

Republic of the Philippines
Committee on Human Rights
Quezon City, Metro Manila

Report of the Chairperson

Hon. Lorenzo “Erin” R. Tañada III

9 December 2008

Human Rights Week



TABLE OF CONTENTS

- **INTRODUCTION**

- > Mandates and Thrusts of the Committee

- **Part I: SNAPSHOTS OF REALITY**

- > Highlights of Public Hearing

- > Recommendations

- **PART II: OTHER PRIORITY MEASURES AND CONCERNS**

- **CONCLUSION**

Committee on Human Rights






An Overview:

Committee's Mandate and Thrusts

- **House Committee on Human Rights was constituted in the plenary on 02 October 2007**
- **Membership: twenty-one (21) from majority and four (4) from the minority**

Mandate of the Committee

- **to act on “all matters directly and principally relating to the protection and enhancement of human rights, assistance to victims of human rights violations and their families, prevention of violations of human rights and the punishment of perpetrators of such violations”**
 - (Sec.27(x), Rule IX of the Rules of the House of Representatives, Fourteenth Congress)**


- 
- It has its own approved Rules of Procedure, the latest amendment of which is to provide protection for witnesses who appear and testify before the Committee, in which the legislative committee makes proper representations on behalf of the witnesses to be under the Witness Protection Program of the Department of Justice.

SNAPSHOTS OF REALITY



Public Hearings

- April 29, 2008 > the Committee invited the authors of the resolutions and Reps. Satur Ocampo (BAYAN MUNA), Liza Maza and Luzviminda Ilagan (GABRIELA), Teddy Casino (BAYAN MUNA), Risa Hontiveros-Baraquel (AKBAYAN), Mujiv Hataman (ANAK MINDANAO), and the late Crispin “Ka Bel” Beltran (ANAKPAWIS) to sponsor their respective measures.**
- May 12, 2008 > Executive Session with the Human Rights Victims from Luzon, including Quezon Province, which was held in Mitra Building, House of Representatives**
- May 16, 2008 > Public Hearing in Lucena City, Quezon**
- May 29, 2008 > Public Hearing and Executive Session in Tacloban City, Leyte**
- May 30, 2008 > Public Hearing in Tagbilaran, Bohol**
- August 25-26, 2008 > Public Hearing and Executive Session in Davao City**
- September 2008 > Public Hearing, San Fernando, Pampanga**

- 
- **six (6) public hearings, four (4) Executive Sessions and one regular (1) Committee meeting**
 - **Jail visit: Palo Provincial Jail, Palo, Leyte – Ka Randall Echanis, and Mr. Jaime Soledad**
 - **Hospital visit to Ms. Rose Ann Gumanoy in V. Luna Hospital, Quezon City.**

Aims of the congressional inquiries

- to be able to minimize, if not totally eradicate human rights violations, extra-judicial executions and enforced disappearances in the country, by addressing all the issues raised in House Resolutions and Privilege Speeches referred to the Committee.
- to provide a venue for all the stakeholders- the victims and their families, the civil society, the military and police, and the Government - to strike a dialogue and to thresh out the problems as they see it, and to find acceptable solutions, if not, meaningful compromises without necessarily abandoning their own beliefs, and without sacrificing the calls for justice and truth.
- to supplement the so-called “Alston Report,” more than a year after it was prepared by the UN Special Rapporteur on Extra-judicial, Summary or Arbitrary Executions, Mr. Philip Alston, whom the Committee also welcomed during his visit on 12-21 February 2007; and the Melo Commission Report, which came out ahead of the Alston Report in January 2007.

Quezon Province: Notable Cases

1. Case of Rose Ann Gumanoy


- **The vital witnesses to the double murder case of Eddie Gumanoy and Eden Marcellana in 2003 appeared before the Committee, and the daughter of Mr. Gumanoy, Ms. Rose Ann Gumanoy, who went to Nakar, Quezon on April 15, 2008, was caught in an encounter; She was put under military custody and brought to the V.Luna Hospital in Quezon City.**


2. Case of the family of Liezl Carandang



Findings:


- **Militarization remains strong. There are still 32 battalions of the military, AFP, PNP, CAFGUS in Southern Tagalog.**
- **Members of indigenous communities, specifically the Agta Tribe, in Quezon are forcibly and massive recruited by the military to become members of the CAFGU.**
- **Even the young are recruited to serve as “eyes” for the military.**


- 
- **Severely-affected areas are the municipalities of General Luna, Tagkawayan, Gumaca, General Luna, General Nakar and Lucena City**
 - **Atrocities range from grave militarization resulting to internal displacements of communities, death threats, harassments, systematic surveillance, physical and psychological torture, forced disappearances, and other human rights violations.**

