleged unit of the New People’s Army (NPA) led by a certain “Ka Ivar,” in the morning of August 21, 2020 in Barangay Buhawen, San Marcelino, Zambales.

The military claims that they received an intelligence report that the said NPA unit was recruiting and using minors in their operations in the area. Acting on the said intelligence report, the military reportedly conducted patrol activities within the area on August 20, 2020, with the aim of “rescuing” the said minors. The following morning, the soldiers allegedly saw “children, civilians and IPs” at the NPA site in Sitio Lumibao, who were armed with M14 and M16 rifles and other guns.

While the soldiers were allegedly preparing to “rescue” the minors, gunshots were fired from the NPA camp, hitting a soldier named Sgt. Rudil A. Dilao at the leg. A firefight ensued between the groups for about ten minutes, with 2LT Fritz A. Entoma allegedly seeing Japer and Junior, among the KLG BATZAM members firing upon them. Sgt. Dilao would thereafter die of this gunshot wound. According to the military, the NPA members, including Japer and Junior, thereafter fled.

After the encounter, 2LT Entoma allegedly radioed his team informing them of the movement, appearance, clothing and the kind of firearms of the “enemy.” At around 9:00 am, a team of soldiers saw Japer and Junior, with their spouses Rosalyn Urbano and Kiray Serrano among a group of women and minors who were then going down the mountain with their backpacks. The soldiers’ team leader ordered their arrest and searched their belongings, and allegedly found firearms and explosives.

Japer and Junior vehemently deny the foregoing fabrications of the military. They are indigenous Aetas whose ancestors were the original settlers in the community. They are farmers who till their small farms and forage banana blossoms for a living. According to them, in the morning of August 21, 2020, they heard bursts of gunfire from the mountains. Afraid of getting caught in the crossfire, they decided to evacuate from their community.

The soldiers, however, saw them as they approached the house of their relative who was also preparing to evacuate. The soldiers ordered them and their families to stay behind, saying that it is safer for them because the military is still pursuing NPA members in the area.

At noon, they cooked lunch, which they even shared with the soldiers. To their shock, the soldiers thereafter announced that they are placing them and their families, including their minor relatives, under arrest, accusing them of being NPA members who were trying to flee the area.

Japer and Junior were separated from the women and children, who were taken to another area. They were interrogated without counsel and were forced to admit that they are members of the NPA. Junior Ramos purportedly used to be a member of the NPA, but he supposedly surrendered to the government in February 2020 and was, hence, a civilian during his arrest.

Japer and Junior and their families were tortured for a total of six days. Grenades, ammunitions, and subversive documents were also planted in their possession. Japer, in particular, was subjected to dastardly acts of torture and inhumane treatment. To extract a confession from him, the soldiers tied him up and repeatedly mauled him, placed him inside a sack and hung him upside down, suffocated him with a plastic bag and cigarette smoke over his head, and forced to eat his own feces. These facts were contained in their sworn statements prepared by the lawyer of the local National Commission on Indigenous Peoples (NCIP) and in the Resolution of the investigating prosecutor.

Their minor wives were also slapped with the similar false charge of illegal possession of explosives and are still in the custody of the Department of Social Welfare and Development. Junior's father Manuel was also charged and detained but was released upon dismissal of the charges by the investigating prosecutor.

Japer and Junior are imprisoned in Olongapo District Jail, where they were reportedly visited by government officials from the NCIP, without the knowledge of their counsels of record, which is the National Union of Peoples' Lawyers-Central Luzon Chapter.

Later, Japer and Junior would appear in a video arranged by the National Task Force to End the Local Armed Conflict (NTF-ELCAC) purportedly suggesting that their counsel, NUPL, bribed and coerced them to sign documents relative a Petition filed in the Supreme Court questioning the Anti-Terrorism Act for which journalist Tetch Torres-Tupas of the Inquirer is now being red-tagged and threatened by NTF-ELCAC spokesperson Gen. Antonio Parlade for reporting.

This malicious video and false narrative are now being peddled by the NTF-ELCAC and the Defense Secretary in usurping legal representation and red-tagging of NUPL. A top lawyer of the NTF-ELCAC and the NCIP has even threatened disbarment cases against NUPL lawyers.

The two Aetas, upon the behest of the NCIP and the NTF-ELCAC, are now represented by the government agency Public Attorney's Office (PAO). They are now undergoing trial. #

FACT SHEET

Case No. 10

Manila 5

(Illegal Arrest and Detention and Trumped Up Charges)

Reina Mae Nasino, Alma Moran and Ram Carlo Bautista

Reina Mae Nasino, Alma Moran and Ram Carlo Bautista are members of progressive organizations based in Manila. Bautista is the campaign director of the multi-sectoral formation Bagong Alyansang Makabayan-Manila chapter (BAYAN-Manila). Alma Moran is a member of the secretariat of labor union Manila Workers Unity, while Reina Mae Nasino is a coordinator of urban poor organization Kalipunan ng Damayang Mahihirap-Manila chapter (Kadamay-Manila).

They were arrested without a warrant a little past 12:00 am on November 5, 2019, while they were asleep at the apartment that serves as the office of BAYAN-Manila and a halfway house for members of BAYAN-Manila and its affiliated organizations. This apartment is one (1) of the four (4) apartment units inside a gated compound in 672 Flora Street, Barangay 178, Tondo, Manila.

Elements of the arresting team wearing Special Weapons and Tactics (SWAT) uniforms entered the said apartment and went up the two bedrooms located at the third floor. One of the bedrooms was occupied by Nasino and Moran while the other was occupied by Bautista.

Nasino was sleeping when she heard noises outside their room. When she slightly opened the door, she saw shadows of persons ascending the stairs. She then quietly closed and locked the door of their room and woke Moran up.

Nasino then heard footsteps outside their door and sounds of people arguing in Bautista's room. She heard Bautista asking who these persons are and why were they are arresting him. She also heard Bautista introducing himself as an officer of BAYAN-Manila.

After a few minutes, police officers broke open the door of the room where Nasino and Moran were sleeping. Three men forcibly entered their room and ordered them to raise their hands in the air and lie face down.

The room was still dark at that time, but since one of the men was holding a flashlight, Nasino saw that one of them was pointing a long firearm at them. Moran saw another one holding a shield.

The police started to look around their room and they could hear them scattering some of their personal belongings. After almost an hour of lying face down, police officers then claimed that firearms and explosives were found inside their room. The same thing

happened in Bautista's room. The three were eventually charged with illegal possession of firearms and explosives.

At the time Nasino was arrested, she was already three months pregnant. She gave birth while in detention and her infant was separated from her after a month from giving birth, despite strong recommendations by doctors for exclusive breastfeeding since the baby was born of low birthweight. Her baby died after a month and a half later due to lung complications.

Their case remains pending before the trial court. Their motion to quash the search warrant on the ground that there are glaring discrepancies in the address of the property subject of the warrant and the place of actual search was denied by the court. Their request to have access to the application by the police for the assailed search warrant was likewise denied by the court.

Cora Agovida and Michael Bartolome

Cora Agovida and her partner Michael "Tim" Bartolome were arrested on October 31, 2019 at around 4:00 a. m. in their residence, which is a small room at the 4th Floor of #1189 Julio Nakpil Street, Brgy. 686 Zone 75, Paco Manila by a team of around 20-35 operatives of the Criminal Investigation and Detection Group (CIDG)-Manila, Philippine National Police (PNP)-Manila and Special Weapons and Tactics (SWAT) Manila, who were purportedly enforcing search warrants.

At the time of their arrest, they were with their children aged 10 and one and a half-year old, and a male nanny named Carlo. Cora was also a breastfeeding mother for their youngest child. Between 3:30-4:00 a.m. on that day, around 15 armed men and women barged into their rented room.

There were some who were holding flashlights and all of them were wearing masks. Cora saw their guns pointed at them. One of the intruders ordered them to lie face down and prohibited them from looking back. They remained in that position for about 15 to 20 minutes and they could hear the intruders tampering with their belongings. Their children were brought to the adjacent room with their neighbors later on.

Afterwards, one of the intruders who held the search warrant approached them and asked who is Cora Agovida. Cora introduced herself while still lying face down. This person also asked Michael for his name, ordered him to kneel down and made him sign the search warrant.

Cora and Michael were never given the chance to read the contents of the search warrant. They were merely told that the document is a search warrant for firearms and explosives. After ordering Michael to sign, the lights were turned on and they were allowed to sit down and face the intruders. This was also the time that Cora noticed that some of the armed men who entered their rented room were members of the SWAT and some were wearing civilian clothes.

The SWAT members then left the room. After three minutes, village officials Brgy. Chairman Eduard Joson and Kagawad Richard dela Cruz entered Cora's rented room. The "search" took place. The police officers searched first the container where their children's belongings were placed. The police officers allegedly found a belt bag with a grenade and a caliber .45 handgun.

Next, they searched the table where their soiled clothes are placed. The police allegedly found a sling bag with a handgun, grenade, wallet, fake IDs of Cora Agovida and some Facebook photos. The seized items were labeled in front of them with an electrical tape. After the search, seizure and labeling of the seized items, Cora and Michael were ordered to sign the receipt of property seized which was prepared by police PCPL Isaac. They refused to sign the same.

At quarter to 9:00 a.m., they were brought to the Manila Police District Headquarters in UN Avenue, Manila. They were charged with illegal possession of firearms and explosives.

On January 24, 2020, their counsel filed an Urgent Omnibus Motion to Quash Search Warrants, Suppress Evidence and Issue Subpoena *Duces Tecum* for the records of the application for the search warrants that were issued by the Executive Judge of Quezon City, Hon. Cecilyn Burgos-Villavert.

On February 24, 2020, the court denied the motion and proceeded with their arraignment and pre-trial on the same day. No documentary evidence was marked by the prosecution during the pre-trial.

On March 9, 2020, the prosecution presented three of its witnesses. Despite the strong opposition by defense counsels for the presentation of the first two witnesses (representatives from the Firearms and Explosives Unit and from the Crime Laboratory) since they are not among those listed in the pre-trial Order, they were still allowed to be presented by the Court. They were made to identify documents that were not listed as well in the pre-trial order, again, despite protestations from the defense counsel.

The spouses remain in jail. #

FACT SHEET

Case No. 11

Negros 54

(Illegal arrest and detention, trumped up charges)

In the late afternoon of 31 October 2019, members of the Philippine National Police (PNP) raided the offices and homes of people's organizations and human rights activists in Bacolod City, Negros Occidental.

The police were armed with search warrants issued by Executive Judge Cecilyn Burgos-Villa of Quezon City in Metro Manila for alleged violations of Republic Act No. 10591 or the Comprehensive Firearms and Ammunition Regulation Act.

The offices and homes raided were those of Bayan Muna, Gabriela, National Federation of Sugar Workers (NFSW) and the residence of Bito-on. The Bayan Muna compound also houses the local offices of Karapatan, Kilusang Mayo Uno (KMU-May First Movement), and Kalipunan ng Damayang Mahihirap (Kadamay).

The PNP apprehended more than 50 individuals—including 21 laid-off bus company workers consulting with KMU and 12 minors who were among the members of a local cultural group staying at the compound. They were brought to the Negros Oriental Provincial Police Office.

At the Bayan Muna compound, police forcibly entered the compound around 4:30 p.m. They gathered all occupants and visitors outside at gunpoint and made to drop to the ground as they conducted the search. The minors, workers, and activists reported being subjected to physical assault and verbal abuse.

The police did not immediately serve the warrant; they only presented the search warrant against NFSW National Secretary-General John Milton Lozande after conducting the search. The village officials, who supposedly witnessed the search, came much later. Police allegedly found firearms, explosives, and ammunition on the sofa and two other parts of the house.

A similar situation happened at the Gabriela Office compound, where trade union organizer and community journalist Mary-Anne Krueger resided. Police forcibly entered the compound and asked everyone to get out. They were made to face the wall with their hands raised as the search was conducted. When Krueger asked for the search warrant, police told her she will be able to read it after they clear the premises. Krueger was among those named in the search warrant. Krueger was able to air a footage of the police search on Facebook. Police allegedly found two revolvers and ammunition during their search.

At the NSFW office, police operatives apprehended Hacienda Ilimnan Farm Workers Association chairperson Danilo Tabura and kept him outside as they searched through the rooms. Tabura was called back after 20 minutes and served with a search warrant under his name. Thirty minutes later, the police, together with the barangay captain and Tabura, conducted the “search.”

During the search, the police allegedly discovered a pistol under a pillow on Tabura’s bed, a handgun under a wooden bed in the office of Negros Island Health Integration Program, a revolver in another room on the ground floor, and bullets and grenades on the second floor. Police confiscated three laptops and Tabura’s phone. The staff and caretaker of NFSW office, Roberto Lachica, was also arrested by the police.

Around the same time, armed men barged inside the compound where Spouses Mermalyn and Romulo Bito-on reside. Mermalyn is a campaign officer of ACT Teachers Partylist, while Romulo serves as regional coordinator of Makabayan and Bayan Muna. Romulo is also a member of SELDA, or the Samahan ng mga Ex-Detainees Laban sa Detensyon at Aresto (Association of Ex-Detainees Against Detention and Arrest).

Mermalyn and her grandaunt were then outside by the garage and overseeing carpenters fixing the roof. The armed men pointed their high-powered firearms at Mermalyn and her grandaunt, then ordered them to kneel. When Mermalyn asked for their identity and purpose, the men did not reply. She saw members of the PNP Special Weapons and Tactics Team (SWAT) and Special Action Force (SAF) enter the compound.

Similar with the other raids, residents were made to go outside while the police searched through the house. It was only later that Mermalyn learned that a search warrant was issued against “Amaylin” and Romulo Bito-on. Another search was conducted in the presence of a barangay kagawad and Mermalyn’s sister who is the property administrator. Allegedly seized were firearms and grenades. Romulo’s mobile phone went missing during the raid.

Only Danilo Tabura was read his Miranda rights during arrest.

On 4 November 2019, John Milton Lozande, Albert dela Cerna, Noly Lacera Rosales, Proceso Quiatzon, Cheryl Cantero Catalogo, Karina Mae dela Cerna, Danilo Nacario Tabura, Roberto Dorio Lachica, Mary Anne Krueger, couple Romulo and Mermalyn Bito-on, the 10 cultural workers, and the 21 retrenched bus employees underwent inquest proceedings.

On November 6, 2019, the 21 workers and 10 cultural workers were released after the inquest prosecutor dismissed the charges against them. Meanwhile, criminal cases against the other 11 individuals were filed in the trial court.

As of January 2020, Judge Eduardo Sayson of the Regional Trial Court of Negros Occidental dismissed without prejudice to refiling the cases against Lachica, Dela Cerna, Rosales, Quiatzon, and the Bito-on couple. The judge found “insufficient probable cause to issue Commitment Order against all ‘inquested’ accused for violation of R.A. 10591.”

Judge Sayson stated that the prosecution also failed to submit the records of the application for the three search warrants.

Similar raids happened in another city of Negros Occidental. In Escalante City, on 01 November 2019, two women activists were arrested during two simultaneous raids conducted by police and military. At around 4:00 a.m., State forces raided the office of NSFW in Escalante City and arrested Imelda Pasinabo Sultan. Meanwhile, Ma. Lindy Balaobao Perucho was arrested in her house. They were both charged with illegal possession of firearms and explosives. The search warrants used by the PNP were likewise issued by Judge Burgos-Villavert of Quezon City. #

FACT SHEET

Case No. 12

Tacloban 5 **(Illegal Arrest and Detention, Trumped-up Charges)**

A team composed of 150 fully armed members of the Criminal Investigation and Detection Group (CIDG) Regional Field Unit 8 of the Philippine National Police (PNP), and the Armed Forces of the Philippines (AFP) conducted two raids on the Tacloban, Leyte offices of progressive people's organizations BAYAN, Sagupa, and Katungod Sinirangan Bisayas, and online news portal Eastern Vista at dawn of February 7, 2020.

The arresting officers were led by Police Lt. Col. Marvin Pedere of the CIDG and acting under the authority of search warrants issued by Executive Judge Eligio Petilla of Regional Trial Court Branch 44.

As result of the search, several firearms, explosives and ammunitions were supposedly seized and one colored red flag with the underground CPP-NPA symbol also allegedly found in the said offices.

This led to the arrests of human rights defenders Mira Legion, Marissa Cabaljao together with her one-year old baby, Alexander Abinguna, Mariel Domequil, and community journalist Frenchie Cumpio dubbed as "Tacloban 5". The five were charged with illegal possession of firearms and explosives and together with Cabaljao's baby, were detained at the municipal office of the Philippine National Police in Palo.

The raids had similar characteristics as other searches and arrests of activists: (i) the raiding team forcibly opens the rooms of the houses while pointing long firearms to the occupants in the room; (ii) the occupants were either dragged outside or were told to lie face down while several personnel of the raiding team were inside the room for more or less ten minutes without any witness and with the occupants having no knowledge of what they're doing; (iii) the belated arrival of the barangay (village) officials who are supposed to be the witnesses of the search followed by another "formal" search which will now be conducted with the barangay officials, and (iv) the search warrants shown to the activists only after their arrest.

Moreover, in a testimony during the trial of Cumpio and Domequil, the prosecution witness, a barangay kagawad (councilor), revealed that he did not see any firearm or explosive during the search because of the poor lighting.

Prior to the arrests, Legion shared in her social media accounts that she received threats from unknown callers whom she believed are PNP officers. On the other hand, days before the simultaneous arrests, Cumpio had also informed Altermidya that she was being tailed by men-riding motorcycles, whom she believed were military assets. A funeral wreath with Cumpio's picture was delivered to the same staff house where she was arrested.

After the arrests, the group continued to experience harassment both online and on the ground. Facebook pages handled by the police and military have been redtagging them. Legion also revealed in a social media post that the police and military have been continuously contacting her parents and threatening that their house would be the next subject of a raid and that she will be charged for terrorism.

Legion decried the delay of the court proceedings of their case caused by the repeated postponement of the trial schedule, the consolidation of the cases before different courts, and the problems brought by the coronavirus pandemic.

Last October 2020, the judge handling the cases of Legion, Abinguna, Cabaljao ordered to reschedule the hearing of the motions their counsel filed to have the cases dismissed to March 2021 after a court staff made a mistake in scheduling the court session.

Domequil, Cumpio, and Abinguna are still detained while Legion and Cabaljao posted bail amounting to P120,000 each. #

FACT SHEET

Case No. 13

(Recommended for Plenary Hearing Priority #1)

“Human Rights Day 7” Lady Ann Salem

(Illegal Arrest, Detention and Trumped Up Charges)

On December 10, 2020, journalist Lady Ann ‘Icy’ Salem and trade union organizer Rodrigo Esparago were at Unit 617, a one-bedroom unit, at the Avida Towers Centera, Tower 3, EDSA cor. Reliance St., Mandaluyong City. The said unit is one of the multi-purpose offices of progressive online news website Manila Today, where Salem is the editor-in-chief.

Before dawn, Salem was awakened by a series of knocks on the unit’s door. She spoke briefly through the door with the security officer, who claimed he needed to fix something inside the unit.

As soon as the door was opened, armed men barged in and forced her to kneel in the living area facing the windows and her wrists were put in cable ties. Esparago was manhandled from the bedroom to the windows, beside Salem. They were on the floor for almost an hour, hearing boots walking around and sounds of things inside the unit being opened and rummaged through.

Salem saw men and women wearing Philippine National Police uniforms. Some persons were in black full battle gear. Recognizing the intruders clearly as police, both of them repeatedly asked for the identity, unit, commanding officer, and authority of the police. Salem also insisted on calling her family and lawyer, but their guards were tight-lipped.

After about an hour, the police announced that they were going to conduct a search and showed the two a copy of a search warrant. Salem and Esparago were finally allowed to stand up and turn around, where they found two men in civilian clothes who were from the barangay, who will “witness” the “search.” At that time, their unit was already in shambles. Salem requested for a copy of the search warrant and repeated that she wanted to call a lawyer to also witness the search, but she was ignored and told to wait.

Salem was allowed to join the men in the bedroom and she saw how the police pulled out guns, ammunitions and explosives inside the room. Some four or five men were taking videos of the “search” on their camera phones. It was then that Salem consciously said out loud for the record that the firearms and explosives were never there. She insisted that those were planted.

At around 5:00 am, Salem and Esparago were brought to the police station. Salem reiterated that she be allowed access to a lawyer and her family but was repeatedly put off and told, “after ng proseso” (after the process), or “after ng swab”. The two waited as the policemen did their paperwork. Salem again asked for a copy of the warrant, and was given a photocopy.

By mid-afternoon, they were taken to the police national headquarters in Camp Crame in Quezon City for medical examination where they saw three others arrested. The three are trade union activists who looked familiar, but they had no opportunity to talk. All reiterated that they wanted to talk to their lawyer, and refused to sign any document.

Because of their collective and stubborn refusal, the police who escorted them put Salem and Esparago in a Mahindra vehicle, which was parked outside the office of Criminal Investigation and Detection Group- National Capital Region (CIDG-NCR) but still inside Camp Crame.

By accident, Salem's sister saw her inside one of the vehicles. Having been alerted, the police transferred Salem to a heavily tinted vehicle and refused to entertain anyone knocking on the windows. Lawyer Kristina Conti was able to make the police lower their window at around 4:30 pm, with the assistance of base police who were also curious about the parked vehicles. She spoke briefly to Salem, with the understanding that the two were going to be booked into the CIDG-NCR office. Atty. Conti then was assisting the three other arrested trade union activists.

Instead of disembarking from the vehicle, Salem and Esparago were spirited away without notice to Atty. Conti. The family followed the police convoy which went to the Pasig police station, and then proceeded to Camp Bagong Diwa in Bicutan, Taguig where the family was not allowed to talk to Salem supposedly for health protocols.

Inside, Salem and Esparago were booked separately into living quarters which turned out to be a COVID-19 quarantine facility. The following day, they were swabbed for the COVID-19 virus. They were not allowed to use the telephone, despite insisting upon their rights.

On December 11, 2020, after lunch time, Salem and Esparago were told to get ready for inquest. Again Salem repeated her request to call her lawyers, warning that her family and at least one lawyer already knew that she was under their custody. They were loaded into the vehicle, where the escorts handed over her mobile phone.

She was able to contact her sister, some friends, and two lawyers before the phone was eventually taken away. Later, Atty. Conti arrived at the Mandaluyong Hall of Justice, and was allowed to board the vehicle where Salem and Esparago were placed. Inquest proceedings pushed through, with the two and their lawyer given just 15 minutes of private time to confer. Subsequently, they were charged with illegal possession of firearms and explosives.

Nearly 2 months after their illegal arrest, these charges against Salem and Esparago were dismissed by the Mandaluyong court, following a finding that the search warrant issued by the Executive Judge of Quezon City and were used against the raid, which resulted in the arrest of 5 other trade union organizers, failed to particularly describe the objects to be seized and that police resorted to "fishing expedition." Despite this, Salem and Esparago still remain in prison until at present. #

FACT SHEET

Case No. 14

Amanda Echanis **(Illegal Arrest and detention, trumped up charges)**

Thirty policemen and soldiers belonging to the 77th IBPA and 17th IBPA of the Philippine Army, wearing full battle gear and armed with high-powered rifles forcibly entered the house of Josephine Bumanglag in Cagayan on December 2, 2020 at about 3:00 a.m.

Amanda Echanis, daughter of slain peace consultant Randall Echanis, was breastfeeding her one-month old son when seven to 10 armed soldiers and policemen entered her room. Amanda shouted: *“Huwag kayong lalapit at may baby ako.”* (Don’t come near; I have a baby) The baby cried and Amanda covered the baby with a blanket, and she continued to breastfeed the infant.

The armed police/soldiers asked Amanda if she was indeed Amanda Soccoro Echanis and started taking her pictures. They also asked if she was “alias Waya” and “alias Amy Flores.” They also mentioned several other names to Amanda and were asking for their whereabouts. All of this happened while she was feeding her son.

Amanda asked the police/soldiers: *“Anong kailangan nyo? May kaso ba ako? Papatayin nyo ba ako? Kami ng baby ko?”* (What do you want? Do I have a case? Are you going to kill me? Me and my baby?) They then replied that Amanda has no case and that they are still waiting for the search warrant and the barangay (village) officials to arrive. They continued the interrogation but Amanda did not answer the questions and instead calmly requested that the men put away their rifles and guns.

At around 7:00 a.m. when the barangay officials arrived, the police/soldiers searched the house of Josephine Bumanglag. An hour later, Amanda was taken by the police/soldiers to Camp Adduru in Tuguegarao, Cagayan.

Based on the police report, the raiding team allegedly recovered the following from the house where Amanda and her newborn son is staying: M16 assault rifle, 1 long plastic magazine for M16 rifle, 1 long steel magazine for M16 rifle, 20 live ammunition for an M16 rifle, and two hand grenades. The police also claimed that Amanda, who was pregnant for most of the year, and in fact just gave birth a month before, is a high-ranking official of the New People’s Army in the province.

The raid, arrest, and planting of evidence against Amanda Echanis happened just hours after the Senate of the Philippines’ third hearing on red-tagging that claimed that farmer’s groups Anakpawis, KMP, and other progressive organizations were among the so-called ‘legal fronts’ of the underground movement. During the November 25, 2020 hearing, a certain Ivylyn Corpin red-tagged Amanda Echanis among others and showed her pictures during the Senate hearing.

According to Kilusang Magbubukid ng Pilipinas regional chapter DANGGAYAN-Cagayan Valley, since 2018, massive and systematic red-tagging of activists was rampant in the region by the AFP using fake organizations like Mulat-CV and ISEM-CV. They branded and accused the 57 names of activists as recruiters of the NPA. Ripped sacks written with names and organizations of activists were hanged on trees along major highways in three towns of Isabel and Cagayan. Moreover, flyers were distributed in Tuguegarao City, slandering the activists as “terrorists”.

