

**NDFP Adherence
to International Humanitarian Law
on Prisoners of War (POWs)**

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Preface to the Revised Edition

By Fidel V. Agcaoili
Chairman
NDFP Human Rights Monitoring Committee
10 December 2009

In May 1999, the NDFP International Information Office in Utrecht, The Netherlands, published an 85-page pamphlet entitled *NDFP Adherence to International Humanitarian Law on Prisoners of War*. It consisted of statements and documents on the capture, investigation and release of members of the Government of the Republic of the Philippines (GRP) security forces, namely, Philippine Army (PA) Brigadier General Victor Obillo, PA Capt. Eduardo Montealto, Philippine National Police (PNP) Major Roberto Bernal and PA Sergeants Alipio Lozada and Wivino Demol – all prisoners of war (POWs) of the New People’s Army (NPA) held in different parts of the country in the first quarter of 1999. The pamphlet clearly demonstrated the compliance of the National Democratic Front of the Philippines (NDFP) with the Geneva Conventions of 1949 and their Protocols on the issue of prisoners of war.

The present book, the third in the Education Series of the NDFP Human Rights Monitoring Committee, is a revised and updated version of that publication. It seeks to supplement the original pamphlet with new experiences and data, including photographs, to affirm the adherence of the NPA and the local organs of political power to International Humanitarian Law (IHL) in the just and humane handling and treatment of POWs. The NDFP Human Rights Monitoring Committee hopes that this informative and educational material will be of interest not only to the forces of the NDFP but also to everyone keen on learning about the issue of POWs in the armed conflict in the Philippines.

This book consists of three parts and an appendix. The first part is basically the original pamphlet less five articles, three of which were dispensed with since their content is already included in other documents while two were replaced by new ones. The 14 January 1999 resolution of the European Parliament which was an appendix in the original pamphlet is now the first item in the appendix of the present book. The new appendix includes facsimiles of documents used by the NDFP, the GRP and the International Committee of the Red Cross (ICRC) in effecting the safe and orderly releases of POWs.

Part two concerns the cases of PA Major Noel Buan and PNP Major Abelardo Martin who were captured by the NPA after the Estrada regime formally terminated the GRP-NDFP peace negotiations on 31 May 1999. The appeal for their release in January 2000 by the Humanitarian and Peace Mission of Senator Loren Legarda, Catholic Bishop Jesus Varela of Sorsogon and Supreme Bishop Tomas Millamena of the Philippine Independent Church and Chairman of the National Council of Churches in the Philippines (NCCP), became the occasion for the NDFP to issue the document *Updated NDFP Position on the Issue of Prisoners of War and the GRP-NDFP Peace Negotiations*. This document sets forth in clear terms certain premises concerning POWs of the NPA.

Part three is a compilation of statements and documents that concretely show the humane treatment accorded by the NPA to its POWs. It includes an article that puts in a coherent manner the testimonies of the POWs themselves about how they were treated during their captivity. There is also a partial list of POWs held by the NPA from 1988 to 2009. The list is not exhaustive since many POWs were held only briefly, i.e., a day or two or even hours in consideration of the capabilities and circumstances of concerned revolutionary forces at a given time and place.

It has been more than ten years since the publication of the original pamphlet in May 1999. Yet the GRP, despite the regime change from Joseph Estrada to Mrs. Gloria Macapagal-Arroyo, has remained adamant in its position of refusing to negotiate with the NDFP on the release of POWs of the NPA. It continues to mouth the lie that the NPA “kidnaps” the POWs even though it acknowledges the existence of the armed conflict between the forces of the GRP and the NDFP in the peace negotiations. It even allows third party entities – usually religious leaders and national and local officials as well as the families of the POWs – to appeal for their release on humanitarian grounds and ask for the suspension of military and police operations by local units of the AFP and PNP for the safe and orderly release of the POWs with the participation of representatives of the ICRC.