- 
- **The military units of the 74th Infantry Battalion and 76th Infantry Battalion, are claimed by witnesses to be largely responsible for human rights violations in Southern Tagalog.**
 - **Local officials in Quezon are in continuous coordination and close cooperation with the police and the military in their respective areas, in the hope of restoring peace and order within the communities**


Tacloban City, Leyte

- **The region is highly militarized, with the presence of an Infantry Division, three Infantry Brigades, eight Infantry Battalions that operate in the Samar Province, Leyte and Biliran; in addition to the CAFGUs, Engineering Brigade, Artillery, Scout Rangers and Reconnaissance Battalions which are normally part of a military contingent;**

- 
- **Human Rights violations (HRVs) which have been documented by KARAPATAN have reached 1,475 since 2001; There was an increase in HRVs in 2005, when Gen. Palparan was the Commanding General of the 8th ID; In 2007, there was also an increase in HRVs because of the military's attempt to attain their goals as contained in Oplan Bantay Laya I (OBL I), which they are allegedly trying to revive in OBL II;**


- 
- **Out of the 1, 475 cases, some 108 were victims of extra-judicial killings, assassinations and massacres; There were three massacres recorded in this period – one in Northern Samar, one in Canangga and one in Palo, Leyte in 2005; Most of the victims were members or leaders of progressive groups, militant organizations, farmers and critics of the government;**


- **The implementation of OBL I and II have created an “undeclared martial rule” in the region, which led to massive HRVs both in the interior and central areas of Eastern Visayas; these are characterized by the strong military presence in target areas, conduct of census in the barangays, holding meetings with the residents and presentation of “Know Thy Enemy,” the document which showcases a list of “suspected members of the New People's Army (NPA)” and warning the people of joining such movements;**


- 
- **Those people who are included in the list would be forcibly taken away from their homes, detained and interrogated; There were reports that those who were detained would also be tortured and forced to surrender; There were some who were forced to sign documents to signify their surrender; male residents would be required to patrol the area and act like “barangay tanod” from 7 pm to 5 am; hence, civilian residents act as military shields under the circumstances;**

Tagbilaran City, Bohol

- **All of the victims were either leaders or active members of progressive parties or organizations active in areas where the AFP is concentrated on, and there is an on-going counter-insurgency campaign. Said organizations include BAYAN MUNA, KARAPATAN, ANAKPAWIS, GABRIELA, and even religious sects like UCCP and IFI, which were all identified by the military as “enemies of the State.”**

- 
- **Prior to the killings, the victims were subjected to a vilification campaign and 'demonized' as communist fronts by military units or anti-communist vigilante groups in the region. Moreover, the victims were subjected to surveillance by the military. The killers donned with bonnets to hide their identities, and rode on motorcycles; There have been no decisive action from the government agencies and from the PNP itself.**

- 
- **The agrarian reform disputes in Negros Occidental, involving recalcitrant landlords who reportedly cause the harassments, illegal arrest and killing of members and CLOA holders of Task Force Mapalad in Hacienda Velez-Malaga, Negros Occidental, have remained unresolved. This particular hacienda is secured by armed guards of the hacienda owner, Mr. Roberto Cuenca, a known political ally of the Arroyos. Mr. Cuenca is being held responsible for the killings of Alejandro Garcesa, Eddie Tupas and Pepito Santillan in June and December of 2007.**

- 
- **The local chief executive spearheaded the establishment of a local peace assembly, the Provincial Peace and Order Council, wherein multi-sectoral groups, the LGUs, the PNP and the AFP, regularly meet to discuss the peace and order situation in the province. There is a so-called “public information patrol” of the PNP and the AFP, which handle information dissemination on crime prevention and control in the communities.**

Davao City

- **The reports from KARAPATAN and other human rights groups in the regions of Mindanao showed a total of 238 cases of extra-judicial killings and 47 cases of enforced disappearances from January 2001 up to March 2008. Of the 238 cases as mentioned, ARMM has the most number of killings which is attributed to the Arroyo administration's all-out war campaign.**
- **Testimonies by witnesses and survivors reveal that the killings have been committed by motorcycle-riding gunmen, at close range, and with high powered firearms. In all of these cases, not one of the perpetrators have been brought to the bars of justice for prosecution.**
- **Of the 238 cases of extrajudicial killings in Mindanao, 32 victims were from the ranks of Kilusang Magbubukid ng Pilipinas, while 21 were from Bayan Muna. KMP attributes the killings to the government's counter-insurgency campaign called “Oplan Bantay-Laya I and II”, reportedly designed to break the backbone of the communist insurgency.**