Inside the camp, CIDG agents harassed Amanda, insisting on “interviewing” or attempting to interview her without the presence of her counsel, Atty. Luz Perez of the National Union of Peoples’ Lawyers (NUPL).

On December 9, Ivyly Corpin, the same person who red-tagged Amanda before the Senate, attempted to visit and talk to her, to which Amanda refused, as she was advised by her counsel not to talk to anyone without the presence of a lawyer.

Amanda is also an organizer of Anakpawis in Cagayan Valley. She has been organizing farmers and agricultural workers and helping them with their land disputes and cases. In January 2020, she started helping organize peasant women under AMIHAN Cagayan. Her organization Amihan expressed that they will coordinate with Gabriela Women’s Partylist Representative Arlene Brosas in filing a house resolution to investigate the case. Members of the Senate minority bloc also called for the urgent release of Amanda, citing humanitarian considerations.

Echanis' camp filed a motion to quash the search warrant. Amanda's counsels claim that the actual “search” came before the service of the warrant, making the arrest highly irregular and questionable. The timeline of the actual events showed that there was first an invalid, illegal search that was conducted by the police/military before the supposed legal search by the CIDG with the presence of the barangay officials. They also filed a motion in court to allow her and her child to be together amid concerns she may suffer the same fate of another jailed activist. #

FACT SHEET
Case No. 17

Kabataan Party-list Sarah Elago, Neri Colmenares, et. al.
(Trumped-up charges)

In the second half of 2019, parents of youth activists separately charged before the Department of Justice Kabataan (Youth) Party-list's Sarah Jane Elago, National Union of the Peoples' Lawyers chairperson Neri Colmenares, and members of the national youth group ANAKBAYAN (Sons and Daughters of the Nation) for allegedly kidnapping and recruiting their children to the New People's Army.

The parents also questioned their children's participation in the electoral campaigns of Kabataan Party-list and Neri Colmenares, who was then running for a seat in Senate.

The criminal complaints cited violations of the (1) Revised Penal Code, (2) Anti-trafficking in Person Act of 2003, (3) Special Protection of Children in Situation of Armed Conflict Act, (4) Special Protection of Children against Child Abuse, Exploitation and Discrimination Act, and (5) the Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity.

The parents filed the complaints with the support of the Philippine National Police's Criminal Investigation and Detection Group (CIDG) and the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC). They also presented testimonies of alleged rebel returnees, Ma. Rebecca Pecayo and Edison Villanueva, about how ANAKBAYAN and other progressive youth organizations allegedly recruit minors to the NPA.

On 15 October 2019, the Justice Department dismissed one of the criminal complaints. Dismissed was the 24 September 2019 complaint filed by Relisa Santos Lucena and the CIDG for kidnapping and failure to return a minor under Article 270 of the Revised Penal Code and Section 4(c)(24)(ii-iii) of RA 9851 (war crimes). The investigating prosecutors stated that complainants failed to prove ANAKBAYAN's connection to the CPP-NPA-NDF and its supposed recruitment activities.

The other criminal complaints remain pending before the Department of Justice.

Months later, on 11 May 2020, Relisa and Francis Lucena sought the issuance of writs of *amparo* and habeas corpus against Elago, Anakbayan officers, and lawyer Kristina Conti of the Public Interest Law Center (PILC) and the National Union of Peoples' Lawyers (NUPL). Conti represented Anakbayan members during the preliminary investigations. The Lucenas were again assisted by the NTF-ELCAC as well as a certain lawyer named Ferdinand Topacio Jr. in filing the petition.

The Supreme Court junked the Lucenas' petition in September 2020. The Court said, "Since the petitioners' daughter has already attained the age of majority, which is 18 years old, [Lucena], in the eyes of the state, has earned the right to make independent choices with respect to the places where she wants to stay, as well as to the persons whose company she wants to keep." #

FACT SHEET

Case No. 19

(Recommended for Plenary Hearing Priority #1)

“Windel Bolinget, Boyette Jurcales, et.al.”

(Trumped up charges)

Included in the list of the persons indicted for the killing of an alleged indigenous Lumad leader in Davao del Sur in Mindanao, and appears in the Information as among the accused are “WINDEL BOLINGET” and “LUTGARD JURCALES, JR”. These names are similar to the names of Igorot leader Windel Bolinget from the Cordillera People’s Alliance and long-time activist from progressive group Bagong Alyansang Makabayan (BAYAN or New patriotic Alliance), Lutgardo “Boyette” Jurcales, Jr.

Their names were allegedly identified by prosecution witness Ranel Tibog Vender in his Affidavit as purportedly responsible for the death of this alleged Lumad leader sometime in March 2018, along with nine (9) other well-known human rights defenders from across the country.

This witness accused these 11 individuals as members of the rebel New People’s Army (NPA). The charge for murder was endorsed by the police in the area and filed before the Provincial Prosecutor. Thereafter, Prosecutor indicted them for the charge of murder.

As in other similar cases against other activists, none of them, however, were properly informed of this charge or summoned to defend themselves during the preliminary investigation. Records would show that the subpoena for them were sent to a bogus address. Subsequently, a warrant of arrest was issued against them.

Bolinget and Jurcales learned about this accusation against them sometime in January 2021, when they were shown copies of the Information or charge sheet, with their names included.

Prior to seeking legal remedy, a shoot to kill order was made by the Philippine National Police Chief in the Cordilleras against Bolinget. This compelled him to turn himself over to the custody of the National Bureau of Investigation. Subsequently, he filed a motion before the court seeking a re-investigation.

Jurcales, for his part, has likewise filed his own motion for reinvestigation and prayed that the warrant of arrest against him be recalled. He narrated in his affidavit that it was physically impossible for him to be at the purported scene of the crime because he was in Metro Manila, attending to his duties as the director of the Popular Struggle Commission of BAYAN. He appended documentary evidence to support his claim and to show his whereabouts on those days when the alleged murder took place.

Both motions are still pending resolution before the court.#

FACT SHEET
Case No. 20

Aeta community
(Forced evacuation and/or bombings)

On August 21, 2020, 659 families in the indigenous Aeta community in San Marcelino, Zambales were forced to evacuate their homes after the 7th Infantry Division of the Philippine Army conducted several raids and bombings in the area.

The military did not deny that there were bombings but only insisted that its target was the hideouts of the rebel New People's Army and such bombings were in accordance with the standard operating procedure. They claimed that the members of the NPA in the community used minors for their activities. They conducted a so-called rescue mission to retrieve the minors. But they got into an alleged encounter with the NPA that led to the death of one of the soldiers.

The military illegally arrested and tortured some Aetas, who were evacuating their homes. These Aetas were mauled, placed inside a sack and hung upside down, suffocated with a plastic bag and cigarette smoke and forced to admit membership with the NPA. The military also forced two of them to eat human feces. After six days in their custody, they were later charged with non-bailable crimes of murder, illegal possession of firearms and explosives and terrorism under the new Anti-Terrorism Act.

Indigenous rights group Umahon claims that the repeated bombings of the Aeta community were meant to drive the Aetas away to pave the way for the mining explorations of Dizon Copper-Silver Mines, Inc., which the Aeta residents oppose because they know it will be detrimental to the environment as well as their ancestral lands.

Last September 2020, the Commission on Human Rights said that it will conduct a separate and impartial probe on the incident but have yet to release the result of its investigation. The arrested Aetas remain detained since August 2020 and stand trial while they have recently filed an intervention in the Supreme Court questioning the constitutionality of the Anti-Terrorism Act but it was denied on the ground that there is already a pending criminal case before the lower court. #

FACT SHEET

Case No.21

(Recommended for Plenary Hearing Priority #2)

“Kasibu”

Violation of freedom of assembly

Oceanagold Corporation, a multinational corporation listed in the Australian and Canadian stock exchanges, has been involved in large-scale mining activities in Brgy. Didipio, Kasibu, Nueva Vizcaya for more than two decades. According to Kalikasan Peoples' Network, a group of scientists and environmental rights defenders, Oceanagold's mining activities have resulted in siltation of rivers in the area, which greatly affected the lives of the indigenous peoples living therein.

As early as 2017, the communities in the area where Oceangold operates have been subjected to a number of human rights violations. Military presence and the conduct of military operations intensified in the areas adjacent to the Oceanagold mine, which resulted in the forced displacement of families.

There were even several officers and members of local anti-mining group KIREDA (Kasibu Inter-tribal Response for Ecological Development) who were accused by the Philippine Army of supporting the communist rebels.

On 29 September 2017, five residents were illegally arrested by the Philippine National Police in a checkpoint, including a woman, three men and one minor child. The adults were members of KIREDA and another anti-mining group, the Samahang Pangkarapatan ng Katutubong Manggagawa at Magsasaka, Inc. (SAPAKKMMI). They were collectively known as the Kasibu 5. They were charged with trumped-up cases in court, which on 17 November 2017, ordered the release of the four of them due to lack of evidence.

In 2019, the Financial and Technical Assistance Agreement (FTAA) of Oceanagold was about to expire and became the subject of negotiation between the Philippine government and the company. The communities affected by the company's operations, together with the provincial government of Nueva Vizcaya refused to allow Oceanagold to continue with its operations considering the expiration of its FTAA.

Thereafter, Oceanagold filed a case against the provincial government before the courts. Subsequently, the trial and appellate courts upheld the decision of the provincial government to disallow Oceanagold from continuing with its mining activities in the area following the expiration of the company's FTAA.

Notwithstanding this, the company continued with its operations. On 6 April 2020, the Philippine National Police escorted the entry of trucks carrying fuels in Bgy. Didipio for the operation of OceanaGold, and used excessive force to push away the human barricade, which the locals set up to prevent the company from continuing with its operations.

The locals have likewise raised concerns over the excessive use of the company of water resources in the area, which deprived them of ample water supply especially amidst the COVID-19 pandemic, where frequent handwashing is a must.

As a result of the violent dispersal, Rolando Pulido, chairperson of indigenous organization DESAMA was arrested and slapped with charges of 'disobeying' police officers. At least three other indigenous barricaders were injured during the violent dispersal by the PNP. Currently, Pulido is out on bail. #

FACT SHEET

Case No. 22

(Recommended for Plenary Hearing Priority #2)

Altermidya

(Violation of Press Freedom)

The People's Alternative Media Network (Altermidya) is a nationwide network of independent alternative media outfits, individuals, and institutions in the Philippines. Its mission is to promote independent and pro-people journalism. The stories produced by the network focus mainly on underreported people's issues, particularly that of the marginalized sectors of the youth, women, indigenous peoples, workers, urban poor, and farmers. Included in its network are Bulatlat, Kodao Productions and Pinoy Weekly, which are only some of the media outfits which are under attack by the Duterte administration.

Digital platforms such as social media are used by their respective websites but these are also attacked through Distributed Denial of Service (DDoS). A DDoS attack is "a malicious attempt to disrupt normal traffic of a targeted server, service or network by overwhelming the target or its surrounding infrastructure with a flood of internet traffic." As a result of this attack, online publications are unable to reach the intended audience because the website becomes inaccessible to a real online user. This occurs when there is a deluge of fake users trying to access the same website, causing the site to crash and shut down. The nefariousness of the attack is heightened by the use of virtual private networks (VPN) to hide the perpetrator's footprints (technically called IP addresses).

Since December 2018, Bulatlat.com began to shut down for varying periods of time. Notably, these shut downs occur when the website posted breaking news of human rights violations, and statements of dissent. Altermidya and Kodao also faced the same types of attacks.

According to the exhaustive research and study by experts, it was shown that the attack signatures responsible for the DDoS attacks on each of the media outlets were the same. It was also found out that the perpetrators were employing the help of other cybercriminals to further the attacks in the cyberspace. As a result of a private forensic investigation, it was found that the attackers who visited Bulatlat.com used search words like "Duterte", to look for specific articles pertaining to the President or intimidate whoever is trying to trace them.

Aside from cyberattacks, press freedom has also been brazenly attacked by military, police, and government forces through the confiscation of their publications and vilification in public fora.

In August of 2019, the Facebook page of Concepcion (Romblon) Municipal Police Station alleged that Kodao is among those "above ground" organizations that directly and indirectly provide material and moral support to the armed revolution of the Communist Party of the Philippines (CPP).

This was also the tenor of the quote by Lt. Gen. Antonio Parlade Jr of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) when he alleged in May 2020 that Kodao is a creation of the CPP which exists as a propaganda front of the underground organization—a dangerous allegation echoed by Presidential Communications Operations Office Undersecretary Lorraine Badoy.

The Dinagat Island Mobile Force Platoon of the Philippine National Police also alleged that Kodao was manipulating the Filipino people by spreading misinformation against the government.

Bulatlat was likewise attacked by Badoy in a television program, saying that Bulatlat journalists as well as the National Union of Journalists of the Philippines are communist fronts and terrorists.

On September of 2019, the editor-in-chief of Pinoy Weekly was informed that members of a military and police-backed group that called itself “Pro-Government” forcibly entered the local chapter office of an urban poor organization called *Kalipunan ng Damayang Mahihirap* (*Kadamay*) in Pandi, Bulacan, and confiscated several bundles of its magazines, placed them in a clearing in front of the residents and set the magazines on fire.

The police also demanded local Kadamay leaders to surrender copies of Pinoy Weekly in July 2020, claiming that the magazine was teaching the people to fight the government and was brainwashing the people. The police chief also threatened the locals, saying that something will happen if they refused to surrender the “illegal” and “subversive” materials. Out of duress, they were made to sign a statement that they voluntarily surrendered “large volumes of subversive documents” to the Pandi police.

A team of relief workers were also stopped at a police checkpoint and were accused by the police of inciting rebellion against the government for possession and intent to distribute copies of Pinoy Weekly to farmers.

As a result of these attacks, Altermidya called on the Commission on Human Rights to conduct an investigation on the incidents. Administrative and criminal complaints against Parlade, Badoy, and the Executive Director of the NTF-ELCAC Allen Capuyan, were also filed before the Ombudsman for violations of the Anti-Graft and Corrupt Practices Act and the Code of Conduct and Ethical Standards for Public Officials and Employees. The cases remain pending and are reportedly not moving. #

FACT SHEET

Case No. 23

(Recommended for Plenary Hearing Priority #1)

Jevilyn Cullamat

(International Humanitarian Law (IHL) Violation)

On November 28, 2020, Jevilyn Cullamat, 22, a medic of the rebel New People's Army's Northeastern Mindanao Regional Committee, was killed during an alleged encounter with the Philippine Army in Marihatag, Surigao del Sur. She was the youngest daughter of a progressive partylist Bayan Muna representative in Congress.

The Philippine Army's 3rd Special Forces Battalion arranged her remains as though she was still carrying a rifle, together with the seized firearms, improvised explosives and flags of the CPP-NPA-NDFP, and photographed with the members of the military posing in the background. After the incident, the photo was uploaded by the state-run Philippine News Agency on its Twitter account but after receiving backlash from netizens, the tweet showing the photo was taken down.

Defense Secretary Delfin Lorenzana, a retired Philippine Army general, said that the handling of the corpse of Jevilyn and the taking of such picture is a policy of the Philippine Army and that soldiers do the same thing after clashes with different armed groups in the past.

However, two days after the incident, Philippine Army spokesperson Brig. Gen. Edgar Arevalo said that the photo was taken for reporting and documentation purposes only, that it is not military policy to distribute such pictures, and a similar act constitutes a violation of their stringent policy. Arevalo also said the issue of how the photos were leaked to the media was already investigated and the one who was responsible already faced sanctions. He provided no other details.

Because of this incident, National Security Adviser Hermogenes Esperon, Jr. Who is concurrently Vice-Chairperson of the National Task Force to End the Local Communist Armed Conflict (NTF-ELCAC) and the Anti-Terrorism Council (ATC), linked the Cullamat clan with the CPP-NPA and its alleged front organizations, claiming that Jevilyn's father, uncle, and aunt were alleged leaders of the indigenous Lumad organizations tagged by the military as terrorists. The military also propagated that Jevilyn's death was a "proof" of the Cullamat clan's "deep rooted radicalization" and the "exploitation of the Indigenous Peoples' community."

Jevilyn was witness to the "Liangsa Massacre" where paramilitary group Magahat-Bagani Lumad killed Lumad leaders on September 1, 2015 including Manobo leader Dionel Campos, a first cousin of Congresswoman Eufemia Cullamat, and Juvello Sinzo, a relative. The paramilitary group is still free and has not been brought to justice.

In a televised briefing on November 30, 2020, President Rodrigo Duterte said that the Lumad who became rebels should go home because they are being deceived by the

NPA, that many Lumads have already died, and that if it continues, the Lumads will become an extinct tribe. He mentioned the death of Jevilyn and said, "Let a woman fight a soldier, she will surely die."

Last July 2017, President Duterte threatened to bomb Lumad schools, claiming that they taught students subversion and communism. Indigenous peoples' group Save Our Schools Network documented 584 cases of attacks ranging from school-related extrajudicial killings to sexual harassment cases from May 2017 to July 2019. In 2019 alone, 55 Lumad schools in the Davao region, villified by the military as training centers for NPA rebels, were shut down by the Department of Education.

The Commission on Human Rights (CHR) launched their own investigation of the incident upon the complaint of Congresswoman Cullamat. The CHR found that it "cannot find good reason" in the military's decision to pose with the dead body of Jevilyn alongside seized firearms and communist flags.

Jevilyn was buried on December 3 in a public cemetery in Lianga, Surigao Del Sur but Congresswoman Cullamat could not be present because of threats to her life. #

FACT SHEET

Case No. 24

Asset freeze and forfeiture cases v. RMP” (Threats and red-tagging)

The Rural Missionaries of the Philippines (RMP) is a national, inter-congregational, and inter-diocesan organization engaged in missionary work, adopting the Vatican’s declaration of preferential option for the poor. Members of the RMP work directly with the oppressed in rural areas to form democratic Christian communities.

The National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) has relentlessly red-tagged and maligned RMP, labelling them as terrorists. The Task Force even bragged in public fora that they have spoken to members of the European Union and urged them to stop funding RMP as it is allegedly an aboveground organization of the Communist Party of the Philippines.

Due to the constant red-tagging, the RMP sought protection and joined human rights watchdog Karapatan and progressive women’s group Gabriela in filing a petition for a writ of *amparo* and habeas data. Not only was the petition denied after a railroaded hearing, National Security Adviser Gen. Hermogenes Esperon also used it as a basis to file a reprisal suit of perjury against these groups.

The attacks on RMP intensified in December 26, 2019, when the Anti Money Laundering Council (AMLC) issued Resolution TF-18 that ordered a 20-day freeze for three bank accounts with the Bank of Philippines Islands (BPI) belonging to the RMP-Northern Mindanao.

It then ordered BPI to submit details of RMP-related bank accounts and the BPI also froze at least 12 bank accounts, two of which are accounts of the RMP National Office. This was based on the very vague reasoning that there is “probable cause that the BPI accounts of RMP are related to terrorism financing”.

On February 26, 2020, the RMP received a copy of a resolution of the Court of Appeals dated February 11, 2020 granting the AMLC’s petition to extend the freeze order to six months and instead of the original 3 bank accounts, it has resolved to include in the extended freeze order all mentioned related bank accounts totaling to 15 bank accounts – four (4) for the National Office and eleven (11) for the Northern Mindanao Sub-Region.

These accounts were created and maintained for completed and on-going projects of RMP, as well as for its internal operations. The Court of Appeals yielded to the reasoning of the AMLC, which asserts that there was an “imperative need...to prevent RMP/RMP-NMR from withdrawing these funds to further prevent terroristic activities of the CPP-NPA.”

Even after six months has passed, the RMP was still not able to access their accounts.

On September 23, 2020, the RMP was informed that a case for civil forfeiture has been filed at the Manila court against the RMP and RMP-NMR. A hearing for an Asset Preservation Order (APO) was held last October 2020 and the APO was granted, rendering the funds inaccessible while the case is pending.

As of this time, the civil forfeiture case is still pending. The freezing of the funds affected the projects and operations of the RMP, making it hard for them to fulfill their organization's mandate of serving the poor. #

FACT SHEET

Case No. 26

(Recommended for Plenary Hearing Priority #1)

“MAKABAYAN Bloc in Congress” (Threats, Red-tagging)

Bayan Muna (People First), Gabriela Women’s Party and Kabataan (Youth) Partylist are members of the political opposition, collectively known as Makabayan (Patriotic) bloc, the progressive partylist groups in the House of Representatives. They have filed numerous pieces of legislation that are aimed at improving the condition and protecting the rights of marginalized sectors which include peasants, workers, urban poor, women, LGBTQIA+, students and the youth.

Considering their track record in exposing the ills of State policies that run counter to the promotion of civil, political, economic, social and cultural rights, the Makabayan bloc has consistently been the open target of the atrocious vilification campaign by the administration of President Duterte.

During the campaign period of the 2019 national elections and even during the election period, the Makabayan bloc and its member organizations were vilified and accused of being terrorist front organizations by Gen. Antonio Parlade Jr., a high ranking army official and a spokesperson of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC).

Gen. Parlade publicly attacked and vilified the Makabayan bloc in various media platforms, referring to it as “Kamatayan” (Death) bloc in Congress.

Bayan Muna Representative Carlos Zarate was accused by Gen. Parlade of using the Lumad (indigenous peoples in Mindanao) for the advancement of the causes of the underground Communist Party of the Philippines, in the guise of calling for the reopening of certain Lumad schools. Gen. Parlade baselessly claimed that these Lumad schools are allegedly being used by the rebel New People’s Army as training ground for future red fighters.

Towards the end of 2020, Rep. Zarate, who is also an adviser of the National Union of Peoples’ Lawyers (NUPL), was likewise publicly vilified by no less than President Duterte and called him names, such as “hypocrite” and “chauvinist pig.” President Duterte claimed that Rep. Zarate’s lifestyle should likewise be open to scrutiny, questioning his capacity to send his son to a European school and thereby insinuating corruption.

Meanwhile, Kabataan Partylist Representative Sarah Elago was also accused by Gen. Parlade and other members of the NTF-ELCAC, of recruiting minors to the rebel underground movement and poisoning the minds of the youth to go against the government. Trumped-up charges against her and other activists were filed but some of them have already been dismissed by the Department of Justice itself for lack of basis.

Like Rep. Zarate, Rep. Elago has been the object and subject of vicious vilification in posters, tarpaulins, media and social media platforms both by the NTF-ELCAC and by trolls and anonymous authors.

Rep. Zarate and Bayan Muna filed a complaint before the Commission on Elections against Gen. Parlade for his partisan political activity during the national elections when he actively engaged himself in negative campaigning against Bayan Muna on April 17, 2019. This complaint remains pending before the Commission.

In early and late 2020, both Representatives have pursued separate administrative and criminal cases in the Office of the Ombudsman against Gen. Parlade and some members of the NTF-ELCAC including Lorraine Badoy, an Undersecretary of the National Security Adviser Gen. Hermogenes Esperon Jr., Vice-Chair of both the NTF-ELCAC and the Anti-Terrorism Council who has also red-tagged Makabayan. They charged Gen. Parlade and the NTF-ELCAC members of misusing public funds in their baseless and malicious red-tagging activities.

The cases remain unacted upon as of date despite several follow-ups. #

FACT SHEET

Case No. 30

Commission on Human Rights (Threats/Red-tagging)

The Commission on Human Rights (CHR) had long been vocal against the war on drugs waged by the Duterte government and the extrajudicial killings that came along with it.

The House of Representatives tried to emasculate this independent constitutional body by cutting its budget to a mere at 1,000 pesos or merely 20 US dollars. The then Speaker of the House, who was then a close ally of the President, tried to justify this decision by saying that the CHR was only concerned with the rights of criminals. He went on to say that if the CHR was truly concerned with the rights of criminals, then the agency should just ask the criminals for their budget.

President Duterte himself slammed the CHR for criticizing his war on drugs. In a speech before the 2nd Infantry Battalion of the Philippine Army, he said, *“Itong Human Rights, mamili ka* (These human rights...pick). Is it the comfort or safety of the population or the lives of criminals?”.

In 2017, President Duterte attacked CHR Chairman, and member of the 1987 Constitutional Commission, Chito Gascon, accusing him of being a pedophile after the CHR expressed concern over the growing number of teenagers being killed in the drug war. He said,

“Itong si Gascon...parang pedophile kang putang ina ka! Bakit ka mahilig masyado sa teenager (This Gascon...he is like a pedophile, son of a bitch! Why are you so fond of teenagers)? *Nagdududa tuloy ako eh. Bakla ka o pedophile ka?* (I now have my doubts. Are you gay or a pedophile)? Why is this guy suffocated about the issue of young people, especially boys? Are you a pedophile? Do you want the young? You almost cry blood. Of course it's repugnant. You are so fixated with young males. So I have doubts if you are a pedophile, *gago ka* (you are stupid), idiot!”

Despite the political attacks, the CHR remained vocal about draconian policies of the Duterte government, such as the implementation of E.O. 70, or the Executive Order which institutionalized the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC). It called for the rescission of the executive order, following the mass attacks on human rights activists since the beginning of 2020.

Because of this, NTF-ELCAC Spokesperson Gen. Antonio Parlade slammed the CHR anew, accusing them of siding with the Communist Party of the Philippines and its front organizations. Parlade said the CHR “continuously parrots the lies” of CPP front

organizations, “in synch with the United Nations Commission on Human Rights investigation” of alleged crimes of the Duterte government. National Security Adviser Hermogenes Esperon Jr. likewise taunted the CHR, asking “Does CHR job involves (sic) counter-insurgency. Why call for the E.O. 70 to be abolished?”