The Arroyo regime has turned out to be worse than the Estrada regime in violating human rights and international humanitarian law. It has equaled the Marcos fascist regime in viciousness and impunity, riding on Bush’s war of terror in a futile attempt to wipe out or render irrelevant the revolutionary movement by 2010 through its internal security plan Oplan Bantay Laya. It has become notorious internationally for widespread and systematic violations of human rights, massive corruption and, recently,

the arming of warlords who commit brutal massacres and violence against the people. It continues to commit violations of international humanitarian law in its dirty war against the revolutionary movement and the people not only in the killing of thousands of unarmed civilians, including immediate relatives of suspected NPA fighters and *hors de combat*, but also in conducting indiscriminate aerial and artillery bombardments of communities and the strafing of houses that have resulted in the massacre of families and the internal displacement of millions of people.

The armed revolution in the Philippines is a just war for national and social liberation. It is directed against an exploitative and oppressive social system that has been described scientifically as semi-colonial and semi-feudal. Philippine society is under the joint rule of the very few big compradors and landlords supported by foreign monopoly capitalists. These ruling classes have kept the vast majority of the Filipino people, the more than 90% of workers and peasants, into a life of deprivation, poverty, disease and ignorance.

In the conduct of the war, the NDFP is firmly committed to respect the rights of POWs and treat them humanely in accordance with the bill of fundamental rights in the Guide for Establishing the People's Democratic Government, the Rules of the New People's Army, the GRP-NDFP Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) and the international law on human rights and the laws on armed conflict. It has time and again demonstrated this commitment in practice as documented in this publication. The NDFP does so in the exercise of its political authority as a co-belligerent in the armed conflict. The members of the GRP armed forces are hereby assured that their rights would be respected and they would be treated humanely when they are captured by the NPA. ■



On the Release of POWs Gen. Victor Obillo,
Capt. Eduardo Montalto, et al.
and the “NDFP Position on the Prisoners of War
and the GRP-NDFP Peace Negotiations”

Preface

By Jose Maria Sison
NDFP Chief Political Consultant
May 1999

This booklet is informative and educative. It demonstrates the compliance of the National Democratic Front of the Philippines (NDFP) with the international law on armed conflict or international humanitarian law (the four Geneva Conventions of 1949 and their Protocols) in the capture, detention, due process and release of five prisoners of war (POWs) by the New People's Army (NPA) in different regions of the Philippines in the first half of 1999.

All prisoners of war, including one brigadier general of the Philippine Army, a police major of the Philippine National Police, a captain and two sergeants of the Philippine Army, have been released by three regional commands of the NPA to representatives of the International Committee of the Red Cross (ICRC), within the period of April 19 to April 25.

The NDFP proves once more, as in POWs releases in previous years, its good intention and its determination to implement its Unilateral Declaration of Undertaking to Apply the Geneva Conventions and Protocol I, which has been done on July 5, 1996 in accordance with Article 96, Paragraph 3 of Protocol I of the Geneva Conventions and duly deposited with the Swiss Federal Council.

The Declaration states, "The NDFP will treat any captured personnel of the military, police and paramilitary forces of the GRP as prisoners of war and demands that the GRP likewise treat as prisoners of war any captured personnel of the NPA and other forces represented herein by the NDFP."

In representation of the people's democratic government, the Communist Party of the Philippines as ruling party, the NPA as instrument of political power and the mass organizations, the NDFP has also complied with the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL), a bilateral agreement or treaty between the NDFP and the Government of the Republic of the Philippines (GRP).

Under the CARHRIHL, there are clear provisions which allow the NDFP to exercise its political authority and to capture, detain, accord due

process to and release prisoners of war and by which the GRP recognizes the political authority of the NDFP to do so. Hereunder are the said provisions:

*Article 1 of Part XI: “The Parties shall continue to assume separate duties and responsibilities for upholding, protecting and promoting human rights and the principles of international humanitarian law in accordance with their respective political principles, organizations and circumstances until they shall have reached final resolution of the armed conflict.”