Davao City: Notable Cases


- **Local leaders of “branded” organizations were invited by the military to their camps and military installations for interrogation and were subject to surveillance and threats. Some of these leaders end up summarily executed such as the case of peasant leaders Hermelino Marqueza from Tandag, Surigao del Sur and Dalmacio Gandinao from Salay, Misamis Oriental.**
- **The lumads, or our indigenous peoples, have also been recruited and armed by the Armed Forces as paramilitary forces to beef up security forces. They are known as Alamara in Davao provinces, Bungkatol Liberation Front in Agusan, Wild Dogs headed by Napongahan Brothers in Agusan del Sur.**
- **In 2008, two activists, namely, Celso Pojas, Secretary General of the Farmers Association of Davao City and Spokesperson of the KMP Southern Mindanao, and Roel Dotarot, organizer of Bayan Muna in Monkayo, Compostela Valley were gunned down by suspected agents of the State. Fernando Antabo, who led strong opposition against mining operations in Zamboanga del Norte, has been severely harassed and intimidated by the 18th Infantry Battalion, before he was gunned down on June 15, 2008.**


- **Women and children are not spared from abuses, as in the case of Grecil Buya, a nine-year old girl who was shot dead by a soldier in 2007, because she was allegedly carrying an M-16 rifle. Grecil was being tagged as a “child combatant.” In 2008, A fourth year high school student was reportedly raped by a soldier from 30th IB in Surigao City, and a twenty year-old woman was reportedly sexually harassed by a member of the 66th IB.**
- **Operation Bantay Laya is a military strategy designed to secure Mindanao resources for foreign investors. In February of last year, President Arroyo declared the establishment of the Investment Defense Force in Southern Mindanao in order to protect mining investment in the provinces of Compostela Valley and davao Oriental. At present, there are at least six brigades and 15 battalions deployed in the AFP East Mindanao Command, in addition to the Philippine Army's 4th and 6th Infantry Divisions.**

Recommendations

- **To afford ample protection to witnesses through an improved Witness Protection Program, which may be detached from the Department of Justice and instituted as an independent mechanism under the Commission on Human Rights, and to provide financial resources and tight security to the witnesses until the final resolution of their respective cases, and to provide just compensation to the victims and their families.**
- **To make a keen study on the Charter of the Commission on Human Rights, by instituting appropriate mechanisms for investigations, visitatorial powers and witness protection, and strengthening further the Commission's independence and fiscal autonomy.**
- **To push for the passage of the law on command responsibility, so that perpetrators of human rights violations, particularly extra-judicial killings and enforced disappearances, specifically with regard to the acts of members of the Armed Forces and agents of the State, and the possible involvement of non-state actors, which remains open for discussion, may be penalized;**

- **To pass a law defining and criminalizing extra-judicial executions, and providing appropriate penalties for violations thereof;**
- **The law on custodial investigation (RA 7438) must be strictly observed, and the military should see to it that the civilians who are invited for “questioning” must be accompanied either by his counsel, any local official or persons in authority, or a representative from the Commission on Human Rights, in accordance with the law.**
- **To exhort the President, as the Commander in Chief and Chief Executive, to initiate the resumption of the peace talks between the Government of the Republic of the Philippines and the CPP/NPA/NDF panel, as the OPAPP recognizes the Government's higher moral ground on the issue.**
- **To urge the operationalization of the Joint Monitoring Committee, and to ensure the strict adherence of all parties to the conflict to the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL).**
- **In order to expressly avert agrarian-related violence, particularly in Negros Occidental, to call for the effective implementation of an existing 2001 Joint Memorandum of Agreement among the Departments of Agrarian Reform, and the Interior and Local Government with respect to the PNP, and the National Defense with the AFP, to protect agrarian reform beneficiaries.**

- 
- **To provide stricter and higher penalties for recalcitrant landlords, as provided for in the pending House Bills on CARP extension and reforms.**
 - **To propose for the creation of a legal action team in the Department of Agrarian Reform which handle the filing and monitoring of cases filed against resisting landlords.**
 - **For the House Committee on Human Rights to strengthen its legislative oversight function with respect to abating enforced disappearances, and that House Members, in general, be empowered to intervene, particularly when incidents of enforced disappearances or illegal arrests occur in their respective Congressional Districts, to minimize such abuses;**
 - **In the exercise of its legislative oversight responsibilities, the Committee motu proprio should look into the effectiveness of the manner that the Supreme Court is implementing the new Writ of Amparo and Writ of Habeas Data, and if the situation warrants, to supplement the Rules.**
 - **To urge the President to implement the recommendations in the Alston Report, particularly, that the component of extra-judicial killings be removed from the counter-insurgency operations.**
 - **To pass a House Resolution to effect a mandatory review of the military strategy in counter-insurgency operations, and to remove enforced enforced disappearances, EJK, illegal arrest, and torture as component of this strategy.**