In October 2020, on the heels of the United Nations Human Rights Council Resolution endorsing the technical assistance and capacity building measures to address the human rights situation in the country, Gen. Parlade criticized both Chairperson Gascon and Commissioner Karen Dumpit. Gen. Parlade castigated Dumpit for her reaction to the said Resolution and accused her of becoming a “mouthpiece of the Kamatayan (Death) (Makabayan) bloc and its allies like Karapatan.” #

FACT SHEET

Case No. 31

“Norzagaray” (HRVs during the Pandemic)

On 19 April 2020, members of the Philippine National Police apprehended at a check point six volunteer workers on their way to deliver food packs and relief goods to agricultural workers residing in Norzagaray, Bulacan province, north of Manila.

The six individuals—Karl Mae San Juan, Tobi Estrada, Eriberto Peña Jr., Raymar Guaves, Roberto Medel, and Marlon Lester Gueta—volunteered for the relief mission being conducted by Oplan *Sagip Kanayunan* (Save the Countryside) and *Tulong Anakpawis* (Help the Toiling Masses). They are members of progressive groups Kilusang Magbubukid ng Pilipinas (KMP), Unyon ng Manggagawa sa Agrikultura, Alyansa ng Magbubukid sa Bulacan, and Sining na Naglilingkod sa Bayan (Sinagbayan).

The police stopped the vehicle carrying the volunteers and the relief goods at the check point on the boundaries of Norzagaray and San Jose del Monte City at around 10 a.m. They were also carrying copies of old issues of alternative media *Pinoy Weekly* news magazine and KMP’s *LINANG* newsletter.

After inspecting the passengers and the vehicle, a man in plainclothes who appeared to be a police officer ordered them to proceed to the Norzagaray Municipal Police Station. The volunteers were not apprised why they were brought to the municipal police station.

By noon, former progressive Anakpawis Party-list Representative Ariel Casilao arrived at the police station to discuss the release of the volunteer relief workers. Despite failing to provide any reason for the volunteers’ detention, the municipal police continued to refuse their release. It was only around 1:30 p.m. when the police allowed the volunteers to leave after reaching an agreement with Norzagaray police chief Lt. Col. Jaime Quicho that the relief goods will be turned over to a village officer.

However, Casilao and the volunteers were later called back to the station and then brought to the Bulacan Provincial Police Office located in Malolos City. At the provincial office, Casilao and the volunteers experienced verbal harassment and vilification from Provincial Police Director, PBGen. Rhodel Sermonia. Police officers suddenly laid out flyers and tarpaulins of *Sagip Kanayunan* and *Tulong Anakpawis*, while taking videos of Sermonia admonishing Casilao and the volunteers.

Copies of *Pinoy Weekly* and *LINANG* were confiscated by the police. Also seized was the Food Pass issued by the Bureau of Fisheries and Aquatic Resources under the name of Anakpawis Party-list, which they had been using in the conduct of relief operations in other provinces.

Casilao and the six volunteers were later brought back to the Norzagaray Police Station for inquest proceedings for alleged violations of enhanced community quarantine protocols. Before the Office of the Provincial Prosecutor of Bulacan, all seven were charged with alleged violations of (1) Section 9 of Republic Act No. 11332 (Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act); (2) Article 151 (Resistance and disobedience to a person in authority or the agents of such person) of the Revised Penal Code in relation to Inter-Agency Task Force (IATF) directive dated April 2, 2020 and Department of Health's Department Order No. 2020-0090; and (3) Section 4 of Presidential Proclamation No. 922, s. 2020.

Police claimed that the volunteers and Casilao failed to present a valid travel permit or a quarantine pass.

The police also charged the six volunteers also with attempted inciting to sedition under Article 142, Revised Penal Code, for allegedly planning to distribute pamphlets containing anti-government sentiments such as “#OUST DUTERTE SA PANAHON NG 2019-NCOV, LABANAN ANG NEOLIBERAL NA ATAKE MANGGAWA AT MAMAMAYAN NG REHIMENG US-CHINA DUTERTE” (Oust Duterte in the time of 2019-NCOV, Fight neo-liberal attacks against workers and people by the US-China-Duterte regime). The pamphlets seemed to refer to old issues of *Pinoy Weekly*.

Meanwhile, Casilao was charged with Usurpation of Authority under Article 177, Revised Penal Code. The charge stemmed from his alleged misrepresentation that he was still a member of the Philippine Congress and the current representative of Anakpawis Party-list.

The Prosecutor found probable cause to indict (1) all seven for violation of Section 9 of RA 11332; (2) the six volunteers for inciting to sedition; and (3) Casilao for usurpation of authority. All seven were released on bail on 22 April 2020.

On 13 May 2020, the Municipal Trial Court (MTC) of Norzagaray, Bulacan dismissed the charge for violation of Section 9(d) of RA 11332 against Casilao and the six volunteer relief workers. The other cases however remain pending at the lower court. #

FACT SHEET

Case No. 32

(Recommended for Plenary Hearing Priority #1)

San Roque 21

(HRVs During Pandemic)

On April 1, 2020 residents of the urban poor community Sitio San Roque in Barangay (village) Bagong Pag-asa, Quezon City heard from a local resident and a local barangay official that there would be a distribution of relief aid from a TV station to the community.

The residents, daily wage earners who have not received any food or financial aid from the government since work was officially suspended March 17 due to the COVID-19 pandemic, got wind of this and started queuing in EDSA, Metro Manila's major thoroughfare, just outside their urban poor community.

A van of the TV station was also on standby near the area, lending credence to the promise of relief. Nearly 1,000 people showed up and stood in line but the rumor turned out to be false and there was actually no relief operation to be conducted. Instead, some of the residents were randomly given placards by people they did not know or recognize and members of media then started asking them about their grievances against the Quezon City local government.

A few peacefully expressed their grievances against the lack of food supplies, medical services, and government action since the lockdown declared by President Duterte on March 15, 2020. This led media to misinterpret the gathering as a protest action.

After a while, officers of the Quezon City Police District (QCPD) personnel armed with riot shields and batons arrived and gave the residents 10 minutes to disperse but because of the size of the crowd, they were not able to do so in time which led the police to chase them down and arrest 21 of them.

Jocy Lopez, one of the residents who was first in line, heard the order of dispersal and shouted to the queue that they were being asked to leave but the police suddenly took her by the arm and also pulled in those they could collar. Those at the end of the line said that they were just suddenly apprehended and made to lie on the ground while two of those arrested said they were not in the queue at all and were merely passing through when they were accosted.

The arrested were held at the Criminal Investigation and Detection Unit custodial center, the unit led by Police Chief Inspector Elmer Monsalve. On April 3, 37 hours had elapsed since they were arrested and no charges have been filed against them so some relatives of those arrested filed a habeas corpus petition before the Quezon City Regional Trial Court to seek their release. However, the formal charges were filed the same day at the trial court.

They were charged with unlawful assembly or violation of the Batas Pambansa Bilang 880; non-cooperation in a health emergency under Republic Act (RA) No. 11332; resistance to authority or Article 151 of Revised Penal Code; and spreading false information and impeding access to roads under President Rodrigo Duterte's special powers under the Bayanihan to Heal as One Act (RA No. 11469).

The night of the incident, President Duterte went on a televised address and ordered the police and the military to shoot quarantine violators dead if the latter caused disorder and the situation arose that the police authorities' lives are put in danger.

As response to the plea of the hungry residents, President Duterte said not to intimidate and challenge the government "because they will surely lose" and to just wait for government assistance even if it is delayed. He also warned urban poor group Kadamay, which was accused of instigating the residents to stage the protest, not to cause trouble because they would be detained until the outbreak ends. Kadamay denied that they were behind the protest since they were busy at the time organizing a community kitchen.

On April 6 the QCPD stormed the community kitchens in Sitio San Roque, organized by the residents, to take down the protest placards demanding for food, mass testing, and other social services hung in the kitchens. The QCPD Station 2 chief Lieutenant Colonel Rodrigo Soriano claimed that even community kitchens are banned under the Luzon-wide lockdown but the national guidelines do not provide so.

The posting of bail of the 21 residents was delayed because some of the residents did not have their IDs and the court staff initially did not accept the photos of the arrested residents because they were not printed on photo paper. After five days in jail, all the arrested were able to post bail amounting Php 367,500 (more or less USD 7,500) raised through donations and they were released on April 6. The charges against the residents are still pending. #

FACT SHEET
Case No. 33

Pride 20
(HRVs During Pandemic)

On June 26, 2020, the officers of Quezon City Police District (QCPD) arrested at least 20 people --dubbed as #Pride20-- at a Pride March protest of the LGBTQ+ community near the presidential palace in Manila during the pandemic lockdown.

They were charged with disobedience of persons in authority in relation to a law on reporting of communicable diseases and the Public Assembly Act despite the protesters observing physical distancing and other health protocols.

The protest was held to celebrate Pride month—to call for the end of violence and discrimination against members of the LGBTQ+ community; for the passage of an anti-discrimination bill; and for the junking of the anti-terrorism bill, among others.

Bahaghari, an LGBTQ+ rights group, led the protest. Rey Valmores-Salinas, the group's spokesperson and one of the arrested said the protest program was peaceful and that they were merely exercising their right to freedom of speech and peaceful assembly. The entire protest was being streamed in several social media platforms through a live video coverage and it can be seen that the protesters were practicing physical distancing and wearing face masks.

The program was peacefully conducted until the group were surrounded by policemen in anti-riot gear. One of the participants of the protest Andrew Zarate approached to negotiate with one of the police officers who appeared to be in command later identified as James Cabales and asked that they be allowed ten minutes to finish their program but Cabales denied the request.

Zarate instead asked that they be given a minute to peacefully disperse but while the negotiation was still ongoing, Cabales ordered his men to take Zarate who was then tackled and dragged towards the police formation. Salinas saw Zarate being taken away so she came to his aid and tried to hand onto him but a police officer approached her and hit her in the head with a shield.

The police officers, on the other hand, claimed that one of the protesters became unruly when he allegedly and intentionally sprayed liquid substances on the police officers which resulted to the commotion but the said protester was not identified. This was also belied by the testimony of those arrested in their counter-affidavits.

When the protesters were arrested, they kept asking why they were being arrested but they were not given any response. An arresting officer also threatened Aljohn Estrella, one of the arrested, that he would be killed if he continued resisting which caused great

fear on Estrella so he pleaded to be put in the vehicle where his other companions were taken.

The two drivers hired by the protesters to drive the two vehicle used for the protest were also arrested. The keys of the vehicle were also taken by the police officers and the vehicles were used by the police officers without consent from the protesters to transport some of the arrested to the police station.

They were taken to the Manila Police District Headquarters using the two vehicles. Joan Paz-Bonganay, one of the arrested, tried to retrieve the keys of their vehicles from the police officer who drove the vehicle but the latter only returned it after the protesters warned him that they will file a carnapping charge against him.

Salinas, a transwoman, also reported experiencing discrimination from the police officers after they refused to let her stay with female detainees in their quarters. She was only allowed to stay with female detainees after intense collective negotiations by the group's lawyers and intervention of some female detainees.

After she was placed inside the detention room for women, she heard insults and jeers from the police officers. One remarked "that's a man!" and another repeatedly misgendered her by calling her "sir" despite being repeatedly corrected. She and her companions were made to stay in a small space in the corner of the Headquarters while the police did not give them beddings, blankets, pillows, or food and they had to rely on donations from friends and concerned citizens.

The charges against the protesters were dismissed by the Manila Prosecutor's Office due to lack of probable cause. The fiscal said in her resolution that while the march and protest was an illegal assembly because of the lack of the required written permit from the office of the local government of Manila City, only leaders or organizers of the rally can be held punishable under the law.

The complaining police officers failed to name who among the respondents were the organizers and leaders so they are assumed to be mere participants. Participants to a public assembly even without permit can only be dispersed peacefully from the assembly and cannot be held criminally liable.

The Prosecutor also cited the video footage of the march and the rally to note that it was staged peacefully and with observance of the health protocols for COVID-19 were it not for the police officer who collared Andrew Zarate. There was also no resistance and disobedience since the protesters did obey the order of dispersal but it was the police officers who prevented the participants from leaving the area, surrounded the vehicles of the protesters, and proceeded to arrest them. Lastly, there was no violation of the law prohibiting non-cooperation of persons identified as having a notifiable disease since there was no information that the protesters were afflicted by any disease, particularly COVID-19, that required them to notify the authorities.

The victims filed criminal and administrative countercharges for, among others, physical injuries, carnapping, qualified sexual harassment, grave misconduct, and violation of the Public Assembly Act against against the police in July 2020 before the Ombudsman and is still before the Case Evaluation Unit of its Military and Other Law Enforcement Office (MOLEO). #

FACT SHEET
Case No. 36

Cebu 8
(HRVs During Pandemic)

In the morning of June 5, 2020, 40 mostly young and student protesters were converging outside the gates of the University of the Philippines in Cebu in preparation for a protest action against the enactment of the Anti-Terrorism Bill.

The participants were wearing face masks and observed physical distancing as they lined up from the University gate but the dispersal unit of the Philippine National Police (PNP) Cebu, warned the protesters that they are only allowed 15 minutes to conduct their program.

Meanwhile, they police were checking quarantine passes and whether there were minors participating in the protest action. However, only a few minutes had just lapsed when the heavily-armed policemen and plain-clothed agents started an indiscriminate and violent arrest of the protesters and onlookers.

During the dispersal, some student protesters retreated inside the University grounds hoping to be protected by an accord with the Defense Department which prohibits police personnel from entering University grounds without consent from the UP administration. Nevertheless, the perpetrators chased the student protesters, prevented medical professionals from entering, and blocked delivery of food and water.

Six protesters together with two bystanders were brought to the police camp where they were detained and waited for charges. Of the two bystanders, one was a passerby who was merely taking a video of the arrest of one of the protesters and the other just happened to be near the area for an errand who asked a nearby police officer the reason for the commotion.

Even in the complaint filed by the prosecution against the victims, nowhere in the affidavits of the arresting officers was the specific participation of each accused indicated. It merely contained generalized and blanket accusations against the victims that they were organizers or leaders of the rally.

The victims were tackled, choked, and handcuffed by the arresting officers and plain-clothed agents during the violent dispersal. They were also verbally abused by the police officers when they were in the latter's custody because of their inquiries for the grounds for their arrest. They were not apprised of their rights as arrested and detained persons nor were they informed of the basis of their arrest and detention.

There were three charges against them: Public Assembly Act of 1985 Public Assembly Act of 1985 (BP Blg 880) for the alleged conduct of a protest action without proper permit, Republic Act No. 11332 for the alleged non-reporting of persons identified as having

COVID-19, and Article 151, paragraph 2 of the Revised Penal Code for alleged resistance or disobedience to a Person in Authority.

The victims, in their counter-affidavits, denied the charges and asserted that the protest action was not illegal and that they were not protest leaders or organizers, that they were not COVID-positive patients or suspected patients required to report their status, and that there was no lawful order that was disobeyed since the right to peaceful assembly and free speech are constitutionally protected rights. Moreover, the police started arresting people even before the 10-minute duration for the order of dispersal elapsed and before the police were able to check for their quarantine passes.

In their counter-affidavits, the victims maintain that their arrest is invalid since there is no law which criminalizes participation in protest actions. Even the Public Assembly Act of 1985 only allows the arrest of protest leaders or organizers in case of an illegal assembly. However, the protest action does not need a permit since it was conducted in an area within a government-owned or operated educational institution like UP Cebu.

They also pointed out that there are currently no national or local laws penalizing mass gatherings let alone peaceful protests during pandemics. Although there are omnibus guidelines from the Inter-Agency Task Force on Emerging Infectious Diseases, a task force organized by the executive of the Philippine government to respond to the pandemic, and an executive order of Cebu City which prohibit “mass gatherings,” these are not laws that can prohibit and penalize protest actions.

At most, these may impose reasonable guidelines such as social distancing, the use of prescribed facemasks, and proper sanitation. All of these were observed by the victims and their fellow protesters. In fact, it was the arresting officers who failed to practice social distancing as shown by pictures when they were preparing to arrest the protesters.

A trial court judge ordered the release of the victims the same day of the arrest but it was only after three days that they were released. One of the three charges (mandatory reporting of COVID-19 positive status) was dismissed for lack of merit since there was no allegation or any evidence to even suggest that the accused were identified as having COVID-19 at the time of their arrest. The remaining two charges remain pending. #

FACT SHEET

Case No. 38

Maria Beltran (HRVs During Pandemic)

Filipino artist Maria Beltran was arrested without warrant at past midnight Sunday of April 19, 2020 at her bar and café in Cebu City. Since the government lockdown in Cebu began, no restaurants were allowed to have dine-in customers so when the police operatives of Regional Intelligence Division and Regional Anti-cybercrime Unit (RACU) entered her room on the second floor and arrested her, no one was aware of it until her staff discovered her absence the next morning.

Police operatives told her that they came to arrest her but when she asked for a warrant of arrest, they answered that they will handcuff her if she refuses to go.

Her arrest was triggered by a satirical Facebook post that described Cebu City as being the "epicenter" of COVID 19 "in the whole Solar System" after an area in Cebu reported to have the most COVID-19 cases in the city. This earned the ire of the Cebu City Mayor Edgardo Labella who shared Beltran's post and said that the post is fake news and is a criminal act, that Beltran would soon be caught by the Philippine police Cybercrime Unit and would be thrown into jail.

After Mayor Labella threatened Beltran, she took down her post upon the advice of her lawyer and issued a statement on her Facebook page that said the post was not meant to spread confusion or fear and it was obviously satirical.

She was taken to the Police Regional Office 7 headquarters in Camp Sergio Osmeña on Jones Avenue, where the PRO-7 cybercrime unit is located. Beltran recalled that she was brought inside the conference room of the headquarters and handcuffed to a chair. There were no instructions to the officers as to how she would be allowed to rest so she maneuvered herself to sleep in a plastic sofa.

Around noon, she was moved to the holding cell in the men's section because it would be easier for the officers to just watch one place. A short while, Brigadier General Albert Ferro, Central Visayas' police director, came to interrogate her without the presence of her counsel and asked whether she is a member of leftist partylist Bayan Muna, which she denied since her only affiliation is with art groups.

It was only after more than 15 hours since her arrest that Beltran was able to talk to her legal counsel since the latter was not allowed to while Mayor Labella was still talking to Beltran inside the police station.

Beltran was released after three days when she posted bail. All the cases against her were eventually dismissed, the judge ruling that the post is satire, a "constitutionally protected speech." nable arrest, search and seizure because the allowed instances of warrantless arrests were not present. #

FACT SHEET
Case No. 39

Ronnel Mas
(HRVs During Pandemic)

On May 11, 2020 the National Bureau of Investigation (NBI) arrested without warrant Ronnel Mas, a public high school teacher, who during the pandemic lockdown posted on Twitter that he will give a P50-million reward to anyone who would kill President Rodrigo Duterte.

NBI Director Eric Distor instructed the agency to search for Mas but Mas had deactivated his Twitter account. This prompted the NBI agents to search for him until he was eventually traced to his residence in Zambales in Central Luzon.

Mas did not initially admit owning the Twitter account subject of the case alleging that someone made a fake Twitter account using his name. However, according to NBI-Dagupan District Office chief Rizaldy Jaymalin, Mas eventually broke down and admitted to the deed. Jaymalin also alleged that Mas voluntarily surrendered the Iphone that he used to write the tweet.

Mas was charged with inciting to sedition in relation to the Cybercrime law and for violation of the Code of Conduct for Public Officials.

The case was eventually dismissed by the Olongapo City Regional Trial Court by ruling that the warrantless arrest was invalid explaining that the NBI violated the constitutional right of Mas since he was not committing any criminal act at the time of the arrest owing to the appreciable lapse of time of six days between the arrest and the commission of the crime charged and the uncertainty of the identity of the author of the tweet.

While Mas gave an interview to the media where he apologized to the President and basically admitted that he is the author of the tweet, the Court said it did not cure the invalid warrantless arrest since the supposed extra-judicial admission made by Mas was not included in the records submitted to them.

Moreover, the “voluntary” confession was made without the assistance of counsel when Mas experienced deep stress after being accosted during the arrest, the coercive atmosphere of being alone with police officers in the vehicle which transported him, and the humiliation of being presented to the media.

A day after Mas’ arrest, the police nabbed a construction worker in Aklan province in the Western Visayas region who made a Facebook post where he offered P100-million to anyone who could kill President Duterte. Like Mas, he was charged with inciting to sedition. In Agusan Del Norte in Mindanao, a salesman was arrested for a Facebook post where he called President Duterte “buang” (fool) and was charged with cyberlibel. A month prior to Mas’s arrest, a social media user’s comment on the government’s choice

of buying a P2-billion private jet last 2019 which could have been spent for the pandemic instead landed him in legal trouble with the NBI.

Mas was released after eight days of detention and payment of P72, 000 bail.

The NBI refiled the case against Mas and attempted to remedy the gaps in their evidence which led to the case's earlier dismissal. However in a resolution dated February 16, 2021, Acting Provincial Prosecutor Jose Theodoro Leonardo Santos dismissed the case for "lack of probable cause" after the NBI failed to prove that it was Mas who posted the tweet. The refiled case suffered from the same procedural lapses that led to the case's first dismissal. Mas' lawyer said that the NBI's move to refile the case was an effort to further harass Mas. #

FACT SHEET
Case No. 41

Margarita A. Valle
(Ineffectiveness of Domestic Remedies)

In the morning of June 9, 2019, Margarita Valle, a journalist, arrived at the airport in Misamis Oriental in the island of Mindanao to board a flight back to Davao City where she is a resident. While waiting for her flight, Valle sat in one of the fast food shops and started finishing some work on the interviews which she had just conducted.

Thereafter, several men in civilian clothes approached her. One of them, who later introduced himself as an officer of the Criminal Investigation and Detection Group (CIDG) from the Philippine National Police, informed her that she had a warrant of arrest and commanded her to come with them.

Valle asked for the said warrant of arrest. The CIDG officer merely showed her a piece of paper inside a folder that he was holding but forbade Valle from reading its contents. Since Valle was not allowed to read the warrant of arrest, she asked the CIDG officer again for the reason why she was being arrested. But all her questions, demands, and pleas all fell on deaf ears.

To prove her identity, Valle showed her local newspaper (Sunstar Davao) and her Senior Citizen's identification cards (ID). However, her captors simply ignored what she did and insisted on bringing her out of the airport premises by commanding her to come with them to the police station in Cagayan de Oro so that she can clear her name.

At this point, Valle asserted her right to counsel and to make a phone call to her family to inform them that she was being arrested. She was brought into the office of the airport security. There she tried to call her family but she was only able to contact the cellular phone number of her cousin. She immediately informed her cousin that she was being arrested by policemen who were not in uniform and had no name plates.

After making that call, Valle was prevented from contacting her lawyer and the immediate members of her family. The police then hurriedly brought her out into a waiting vehicle. While inside, one of her captors confiscated all of her three cellular phones. At that point, she had no means to contact anybody, and was therefore left to fend for herself.

Valle was made to travel from one province to another in Mindanao. At one local police station, she was forced to wear an orange shirt with "CIDG Detainee" printed on it and had her finger and palms-printing, as well as her mugshot photos taken. Afterwards, she was ordered to sign at the bottom of the printed paper where she noticed that her family name was added to the name of a certain Elsa Renton.

Valle continued to assert her identity but all her assertions again fell on deaf ears. One of her captors even retorted that the name Elsa Renton was just among the many aliases

she could be using. This Elsa Renton is an alleged high-ranking official of the rebel New People's Army who faces a number of criminal charges.

Later that night, Valle was released following a public admission by the PNP that they mistook her for Elsa Renton.

After her release, Valle learned that earlier in the morning of the same day, the police released a report on the arrest at the Laguindingan Airport of a certain ELSA RENTON @Tina Maglaya/ FIDELINA MARGARITA VALLE y AVELLANOSA. It stated that they arrested Margarita Valle by virtue of a warrant of arrest for the criminal cases of Multiple Murder with Quadruple Frustrated Murder and Damage to Government Property with Criminal Case No. 508.

The warrant of arrest was issued on December 29, 2011 by Judge Bernadette S. Paredes-Encinareal, Regional Trial Court 10th Judicial Region, Branch 36, Calamba, Misamis Occidental. They termed the arrest as part of Oplan *Pagtugis* and Oplan *Salikop*. Authorities involved in the operation were elements of the PNP and the Philippine Army.

Following her ordeal, Valle filed criminal and administrative charges against the police operatives involved in her illegal arrest and detention. These criminal charges against the police officers were later on dismissed by the Ombudsman stating that she failed to adduce enough evidence to overturn the presumption of regularity in the performance of official duties by the said police officers.

The administrative charges were likewise dismissed, except for two low-ranking officers, who were meted the penalty of suspension only for a few days. #

FACT SHEET

Case No. 42

(Recommended for Plenary Hearing Priority #1)

**“KARAPATAN and NUPL Amparo Petitions”
(Ineffectiveness of Domestic Remedies)**

KARAPATAN

KARAPATAN (Rights) is a national alliance of organizations, human rights desks and individuals working for the promotion and defense of human rights and people’s rights. Because of KARAPATAN’s staunch advocacy and human rights work, its officers and members have become open targets of various human rights violations themselves.

Per its data, 48 of its human rights workers have been killed from 2001 to 2019. Under the present administration, three of its workers and volunteers have been killed. None of the perpetrators have been brought to court for their crimes. Its members and officers have been experiencing relentless persecution through the filing of trumped-up criminal charges.