*Article 3 of Part VI: “Nothing in the provisions of this Agreement nor in its application shall affect the political and legal status of the Parties in accordance with the Hague Joint Declaration. Subsequently, this Agreement shall be subject to the Comprehensive Agreements on Political and Constitutional Reforms and on End of Hostilities and Disposition of Forces. Any reference to the treaties signed by the GRP and to its laws and legal processes in this Agreement shall not in any manner prejudice the political and organizational integrity of the NDFP.”

*Article 4 of Part III: “The persons liable for violations and abuses of human rights shall be subject to investigation and, if evidence warrants, to prosecution and trial. The victims or their survivors shall be indemnified. All necessary measures shall be undertaken to remove the conditions for violations and abuses of human rights and to render justice to and indemnify the victims.”

*Article 6 of Part IV: “The persons liable for violations of the principles of international humanitarian law shall be subject to investigation and, if evidence warrants, to prosecution and trial. The victims or their survivors shall be indemnified. All necessary measures shall be undertaken to remove the conditions for such violations and to render justice to and indemnify the victims.”

Long before the start of the GRP-NDFP peace negotiations, the revolutionary forces in the Philippines upheld, defended and promoted the bill of rights in the Guide for Establishing the People’s Democratic Government. This bill of rights applies on the civilian population and the prisoners of war.

The NDFP offered to the GRP that their respective negotiating panels negotiate the release of prisoners of war in accordance with the Geneva Conventions and CARHRIHL. But the GRP refused, dared the NDFP to kill the prisoners of war and accused the NDFP of committing the common crimes of kidnapping or abduction.

To manifest its good intention, the NDFP unilaterally exercised its political authority and decided to release the prisoners of war to the ICRC on humanitarian grounds. Ultimately, the NDFP compelled the GRP through domestic third parties, Sen. Loren Legarda and the humanitarian mission headed by Davao Archbishop Fernando R. Capalla, to cooperate in the safe and orderly release of the prisoners of war by withdrawing military troops from the territory of the NDFP and suspending offensive military operations in several provinces.

The release of the POWs would have been more expeditious had the GRP and NDFP negotiating panels negotiated it within the framework of the CARHRIHL and the peace negotiations. It was totally absurd for the GRP, under the Estrada regime, to accuse the NDFP of common crimes like kidnapping or abduction for the legitimate act of war in the capture and detention of military and police officers as prisoners of war by the NPA in accordance with the Geneva Conventions and their Protocols and the CARHRIHL.

In sharp contrast to the NDFP's act of good intention in releasing the prisoners of war, the GRP has been acting in gross violation of the International Bill of Rights, International Humanitarian Law and the CARHRIHL by carrying out a policy of torturing and murdering captives and suspected revolutionaries, detaining political prisoners on false charges of common crimes in contravention of the Hernandez doctrine in the GRP's own jurisprudence and escalating campaigns of suppression which victimize the civilian population.

The European Parliament has recently issued a resolution dated 14 January 1999, recognizing and appreciating all acts of good intention of the NDFP to adhere to and apply the principles and instruments of human rights and international humanitarian law. This resolution is appended hereto, inasmuch as it is pertinent to the international recognition of the status of belligerency of the revolutionary forces represented by the NDFP.

The capture of General Obillo in 1999 is highly significant. It reflects the growing strength of the NPA as a result of the rectification movement and the consolidation and expansion of the mass base under the leadership of the Communist Party of the Philippines.

So far, General Obillo is the highest military officer captured alive by the New People's Army since the start of the revolutionary war. Previously, Brigadier General Tomas Karingal of the Philippine Constabulary-Integrated National Police (PC-INP) was ambushed and killed in

1984. Former Philippine Army Division Commander Raymundo Jarque changed over to the side of the NPA in 1995 and joined a field unit of the NPA in Negros Island until he was appointed political-military consultant of the NDFP in June 1996.

After the capture of General Obillo, commanding general of the 33rd engineering brigade of the Philippine Army, and his logistical aide Capt. Eduardo Montealto on February 17, 1999, the Philippine reactionary authorities went into a frenzy and deployed more than 4,000 troops to cordon the boundary of Davao City, Davao Del Sur, Davao Del Norte, North Cotabato and Bukidnon in so-called rescue operations. These operations utterly failed but inflicted gross human rights violations on the civilian population.