PART II:
OTHER PRIORITY
MEASURES
AND CONCERNS

MARCOS COMPENSATION ACT

- **The bill has passed the Committee level as early as Dec.11, 2007, sponsored in the floor on May 28, 2008 and was subsequently included in the Calendar of Business. From that period to the present, the Compensation bill never moved an inch, and my representations with the Honorable Speaker were met with an uncooperative stance.**
- **As a last ditch effort to propel the bill into the plenary, the Committee signed a letter expressing our “strong appeal” to the Speaker to calendar the bill, as it does not also go unnoticed that he was one of those who actively supported it in the Thirteenth Congress. The Committee is hoping against hope that the Marcos Compensation bill will be finally passed this Congress, after six Congresses of being filed and re-filed in this chamber.**



ANTI-TORTURE ACT

- **The Anti-Torture bills have been passed in the Committee on Appropriations, with some amendments, last December 3, 2008.**
- **For routing for signature of Members of the Committees on Justice which is the lead committee, Human Rights and Appropriations, and then for transmittal to the Committee on Rules for their approval.**



ANTI-ENFORCED DISAPPEARANCE ACT

- **The Anti-Enforced Disappearance bills have likewise been passed on the same date by the Committee on Appropriations, with no amendments, and will go through the same process as the Anti-Torture bill.**



INTERNAL DISPLACEMENT ACT

- **Approved in the Committee on Appropriations last Nov.19, 2008 with some amendments, and will be transmitted to the Rules Committee for their approval.**
- **The most recent statistics on internally-displaced persons (IDPs), particularly in Southern Mindano Region have risen to as high as 500,000 individuals beginning in the second quarter of this year, as the armed conflict between the government forces and the rebel groups such as the CPP-NPA, on one hand, and the Muslim revolutionary groups, on the other end, have escalated in about the same period.**



PHILIPPINE ACT ON CRIMES AGAINST INTERNATIONAL HUMANITARIAN LAW AND OTHER SERIOUS CRIMES

- **These bills are jointly referred to the Committee on Justice as the lead, and after our joint meeting last November 17, a Technical Working Group has been created to work on further refinements of the measures.**
- **In that same hearing, parallel bills filed and initially referred only to the Committee on Justice on the use and protection of the Red Cross, Red Crescent and Red Crystal emblems, were also discussed. These are the subject matter of HB Nos. 4244 and 4272, authored by Reps. Golez and Agbayani, respectively, which the Committee has also moved for joint referrals.**



STRENGTHENING THE HUMAN RIGHTS COMMISSION ACT

- **The Committee has long prepared itself to deliberate on these measures, as we were stalled by the re-organization of the Commission early this year, and if the new set of Commissioners under the dynamic leadership of Chairperson Leila de Lima is willing, the Committee hopes to schedule a Technical Working Group upon the resumption of sessions in January 2009.**

Additional Funding

- **This representation pushed for the inclusion into the General Appropriations Act of some Five Million Pesos (P 5.0 M) in the fiscal years 2008 and 2009, for DNA Testing techniques in the PNP Crime Laboratories and Ten Million Pesos (P 10.0 M) for the University of the Philippines Science laboratories.**
- **Moreover, as Chair of this Committee, I have proposed additional funds of Five Million Pesos**
- **(P 5.0 M) for the Witness Protection Program of the Commission on Human Rights, to augment the severe lack in financial resources for the HRVs and their families.**

Epilogue

- **Let us break the seeming perpetuity of the so-called “culture of impunity,” as the Committee firmly upholds the tenets of the Constitution, its Bill of Rights, and the policy that the State values the dignity of every human person and guarantees full respect for human rights. In the fulfillment of its legislative duties, the Committee is cognizant of its full adherence to the rule of law, due process and equal protection of the laws.**
- **And as succinctly stated in the Universal Declaration of Human Rights, which we are also celebrating its 60th year: *“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. (Article I).* Let these guideposts be our parameters in our legislative work, as we join the Executive and the Judiciary in their efforts to achieve a genuine and lasting peace for our nation.**



**THANK YOU
VERY MUCH!**