Since October 2017, President Rodrigo Duterte has red-tagged and vilified KARAPATAN for a total six times in his public and official speeches and press conferences. He practically declared an open season against KARAPATAN’s officers and members by threatening to go after the organization, which he alleged to be a “legal front” of the underground Communist Party of the Philippines (CPP) and its armed wing the New People’s Army (NPA).

KARAPATAN’s Secretary General Cristina Palabay and its council member Reyland Vergara have been receiving death threats. Clarizza Singson-Dagatan, Secretary-General of KARAPATAN’s Negros Chapter has also received various threats and harassments perpetrated by state agents.

For years, Singson-Dagatan has been vilified by local law enforcement officials as a “communist rebel” plotting to destabilize the government. She received death threats via three text messages in the days following the killing of Atty. Ben Ramos, Secretary-General of the National Union of Peoples’ Lawyers (NUPL)-Negros Chapter in November 2018. The said messages warned that she “will be next.”

In May 2019, KARAPATAN filed its Petition for Writ of Amparo before the Supreme Court to quell these threats. While its petition remained pending appeal at the Supreme Court after the Court of Appeals perfunctorily and summarily dismissed their case after only an afternoon of hearing, one of their members, Zara Alvarez, was gunned down in Bacolod City, Negros Occidental in August 2020. Her account was supposed to be presented as evidence for their petition. The appeal remains outstanding to date.

National Union of Peoples' Lawyers (NUPL)

The National Union of Peoples' Lawyers was founded as a nationwide voluntary association of human rights lawyers, law students and legal workers committed to the defense, protection and promotion of human rights and the assertion of national sovereignty. Most of NUPL's clients, who are given *pro bono* legal representation and related legal services, belong to the poor and marginalized sectors of society, including peasants, workers, indigenous peoples, activists, and the urban poor.

Over the years, NUPL members have been red-tagged, threatened, vilified, subjected to surveillance, and charged with nuisance cases. Many have been publicly vilified in posters or radio programs.

On 15 April 2019, NUPL filed a Petition for the Writ of Amparo and the Writ of Habeas Data with the Supreme Court to seek protection for its members' right to life, liberty and security, which have been threatened by ranking officers of the military, police and key officials of the National Task Force to End the Local Communist Armed Conflict (NTF-ELCAC).

The Supreme Court granted the writs on 3 May 2019 and ordered the Court of Appeals to summarily hear the case. But the latter court dismissed the petition and denied the prayers asked by the human rights lawyers.

The appeal remains pending with the Supreme Court while the red-tagging and other forms of vilification continue against NUPL and its members, the latest of which is the baseless and malicious imputation of bribery and coercion against its own clients the Aetas who were tortured by the military and charged with terrorism and other crimes. Their legal representation was usurped upon the behest of the NTF-ELCAC and the National Commission on Indigenous Peoples (NCIP).

Administrative charges against the NTF-ELCAC officials led by National Security Adviser and Anti-Terrorism Council Vice Chair Gen. Hermogenes Esperon Jr., spokespersons Gen. Antonio Parlade Jr. and Undersecretary Lorraine Badoy were also earlier filed by NUPL before the Ombudsman in December 2020 and remain outstanding as well. #

FACT SHEET

Case No. 43

(Recommended for Plenary Hearing Priority #1)

Almonte et.al.

(Ineffectiveness of Domestic Remedies)

On 22 April 2020, 22 political prisoners filed a petition before the Supreme Court seeking their temporary release on humanitarian grounds amid the spread of the novel coronavirus in jails and penal institutions.

The petitioners—elderly, sickly, and pregnant detainees who are most vulnerable to COVID-19 infections—asked to be allowed to post bail or be released on recognizance during the duration of the state of public health emergency and the community quarantine. They cited the Supreme Court's decision allowing former Marcos Martial Law implementor and then Senate President Juan Ponce Enrile to be released on bail due to his advanced age and poor health in 2015.

As the number of COVID-19 infections worsens, the petitioners invoked the equity jurisdiction of the Supreme Court as the Rules of Court do not provide guidelines on temporary release of prisoners during public health emergencies.

The petitioners also sought the creation of a prisoner release committee that would recommend the release of other detainees and prisoners similarly vulnerable to COVID-19 infection throughout the country.

The petitioners are human rights defenders and activists who have been charged with trumped-up, non-bailable charges such as illegal possession of firearms and explosives, rebellion, and murder. Among them is activist Reina Mae Nasino, who at that time was pregnant with her child Emmanuelle River. Nasino gave birth during the pendency of the petition, and forcefully separated from her infant child. Emmanuelle River died in October 2020. (For more details, see factsheet on Case No. 44.)

In its comment submitted on 24 April 2020, the Office of the Solicitor General (OSG) sought the dismissal of the petition saying that "unfortunately, congestion in prison facilities is not among the grounds to release inmates." The OSG also reasoned that the prisoners may have better access to medical care while in confinement.

The Supreme Court dismissed on 28 July 2020, three months after its filing—with the petitioners and their counsels only notified about it in September 2020. The Supreme Court treated the petition as an application for bail; it redirected the petitioners to the lower courts where their respective criminal cases are being heard.

The Court said that "In order for the Petitioners to be granted bail, it is imperative to conduct hearings and receive evidence in order to weigh the strength of the prosecution's

evidence as to the guilt of the Petitioners. These proceedings are within the competence of the trial courts."

But based on abundant experience, applying for bail in a normally non-bailable offense takes a long time and a protracted and tedious process that is practically illusory because it amounts to a full blown trial to support it, much less granted. All the petitioners remain in jail with a number of them getting sick with various illnesses. #

FACT SHEET

Case No. 44

(Recommended for Plenary Hearing Priority #1)

“Reina Mae and Baby River Nasino”

(Ineffectiveness of Domestic Remedies)

Reina Mae Nasino is a community organizer and a member of urban poor organization Kalipunan ng Damayang Mahihirap-Manila chapter (Kadamay-Manila). On November 5, 2019, she was sleeping over at the office of fellow activists Ram Carlo Bautista and Alma Moran in Tondo, Manila when the police barged in, purportedly to implement Search Warrant Nos. 5944 (19) and 5945 (19) issued by Cecilyn Burgos-Villavert, Executive Judge of the Regional Trial Court of Quezon City. The firearms and explosives supposedly seized from Reina Mae, Bautista, and Moran were actually planted by the police operatives.

Together with Bautista and Moran, Reina Mae was arrested and thereafter indicted for trumped-up charges of Illegal Possession of Firearms and Explosives. Reina Mae and Moran were committed at the Manila City Jail Female Dormitory (MCJFD).

At the time of their illegal arrest, Reina Mae was in the first trimester of her pregnancy. She was deprived of adequate and appropriate prenatal care as she was seen only once by a doctor throughout her entire pregnancy. This was only done prior to their transfer of detention from the police Camp Crame to MCJFD sometime in February 2020.

On July 1, 2020, Reina Mae gave birth to her firstborn, a live baby girl named River Emmanuelle. As River then weighed only 2,435 grams or about 5.5 lbs. despite being born full term at 39 weeks, she was considered a low birth weight infant. She also had infant jaundice and was placed under ultraviolet light the following day.

Considering her low birth weight, Reina Mae requested several times before the court to allow her to stay with her baby at the Fabella Hospital or at the prison nursery within the MCJFD for 12 months pursuant to Republic Act No. 10028 or the “Expanded Breastfeeding Promotion Act of 2009” to ensure that River would be properly nourished.

However, her request was denied by the court after the jail authorities claimed that they lack facilities to cater to the needs of Reina Mae and her baby. Moreover, they claimed that it is the policy of their agency to allow female detainees to be with their infants for a maximum of 30 days.

Subsequently, Reina Mae’s baby was separated from her a few days after a month from giving birth and was turned over to her grandmother. In less than two months, baby River died from pulmonary disease on October 9, a condition which could have been prevented, according to health experts, had she been properly nourished by her mother’s breastmilk.

After a complicated and delayed process of asking for furlough to see her dying baby in the hospital, another trial court finally granted her request but only after River had died already.

Reina Mae was deprived of her right to grieve properly and with dignity as she was arbitrarily and inhumanely treated as a “high value prisoner” by the Bureau of Jail Management and Penology (BJMP), placed in handcuffs practically all the time, clothed in personal protective equipment (PPE), and guarded closely by battle-ready jail guards and police, and isolated from her family and lawyers in the abbreviated time she was given to attend her baby’s wake and burial.

Before giving birth to her baby, Reina Mae was among those who petitioned the Supreme Court in April 2020 to allow them to be released from detention temporarily and for humanitarian considerations, in the light of the COVID-19 pandemic, and also for her to be able to give birth and nurture her infant properly.

Since she was pregnant, she was considered by health authorities as among those vulnerable sectors to easily contract the virus. Her vulnerability was aggravated by the dismal and cramped conditions inside jail facilities in the country.

This petition remained pending with the Supreme Court for a couple of months without any action. It came out with a decision only before River died but Reina Mae’s lawyers from the National Union of Peoples’ Lawyers (NUPL) received it only a few days after the infant had already succumbed to illness.

The Supreme Court essentially denied the detainees’ pleas as it remanded to the lower courts the protracted and tedious determination if the petitioners who were elderly, sick and pregnant detainees may be allowed to be released on bail. She and her co-accused remains in jail to date as the charges are not bailable as a matter of right. #

FACT SHEET

Case No. 45

(Recommended for Plenary Hearing Priority #1)

“Joshua Laxamana – Oplan Tokhang Victim” (Ineffectiveness of Domestic Remedies)

Joshua P. Laxamana, Julius Sebastian, and a certain “Deo”, are teenage friends from around the same neighborhood in Tarlac City, Tarlac and are all avid players of the virtual game Defense of the Ancients (Dota). (Dota is a multiplayer online battle arena video game which is played over a network.)

Joshua, 17 years old, was the most competitive among them, and already ranked as among the top players of the electronic sport from the province. Julius, 15 years old, and “Deo” 16 years old, regularly played Dota with Joshua.

Apparently bored and unchallenged, Joshua and his friends on a whim decided to go to Baguio City, Benguet to seek better rivals in the game, which can be played either over local area networks or online. They had in the past known of tournaments played in Baguio City.

Early in the morning of 15 August 2018, the three started hitchhiking their way to Baguio, meaning to stay out only for a day. They managed to flag down and ride on a vegetable delivery truck, and then a jeepney (a popular local mode of public transport).

The friends probably ended up in the province of La Union, walking and wandering through the place disoriented. Deeming themselves lost by afternoon, they decided to go home as evening set on the same day.

Hitchhiking back home, the trio were dropped off by a delivery vehicle along a highway in Pangasinan, where an expressway directly connected to the vehicle’s destination in Manila and traversing Tarlac.

The friends grappled with their next step. Joshua and Julius both insisted upon walking through, while “Deo” begged to stop, rest, and find another passing vehicle to hop on. The two walked on, leaving “Deo”, who last saw them at 10:00 pm or 11:00 pm of 15 August 2018 near the Tarlac Pangasinan Expressway (TPLEX) entrance in Sison, Pangasinan.

“Deo” trudged alone and arrived home around 3:00 am, 16 August 2018. Neither Joshua nor Julius made it back. Joshua’s anxious mother, Christine Pascual, searched far and wide and entertained all leads about her missing son. She eventually learned that her son was killed in an alleged shootout with the police of Rosales, Pangasinan on or about 17 August 2018.

At the police station, Christine was told that Joshua had been on a motorcycle, armed, and upon confrontation, fought back (“*nanlaban*”) and evaded arrest. His body sustained several gunshot wounds. The police claimed that the boy was part of a group responsible for incidents of theft and robbery in the said province. The police allegedly recovered a pistol and sachets of dangerous drugs in his possession.

They had no record of Julius or any other person with him. Christine was able to claim the body of Joshua from the DL Funeral Homes in Rosales, Pangasinan on 21 August 2018.

The police autopsy report generally found that Joshua died of multiple bullet wounds. Christine requested for a re-autopsy of the body on 01 September 2018 with the Philippine General Hospital (PGH)-University of the Philippines College of Medicine.

In her report, forensic pathologist Dr. Raquel B. Del Rosario-Fortun opined that one of the wounds, the one on Joshua’s wrist, could be considered as a defense-type of injury.

Refusing to accept the police version of events, Christine filed criminal and administrative charges before the Office of the Ombudsman against the police operatives who were part of the operation that killed her son.

The Ombudsman, however, dismissed Christine’s complaint on 24 September 2019, stating that the killing of her son was a result of a legitimate police operation that was carried out within the ambit of the law.

She appealed her complaint all the way up to the Supreme Court. However, the Supreme Court affirmed the findings of the Ombudsman.

Recently, she has moved for reconsideration of the said affirmation before the Supreme Court and but remains pending to date. #

FACT SHEET
Case No. 46

3-year Old Myca Ulpina
(Ineffective Domestic Remedies)

In the morning of June 29, 2019, three-year old Kateleen Myca Ulpina was still sleeping in their residence in Rodriguez, Rizal, together with her mother, father and two younger siblings. Suddenly, armed policemen arrived, encircled their place and barged inside their house.

Myca's family was caught by surprise. Her father attempted to escape through their window by the second floor of their house where the bedroom was located. Myca unwittingly followed her father, but the police already fired shots at them.

Myca sustained three gunshot wounds, the most fatal of which was the one that entered through her nape, which caused her death the day after she was brought to the hospital. Her father was likewise killed in the incident.

As a reaction to the outcry on the death of the little girl, Senator Ronald "Bato" dela Rosa, who previously headed the Philippine National Police at the height of the *Oplan Tokhang* and *Oplan Double Barrel* antidrug campaign of the Duterte government, said that "shit happens" in an "imperfect world."

Following Myca's death, her mother Lydjay, filed criminal and administrative charges for murder and obstruction of justice, against all police officers involved in the killing of her daughter before the Ombudsman in October 2019.

However, the Office of the Ombudsman resolved to dismiss the complaint, considering that there was already a prior criminal complaint for homicide initiated by the police against just one of their colleagues who actually fired shots at Myca.

Lydjay moved for reconsideration of the said resolution in February 2020, considering that the criminal charge filed by the police was based on an entirely different theory and evidence that the police-respondents in her complaint fabricated and gathered in their adulterated crime scene. Until at present, Lydjay's motion for reconsideration remains pending. #

FACT SHEET
Case No. 47

“Bonifacio Father and Son Case”
(Ineffective Domestic Remedies)

Father and son, Luis Bonifacio and Gabriel Lois Bonifacio, were killed on 15 September 2016 in an alleged buy bust operation conducted by the police in Caloocan City, Metro Manila. Both died as a result of multiple gunshot wounds.

The widow of Luis and mother of Gabriel, Mary Ann Domingo, filed criminal and administrative charges for two counts of murder before the Ombudsman against the police. She vividly narrated in her complaint affidavit that several armed policemen arrived in their home at an ungodly hour on that day.

She and her three young children were bodily forced to go downstairs. Before going downstairs, she saw her husband on his knees with guns pointed at his head. She likewise saw her son, who was trying to pull away the police surrounding his father while pleading for his father’s life. Their house was likewise surrounded by armed policemen.

They were ordered by the police to stay away from their house. While they were a few meters away, they heard several gunshots from their house. Distraught, Mary Ann sought the help of the barangay officials but were only told that they could not do anything about it, much more intervene in an alleged “legitimate police operation.”

The police later claimed that Luis and Gabriel were involved in drug-related activities. When they were about to arrest them in a drug buy-bust operation, the police alleged that they were armed, resisted arrest and fought back.

Mary Ann refuted these and claimed that there was no buy-bust operation on that day. The multiple gunshot wounds sustained by her husband and son show how the police operatives outnumbered the victims, who were defenseless and unarmed, contrary to what the police asserted.

The Ombudsman downgraded the crime charged from murder to homicide and dismissed all criminal and administrative charges against the high-ranking officials involved in the said police operation.

Mary Ann moved for reconsideration of this resolution by the Ombudsman. After several months, however, her motion remains pending. #

FACT SHEET
Case No. 48

“Djastin Lopez”
(Ineffective Domestic Remedies)

In the late afternoon of May 18, 2017, Djastin went out to meet some of his friends along the old railroad tracks in Tondo, Manila. After an hour, his mother, Normita, was informed by some of her neighbors that Djastin was killed by police officers along the railway. She immediately went to the railway to verify the dreaded news. When she arrived there, she saw her son lying motionless and bloody on the ground. She wanted to get near him, but the police prohibited her from doing so. The autopsy and medico-legal report revealed that Djastin died of multiple gunshot wounds.

Witnesses claimed that Djastin was pleading for his life, as police officers in civilian clothes, swarmed around and pointed guns at him. One of the witnesses narrated that one of the police pushed Djastin on the ground and then slapped him. Thereafter, another police officer shot him at close range, slapped him and then shot him again. Three more policemen came close to Djastin and slapped him as he bled to death.

The police-respondents, on the other hand, claimed that they were doing a police follow-up operation on the murder of a certain individual, of which Djastin was considered a suspect. When they spotted him, Djastin allegedly resisted arrest and used a firearm to fight back. This was reflected in an earlier police report. However, in a subsequent progress report, the police then claimed that Djastin was a drug suspect and he was killed, not in a follow-up operation, but in a supposed drug buy-bust operation.

Normita pressed criminal and administrative charges for murder and planting of evidence against the police officers involved in the said operation before the Ombudsman. However, the Ombudsman resolved to indict only one police officer who admitted to shooting Djastin, while exonerating the high ranking officials involved in the operation.

In August 2018, Normita, through Rise Up for Life and for Rights and assisted by the National Union of Peoples’ Lawyers (NUPL), joined five other relatives of the victims in the “drug war” of the Philippine government in filing a Communication before the Office of the Prosecutor (OTP) of the International Criminal Court against President Duterte for Crimes Against Humanity.

The case is still in the preliminary examination stage but the OTP has determined in December 2020 that there is “reasonable basis” to believe that such crimes in relation to the war on drugs were committed in the Philippines.

The OTP said a decision to seek authorization to open the next stage of investigation is expected in the first half of 2021. Meanwhile, Normita and the other victims’ kin submitted on 22 January 2020 a Third Supplemental Pleading in support of their Communication. #

FACT SHEET
Case No. 49

Writ of Habeas Corpus for Alexandra Pacalda
(Ineffectiveness of Domestic Remedies)

On 14 September 2019, six military operatives in civilian clothing arrested a volunteer of a peasant organization without warrant in Quezon province, south of Manila.

Alexandra Pacalda, a volunteer of the *Pinag-isang Lakas ng Magsasaka sa Quezon* (United Force of Farmers in Quezon/PIGLAS-Quezon), was brought to a military camp where she was subjected to interrogation without the presence of a lawyer of her choice. Military men forced her to identify alleged members of the New People's Army.

On 15 September, Alexandra, her father, and her brother signed under duress a certification at the General Luna Municipal Police Station in Quezon making it appear that Alexandra voluntarily surrendered to the Philippine Army and the Philippine National Police. They were promised that Alexandra will be released upon signing the Certification.

Alexandra was also brought to a Notary Public and made to sign an Affidavit of Voluntary Surrender, admitting her supposed membership to the Communist Party of the Philippines and the NPA and her turning over a revolver, live ammunition, and "other war material" to the police and military.

In a handwritten letter dated 17 September, Alexandra explained that she signed the affidavit while she was not in her right mind—after she was deprived of food and sleep for more than 24 hours and having underwent psywar and mental torture.

Alexandra was detained for nine days without any charges filed against her. On 18 September, Alexandra's father, Arnulfo Pacalda, wrote to the 201st Infantry Brigade leadership asking for his daughter's release. He also informed the military that he has sought the help of the regional office of the Commission on Human Rights (CHR) to process Alexandra's release. The CHR also informed the commanding officer that it will conduct investigation into the involuntary disappearance of Alexandra on the same day.

The military however refused to release Alexandra to her family despite the lack of any criminal case against her.

On 23 September, Arnulfo filed a petition seeking the issuance of a writ of habeas corpus before the Supreme Court. On the same day, Alexandra was charged with violations of Republic Act (RA) No. 9516 (on the Unlawful Manufacture, Sales, Acquisition, Disposition, Importation or Possession of an Explosive or Incendiary Device) and RA No. 10591 (Comprehensive Firearms and Ammunition Regulation Act) before a lower court.

In a 2 October notice, the Supreme Court issued a writ of habeas corpus. The Supreme Court then referred the petition to the Court of Appeals for appropriate action. The Court of Appeals issued on 9 October and ordered respondent military officials to make a verified return.

In its Return dated 10 October, the Office of the Solicitor General accused Alexandra and her counsels as playing victim (*“pa-victim”*). The Solicitor General insisted that Alexandra was a member of the NPA based on the 17 September 2019 affidavit she signed. The OSG also informed the appellate court that Alexandra has been transferred to the Bureau of Jail Management and Penology’s Lucena City Jail Female Dormitory on 9 October.

On 29 October, the Court of Appeals dismissed the petition for habeas corpus, saying that the filing of the criminal cases against Alexandra has rendered it moot. The subsequent filing of charges against Alexandra barred her release from detention. #

Annex 3: 13 Cue Card Summaries

The following are the Cue Card Summaries for 13 out of 49 illustrative cases that form the basis of this investigation. These 13 cases are those which are not covered by the Fact Sheets in Annex 2. Please note that these summaries are just preliminary sketches. They will be further vetted and and elaborated upon.

CASE SUMMARY

Case No. 3	Extra-judicial Killings
Nature of the case	Murder and red-tagging
Victim/s	Atty. Benjamin Ramos Jr.
Perpetrators	Unidentified men riding a motorcycle
Brief Description of the Incident	<p>In the late evening of 06 November 2018, two armed motorcycle-riding men shot Atty. Benjamin Ramos Jr. three times in the chest and back while he was buying from his neighborhood's variety store in Kabankalan City, Negros Occidental. Ramos's neighbor saw the perpetrators late afternoon of the same day in front of their house.</p> <p>Atty. Ramos was the secretary general of the National Union of Peoples' Lawyers in Negros Island. He also served as executive director of the Paghidaet sa Kauswagan Development Group (PDG), a non-governmental institution assisting peasants in Negros. He also represented many political prisoners.</p> <p>Before his murder, Atty. Ramos was tagged as a member of the the underground Communist Party of the Philippines-National Democratic Front of the Philippines-New People's Army) in a poster put up by the Philippine National Police in Moises Padilla, Negros Occidental, a few months before his murder. Before his death, he was part of the legal team that assisted the victims of the massacre of farmers in Sagay.</p> <p>Members of the NUPL who attended his wake and burial were tailed and threatened by armed personnel later identified to be members of the Philippine Army. Criminal cases were filed against these two men and the cases are reportedly still pending while they are out on bail.</p> <p>To this day, no substantial results in the investigation by the National Bureau of Investigation or by any government body is known on Ramos' murder. Meanwhile, Atty. Ramos' wife reported that she herself has been subjected to surveillance by unidentified persons. #</p>

CASE SUMMARY

Case No. 4	Extra-judicial Killings
Nature of the case	Murder
Victim	Jose Reynaldo “Jory” Porquia
Perpetrators	Unidentified armed men
Brief Description of the Incident	<p>Jose Reynaldo “Jory” Porquia was a known human rights activist in Iloilo City. He served as the coordinator for Bayan Muna (People First) in Iloilo, a progressive party-list in the House of Representatives that represents the poor and marginalized sectors.</p> <p>Prior to his killing, Jory was harassed by the police for his relief efforts during the lockdown and his conduct of educational campaign as regards the COVID-19 virus and the respect for human rights despite the ongoing pandemic. He was vilified because of his activities.</p> <p>In the morning of April 30, 2020, unidentified armed men barged into his rented home in one of the towns in Iloilo. He sustained nine gunshot wounds which resulted in his death.</p> <p>There is currently no available information or report of any substantial development on the case by any government body. #</p>

CASE SUMMARY

Case No. 15	Illegal Arrest and Detention, Trumped Up Charges
Nature of the case	Fabricated charges of Arson and Kidnapping
Victim	Teresita Naul and the 468 journalists, lawyers, nuns and human rights defenders
Perpetrators	Philippine National Police and the military
Brief Description of the Incident	<p>On March 15, 2020, Teresita Naul, who is a senior citizen and a person suffering from asthma, was arrested by the police for charges of arson and kidnapping, as a result of an alleged offensive by the New People's Army against the Armed Forces of the Philippines in 2018.</p> <p>Among those falsely charged by the military are journalists, lawyers, nuns and human rights defenders mostly from CARAGA and Northern Mindanao regions.</p> <p>Teresita Naul serves as the coordinator of KARAPATAN, a human rights watchdog in the Philippines, for the Northern Mindanao region. She is a staunch advocate for the people's right to health and other basic social services.</p> <p>She was arrested just two days after the Philippines was placed under total lockdown following the surge of COVID-19 cases. She remains in prison until at present and has to endure the dismal conditions inside over-crowded and unsanitary detention facilities, despite her health frailties. #</p>

CASE SUMMARY

Case No. 16	Illegal Arrest and Detention, Trumped Up Charges
Nature of the case	Fabricated charges of Kidnapping, Human Trafficking and Child Abuse
Victim	Former Congressman Satur Ocampo, ACT Teachers Partylist Congresswoman France Castro and 16 members of the National Solidarity Mission in Talaingod, Davao del Norte
Perpetrators	Philippine National Police in Davao del Norte
Brief Description of the Incident	<p>On November 29, 2018, a high-profile National Solidarity Mission was conducted in Talaingod Davao del Norte, following reports of harassment against the Lumad (indigenous peoples in Mindanao) communities and the food blockade conducted by the military which seriously affected a Lumad school that houses several Lumad students and volunteer teachers.</p> <p>Part of the mission were former Congressman Satur Ocampo of Bayan Muna and Congresswoman France Castro of ACT Teachers Partylist, together with various church leaders. Bayan Muna and ACT Teachers Partylist are members of the progressive bloc in the House of Representatives.</p> <p>The mission went to rescue the Lumad students, as requested by the school administrators, after the military conducted food blockade in the area where the school was located. They took the children onboard their vehicle and were about to transport them to a safer place, when the military seized them in a checkpoint.</p> <p>The joint police and military initiated the filing of kidnapping, human trafficking and child abuse charges against former Congressman Ocampo and Congresswoman Castro, for having with them some minor Lumad students in their vehicle.</p> <p>The cases are reportedly still ongoing. #</p>