The capture, detention and release of all the five POWs became an occasion to expose nationally and internationally the reactionary and brutal character of the pro-imperialist big comprador-landlord state and demonstrate the effective central leadership and nationwide power of the people's democratic government, the command structure and capabilities of the New People's Army and the scope of population and territory under revolutionary governance.

After their release to the ICRC and the domestic third parties, the prisoners of war individually and voluntarily expressed warm gratitude to the New People's Army for the kind treatment and respect for their rights that had been accorded to them by their captors and they urged their own government to continue peace negotiations with the NDFP. ■

NPA Captures Army General

**Balita ng Malayang Pilipinas News Agency
18 February 1999**

The New People's Army has captured a general of the Philippine Army.

The captive is Brig. Gen. Victor Obillo, 53, commanding general of the 53rd Engineering Brigade (PA). He was conducting counterrevolutionary activities within the territory of the National Democratic Front of the Philippines (NDFP) in Sitio Tabak, Barangay Carmen, in Baguio district of Davao City in Mindanao, at 2:15 p.m. on Wednesday, February 17, 1999. Captured with Obillo was PA Capt. Eduardo Montealto, 37. Confiscated from them were a .45-caliber pistol and two cellular phones.

Upon receiving a brief summary report on the capture of the two officers of the government's Armed Forces of the Philippines (AFP), Comrade Luis Jalandoni, chairman of the NDFP negotiating panel, announced in Utrecht, The Netherlands, that the two officers would undergo investigation "in accordance with the judicial and legal system of the revolutionary government."

The report had been made by Comrade Parago Sandoval of the NPA's Merardo Arce Command in Mindanao.

Jalandoni said the command "assures the public and the immediate relatives that the two prisoners of war shall be accorded all the respect and protection mandated by the Guide for Establishing the People's Democratic Government, the Rules of the New People's Army (Three Main Rules of Discipline and Eight Points of Attention), the GRP-NDFP Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) and the Geneva Conventions and Protocol I.

The NDFP chief negotiator added:

"There are two possibilities facing the two prisoners of war. First, they can be tried and, if found guilty according to due process, punished as war criminals. Second, their release can be negotiated in connection with an exchange of prisoners of war.

"The NDFP negotiating panel is authorized by the revolutionary forces to receive any appropriate approach from the Philippine reactionary government."

In his communication to Jalandoni, Comrade Sandoval said Obillo and Montealto “were conducting counterrevolutionary activities through ‘counter-insurgency operations.’” Sandoval identified Obillo’s serial number as 0-5169, and Montealto’s serial number as 0-125044.

Obillo is the highest-ranking military officer to have fallen into the NPA’s hands. Over the years since its founding on March 29, 1969, the people’s army has received the defection of lower-ranked AFP officers and even whole units of such paramilitary forces as the Barrio Self-Defense Unit (BSDU), the Civilian Home Defense Unit (CHDF), which have become defunct, and their present counterpart, the Civilian Armed Forces Geographical Unit (CAFGU).

Among the more recent captives of the NPA was the police chief of Rodriguez town (formerly Montalban) in Rizal province, not far from the Philippine capital Manila. He was Police Chief Inspector Rene Francisco, who held the rank of Major. Captured with him was M/Sgt. Joaquin Melad of the 2nd Infantry Division (PA). The two of them were later released upon the government’s representation through its negotiating panel under former Ambassador Howard Dee.

Francisco and Melad were captured on October 30, 1997, during a raid by a contingent of NPA guerillas on the Philippine National Police (PNP) headquarters in Montalban’s municipal hall. Through a ruse, the Red Fighters were able to enter the municipal hall and confiscated six M-16 rifles, four shotguns, and 23 short firearms, including .38-caliber, .45-caliber and 9-mm revolvers and pistols. Also confiscated were 3,000 rounds of M-16 ammunitions and other military equipment, and important PNP documents. Another policeman, SPO Guillermo Espiritu, was shot dead by the guerillas when he tried to fight despite warnings. The raiders were elements of the NPA’s Melito Glor Command in Southern Tagalog.