CASE SUMMARY

Case No. 18	Illegal arrest and Detention; Trumped-up charges
Nature of the case	Trumped-up Charges
Victim/s	Atty. Kathy Panguban; Atty. Luz Perez, and Paralegal Paolo Colabres
Perpetrators	Philippine National Police
Brief Description of the Incident	<p>In November 2018, Atty. Katherine Panguban was charged before the Department of Justice with the non-bailable offense of kidnapping for assisting a mother in securing custody of her son, a minor who survived the massacre of farmers in Sagay, Negros Occidental.</p> <p>The Department of Justice dismissed the complaint, which was filed by the survivor's estranged father upon the instigation of the local police, for lack of probable cause in June 2019. Panguban is the head of the Women and Children Committee of the National Union of Peoples' Lawyers (NUPL).</p> <p>Meanwhile, in August 2020, the Quezon City Police District (QCPD) accused Sentra's Atty. Luz Perez and paralegal Paolo Colabres of misrepresenting themselves when they claimed the cadaver of slain peasant leader Randall Echanis. Echanis, chairperson of Anakpawis and deputy secretary general of the Kilusang Magbubukid ng Pilipinas, was killed inside his house in Quezon City.</p> <p>Perez, an officer of the NUPL NCR chapter, was designated as attorney-in-fact by Echanis's wife to claim his body. Erlinda Echanis had positively identify the body through a video call prior to its release to Perez and Colabres by the funeral parlor to where it was brought by the police.</p> <p>The police arrested Colabres and reclaimed the body of Echanis. Colabres was then charged with obstruction of justice. He was released after posting bail of Php36,000.</p> <p>Meanwhile, the QCPD claimed that Perez "eluded arrest" even when she has not made herself scarce and was always in the public eye through media interviews in relation to the case. Both cases are still pending. #</p>

CASE SUMMARY

Case No. 25	Red-Tagging of Government Critics
Nature of the case	Filing of Disqualification Case against Gabriela Women's Party
Victim	Gabriela Women's Party
Perpetrators	National Task Force to End Local Communist Armed Conflict (NTF-ELCAC)
Brief Description of the Incident	<p>The NTF-ELCAC filed a case in 2019 against the Gabriela Women's Party before the Commission on Elections (COMELEC) and sought for its disqualification from participating in the upcoming Party-list elections. The NTF-ELCAC alleged that Gabriela Women's Party is engaged in activities that support the New People's Army and its advocacy of overthrowing the government.</p> <p>In December 2020, fake news circulated online that the COMELEC has already approved the petition of the NTF-ELCAC and as a result of which, Gabriela Women's Party is now disqualified to participate in the 2021 national polls.</p> <p>The current representative of Gabriela in the House of Representatives denounced such proliferation of fake news that intend to create confusion among the people and resulted in the disenfranchisement of women belonging to the marginalized sectors.</p> <p>Gabriela Women's Party belongs to the progressive Makabayan Bloc in the House of Representatives and particularly espouses women and children's rights in Congress. #</p>

CASE SUMMARY

Case No. 27	Threats/red-tagging
Nature of the case	Threats/red-tagging
Victim/s	Human rights workers and defenders – Karapatan
Perpetrators	President Duterte, NTF-ELCAC
Brief Description of the Incident	<p>President Duterte, along with the National Task Force to End Local Communist Armed Conflict, had repeatedly targeted Karapatan and its members, calling it an aboveground organization of the CPP-NPA.</p> <p>Its leaders and members have been subjected to all types of attacks, from death threats to actual assassination. Atty. Ben Ramos, Zara Alvarez, and Ryan Hubilla are some of the casualties of the state-sponsored vilification. Cristina Palabay, its Secretary General received a call and several text messages on December 10, 2019 threatening to rape and kill her.</p> <p>Karapatan applied in May 2019 for the writ of amparo but the Court of Appeals in June 2019 denied their application after a summary 3-hour hearing without giving them full opportunity to present their evidence on a technicality.</p> <p>According to the Court, there was no unlawful act or omission that violated or threatened their rights. The case was appealed to the Supreme Court in July 2019 and is pending.</p> <p>Meanwhile, National Security Adviser Hermogenes Esperon filed perjury charges in July 2019 against Karapatan, Gabriela and Rural Missionaries of the Philippines for purported false attestations of their corporate registration. The cases against them were dismissed by the prosecutor except for an elderly RMP nun who is now facing trial in court.</p> <p>Karapatan also filed in December 2020 a case against National Security Adviser Hermogenes Esperon, General Antonio Parlade, Undersecretary Lorraine Badoy and Deputy Administrator Mocha Uson before the Office of the Ombudsman, accusing them of committing a crime against humanity through persecution. No information as to any action, if any, on the case has been received. #</p>

CASE SUMMARY

Case No. 28	Threats/Red-tagging
Nature of the case	Red-tagging
Victim/s	National Union of Peoples' Lawyers
Perpetrators	National Task Force to End Local Communist Armed Conflict and its local counterparts, the security sector of the Executive Department, among others.
Brief Description of the Incident	<p>The National Union of Peoples' Lawyers, its officers and members have been constant subjects of red-tagging and vilification through posters, tarpaulins, media interviews, posts in social media platforms, media columns and even in government legal pleadings. They have been branded as "communists" and "terrorists", or "front organizations" of the CPP and NPA.</p> <p>NUPL together with the Union of Peoples' Lawyers in Mindanao and Public Interest Law Center have been branded as "communist fronts" by the NTF-ELCAC during a briefing with the Integrated Bar of the Philippines in November 2019.</p> <p>NTF-ELCAC's spokespersons Undersecretary Lorraine Badoy and Lt. Gen. Antonio Parlade have relentlessly maligned NUPL, accusing it of deceiving lawyers and judges to become members, recruiting lawstudents to the NPA, funneling material support to the underground, misrepresenting itself as <i>pro bono</i>, lawyering only for the armed movement, and exploiting public interests issues.</p> <p>A petition for amparo filed in May 2019 was junked by the Court of Appeals in July. The case is still on appeal before the Supreme Court.</p> <p>In December 2020, the NUPL filed an administrative complaint before the Ombusman against Parlade, Badoy and National Security Adviser Gen. Hermogenes Esperon Jr. for these continuing attacks. No information as to any action on the case is available to date.</p> <p>In January 2021, NTF-ELCAC witnesses repeated the vilifications before the Senate Committee looking into the issue of red-tagging.</p> <p>This February 2021, it was falsely accused by the Solicitor General, NTF-ELCAC, the NCIP, and by the Defense Department of deceiving, coercing and bribing its clients</p>

	Aetas into signing a Petition in the Supreme Court questionin the Anti-Terrorism Act. #
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CASE SUMMARY

Case No.29	Threats/red-tagging
Nature of the case	False accusation in public fora, red-tagging through flyers, surveillance
Victim/s	Civil society organizations: Ibon Foundation, Cordillera Peoples' Alliance, Churches
Perpetrators	NTF-ELCAC, Sagada Municipal Police Station
Brief Description of the Incident	<p>Ibon Foundation, an independent think-tank, was called out by NTF-ELCAC Spokesperson Undersecretary Lorraine Badoy in a TV program. She claims that Ibon's critique of the government's Build-Build-Build program is "unsurprising" because Ibon is allegedly an above-ground organization of the CPP-NPA.</p> <p>During a town fiesta in Sagada, Mountain Province, flyers bearing the caption "Deceptive Recruitment of CPP-NPA Terrorists" were distributed. The flyers listed several organizations, including the Cordillera Peoples' Alliance, as alleged communist fronts.</p> <p>Religious organizations like the Iglesia Filipina Independiente and United Church of Christ in the Philippines were not exempt from red-tagging and threats.</p> <p>During a Congressional hearing, the military tagged the National Council of Churches in the Philippines (NCCP) as a front of the CPP-NPA. In February 2021, the NCCP reported men aboard a police mobile taking pictures and videos of their compound.</p> <p>Bishops and lay members of the UCCP have been falsely charged with various common crimes in relation to their providing sanctuary and assistance to displaced indigenous Lumads. The charges and cases are ongoing while some have been dismissed earlier. #</p>

CASE SUMMARY

Case No. 34	Human Right Violations During Pandemic
Nature of the case	Mass illegal arrest and detention; Threat, Harassment and Intimidation - Trumped-up charges
Victim/s	Piston 6
Perpetrators	Caloocan Philippine National Police
Brief Description of the Incident	<p>In June 2020, the Philippine government has shifted to looser health protocols, a less restrictive lockdown, and has allowed other forms of public transportation to resume operations. But the government has refused to allow jeepneys or public utility vehicle (PUV) to ply roads, three months since they were told to stop operating.</p> <p>On June 2, 2020, starving jeepney drivers and operators staged a protest in Caloocan City, Metro Manila, calling for the government to allow jeepneys back on the road and protested the government's jeepney modernization plan which would lead to their displacement and loss of livelihood.</p> <p>The police told them to stop their protest and the drivers and operators complied, but the police still brought six drivers to the Northern Police District after reassurances that it will only take a while.</p> <p>To the drivers' surprise, they were charged with violating city ordinances on social distancing and mass gatherings and for resistance and disobedience to persons in authority under the Revised Penal Code. The drivers denied resisting arrest and asserted that they were observing physical distancing rules and were wearing face masks. They were detained at a cramped custodial facility of Caloocan.</p> <p>On June 8, four of the six drivers were released on bail at P3,000 each upon the decision of the Caloocan Metropolitan Trial Court. The other two, 72-year old Elmer Cordero and Wilson Ranilla were initially not allowed bail but released on June 9 after posting bail. Their trial is still pending.</p> <p>Two of the six jeepney drivers, including Cordero, have tested positive for COVID-19 after their detention. #</p>

CASE SUMMARY

Case No. 35	Human Right Violations During Pandemic
Nature of the case	Mass illegal arrest and detention; Threat, Harassment and Intimidation - Trumped-up charges
Victim/s	Activists, volunteers, and participants of Labor Day activities
Perpetrators	Philippine National Police
Brief Description of the Incident	<p>More than 50 labor and human rights activists all throughout the Philippines were arrested on May 1, 2020 as the country celebrated Labor Day.</p> <p>In Marikina City, 10 relief workers were arrested and detained by members of the PNP as they held a community feeding program and distributed food packs as part of their Labor Day activities. The relief volunteers brought placards calling for mass COVID-19 testing and were observing physical distancing when they conducted the program. They were charged with illegal assembly, resistance, and disobedience in relation to the law requiring reporting of notifiable diseases. The 10 volunteers were eventually released the next day May 2. The latter case was dismissed recently.</p> <p>Similarly, in Barangay Central, Quezon City, another group of volunteers conducted a community kitchen and distributed face shields to members of the community. Four of them were brought to the police precinct and together with 14 of the residents of the community, they were charged with illegal assembly and for violating the law on mandatory reporting of notifiable diseases. The four volunteers and 14 residents were released two days after on May 3.</p> <p>Meanwhile, two labor leaders were arrested by the police in a subdivision in Rodriguez, Rizal, just east of Manila, as they staged a protest with six other people.</p> <p>In Iloilo City, 460 km south of Manila, 42 people were arrested as they held a tribute protest in memory of activist Jory Porquia who was killed inside his home a few days prior. Charges against them remain pending.</p> <p>Labor rights groups also organized a virtually rally via Zoom and Facebook Live on May 1. After a while, police officers arrived and "invited" the group to the police station to explain the activity and to ask who instigated the online protest. They</p>

	were later released and no charges were filed against them. #
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CASE SUMMARY

Case No. 37	Human Right Violations During Pandemic
Nature of the case	Mass illegal arrest and detention; Threat, Harassment and Intimidation - Trumped-up charges
Victim/s	Cabuyao 11
Perpetrators	Cabuyao Philippine National Police
Brief Description of the Incident	<p>On July 4, 2020, 11 activists were arrested by combined elements of the Cabuyao City Police and the Philippine Army in Cabuyao, Laguna after several human rights groups conducted a peaceful protest against the enactment of the Anti-Terrorism Law, which was signed by President Rodrigo Duterte the day before.</p> <p>During the protest program, the Philippine Army's military truck also parked near the area where the protest was being conducted and blared out disinformation about progressive organizations, calling them fronts of the CPP-NPA.</p> <p>The activists were wearing face masks and were observing physical distancing during the program. Their protest program had already ended and they were already packing their streamers and sound system when the protesters were violently apprehended and dragged to the Cabuyao City Police Station. They suffered bruises and cuts on their arms and legs. The banners, placards, pamphlets, and speakers used in the protest were also confiscated by the police.</p> <p>On July 5, three of the arrested protesters who were minors were released. The rest were charged with violation of quarantine protocol, for conducting an illegal assembly, and resistance and disobedience to persons in authority. On July 6, the remaining activists were released on bail. The cases against them remain pending. #</p>

CASE SUMMARY

Case No. 40	Human Right Violations During Pandemic
Nature of the case	Illegal arrest; Threat, Harassment and Intimidation
Victim/s	Norman
Perpetrators	<i>Barangay</i> (village) police officers
Brief Description of the Incident	<p>In one of the testimonies presented in a webinar organized by The Ecumenical Voice for Human Rights and Peace in the Philippines dated May 29, 2020, "Norman" shared in a short video the story of how he was humiliated and illegally arrested by the barangay police officers on April 28, 2020 due to a quarantine violation.</p> <p>"Norman" said that he was just visiting the market when he was stopped by the barangay police officers because the quarantine pass he carried belonged to his sister. The quarantine passes issued to each family by the local government unit were required from citizens if they wanted to go out of their homes amidst the government-imposed lockdown.</p> <p>He was later on allowed to pass through the market but when he was about to leave, 8 barangay police officers headlocked and dragged him to the barangay hall where he was punched in the head by one of the men.</p> <p>When "Norman" asked why he was being apprehended, the men said that it was because he was trying to escape. #</p>

Annex 4: Cue Card Summaries of New Incidents

The following are the Cue Card Summaries for 15 additional cases that occurred during the writing of the report. Please note that these summaries are just preliminary sketches. They will be subjected to further vetting and elaboration. Note that some other cases, while still relevant, have not been included as they are still undergoing further verification.

CASE SUMMARY: A

ADDITIONAL	Frustrated Extrajudicial Killing; Threats/Red-tagging
Nature of the case	Frustrated Murder and Robbery; Red-tagging
Victim/s	Angelo Karlo Guillen, assistant vice president for the Visayas of the National Union of Peoples' Lawyers and secretary general of NUPL Panay
Perpetrators	Unknown assailants
Brief Description of the Incident	<p>In the evening of 3 March 2021, two men wearing masks and bonnets mauled and stabbed Atty. Angelo Karlo Guillen multiple times in the back and in the head in Iloilo City. The assailants escaped on motorcycles driven by two other men, bringing the lawyer's bag containing his laptop and some documents but they did not get his other valuables like cellphone, watch and wallet. A screwdriver was left lodged in the left temple of the 33 year old lawyer. He is now in stable condition.</p> <p>Atty. Guillen serves as <i>pro bono</i> counsel in various public interest and human rights cases such as in one of the 37 petitions questioning the constitutionality of the Anti-Terrorism Act of 2020. On Labor Day last year, he was arrested after responding to the illegal arrest of 42 activists who were protesting the extrajudicial killing of Bayan Muna Iloilo coordinator Jory Porquia.</p> <p>He also represents activists and human rights defenders facing trumped up charges in court including those arrested during the police raids in Bacolod City, Negros Occidental in October 2019 and the Tumandoks arrested in Panay in December 2020.</p> <p>Prior to the attempt on Atty. Guillen's life, one of the key witnesses in the 30 December 2020 Tumandok massacre was killed by two motorcycle-riding men in Tapaz town, Capiz. Village chief Julie Catamin accused the police of planting firearms and explosives during the raids.</p> <p>Members of the NUPL Panay, including Atty. Guillen, have been red-tagged and vilified by government. Atty. Guillen also observed suspicious persons have been surveilling him for the longest time.</p> <p>A day after the stabbing, an alleged former NPA member who works with the NTF-ELCAC red-tagged him and his</p>

	<p>colleagues in NUPL. Jeffrey Celiz claimed that Atty. Guillen and Atty. Pete Melliza are “known operatives in Panay Island” and “hiding inside the cover of NUPL.”</p> <p>The police seems to be focusing on the robbery angle while the Justice Secretary said he would rather wait for Guillen to claim that the attack was work-related before he refers it to his Department’s Task Force on EJK under Administrative Order 35. #</p>
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CASE SUMMARY: B

ADDITIONAL	Extrajudicial killing, illegal arrest and detention
Nature of the case	Extrajudicial killing, illegal arrest and detention
Victim/s	Activists from Rizal, Cavite, and Batangas
Perpetrators	Philippine police (CIDG) and army
Brief Description of the Incident	<p>On March 7, 2021 the police and military served a total of 24 search warrants at dawn in different provinces in CALABARZON, Southern Tagalog, in simultaneous operations which led to the deaths of nine and the arrest of six individuals, all unarmed activists. This occurred two days after President Duterte ordered the police and military to “kill” and “finish off” armed communist rebels and to “forget about human rights.”</p> <p>One of the fatalities is Emmanuel Asuncion, a labor leader in Cavite. He was formerly charged with murder and frustrated murder together with 71 other activists in Mindoro in 2007. He was killed in a labor assistance office away from his house which was the subject of the warrants.</p> <p>Two labor organizers and fisherfolk, Chai and Ariel Evangelista, were also killed in Batangas. Neighbors reported hearing gunshots, screams, and pleas from the couple’s house. Their bodies were later found dead at a funeral home. Their 10-year son reportedly hid under the bed and witnessed the killing and managed to escape.</p> <p>Also among the fatalities were members of an urban poor group in Rizal. In May last year, the NTF-ELCAC invited its members in a meeting because they were alleged to be sympathizers and members of the CPP-NPA.</p> <p>Among those arrested was a 61-year old Karapatan paralegal, Nimfa Lanzanas, who was with her three small grandchildren and is mother of a political prisoner. She was charged with illegal possession of firearms and explosives.</p> <p>The police said that the deaths were the result of an “armed encounter” when the individuals resisted arrest. Anti-Terrorism Council Vice Chair Hermogenes Esperon Jr. said the activists might have been armed communists while PNP Chief Debold Sinas said it was a legitimate operation covered by search warrants issued by several judges outside the localities. These incidents occurred in provinces overseen by the Southern Luzon Command led by Lt. Gen. Antonio Parlade Jr., spokesperson of the NTF-ELCAC.</p> <p>As of this writing, security forces refuse to release the</p>

	cadavers of Randy and Puroy dela Cruz, indigenous Dumagats from Rizal and are blocking the ingress and egress of the funeral parlor. #
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CASE SUMMARY: C

ADDITIONAL	Illegal arrest and detention, trumped-up charges
Nature of the case	Fabricated charge of Murder
Victim	Jackie Valencia
Perpetrators	Philippine National Police of Davao del Norte
Brief Description of the Incident	<p>Human rights defender Jackie Valencia of Cagayan Valley in northern Luzon was charged with murder for the killing of an indigenous Lumad leader in the southern Mindanao province of Davao del Norte, on the basis of an affidavit by a purported rebel returnee.</p> <p>A warrant of arrest was issued against her and 10 other activists, including Igorot leader Windel Bolinget and national officer of BAYAN, a multi-sectoral alliance of progressive organizations, Lutgardo “Boyet” Jurcales. It was alleged that they are members of the rebel NPA who supposedly planned and carried out the murder.</p> <p>The Prosecutor conducted the preliminary investigation of the murder charge without their participation. They were neither informed of the proceedings nor of the fact that a criminal complaint was filed against them.</p> <p>Jackie is a member of the national council of human rights watchdog KARAPATAN. Prior to the filing of this trumped up charge against Valencia, she was red-tagged by State forces in the region where she works as a full time human rights defender.</p> <p>On February 19, 2021, the Davao del Norte court granted their Motion for Reinvestigation because of issues of due process, suspended the proceedings for at least 30 days to give way to such reinvestigation, and recalled their arrest warrants meantime. #</p>

CASE SUMMARY: D

ADDITIONAL	Trumped-up charges and Red-tagging and vilification
Nature of the case	Red-tagging
Victim/s	Bishop Hamuel Tequis and UCCP
Perpetrators	Davao City Police Office; Chief Kirby John Kraft
Brief Description of the Incident	<p>On 25 January 2020, the paramilitary group Alamara tried to break in and “rescue” Lumads who have been seeking refuge in the Haran Center of the United Church of Christ in the Philippines (UCCP) in Davao.</p> <p>This incident occurred after the Regional Peace and Order Council (RPOC) of Davao sought the immediate closure of the center, accusing the UCCP of violating rights of indigenous peoples, child abuse, and child trafficking. Davao del Norte Governor Edwin Jubahib claimed that the Lumad were being exploited by communist rebels. The UCCP flat out denied all allegations.</p> <p>On 10 February 2020, the UCCP announced that it is preparing charges against those behind the attacks of its sanctuary.</p> <p>Months later in August, posters were seen at the gate of Santa Ana Parish Church, tagging Bishop Tequis among others as human rights violators and “<i>berdugo at pumapatay ng tribu</i>” (killers who extinguish tribes).</p> <p>The various cases, including alleged violations of the domestic version of international humanitarian law and pandemic protocols, are still pending while some cases have already been dismissed.</p> <p>The planned countercharges have not been filed because they are still preoccupied with the multiplicity of cases against them even as they continue to be harassed and red-tagged by the NTF-ELCAC. #</p>

CASE SUMMARY: E

ADDITIONAL.	Trumped-Up Charges
Nature of the case	Fabricated charges of crimes against humanity and murder
Victim/s	Rogelio de Asis
Perpetrators	Philippine National Police; Brigadier General Romeo Caramat Jr., PNP Chief General Debold Sinas.
Brief Description of the Incident	<p>Rogelio de Asis is the leader of the progressive fisherfolk group Pamalakaya, which advocates for fishing rights and protection of coastal and marine resources.</p> <p>He was arrested on the basis of a warrant on February 11, 2021 in Agusan del Norte and charged of committing crimes against humanity and murder of Manobo tribesmen Zaldy Ybanez and Datu Bernardino Astudillo. His arrest follows the crackdown against activist in Mindanao.</p> <p>Police said that the deceased were former members of the NPA and de Asis murdered them to dissuade NPA members from leaving the organization and joining the Armed Forces of the Philippines. According to regional chief Brigadier General Romeo Caramat Jr. de Asis was arrested “in line with the marching orders of the chief”, referring to General Debold Sinas.</p> <p>De Asis was denied bail and remains in detention. #</p>

CASE SUMMARY: F

ADDITIONAL	Illegal arrest and detention, trumped up charges
Nature of the case	Fabricated charges of Kidnapping, Serious Illegal Detention and Qualified Trafficking in Persons
Victim	Lumad minor students and teachers of the “Bakwit” School in Cebu
Brief Description of the Incident	<p>After their schools were shut down by the Department of Education and their communities continued to be heavily militarized in Mindanao, Lumad students were forced to leave their residence. They continued their schooling in the “<i>bakwit</i>” (evacuees) school in Cebu City, under the Save Our Schools (SOS) Network since 2019. Their parents consented to this endeavor.</p> <p>On February 15, 2021, police officers barged into the retreat house of the University of San Carlos-Talamban campus (USC-TC) in Cebu City where the “bakwit” school is being held. They violently seized 26 individuals, composed of 22 Lumad students, 2 volunteer teachers and 2 tribal leaders.</p> <p>The police claimed that some of the parents of the Lumad students sought their assistance to retrieve the custody over their children who were brought to Cebu without their consent. They also claimed that the students were being taught the art of warfare against the government. This accusation was vehemently denied by the SOS Network and the USC-TC.</p> <p>According to news reports, two volunteer teachers, three adult Lumad students and two Lumad tribal leaders are detained and now facing charges of kidnapping, serious illegal detention and qualified trafficking in persons, as a result of the incident. #</p>

CASE SUMMARY: G

ADDITIONAL	Illegal Arrest and Detention; Trumped-up Charges
Nature of the case	Illegal Arrest and Detention of pregnant and elderly women on charges of Anti-Terrorism Act and illegal possession of firearms and explosives; red-tagging
Victim/s	Elizabeth Estilon, nine-month pregnant woman Enriqueta Guelas, 62 year old lady
Perpetrators	Philippine Army
Brief Description of the Incident	<p>On 27 December 2020, members of the Philippine Army arrested a pregnant woman and an elderly woman alleged to be members of the NPA in a violent raid in Bulusan town, Sorsogon province. Arrested were 41-year-old Elizabeth Estilon, who is now on her ninth month of pregnancy, and 62-year-old Enriqueta Guelas.</p> <p>In a report by the Philippine Daily Inquirer, the army claimed that the women were arrested while they were searching for NPA members led by one Winefredo Guyala Griego who fled after a skirmish with army personnel on patrol operations. The army claimed that they chanced upon Estilon and Guelas in a house where they found an improvised shotgun, explosives, and medical equipment. They later found out that Guelas is allegedly the wife of Griego.</p> <p>However, according to Karapatan, Estilon and Guelas were arrested in a raid conducted by members of the 31st and 22nd Infantry Battalions of the Philippine Army at their house in Barangay Lalod, Bulusan town. During the raid, soldiers rummaged through their belongings and ordered the household members to bring out their firearms. The soldiers had been accusing them to be supporters or members of the NPA.</p> <p>Guelas and Estilon are now facing charges for alleged violations of the Anti-Terrorism Act of 2020 and illegal possession of firearms and explosives. They are detained at the Sorsogon City District Jail. #</p>

CASE SUMMARY: H

ADDITIONAL	Threats/Red-tagging
Nature of the case	Red-tagging; Violation of Press Freedom
Victim/s	Tetch Torres-Tupas, reporter of INQUIRER.net assigned to cover the Justice beat
Perpetrators	Lt. Gen. Antonio Parlade, spokesperson of the National Task Force to End Local Communist Armed Conflict
Brief Description of the Incident	<p>In February 2021, the spokesperson of the National Task Force to End Local Communist Armed Conflict threatened to sue an INQUIRER.net reporter after she wrote about the petition against the Anti-Terrorism Act of 2020 filed by two members of an indigenous peoples group before the Supreme Court. The two Aetas have been charged with violations of the Anti Terrorism Act in August 2020.</p> <p>Her news report was based on the Petition-in-Intervention that was officially filed and which was the same basis of similar reports by other journalists from other media outfits.</p> <p>On his Facebook page, Lt. Gen. Antonio Parlade accused journalist Tetch Tupas-Torres as being a “propagandista”. He said that Tupas-Torres, a Justice beat reporter and a law graduate, did “sloppy work” for failing to get the side of the Armed Forces of the Philippines (AFP) and the government. When someone asked him about filing charges against the journalists, Parlade replied: “Aiding the terrorists by spreading lies? <i>Puede</i> (Possible).”</p> <p>Parlade later claimed that the post was personal and not connected to the NTF-ELCAC, saying it was “citizen Parlade’s response to that careless report of this Inquirer reporter.” The AFP Chief of Staff Cirilito Sobejana announced that the provost marshal was asked to investigate whether the NTF-ELCAC approved of Parlade’s remark. #</p>

CASE SUMMARY: I

ADDITIONAL	Threats/Red-tagging
Nature of the case	Red-tagging; False charges of recruitment to the Communist Party of the Philippines and New People's Army
Victim/s	National Union of Peoples' Lawyers
Perpetrators	National Task Force to End Local Communist Armed Conflict and its local counterparts
Brief Description of the Incident	<p>The National Union of Peoples' Lawyers has relentlessly been tagged as one of the front organizations of the Communist Party of the Philippines. In its statements, particularly by Underscretary Lorraine Badoy, the NTF-ELCAC accused it of recruiting law students into the NPA even without naming a single member to be allegedly so.</p> <p>The local counterparts of the NTF-ELCAC have likewise linked NUPL lawyers and its student members to NPA. For instance it learned just recently that in December 2019, two NUPL members were included by the PALAWAN ELCAC among persons with alleged links to the NPA.</p> <p>Atty. Jobert Pahilga, legal counsel of <i>Pinag-isang Lakas ng Okupante, Residente, Manggagawa, Magsasaka at Mangingisda</i> (PLLORM) was so tagged. Meanwhile, law student Kenneth Tabla was listed as the "NUPL provincial coordinator" and ws supposed to have cleared his name as an NPA.</p> <p>NUPL neither has any existing chapter nor any law student organization in the province of Palawan. The NUPL has not ever appointed or authorized a "provincial coordinator" in Palawan. #</p>

CASE SUMMARY: J

ADDITIONAL	Threats/Red-tagging
Nature of the case	Red-tagging
Victim/s	Various alumni of the University of the Philippines
Perpetrators	Armed Forces of the Philippines
Brief Description of the Incident	<p>In January 2021, a list naming “SOME OF THE UP STUDENTS WHO BECAME NPA (DIED OR CAPTURED)” was posted on the Facebook page of the Armed Forces of the Philippines Information Exchange. The list was published as the University of the Philippines (UP) protested the unilateral termination by Defense Secretary Delfin Lorenzana of the decades-old UP-DND Accord disallowing the entry of military and police into the campus without prior coordination with university officials.</p> <p>The post shared a quote from Lorenza saying that “We just want to protect UP and its students.” According to the news organization Rappler, the list appeared on at least 12 Facebook pages linked to the military.</p> <p>A number of the named individuals are still alive and have denied having joined or captured as members of the NPA. Among them are journalists Roel Landingin and Roberto Coloma, lawyers Rafael Aquino, former Integrated Bar of the Philippines President and Congressman Roan Libarios, and former Chief of the Negotiating Panel of the government Alexander Padilla. Even prominent film director Behn Cervantes who died of natural causes was included.</p> <p>Amidst wide protests, the Armed Forces of the Philippines’ Civil-Military Operations Office apologized on January 24 for the post, saying that it is conducting an investigation into the publication of an inaccurate list. The article has since been immediately taken down or deleted while some top ranking officers were fired. #</p>

CASE SUMMARY: K

ADDITIONAL	Red-tagging
Nature of the case	False accusation against 18 universities
Victim	Ateneo de Manila University Dela Salle University University of Sto. Tomas Adamson University Far Eastern University University of the Philippines Diliman University of the Philippines Manila University of the East (Recto) University of the East (Caloocan) Philippine Normal University University of Manila University of Caloocan University of Makati Lyceum of the Philippines University San Beda University Eulogio “Amang” Rodriguez Institute of Science and Technology Emilio Aguinaldo College Polytechnic University of the Philippines (Sta. Mesa, Manila)
Perpetrators	Lt. Gen. Antonio Parlade, Jr. and the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC)
Brief Description of the Incident	<p>According to news reports, Lt. Gen. Parlade, in his capacity as spokesperson of NTF-ELCAC, publicly claimed last January 23, 2021 that 18 universities are “recruitment centers” of the CPP and NPA. This came after the Department of National Defense unilaterally abrogated its accord with the University of the Philippines, which regulates police and military presence inside the campuses, as part of the exercise of academic freedom. Undersecretary Lorraine Badoy also of NTF-ELCAC later claimed in a Facebook post that in fact there are 35 such academic institutions without naming them.</p> <p>This was not the first time the NTF-ELCAC accused these universities as supposed hotbeds for CPP-NPA recruitment. The first incident was in October 2018, when Lt. Gen. Parlade claimed that students from these universities are involved in the planning for the ouster of the Duterte administration. No evidence was ever presented to support this claim. #</p>

CASE SUMMARY: L

ADDITIONAL	Red-tagging/Vilification
Nature of the case	Militarization of universities; attack on academic freedom
Victim/s	University of the Philippines
Perpetrators	Department of National Defense
Brief Description of the Incident	<p>After multiple incidents of President Duterte branding the University of the Philippines (UP) systemt as a recruitment ground for the CPP-NPA, Defense Secretary Delfin Lorenzana unilaterally abrogated in January 15, 2021 the accord between UP and the Department of National Defense (UP-DND Accord).</p> <p>Lorenzana said that the accord was a hindrance in providing effective security, safety, and welfare to the students, faculty, and employees of the university. Various government officials including from the NTF-ELCAC professed that this abrogation will prevent such alleged recruitment.</p> <p>The UP-DND Accord was signed in 1989 and states that prior to entering any of the campuses of the UP, the military and police must give notice to university officials. UP has a commonly-held image of being a refuge of student activism and has long been vocal in protesting anti-people policies of the government. Because of the UP-DND Accord, the protesters were free to speak their mind without fear.</p> <p>Because of the abrogation, security forces can now openly enter the campus and conduct overt operations inside, without any safeguard nor oversight. #</p>

CASE SUMMARY: M

ADDITIONAL	Redtagging
Nature of the case	Redtagging
Victim/s	Altermidya
Perpetrators	Philippine National Police
Brief Description of the Incident	<p>In a Facebook post on January 21, 2021, a provincial police station in Batac, Ilocos Norte posted an infographic on what can be considered as acts of terrorism under the Anti-Terrorism Act of 2020 including donating or helping relief drives that are not government or state-recognized, participating in a rally that can cause a “serious risk to public safety” and posting, writing sharing and/or retweeting posts (even memes) related to terrorist activities.</p> <p>However, the infographic was actually created and originally posted by progressive media outfit AlterMidya on March 2020 as part of its information drive campaign to highlight how even harmless acts can be considered as acts of terrorism because of the vague definition of terrorism under the new law. The police neither cited the source of the infographic they posted nor asked for permission from AlterMidya.</p> <p>The post has been deleted after online criticisms and the police apologized for what they called "misleading information" regarding the law. They also called AlterMidya's infographic "fake news."</p> <p>In December 2020, the NTF-ELCAC publicly accused AlterMidya in a Senate hearing of being part of the propaganda movement of the CPP despite having no credible, competent and admissible evidence to back up its allegations. #</p>

CASE SUMMARY: N

ADDITIONAL	HRV During Pandemic
Nature of the case	Cruel and Degrading punishment
Victim/s	Carbon Market porter (anonymous but created an account on Facebook with a tag of Aiko Ylara)
Perpetrators	Carbon (Cebu) Police Station 5; Police Colonel Josefino Ligan
Brief Description of the Incident	<p>A porter from the Carbon Market in Cebu reported that on February 8, 2021 while he was resting from carrying various types of load in the market, he was arrested for not wearing a face mask. While he was in the police station, he was asked to pay 1,000 pesos as a fine. As he did not have money to pay, he was paddled three times by the police officers, resulting in a huge bruise on the back of his thighs, rendering him unable to work for two days.</p> <p>According to him, at least 10 other individuals were paddled by the police, but are afraid to complain because they also violated the health protocols. Aside from them, an ambulant vendor also experienced a similar beating in the same police station.</p> <p>The Cebu City Police Office said that they are investigating these allegations. To this day, the results of the investigation have yet to be released. Meanwhile, the unidentified policeman was reportedly relieved by his superiors. #</p>

CASE SUMMARY: O

ADDITIONAL	Human Right Violations During Pandemic
Nature of the case	Illegal arrest and detention; Threat, Harassment and Intimidation
Victim/s	Quarantine violators in Silay, Negros
Perpetrators	Philippine National Police
Brief Description of the Incident	<p>On February 6, 2021, the police chief of Silay City in Negros Occidental province ordered 39 people supposedly caught breaking COVID-19 health protocols to march on a road with their arms raised forward, following a police patrol car. At the end of the march was a seminar on the dangers of COVID-19 featuring an empty coffin as a prop.</p> <p>This is just one of the examples of the punishments devised by the police for quarantine violations. They also exposed residents to the sun's heat for several hours, ordered them to exercise and do physical labor, and brought them to the cemetery.</p> <p>The Commission of Human Rights said that they have been investigating the more than 200 reports they received of human rights abuses during the quarantine period. #</p>

CASE SUMMARY: P

ADDITIONAL	Ineffectiveness of Domestic Remedies
Nature of the case	Trumped-up charges
Victim/s	Nona Espinosa and her baby
Perpetrators	Philippine National Police and the Philippine Army
Brief Description of the Incident	<p>Baby Carlen, the one-month old child of political prisoner Nona Espinosa, died on February 14, 2021 after she was separated from her mother 3 days after birth.</p> <p>The pregnant Espinosa and her partner were arrested on September 20, 2020, along with seven other peasant activists during a joint law enforcement operation by the police and the Philippine Army in Negros Oriental. They were accused of being high-ranking officials of the Communist Party of the Philippines.</p> <p>Espinosa received minimal prenatal care when she was detained. She gave birth at a hospital in Negros Oriental the first week of January. Baby Carlen was born with a cleft palate and had breathing problems.</p> <p>Three days after, Espinosa was brought back to the Guihulngan City Police Office jail in Negros Oriental while the newborn baby was left to the care of the Espinosa family.</p> <p>Baby Carlen was later hospitalized for a few days because of low hemoglobin count and died due to an infection in the lungs and blood.</p> <p>Members of the progressive Makabayan (Patriotic) bloc have filed House Resolution No. 1600 calling for an investigation into the death of baby Carlen.</p> <p>The group of the families of political prisoners <i>Kapatid</i> also called on the Commission on Human Rights to investigate the incident, to look into the conditions of pregnant prisoners, and to check the government's compliance with the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders. #</p>

Annex 5: References

The following references are for the 36 vetted fact sheets provided in Annex 2.

INITIAL REFERENCES for 36 FACT SHEETS

A. EXTRAJUDICIAL KILLINGS

Case No. 1: Randall Echanis

- a. Fact sheet prepared by Karapatan dated 19 August 2020
- b. Rambo Talabong, "Police 'forcibly takes' Randy Echanis' body from funeral home", RAPPLER, 11 August 2020, *at* <https://www.rappler.com/nation/police-forcibly-takes-randy-echanis-body-funeral-home>
- c. Cathrine Gonzales, "NDFP's Echanis tortured to death, says CHR", INQUIRER.NET, 21 August 2020, *at* <https://newsinfo.inquirer.net/1325148/ndfps-echanis-tortured-to-death-says-chr>
- d. Nicole-Anne Lagrimas, "Guevarra orders probe on Randy Echanis killing", GMA NEWS, 11 August 2020, *at* <https://www.gmanetwork.com/news/news/nation/750757/guevarra-orders-probe-on-randy-echanis-killing/story/>
- e. Krissy Aguilar, "Pangilinan to NBI, PNP: Probe Echanis' death, return his remains to family", INQUIRER.NET, 11 August 2020, *at* <https://newsinfo.inquirer.net/1319895/pangilinan-to-nbi-pnp-probe-echanis-death-return-his-remains-to-family>

Case No. 2: Zara Alvarez

- a. Virtual Testimony, Cristina Palabay, Plenary Hearing with Sub-Commissioners, 16 February 2021
- b. Fact Sheet prepared by Karapatan National dated 22 August 2020
- c. Ted Regencia, "Human rights leader killed in Philippine 'war against dissent'", ALJAZEERA, 19 August 2020, *at* <https://www.aljazeera.com/news/2020/8/19/human-rights-leader-killed-in-philippine-war-against-dissent>

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- a. Fact Sheet of Karapatan dated 29 November 2020
- b. Maricar Cinco, "Kin of slain NDFP consultants seek CHR probe", PHILIPPINE DAILY INQUIRER, 02 December 2020, *at* <https://newsinfo.inquirer.net/1366987/kin-of-slain-ndfp-consultants-seek-chr-probe>.
- c. "Para hindi matiktikan': Sinas defends predawn serving of search warrants vs peace consultants", ABS-CBN NEWS, 03 December 2020, *at* <https://news.abs-cbn.com/news/12/03/20/para-hindi-matiktikan-sinas-defends-predawn-serving-of-search-warrants-vs-peace-consultants>

- d. Nikka Valenzuela, "Son of slain peace consultants has message to Sinas", PHILIPPINE DAILY INQUIRER, 06 December 2020, at <https://newsinfo.inquirer.net/1368500/son-of-slain-peace-consultants-has-message-to-sinas>
- e. Facebook post of VJ Topacio dated 05 December 2020, at <https://www.facebook.com/vj.topacio/posts/10159126506722010>
- f. Interview of human rights lawyer VJ Topacio, ABS-CBN NEWS, 08 December 2020, at <https://news.abs-cbn.com/news/12/08/20/brutal-murder-of-elderly-peace-consultants-condemned>
- g. JC Gotinga, "I could have defended them in court': Son of slain NDF consultants demands justice", RAPPLER, 05 December 2020, at <https://www.rappler.com/nation/son-slain-ndf-consultants-agaton-topacio-eugenia-magpantay-demands-justice>

Case No. 6: Dr. Mary Rose Sancelan & Edwin Sancelan

- a. Fact Sheet of Karapatan National
- b. Senate Committee Report No. 33 on the spate of killings in Negros Island, at <https://legacy.senate.gov.ph/lisdata/3216729011!.pdf>; See also, "Report: Investigate vigilante groups in Negros killings", Senate, 27 January 2020, at http://legacy.senate.gov.ph/press_release/2020/0127_prib1.asp
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- d. Carla Gomez and Raffy Cabristante, "Red-tagged doctor, husband slain in Negros", PHILIPPINE DAILY INQUIRER, 17 December 2020, at <https://newsinfo.inquirer.net/1372625/red-tagged-doctor-husband-slain-in-negros>
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- f. Albert Dalizon, "PRO7 says probe on killing of doctor, lawyer progressing", JOURNAL ONLINE, 22 December 2020, at <https://journal.com.ph/news/nation/pro7-says-probe-on-killing-of-doctor-lawyer-progressing/>
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- h. Third Anne Peralta-Malonzo, "PNP to probe anti-communist death squad in Negros Oriental", SUNSTAR, 19 August 2019, at <https://www.sunstar.com.ph/ampArticle/1820743>

Case No. 7: Tumandok massacre

- a. Virtual Testimony, Analyn Giganto, Plenary Hearing with Sub-Commissioners, 16 February 2021
- a. Fact sheet prepared by Panay Karapatan Alliance, dated 30 December 2020

B. DISAPPEARANCE

Case No. 8: Elena Tijamo

- 1. Fact Sheet prepared by Karapatan-Central Visayas dated 14 July 2020
- 2. Letter of Violetta Tijamo, sister of Elena, to the Commission on Human Rights dated 20 July 2020
- 3. Lorraine Ecarma, "Cebu human rights worker Elena Tijamo still missing after a month," RAPPLER, 16 July 2020, at <https://www.rappler.com/nation/elena-tijamo-still-missing-after-one-month>
- 4. Lorraine Ecarma, "What we know so far: The abduction of Elena Tijamo," RAPPLER, 5 August 2020, at <https://www.rappler.com/newsbreak/iq/things-to-know-elena-tijamo-abduction>
- 5. Romae Chanice Marquez, "With Anti-Terror bill underway, Cebu community worker abducted at home," ALTERMIDYA, 15 June 2020, at <https://www.altermidya.net/with-anti-terror-bill-underway-cebu-community-worker-abducted/>
- 6. Mara Cepeda, "Red-tagged Oxfam, NCCP slam military for 'malicious, careless' attack," RAPPLER, 6 November 2019, at <https://www.rappler.com/nation/red-tagged-oxfam-nccp-slam-military>

C. TORTURE

Case No. 9: Jay "Jepoy" Garung and Junior Ramos (Aetas)

- a. Virtual Testimony, Gia Clemente, Plenary Hearing with Sub-Commissioners, 16 February 2021
- a. Petition in Intervention filed by Japer Gurung and Junior Ramos before the Supreme Court of the Philippines filed on February 2, 2021.

D. ILLEGAL ARREST AND DETENTION, TRUMPED UP CHARGES

Case No. 10: Manila 5

- a. Virtual Testimony, Marites Asis, Plenary Hearing with Sub-Commissioners, 16 February 2021
- b. Virtual Testimony, Fides Lim, Plenary Hearing with Sub-Commissioners, 19 February 2021
- c. Petition for Certiorari filed before the Court of Appeals by Ram Carlo Bautista, Reina Mae Nasino and Alma Moran on September 24, 2020
- d. Supplemental Petition for Certiorari filed before the Court of Appeals by Bautista, Nasino and Moran on January 11, 2021
- e. Urgent Omnibus Motion to Quash Search Warrant, Suppress Evidence and Issue Subpoena Duces Tecum for the records of the application for the Search Warrants filed by Cora Agovida before the trial court on January 24, 2020.

Case No. 11: 54 activists in Negros

- a. (unsigned and undated) Affidavit of John Milton M. Lozande
- b. Initial Fact Sheets prepared by Karapatan National on the following:
 - i. Raid of the Bayan Muna
 - ii. Raid of the Gabriela Office
 - iii. Raid of the NSFW Office
 - iv. Raid of the Bito-on residence
 - v. Raids in Escalante City
- c. Informations
 - i. Criminal Case No. 19-50517, People vs. Karina Mae Dela Cerna and Cherryl Catalogo
 - ii. Criminal Case No. 19-50512 & 50513, People vs. Mary Anne Krueger
- d. Comments filed by the public prosecution to the Motion to Quash the Search Warrants and Suppress Evidence with Motion for Issuance of Subpoena Duces Tucem in the cases of:
 - i. Danilo Tabura
 - ii. Karina Mae Dela Cerna and Cherryl Catalogo
 - iii. Mary Anne Krueger
- e. Court documents related to the criminal cases of MaryAnne Krueger including
 - i. Order of Release dated 12 November 2019 for Crim. Case No. 19-50512
 - ii. Order dated 29 November 2019, in relation to arraignment for Crim. Case No. 19-50512
 - iii. Order to file Comment on Motion to Quash in Crim. Case No. 19-50513
 - iv. Notice of Hearing and Arraignment for Crim. Case No. 19-50513
 - v. Order dated 8 November 2019, finding probable cause for issuance of Commitment Order in Crim. Case No. 19-50513
- f. Search Warrant No. 5953(19) issued by QC RTC executive judge against Krueger, et. al and the corresponding Return by PCMS Ramiro Gocotano

- g. JOINT Resolution dated 03 January 2020 of RTC Norzagaray dismissing without prejudice the criminal charges for RA 10591 against Lachica, Dela Cerna, Rosales, Quiatzon, and the Bito-on couple
- h. Facebook Live of Mary Anne Krueger on 31 October 2019, at <https://www.facebook.com/anne.villasica/videos/3051008615123392/>
- i. Visayas Today, "62 nabbed as Army, police raid offices of activist groups in Bacolod", BULATLAT, 31 October 2019, at <https://www.bulatlat.com/2019/10/31/62-nabbed-as-army-police-raid-offices-of-activist-groups-in-bacolod/>
- j. Nanette Guadalquiver, "Bacolod raids, result of thorough intel operations: Army exec", PHILIPPINE NEWS AGENCY, 02 November 2019, at <https://www.pna.gov.ph/articles/1084844>
- k. Nanette Guadalquiver, "11 suspected CPP-NPA members in Bacolod indicted", PHILIPPINE NEWS AGENCY, 06 November 2019, at <https://www.pna.gov.ph/articles/1085270>
- l. Carla Gomez, "Non-bailable cases filed vs. 2 activists", THE VISAYAN DAILY STAR, 09 November 2019, at https://www.facebook.com/visayandailystar/photos/pb.318674540631.-2207520000../10162422403810632/?type=3&eid=ARAcX1Uj9ltKwgsrUxqEZUdjTLbUIMpLd_v_vSo2PgPZpNIAvzNT6m-HthqITfC9GYNjsg_Qr0cXrPn5
- m. Resolution dated 18 February 2021 issued by Judge Ana Celeste P. Bernad of the Regional Trial Court in Iloilo, Branch 42

Case No. 12: Tacloban 5

- 1. Fact Sheet prepared by Karapatan-Eastern Visayas dated February 2020
- 2. CNN Philippines Staff, "Five members of alleged left-leaning groups arrested in Tacloban," CNN, 7 February 2020, at <https://cnnphilippines.com/regional/2020/2/7/tacloban-raid-progressive-group.html>
- 3. "Altermidya correspondent, 4 human rights leaders arrested in Tacloban," RAPPLER, 7 February 2020, at <https://www.rappler.com/nation/arrest-altermidya-correspondent-human-rights-leaders-tacloban>
- 4. Facebook posts of Free Tacloban 5 at <https://www.facebook.com/freetacloban5/>

Case No. 13: HRD 7

- a. Virtual Testimony, Jasma Salem, Plenary Hearing with Sub-Commissioners, 19 February 2021
- b. Initial Fact Sheets prepared by KARAPATAN Metro Manila
- c. Order dated 5 February 2021 of Judge Monique Quisumbing-Ignacio, Regional Trial Court of Mandaluyong, Branch 209

- d. Order dated 5 March 2021 of Judge Monique Quisumbing-Ignacio, Regional Trial Court of Mandaluyong, Branch 209

Case No. 14: Amanda Echanis

- a. Fact sheet prepared by AMIHAN and Kilusang Magbubukid ng Pilipinas dated 10 December 2020

Case No. 17: Kabataan Rep. Sarah Elago, Neri Colmenares et. al.

- a. Counter-Affidavit of Sarah Elago dated 10 September 2019 in the complaint for violations of the Anti-Trafficking in Person Act, RA 11188, and RA 7610.
- b. Sinumpaang Salaysay (Sworn Statement) of Alicia Lucena dated 09 September 2019
- c. Investigation Data Form dated 24 September 2019 for violation of RPC Art. 270 and RA 9851 Section 4(c)(24) (ii and iii), along with its annexes such as the Special Written Report of PNP CIDG and the *Sinumpaang Salaysay* of Lucena Relissa y Santos
- d. DOJ Resolution dated 15 October 2019 dismissing the 24 September 2019 complaint of Relissa Lucena
- e. Compliance of Sarah Jane Elago dated 30 May 2020 in Lucena v. Elago
- f. Supreme Court's decision dated 15 September 2020 in Lucena v. Elago, at https://lawphil.net/judjuris/juri2020/sep2020/pdf/gr_252120_2020.pdf

Case No. 19: Windel Bolinget et. al.