During the negotiations between the NDFP and the GRP (Government of the Republic of the Philippines), the two panels approved the Joint Agreement on Safety and Immunity Guarantees (JASIG) to ensure the security of personnel on both sides who are needed either as negotiators or consultants, advisers, staff, and others needed by the negotiating panels.

The NDFP has a list of such personnel under lock and key. The GRP, however, refused to avail itself of this privilege. The GRP’s Howard Dee did not avail of the guarantees either for himself or for other GRP personnel. Thus neither Brig. Gen. Obillo nor Capt. Montealto had any JASIG identification papers in their possession when they were captured by the NPA guerillas in Mindanao on February 17. ■

Gen. Obillo Is a Combatant Who Has Fallen into the Power of the NPA

By Luis Jalandoni
Chairperson, NDFP Negotiating Panel
19 February 1999

The claim of GRP Defense Secretary Mercado that General Obillo is not a combatant is completely wrong. So is GRP Executive Secretary Zamora's statement that Gen. Obillo and his aide Capt. Montealto were not engaged in military operations but in development and community work.

Gen. Obillo is the commander of the Philippine Army's 55th Engineering Brigade. This brigade is an integral part of the war machinery of the AFP. It sets up the physical infrastructure for the military offensives of the AFP, destroys communities with bulldozers and explosives, and conducts psychological warfare and intelligence operations.

Gen. Obillo's record demonstrates his role in the AFP machinery: He was a recipient of a Mindanao Anti-Dissident Campaign Medal and Ribbon, besides having been an assistant in the Office of the AFP Deputy Chief of Staff for operations (J-3). He also collaborated with General Ramos in using "peace and order" councils for psywar and intelligence purposes.

International humanitarian law clearly defines who are combatants in an armed conflict.

Protocol I Additional to the Geneva Conventions (Article 43, no. 2) states: "Members of the armed forces of a Party to a conflict are combatants...." The only exceptions are medical personnel and chaplains covered by Article 33 of the Third Geneva Convention.

Furthermore, Article 44 of Protocol I stipulates: "Any combatant, as defined in Article 43, who falls into the power of an adverse party shall be a prisoner of war."

The National Democratic Front of the Philippines is therefore acting in complete accord with international humanitarian law in dealing with Gen. Obillo as a combatant of the AFP who has fallen into the power of the New People's Army and treating him as one with the status of prisoner of war.

Should the GRP carry out Mr. Zamora's arrogant threat to unilaterally abrogate the GRP-NDFP Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) and cancel the safety and immunity guarantees provided by the GRP-NDFP Joint Agreement on Safety and Immunity Guarantees (JASIG), then the GRP shall be responsible for liquidating any possibility of effecting the release of the two ranking prisoners of war through negotiations.

Worst of all, the GRP shall be responsible for ending the peace negotiations. For more than six months, even before the capture of Gen. Obillo and Capt. Montealto, the GRP has in fact caused the suspension of the GRP-NDFP peace negotiations, by its obstinate refusal to comply with its obligations under the CARHRIHL and its unjust demand that the NDFP disavow its own judicial and legal system and capitulate to the GRP. The NDFP is well prepared for the categorical end of the peace negotiations by the GRP.

The judicial and legal system of the revolutionary movement will continue to be applied, as it has been applied in the past decades in its territories throughout the country. The entire revolutionary movement is determined to persevere in upholding, defending and advancing the fundamental interests of the Filipino people and carry on its struggle for genuine independence and democracy, genuine land reform and national industrialization. It will continue to fight against this rotten and corrupt ruling system that intensifies the exploitation and oppression of the people and obsequiously serves the selfish interests of the imperialists and the local big compradors and landlords. ■

**Mr. Estrada Must Pay Attention
to the NDFP Announcement**

**By Jose Maria Sison
NDFP Chief Political Consultant
21 February 1999**

It is for the benefit of Brig. Gen. Victor Obillo and Capt. Eduardo Montealto that the authorities of the people's democratic government in the Philippines consider them as combatants and as prisoners of war.