- a. Virtual Testimony, Elvira Bolinget, Plenary Hearing with Sub-Commissioners, 19 February 2021
- a. Affidavit of Lutgardo "Boyette" Jurcales, Jr.
- b. Order dated 19 February 2021 of Judge Sharon Rose Saracin, Regional Trial Court of Tagum, Davao del Norte, Branch 30
- c. Judicial Harassment of Windel Bolinget
<https://www.frontlinedefenders.org/en/case/judicial-harassment-windel-bolinget>

E. FORCED EVACUATION AND/OR BOMBINGS

Case No. 20: 192 families in San Marcelino

- a. Virtual Testimony, Gia Clemente, Plenary Hearing with Sub-Commissioners, 16 February 2021
- b. Mahatma Datu, "Army denies 'inhumane treatment' of Aetas in Zambales," PHILIPPINE NEWS AGENCY, 02 September 2020, at <https://www.pna.gov.ph/articles/1114172>

- c. "CHR to probe reports of troops allegedly forcing Aeta to eat human waste," CNN, 02 September 2020, at <https://cnnphilippines.com/regional/2020/9/2/Zambales-Aeta-community-Army-7ID-CHR-investigation.html>
- d. Tetch Torres-Tupas, "'Tortured' Aetas seek SC help against anti-terror law," INQUIRER.NET, 02 February 2021, at <https://newsinfo.inquirer.net/1391301/tortured-aetas-seeks-scs-help-vs-anti-terror-law>

F. VIOLATION OF FREEDOM OF ASSEMBLY

Case No. 21: Indigenous community in Kasibu

- a. Complaint-Communication filed by Kalikasan PNE, ANVIK and individual victims from the province of Nueva Vizcaya before UN Special Rapporteurs dated December 7, 2018
- b. Police Dismantle Human Barricade at <https://www.manilatimes.net/2020/04/08/news/regions/police-dismantle-human-barricade/711197/>

G. VIOLATION OF PRESS FREEDOM

Case No. 22: Altermidya et. al.

- a. Virtual Testimony, Rhea Padilla, Plenary Hearing with Sub-Commissioners, 19 February 2021
- b. Complaint-affidavit of Altermidya et al submitted before the Office of the Ombudsman, dated December 2020
- c. Complaint of Altermidya et. al. before the Regional Trial Court, dated 27 March 2019
- d. Letter of Rhea Padilla to Hon. Jose Luis Martin Gascon, dated 30 July 2020
- e. Notarized affidavit of Rhea Padilla (National Coordinator of Altermidya) dated 30 July 2020
- f. Notarized affidavit of Jola Diones-Mamanguin (reporter of Kodao Productions), dated July 2020
- g. Notarized affidavit of Kenneth Roland Guda (editor-in-chief of Pinoy Weekly), dated 30 July 2020
- h. Notarized affidavit of Ronalyn Olea (managing editor of Bulatlat), dated 30 July 2020

H. IHL VIOLATIONS

Case No. 23: Jervilyn Cullamat

1. Jeline Malasig, "AFP called out for posing for photo with remains of suspected armed combatant," INTERAKSYON, 30 November 2020, at <https://interaksyon.philstar.com/politics-issues/2020/11/30/181340/afp-called-out-for-posing-for-photo-with-remains-of-suspected-armed-combatant/>
2. "AFP draws flak over 'war trophy' photo of solon's slain daughter," ABS CBN NEWS, 01 December 2020, at <https://news.abs-cbn.com/news/12/01/20/afp-draws-flak-over-war-trophy-photo-of-solons-slain-daughter>
3. Froilan Gallardo, "Remains of Rep. Eufemia Cullamat's daughter now with family – Army," INQUIRER.NET, 30 November 2020, at <https://newsinfo.inquirer.net/1366219/remains-of-rep-eufemia-cullamats-daughter-now-with-family-army>
4. "CHR finds no 'good reason' in military's photo op with body of Cullamat daughter," ABS CBN NEWS, 30 November 2020, at <https://news.abs-cbn.com/news/11/30/20/chr-finds-no-good-reason-in-militarys-photo-op-with-dead-body-of-cullamat-daughter>
5. Priam Nepomuceno, "Death of Jervilyn Cullamat highlights Reds' senseless cause," PHILIPPINE NEWS AGENCY, 30 November 2020, at <https://www.pna.gov.ph/articles/1123339>

I. THREATS AND RED-TAGGING**Case No. 24: Rural Missionaries of the Philippines (RMP)**

- a. Comment and Opposition to the Petition for Civil Forfeiture filed by RMP before the Regional Trial Court, dated 7 October 2020
- b. Omnibus Motion (1) To Lift Freeze Order, (2) To Allow Withdrawal of Funds, and (3) To be provided with copy of the petition and Documents filed by RMP before the Regional Trial Court, dated 21 July 2020
- c. Pia Ranada, "PH asks EU, Belgium to stop funding alleged CPP-NPA 'fronts'", RAPPLER, 13 March 2019, at <https://www.rappler.com/nation/philippines-asks-eu-belgium-stop-funding-alleged-cpp-npa-fronts>

Case No. 26: Political opposition: Rep. Carlos Zarate, Rep. Sarah Elago and Makabayan

- a. Virtual Testimony, Carlos Isagani Zarate, Plenary Hearing with Sub-Commissioners, 16 February 2021
- b. Verified complaint-affidavit of Rep. Carlos Zarate filed before the Office of the Ombudsman dated June 3, 2020
- c. Complaint of Rep. Sarah Elago filed before the Office of the Ombudsman dated December 7, 2020

Case No. 30: Commission on Human Rights

- a. Pathricia Roxas, "Alvarez slams CHR chair anew: Is he really a lawyer?," INQUIRER.NET, September 20, 2017, at <https://newsinfo.inquirer.net/931962/alvarez-slams-chr-chair-anew-is-he-really-a-lawyer>
- b. Julliane Love De Jesus, "Alvarez wants zero budget for CHR," INQUIRER.NET, August 7, 2017, at <https://newsinfo.inquirer.net/921058/pantaleon-alvarez-commission-on-human-rights-criminals-drugs-extrajudicial-killings-president-duterte>
- c. "House gives CHR ₱1,000 budget for 2018," CNN PHILIPPINES, September 12, 2017, at <https://cnnphilippines.com/news/2017/09/12/Commission-on-Human-Rights-CHR-House-budget.html>
- d. Jodesz Gavilan, "Senate committee okays CHR budget for 2018," RAPPLER, September 12, 2017, at <https://www.rappler.com/nation/senate-committee-approves-2018-budget-chr>
- e. Nestor Corrales, "Duterte blasts CHR anew," INQUIRER.NET, 24 August 2016, at <https://newsinfo.inquirer.net/809290/duterte-blasts-chr-anew>
- f. "Duterte slams CHR chief: Are you a pedophile?," 16 September 2017, PHILSTAR, at <https://www.philstar.com/headlines/2017/09/16/1739962/duterte-slams-chr-chief-are-you-pedophile>
- g. Delfin Mallari Jr., "Military exec slams CHR for siding with Reds," INQUIRER.NET, 14 February 2020, at <https://newsinfo.inquirer.net/1228552/military-exec-slams-chr-for-siding-with-reds>
- h. Facebook post of Civil Relations Service Armed Forces of the Philippines dated at 24 February, 2020 at <https://www.facebook.com/CivilRelationsServiceAFP/posts/esperon-slams-chr-call-to-junk-eo-70national-security-adviser-hermogenes-esperon/3070096553009048/>

J. HRVS DURING THE PANDEMIC

Case No. 31: Norzagaray

- a. Sinumpaang Salaysay against Ariel Casilao
- b. Sinumpaang Salaysay against the volunteers
- c. Fact Sheet prepared by Tanggol Magsasaka dated 19 April 2020
- d. Norzagaray Municipal Trial Court's Decision dated 13 May 2020, junking the criminal case for violation of Section 4(d) of Republic Act No. 11332
- e. June 2020 Statement of SENTRA on the dismissal of the criminal case for RA 11332

- f. 20 April 2020 Statement of SENTRA on the arrest of Ariel Casilao and the six volunteers arrested in Norzagaray, Bulacan
- g. John Aaron Mark Macaraeg, "Former lawmaker among arrested in Bulacan en route to distribute aid", BULATLAT.COM, 20 April 2020, *at* <https://www.bulatlat.com/2020/04/20/former-lawmaker-among-arrested-in-bulacan-en-route-to-distribute-aid/>
- h. John Aaron Mark Macaraeg, "Police tags relief ops 'anti-government,' files charges vs ex-solon, aid volunteers", BULATLAT.COM, 21 April 2020, *at* <https://www.bulatlat.com/2020/04/21/police-tags-relief-ops-anti-government-files-charges-vs-ex-solon-aid-volunteers/>
- i. "Ex-Anakpawis solon, group not yet 'off the hook': DILG", PHILIPPINE NEWS AGENCY, 12 June 2020, *at* <https://www.pna.gov.ph/articles/1105638>
- j. Jeffrey Damicog, "Guevarra: Prosecutors can still appeal court dismissal of case vs. ex-solon", MANILA BULLETIN, 10 June 2020, *at* <https://mb.com.ph/2020/06/10/guevarra-prosecutors-can-still-appeal-court-dismissal-of-case-vs-ex-solon/>
- k. Mike Navallo, "Going out without travel, quarantine pass not prohibited under RA 11332 - Bulacan court", ABS-CBN NEWS, 10 June 2020, *at* <https://news.abs-cbn.com/news/06/10/20/going-out-without-travel-quarantine-pass-not-prohibited-under-ra-11332-bulacan-court>

Case No. 32: San Roque 21

- a. Fact Sheet prepared by Karapatan-National Capital Region dated 2 April 2020
- b. Information of the criminal charges against the arrested residents dated 2 April 2020
- c. Petition for Writ of Habeas Corpus filed by relatives of the arrested residents against the police dated 3 April 2020

Case No. 33: Pride 20

- a. Joint-Counter Affidavit of the arrested protesters
- b. Fiscal resolution dated 2 December 2020

Case No. 36: Cebu 8

- a. Fact Sheet prepared by Karapatan-Central Visayas on June 2020
- b. Counter Judicial Affidavits of the arrested protesters

Case No. 38: Maria Victoria Beltran

- a. Ryan Macasero, "Cebu film writer arrested over Facebook post about coronavirus in Sitio Zapatera," RAPPLER, 19 April 2020, *at*

<https://www.rappler.com/nation/cebu-film-writer-arrested-coronavirus-facebook-post-sitio-zapatera>

- b. Ryan Macasero, "Taken after midnight, cuffed to a chair: The arrest of Cebuana artist Bambi Beltran," RAPPLER, 22 May 2020, at <https://www.rappler.com/newsbreak/in-depth/taken-midnight-cuffed-chair-cebuana-artist-bambi-beltran>
- c. Ryan Macasero, "Cebu artist Bambi Beltran to sue Labella for violating her rights," RAPPLER, 21 April 2020, at <https://www.rappler.com/nation/cebu-artists-bambi-beltran-sue-labella-violating-rights-arrest>
- d. Delta Dyrecka Letigio, "Cebu City court dismisses charges against Bambi Beltran," CEBU DAILY NEWS, 15 September 2020, at <https://cebudailynews.inquirer.net/340002/cebu-city-court-dismisses-charges-against-bambi-beltran>

Case No. 39: Ronnel Mas

- a. Mike Navallo, "Court drops inciting to sedition rap vs teacher over anti-Duterte post," ABS-CBN NEWS, 25 June 2020, at <https://news.abs-cbn.com/news/06/25/20/ronnel-mas-sedition-charge-dropped-duterte-threat>
- b. Mike Navallo, "Prosecutor junks second sedition rap vs teacher over Duterte bounty tweet," ABS CBN NEWS, 20 February 2021, at <https://news.abs-cbn.com/news/02/20/21/prosecutor-junks-second-sedition-rap-vs-teacher-over-duterte-bounty-tweet>
- c. Lian Buan, "DOJ okays warrantless arrest of teacher who posted about 'killing Duterte'," RAPPLER, 14 May, 2020, at <https://www.rappler.com/nation/doj-okays-warrantless-arrest-ronnel-mas-teacher-reward-kill-duterte>

K. INEFFECTIVENESS OF DOMESTIC REMEDIES

Case No. 41: Margarita Valle

- a. Complaint Affidavit filed before the Office of the Ombudsman dated
- b. Resolution of the Ombudsman dated August 10, 2020 for the Administrative complaint
- c. Resolution of the Ombudsman dated August 10, 2020 for the Criminal complaint

Case No. 42: Karapatan & NUPL amparo petitions

- a. Virtual Testimony, Cristina Palabay, Plenary Hearing with Sub-Commissioners, February 2021
- b. KARAPATAN verified petition for writ of amparo and habeas data filed before the Supreme Court on July 29, 2019

- c. NUPL verified petition for writ of amparo and habeas data filed before the Supreme Court on April 15, 2019
- d. Court of Appeals Manila decision promulgated last 28 June 2019 denying the petition for writ of amparo filed by Karapatan, Rural Missionaries of the Philippines, and Gabriela
- e. Lian Buan, "Rights groups fail to get court protection from army harassment," RAPPLER, 29 July 2019, at <https://www.rappler.com/nation/court-of-appeals-denies-writ-of-amparo-human-rights-groups>
- f. "CA's denial of NUPL's amparo and habeas data petitions further endangers lawyers in PH," KARAPATAN, 30 July 2019, at <https://www.karapatan.org/CA%E2%80%99s+denial+of+NUPL%E2%80%99s+amparo+and+habeas+data+petitions+further+endangers+lawyers+in+PH>
- g. Lian Buan, "Remember Zara Alvarez? Group urges SC to review protection order for rights activists," 1 September 2020, at <https://www.rappler.com/nation/karapatan-manifestation-supreme-court-writ-amparo>

Case No. 43: Almonte et. al.

- a. Virtual Testimony, Fides Lim, Plenary Hearing with Sub-Commissioners, 19 February 2021
- b. Petition for the Urgent Release of Prisoners on Humanitarian Grounds in the Midst of the Covid-19 Pandemic dated 6 April 2020
- c. Decision of the Supreme Court dated 28 July 2020, *at* <https://sc.judiciary.gov.ph/14045/>
- d. Mike Navallo, "After 4 months and in 300 pages, SC says it couldn't act on prisoners' plea for release during pandemic", ABS-CBN NEWS, 12 October 2020, *at* <https://news.abs-cbn.com/news/10/12/20/after-4-months-and-in-300-pages-sc-says-it-couldnt-act-on-prisoners-plea-for-release-during-pandemic>
- e. Lian Buan, "After 5 months, SC redirects vulnerable prisoners to lower courts for release petitions", RAPPLER.COM, 10 September 2020, *at* <https://www.rappler.com/nation/supreme-court-redirects-prisoners-lower-courts-release-petitions-september-2020>

Case No. 44. Reina Mae Nasino

- a. Virtual Testimony, Marites Asis, Plenary Hearing with Sub-Commissioners, 16 February 2021
- b. Petition for Certiorari filed before the Court of Appeals dated October 12, 2020
- c. Order of the Court of Appeals dismissing the case on being moot and academic dated October 20, 2020

Case No. 45. Laxamana

- a. Virtual Testimony, Christine Pascual, Plenary Hearing with Sub-Commissioners, 19 February 2021
- b. Complaint- affidavit of Christine Pascual filed before the Ombudsman on February 7, 2019
- c. Resolution of the Ombudsman dated February 4, 2020
- d. Petition for Certiorari filed before the Supreme Court
- e. Resolution of the Supreme Court dated November 16, 2020

Case No. 46: Micah Ulpina

- a. Complaint-affidavit of Lydjay Acopio filed before the Ombudsman on October 17, 2019
- b. Resolution of the Ombudsman dated January 23, 2020

Case No. 47: Bonifacio

- a. Motion for Reconsideration filed by Complainant on October 23, 2020

Case No. 48: Lopez

- a. Order of the Office of the Ombudsman dated August 13, 2018.

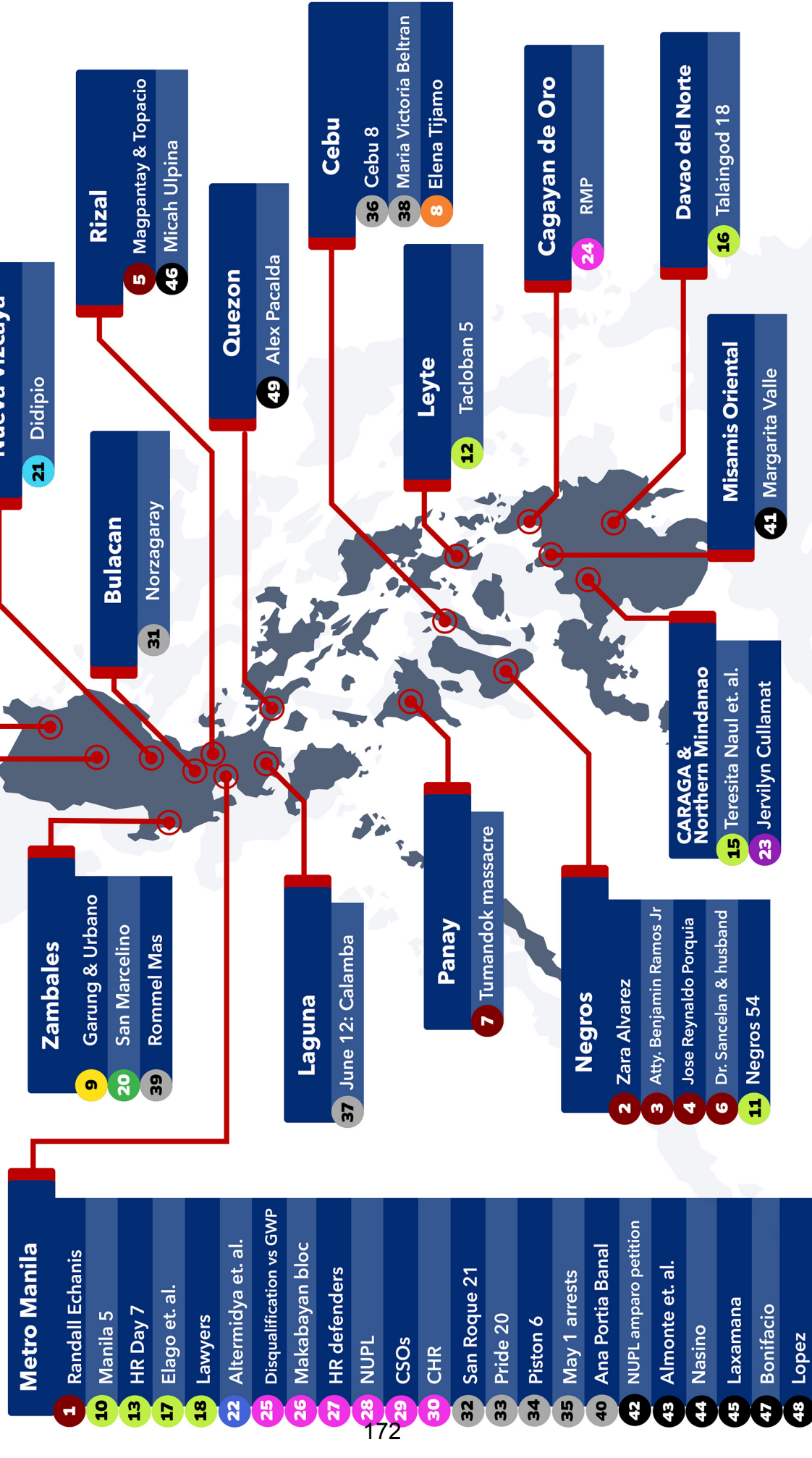
Case No. 49: Alex Pacalda

- a. Petition for Habeas Corpus filed by the father of Alexandra Pacalda, with its annexes including the:
 - i. Handwritten letter dated 17 September of Pacalda denying her voluntary surrender
 - ii. Letter dated 18 September by Pacalda's father to the 201st Infantry Brigade authorities
 - iii. Commission on Human Rights' letter dated 18 September informing 201st IB that the case of Alexandra Pacalda is under investigation
- b. Notice of Order dated 02 October 2019 by the Supreme Court
- c. Notice dated 09 October 2019 by the Court of Appeals
- d. Return of Writ dated 10 October 2019 submitted by the Office of the Solicitor General
- e. Memorandum dated 21 October 2019 by the OSG

Annex 6: Map

This map shows the location of the 49 illustrative cases.

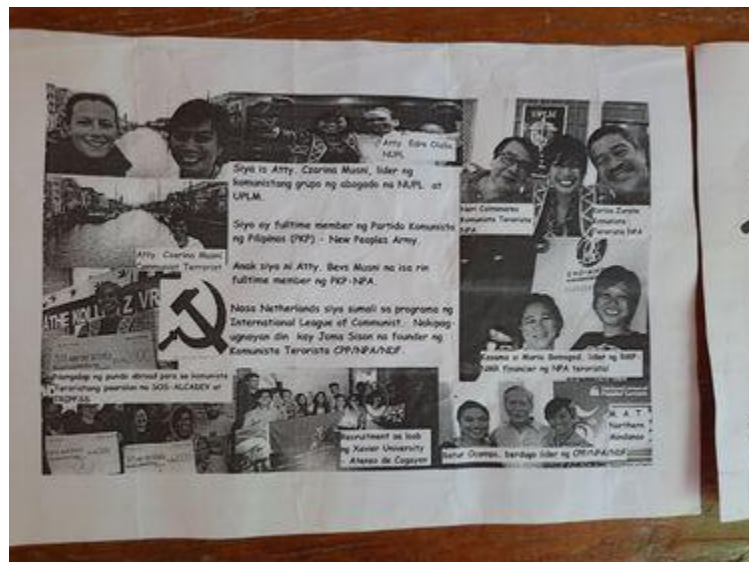
WHERE ARE THE CASES?



- Extra-judicial Killings
- Torture
- Illegal arrest & detention, trumped up charges
- Enforced disappearances
- Forced evacuation and/or bombings
- Violation of press freedom
- Violation of freedom of assembly
- Int'l Humanitarian Law cases
- Threats/redtagging
- HRVs during the pandemic
- Ineffectiveness of domestic remedies

Annex 7: Photos

RED-TAGGING POSTERS AND SOCIAL MEDIA POSTS FROM 2018 ONWARD





BAGSAK!!! ANG 51ST ANIBERSARYO SA TERRORISTA PARTIDO KOMUNISTA NG PILIPINAS NEW PEOPLES ARMY

Mga miyembro, supporter, tig-organisa, tig-pangilad ug tig pakalat sa makamatay, maka-daot, berdugo nga Ideolohiya sa sa Terrorista Communist Party of the Philippines-National Democratic Front- New Peoples Army CPP/NPA/NDF sa Northern Mindanao Region - NMR

Beverly S. Musni - Party Member CPP/NPA/NDF - NUPL/UPLM C - Employee NLRC - IO	Bishop Antonio Ablon - Party Member CPP/NPA/NDF - IFI Communist Faction - EXECOM WMRPC	Bishop Felixberto Calang - Party Member CPP/NPA/NDF - IFI Communist Faction - NCMRC	Aldeem Yanez - Party Member CPP/NPA/NDF - IFI Communist Faction - Regional Urban Com	Ian De La Rama - Secretary, Sub Regional Com 3 (SRC3), NCMRC, CPP/NPA/NDF
Nal - Party Member, PA/NDF, RUC - Liaison	Atty. Czarina Musni - Party Member CPP/NPA/NDF - NUPL Employed NLRC - IO	Garry Ben Villacina, Party Member, CPP/NPA/NDF - Employee at MASIPAG NGO	Chad Boac - Party Member, CPP/NPA/NDF - Lurnad Organizer Lianga, Surigao del	Benjamin Sambao - Party Member, CPP/NPA/NDF - Employee, Cag de Oro City Govt
Ricardo Gulesano, Party Member, CPP/NPA/NDF - KASAMA-Bakidnan	Nigilo - Party Member, 4/NF-Employee Cag de / Govt	Renwynx Margado - Party Member, CPP/NPA/NDF - Employee Ms. Or. Prox Govt	Lai Algamre - Party Member, CPP/NPA/NDF - Employee Radyo N Juan (Communist Radio Sta.)	Jockens Bacarro - Party Member, CPP/NPA/NDF - RUC & Resident, Agusan, CDO
Bell Bryant Vaguchay - Party Member, CPP/NPA/NDF - RUC & Resident, Agusan, CDO	Fr. When Aphus - Party Member, CPP/NPA/NDF - IFI Communist Faction	Bell Bryant Vaguchay - Party Member, CPP/NPA/NDF - RUC & Resident, Agusan, CDO	Fr. When Aphus - Party Member, CPP/NPA/NDF - IFI Communist Faction	Bell Bryant Vaguchay - Party Member, CPP/NPA/NDF - RUC & Resident, Agusan, CDO



303rd Infantry Brigade

19 hrs · 🌐

MGA CPP-NPA-NDF VIRUS NA DAPAT IWASAN KASAMA NG COVID-19

Sama-sama nating labanan ang mga terorista!
Ibagsak ang CPP-NPA-NDF!

#NPASalot!

#VirusNaSumisiraSaMamamayan!

#TerroristaProblemaNgLipunan!



33 Likes



303rd Infantry Brigade

Today at 8:42 AM · 🌐

[illegible]Apr 30 ·

**Sama-sama nating labanan ang mga terorista!
Ibagsak ang CPP-NPA-NDF!**


#NPASalot! IBAGSAK ANG CPP-NPA-NDF!

#VirusNaSumisiraSaMamamayan!

#TerroristaProblemaNgLipunan!

 38

 Like

 Comment

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National Task Force to End Local Communist Armed Conflict added a new photo.



Apr 24 · 🌐

President Rodrigo Roa Duterte on April 24, 2020, said that the New People's Army, the armed wing of the Communist Party of the Philippines, has legal fronts in every sector of the society supporting them in their atrocities such as:

(Incomplete list)

1. Bagong Alyansang Makabayan (Bayan)
2. [Kilusang Mayo Uno](#)
3. Kilusang Magbubukid ng Pilipinas (KMP, Peasant Movement of the Philippines)
4. Anakbayan
5. League of Filipino Students
6. Courage
7. [Alliance of Concerned Teachers-Philippines](#)
8. Alliance of Health Workers (AHW)
9. Liga ng Agham para sa Bayan (LAB)
10. Kadamay
11. [Karapatan Alliance Philippines](#)
12. [BAYAN MUNA Partylist](#)
13. [Anakpawis Partylist](#)
14. GABRIELA
15. MIGRANTE
16. Pinagkaisang Samahan ng mga Tsuper at Operators Nationwide (PISTON)
17. Promotion of Church People's Response (PCPR)
18. [KABATAAN PARTYLIST](#)
19. [National Union of Journalists of the Philippines](#)
20. National Union of Students of the Philippines
21. MAKABAYAN POLITICAL PARTYLIST
22. [Student Christian Movement of the Philippines](#)
23. CPA/KALUMARAN
24. [College Editors Guild of the Philippines](#)
25. Kabalikat ng Malayang Pilipino (KAMPI)
26. [PAMALAKAYA-Pilipinas](#)
27. [National Union of Peoples' Lawvvers](#)



Write a comment...





National Task Force to End Local Communist Armed Conflict added a new photo.



Apr 24 • 🌐

9. Liga ng Agham para sa Bayan (LAB)
10. Kadamay
11. [Karapatan Alliance Philippines](#)
12. [BAYAN MUNA Partylist](#)
13. [Anakpawis Partylist](#)
14. GABRIELA
15. MIGRANTE
16. Pinagkaisang Samahan ng mga Tsiper at Operators Nationwide (PISTON)
17. Promotion of Church People's Response (PCPR)
18. [KABATAAN PARTYLIST](#)
19. [National Union of Journalists of the Philippines](#)
20. National Union of Students of the Philippines
21. MAKABAYAN POLITICAL PARTYLIST
22. [Student Christian Movement of the Philippines](#)
23. CPA/KALUMARAN
24. [College Editors Guild of the Philippines](#)
25. Kabalikatang Malayang Pilipino (KAMPI)
26. [PAMALAKAYA-Pilipinas](#)
27. [National Union of Peoples' Lawyers](#)
28. UMA

These are so-called "defenders of the Filipinos" as what they call themselves, but why are they silent when soldiers and innocent people are being killed and harassed in the mountains?

The CPP-NPA-NDF is listed as a terrorist organization by the United States, the European Union, the United Kingdom, Australia, Canada, New Zealand, and the Philippines.

[#NTFELCAC](#)

[#EO70](#)

[#OursDuterte](#)

[#IStandwiththePresident](#)



Write a comment...





Radio Bandera Philippines

December 3 • 🌐



**LISTAHAN NG MGA ORGANISASYONG PINAGAGALAW
UMANO NG CPP-NPA-NDF SA LALAWIGAN NG
PALAWAN NA INILABAS NG ELCAC-TASKFORCE SA
ISINAGAWANG PRESS-CONFERENCE KAHAPON**

MGA ORGANISASYON NA PINAPAGALAW NG CPP-NPA-NDF SA PALAWAN

PEASANT SECTOR (7)			
ORGANIZATION	INVOLVED PERSONALITIES	DESIGNATION	LOCATION / AREA OF OPERATION
PAMALAKAYA	FERNANDO BUANTE	Provincial Chairman (reportedly was replaced by a certain Delos Santos as of Feb 2019)	Brgy. Liminangcong, Taytay, Palawan
	ANNALIE DELOS SANTOS	President (former Provincial Vice Chairman)	Taytay, Palawan
	BEBIT VARGAS	Member	Taytay, Palawan
	JULITA VARGAS @INDAY (wife of Bebit Vargas)	Coordinator, PAMALAKAYA & GABRIELA	
PLOMMM	NORLY BERNABE	President, PLOMMM	Hqs at Sitio Montevista, Brgy. Poblacion, Taytay, Palawan
	WILSON FRANCISCO	Vice President	Sitio Arado, Brgy. Poblacion, Taytay, Palawan
	GINA CAHILIG BUO	Secretary	--
	DONNA MAE CARIO	Asst. Secretary	--
	JOCELYN BERNABE (wife of Norly Bernabe)	Treasurer	--
	TERESITA PAALA	Asst. Treasurer	--
	ANTONIO DAQUILA	Auditor	--

SCALA	PRO	ANIBOY CADBIDA CADIMAS	President	•	KRISTINE IVY CHAVEZ BACOMO	Provincial Coordinator	Palawan
SICO	PRO	Suka		•	ENEL ABELA	Head	Taytay
TRICO	Adviser				MARIBEL DANDAL	Member	Taytay
TO	Adviser	JOSE MENCIO BALDADO	Vice President	Sitio, Palawan	INDIGENOUS PEOPLE (2) (2)		
ANTARA	Adviser	ROLANDO CORTES	Secretary	Taytay	ROLLY MALUDIN	Leader, BAGTIK MATREBU	Palawan
BUCON	Adviser				FREN PANDAY	Leader, BAGTIK Palawan	Palawan
RY	Adviser				ROLLY MALUDIN	Leader, PSP	Palawan
TULAC	Adviser	WOMEN SECTOR (2)			ROLLY MALUDIN	Leader, SUPOK	Palawan
ERNABE	Member	ENNAIDA GORDAL	Secretary General, GABRIELA Palawan	Palawan			
ERT PAHILDA	Legal Counsel	ANA DE JESUS	Local Coordinator	Palawan	ARMANDO LIMSA	Leader, NATIPAL	Palawan
ERNABE	Chairman	ERLA PALACIO	Head KARAPATAN Palawan	Palawan	JOSEPH CACACHA	Leader, ALDAY	Palawan
ERNABE	Chairman				RELIGIOUS (3)		
FRANCISCO	Provincial Secretary				Pastor ELENA DEL VALLE	Head	Palawan
FERNANDO	Leader, Decalacho Chapter	BSIE ELIGIO @Hesus / Andoy	Provincial Coordinator, NUSPI KABATAAN PARTY LIST/ MAKABAYAN	Palawan	JOSEPH CACACHA	Former Parish Priest of Abotan	Palawan
LICABO	• Auditor, PESANTE Pilipinas • Leader, Public Market Chapter		• Member, STAND UP	Palawan	JASPER LAHAN	Member	Palawan
PALANCA	Leader, Sinamay Chapter						
ANZA	Member, PESANTE Decalacho	ATANIEL CADIAO JR	Member, KARAPATAN Party List	Palawan	PROFESSIONALS (1)		
VIGNO	Treasurer				Nity KENNETH TABLA	Coordinator, Palawan	Palawan



Source: <https://www.facebook.com/PoliceRegionalOffice3/posts/1174020182982377>

**ABS-CBN Journalist, Konektado sa
mga Teroristang CPP-NPA-NDF!!**



ABS-CBN

***MAY KINIKILINGAN, MAY PINUPROTEKTAHAN,
SERBISYONG PURO KASINUNGALINGAN,
PAMAHALAAN LAGI KINAKALABAN!!***



Inday Espina Varona

Contributing Editor/Writer

ABS CBN Integrated News & Current Affairs

**Malayang nakapagpapalawak ng kanilang
koneksyon ang Teroristang CPP-NPA-NDF sa
loob ng ABS-CBN dahil sa journalist na ito.**

**Hindi na dapat i-renew ang franchise ng
network na ito kung ang mga nagtatrabaho
dito ay kasapi at tagasuporta ng TERORISTA!**

#YesToShutDownABSCBN



Malaybalay City Police Station

...

1d • 🌐

#TeamPNP

#weserve&Protect

#PNPKakampiMo



Malalaman
mong sila ay
para sa
TERORISMO,
Papatulan
lahat ng isyu,
Basta laban sa
GOBYERNO

No to rebellion
No to terrorism

#PNPKakampimo

#TeamPNP

#WeServe&Protect



Malaybalay City Police Station



Malaybalay CPS PCAD Section



Malaybalay CPS



088-813-0760(Landline)



Malaybalay CPS



0998-598-6852(Smart)



0925-821-8803 (Globe)



Malaybalay CPS PCR SEC



Malaybalay.cps.pnp@gmail.com



A FRIENDLY REMINDER FROM MALAYBALAY CITY POLICE STATION



BISTADO KA NA GHURL!

Pahuya-huya ka sa mga kabataan!

PEKE NGA MEDIA!

Ginababoy mo ang Press Freedom!

#NotoCCP-NPA
#SalotsaLipunan
#MatuodngaButigon

JOHN IAN ALENCIAGA

Ang matuod nga Tagapamaba sang NPA sa Panay



PANAYNEWS.NET
NPA recruitment goes on despite health emergency

John Allen
7 Apr at 11:33 am

Makahalam-utan man ini.. daw bata payaon..

PIA.GOV.PH
3ID slams NPA for attacking soldiers amid COVID-19 info. drive

John Allen
Yesterday at 7:35 pm

Tang.ina.. you are the one that must be held liable for making your military men still do operations despite your own SOMO. You are definitely violating the president's order. If you are serious in the fight against COVID-19, you have already pulled out your troops back to your barracks.

John Allen
8 Apr at 8:22 pm

Capt. Cenon Pancito III of 3rd ID FA claims two NPA fighters were dead from yesterday's clash. However, the NPA denies such claim in their statement to the media. I wonder why the media still does not take their statement.

I don't know what on earth will Pancito get from lying.

It is basic for the media to get both sides.

John Allen
8 Apr at 8:22 pm

New People's Army
denies Pancito's claim in Communist Central Party

John Allen
8 Apr at 8:22 pm

CALL FOR DONATIONS FOR THE BAIL OF ILOILO 42

John Allen
7 Apr at 9:01 am

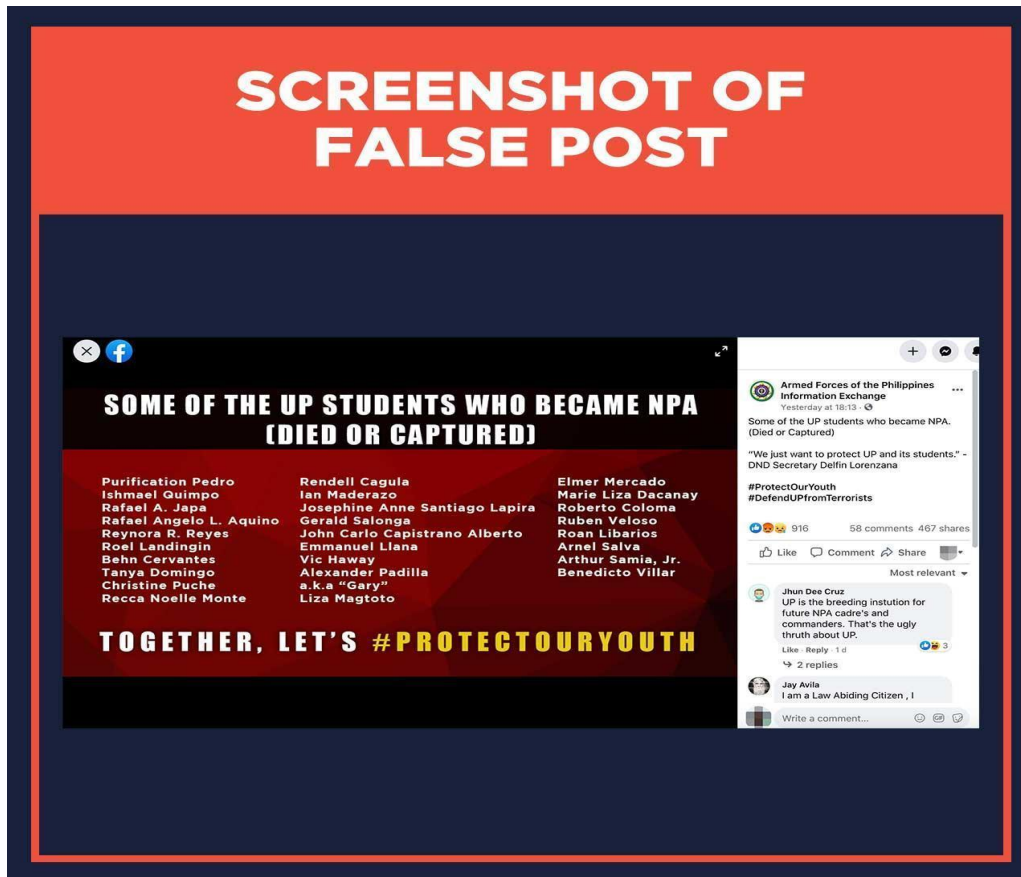
BAYAN MUNA Partylist
7 Apr at 7:27 am

Makgagayng kaarawan Ka Sahril isa kang inspirasyon sa aming bahat. Dakila ang iyong di matatawarang walang tangis na paglilingkod sa sambayanan... See More

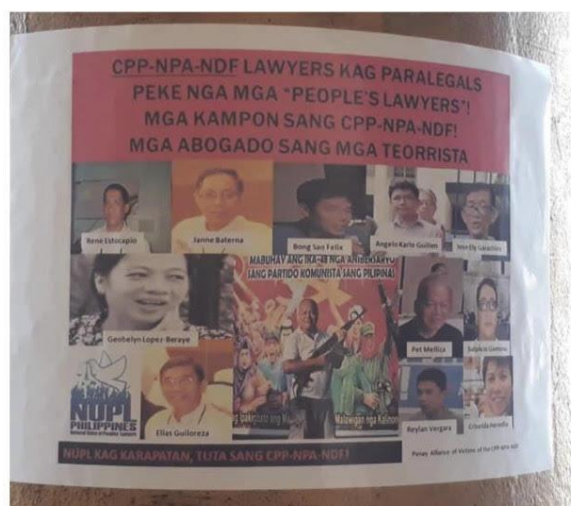
NPA KA RIN BA?







Source:
<https://www.rappler.com/newsbreak/fact-check/list-dead-captured-former-up-students-npa>
 a



Red-tagging of NUPL-Panay including AK Guillen ca. 2018

MGA KILALANG KAMPON NI KADILIMAN... **MAKABAYAN BLOC!**



**MARAMI NG NALOKO, NAGAMIT
AT NAPATAY. HUWAG NANG
MAGING BIKTIMA NG
TERORISTANG CPP-NPA-NDF!**

**INSIDE
TRUTH**



BEHIND THE LIES:

THE IMAGE OF A

COMMUNIST TERRORIST

RECRUITER

SARAH ELAGO

Ensures that the New People's Army
does not run out of youth fighters

#JUNKTERRORISTS#HANDSOFFFOURCHILDREN

**ETO YUNG REPRESENTATIVE NG
ACT TEACHER PARTYLIST AY ISANG KRIMINAL 📌📌**



**ACT PARTYLIST is known as ALLIANCE
OF COMMUNISTS TERRORIST partylist.**

OTHER PHOTOS

Bayan Muna solon's daughter killed in NPA encounter

November 29, 2020 · Sunday 6:11 PM by [PNA](#)



SOLON'S DAUGHTER KILLED The daughter of Bayan Muna solon for Rep. Rufina Campos Collantes, identified as Jovelyn Campos Collantes, also "Jo Jo", 25, was killed in an armed encounter with the 3rd Special Forces Battalion (3SFBn) on Saturday afternoon (Nov. 28, 2020) in San Isidro, Marikina, Surigao del Sur. Army officers have recovered three AK-47 rifles, one M14 rifle, one M63 5.56 caliber rifle, five backpacks that contain war material and subversive documents at the encounter site. (Photo courtesy of 3SFBn)

Jevilyn Cullamat

Source:

https://mindanaodailymirror.ph/Main/full_article/bayan-muna-solon-s-daughter-killed-in-npa-encounter12842



Activist arrested

Source:

<https://mb.com.ph/wp-content/uploads/subs/news/uploads/2020/05/ActivistArrested.jpg>

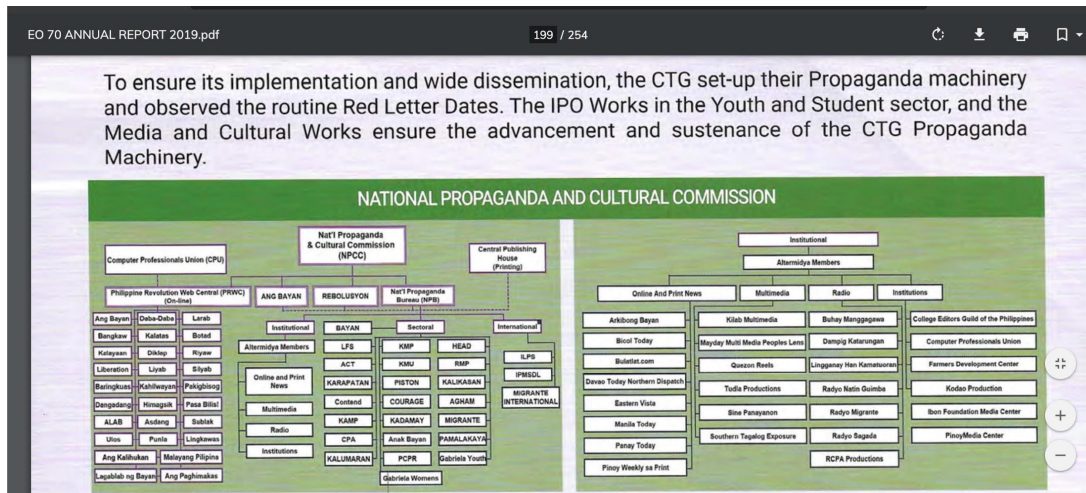


Attorney Angelo Karlo Guillen stabbed

Source: <https://mb.com.ph/wp-content/uploads/2021/03/Evj72Z3VIAQG2C1.jpeg>



Source:
<https://mb.com.ph/2021/02/06/covid-violators-forced-to-walk-like-zombies-in-negros/>



NTF-ELCAC Annual Report

KAWSA GUIHULANGANON BATOK KUMUNISTA (KAGUBAK)

NEVER AGAIN TO CPP/NPA/NDF#

Ang mga nagbuhi sa mga NPA sa atong syudad sa Guihulugan nga nagparatay sa mga innocent mag-uuma ug sibilyan. Mao kini ang mga katigsoonan ko nga gihukman sa KAGUBAK ni na nabaton sa tuig 2018 blang usa pa kamo magtago:

- 1) ROSE SANCELAN ALYAS IB REGALADO
- 2) JESSICA VILLARMENTE
- 3) CARLOS VILLARMENTE
- 4) ALLEN ALVAREZ
- 5) MARILOU ALANGILAN -- Taga Barangay Buenavista
- 6) NONING ESTRADA
- 7) AMY RABOR
- 8) JOSEPHINE SAGURAN -- Taga Barangay Calamba
- 9) ERIK NUEVO
- 10) MARIO "MAYOK" RICABLANCA
- 11) HEIDI MALALAY FLORES
- 12) ROBERTO CADAY
- 13) ALLAN ARCHIEBUCH
- 14) ANTHONY TRINIDAD
- 15) BOY LITONG UC ANAK NIYA NG A SPARU

Kini ang mga innocent sibilyan nga humana gihukman sa ilang hinanib nga grupo sa NPA nga walay igong basihan ug gipamatay nila:

- 1) Friedi Trinidad
- 2) Anis Dela Torre
- 3) Sale Sobrado
- 4) Narding Nocos
- 5) Kapitan David sa Dagnot -- Taga Tihli
- 6) Pagmasaker sa pamilyang Frone Serna -- Sa Villigas
- 7) Edgar Ymalay
- 8) Digoy Carbona
- 9) Vanni Lim
- 10) Ben Uy

Ug daghan pang mag-uuma nga na ngita ug hustisya

KAGUBAY ANG KAWSANO GUIHULANGANON BATOK KUMUNISTA

ANG A PUYO A SPOT

Sancelan and Ramos - KAGUBAK hitlist



Republic of the Philippines
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE
POLICE REGIONAL OFFICE 8
SAMAR POLICE PROVINCIAL OFFICE
CALBAYOG CITY POLICE STATION
Calbayog City, Samar
calbayog_cps@yahoo.com



March 12, 2021

OFFICE OF THE CLERK OF COURT
HALL OF JUSTICE
Brgy. Capoocan, Calbayog City

MAR 12 2021

16.20 AM

Good day!

This pertains to the compliance from higher PNP offices regarding of lawyers who represents Communist Terrorist Group (CTG) personalities in the court.

In this regard, the undersigned would humbly request list of lawyers represent CTG personalities in the court. Attach herewith is the table being requested for your reference.

We fervently pray and hope for your favorable consideration on this request for subsequent submission to PNP higher offices.

Thank you and God bless!


FERNANDO G. CALABRIA JR
Police Lieutenant
Chief Intel/SDEU

Letter from Lt. Calabria regarding lawyers



Republic of the Philippines
REGIONAL LAW ENFORCEMENT COORDINATING COMMITTEE
POLICE REGIONAL OFFICE CORDILLERA
Camp Major Bado Dangwa, La Trinidad, Benguet

RLECC-CAR RESOLUTION No. 04 s. 2021

A RESOLUTION ENJOINING THE MEMBERS OF LAW ENFORCEMENT AGENCIES TOGETHER WITH REPRESENTATIVES OF LGUs TO CONDUCT TOKHANG TO KNOWN LEFT-LEANING PERSONALITIES IN THE GOVERNMENT, MEDIA AND OTHER ENTITIES

WHEREAS, EO 70 series of 2018, which seeks to institutionalize the Whole-of-Nation Approach to pave the way for collective participation and action in harmonizing government development efforts and services to support, facilitate and pursue the country's peace agenda created the National Task Force to End Local Communist Armed Conflict;

WHEREAS, in furtherance of one of the priority thrusts of the current administration in addressing the insurgency problem in the country, a concerted effort amongst all the member agencies of RLECC and stakeholders is needed to address the insurgency problem in the region;

WHEREAS, insurgency problem remains to be a formidable threat to Philippine Security, Economy and to the Filipino People, it being around for more than five (5) decades in the country;

WHEREAS, a strategy is needed in addressing the insurgency problem of the Cordillera Region. This could be by way of the "Oplan Tokhang" strategy being used in the government's war on drugs by visiting/knocking on their residences and plea for them to stop dealing and using drugs. The same concept is envisioned to known left leaning personalities by visiting/knocking on their respective residences and plea or dissuade them from further supporting, or being active members of the CPP-NPA-NDF or any of its known Front Organizations.

WHEREAS, to build trust on this undertaking, and to remove the fear brought by some instances of "Oplan Tokhang" on illegal drugs that went wrong, a composite of the members of the local PNP, church, NGO and barangay officials will team up for the said "Oplan Tokhang" concept.

WHEREFORE, RESOLVED AS IT IS HEREBY RESOLVED that OPLAN TOKHANG will also be employed to convince left leaning personalities to return to the folds of the government and dissuade them from further supporting the Marxist-Maoist inspired rebellion, and its known front organizations;

RESOLVED FURTHER, that this resolution be elevated to the Regional Peace and Order Council (RPOC) for their concurrence and adoption and convince LGUs to support this and be brought to the attention of all Governors and Mayors in the Cordillera Region.

[Handwritten signatures and initials are present at the bottom of the page, including names like 'Mun', 'Jhon', 'K', 'Sofia', 'J', 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H', 'I', 'J', 'K', 'L', 'M', 'N', 'O', 'P', 'Q', 'R', 'S', 'T', 'U', 'V', 'W', 'X', 'Y', 'Z']



Republic of the Philippines
NATIONAL POLICE COMMISSION
PHILIPPINE NATIONAL POLICE
POLICE REGIONAL OFFICE CORDILLERA
Camp Major Bado Dangwa, La Trinidad, Benguet



MEMORANDUM

FOR : All PDs, PPO and CD, BCPO
(Attn: C. PCADU and C. CCADU)

FROM : Regional Director

SUBJECT : Cordillera People's Alliance (CPA) and Left Leaning Organizations

DATE : February 9, 2021

1. Reference: Memo from this unit dated January 26, 2021 with subject Resolution Declaring CPA and other Allied Organizations as Persona Non Grata of the LGUs.

2. This pertains to the Verbal Instruction of the Regional Director to encourage your respective LGUs to pass a resolution declaring the CPA and other left leaning Organizations who are supporting the CPP-NPA within the region.

3. In this regard, the following are the CFO's operating in the Cordillera which may be used by respective units for their resolutions:

- a. Cordillera Peoples Alliance
- b. Pudo Indigenous People's Association (Natonin, Mt. Province)
- c. Labor Sector
 - Alliance of Concerned Teachers
 - Movement for the Advancement of Inter-tribal Unity and Development (MAITUD)
 - Amianan Salakniban
 - Dap-ayan ti Kultura iti Kordilyera (DKK)
 - Katribu/ Katribu-buday
 - Kilusang Mayo Uno (KMU)
- d. Womens Sector
 - INNABUYOG- Gabriela
 - Gabriela- Women's Partylist
 - INNABUYOG CORDILLERA- Alliance of Women Organization in the Cordillera
 - INNABUYOG- Alliance of Womens Against Tyranny

Cordillera Tokhang List (page 1)

e. Youth Sector

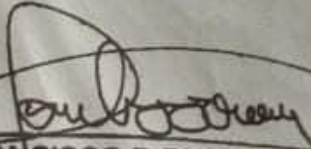
- Anakbayan
- Pinatud- Anakbayan
- League of Filipino Students (LFS)
- Kabataan Party List
- Cordillera Youth Center (CYC)
- Progressive Igorots for Social Action (PIGSA)
- Alliance of Concerned Students (ACS)
- Alliance of Concerned Students- UP Baguio (ACS UPB)
- Youth Act Now Against Tyranny (YANAT) Baguio- Benguet
- Dap-ay (Benguet State University)

f. Government Sector

- Bayan Muna
- Tongtongan ti Umili (TTU)
- CHRA

For information and reference.

FOR THE REGIONAL DIRECTOR:


FRANCISCO B BULWAYAN, JR.
Police Lieutenant Colonel
OIC, RCADDY

Cordillera Tokhang List (page 2)