Thus, they are entitled to their rights of prisoners of war, as stipulated in the Geneva Conventions and their Protocols and the GRP-NDFP Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law.

The Merardo Arce Command of the New People's Army has given the assurance that Gen. Obillo and Capt. Montealto are accorded treatment as prisoners of war in line with international humanitarian law and are entitled to due process if evidence warrants their prosecution and trial as war criminals.

The authorities of the Government of the Republic of the Philippines run against the interest of the two prisoners of war by arguing that they are noncombatants and are thereby suggesting that they are not entitled to the rights of prisoners of war.

Worse, the GRP authorities are practically trying hard to provoke the revolutionary authorities to accelerate the legal and judicial processes of the people's government against Gen. Obillo and Capt. Montealto by announcing that they have no interest in negotiations but in the use of military force to "rescue" the two.

I propose to Mr. Estrada and to his bureaucratic and military subordinates to keep their cool and to avail of the method of negotiations offered by the NDFP if they were truly interested in the release of the two prisoners of war.

They must pay attention to the public announcement of the NDFP negotiating panel that it is authorized to receive any appropriate approach from the GRP concerning the release of the prisoners of war and political prisoners.

In this regard, there is recent experience to go by. The GRP and the NDFP were able to negotiate and arrange the release of prisoners of war

and political prisoners in late 1997 and early 1998 during the Ramos regime.

Until now, Mr. Estrada has not made a step towards negotiations but has concentrated on macho posturings as if in that manner he could terrify a people's army that has more than three decades of experience in revolutionary war. ■

**Legal and Judicial Processes of the People's
Democratic Government Are Applicable
on Gen. Obillo and Capt. Montealto**

**By the National Executive Committee
National Democratic Front of the Philippines
22 February 1999**

Long before the peace negotiations between the GRP and the NDFP started, the legal and judicial system and processes of the people's democratic government have existed and have been applied on criminal offenders and enemy personnel.

Since the peace negotiations started, there have been cases, particularly of prisoners of war and political prisoners, becoming the subject of negotiations and political settlement.

If the position of the GRP under the Estrada regime is to end the peace negotiations and abrogate all the agreements so far made with the NDFP, the government throws away the possibility of seeking the release of Brig. Gen. Victor Obillo and Capt. Eduardo Montealto through negotiations and leaves alone the application of the legal and judicial processes of the people's democratic government on these two prisoners of war.

As military officers of the enemy, they are subject to court martial proceedings, under the auspices of the New People's Army, if evidence is established that they must be prosecuted and tried. The speed of the trial depends on the circumstances of the civil war, particularly the threat and attempts of the enemy to "rescue" them by military force. Such attempts will only jeopardize the lives of the custodians and the two prisoners of war.

At whatever speed the trial runs, their right to due process shall be respected. In the case of a death sentence, the highest level of appeal is the regional, unless there is an express order from the highest national authority of the people's democratic government that the appeal must reach it.

Gen. Obillo and Capt. Montealto are combatants under Article 43, Paragraph 2 of Protocol I of the Geneva Conventions and are thus entitled to the rights guaranteed to prisoners of war by the Geneva Conventions and Protocol I to which the NDFP adheres. They are military officers who are neither medical personnel nor religious chaplains. To argue that they are noncombatants is to suggest that they are spies,

especially if they were arrested in civilian clothes, carrying concealed electronic devices and performing intelligence functions or any mission to inflict harm on the people's army.

The engineering brigades of the Philippine Army are part of the war machinery of the GRP. They are responsible for building the infrastructure of military offensives, destroying entire communities with their bulldozers and explosives and conducting psywar and intelligence missions.

Gen. Obillo and Capt. Montealto are undergoing investigation. On the basis of the investigation, the charges are fully established. Among the possible charges is espionage. The GRP has publicly admitted that the mission of the two accused is to collect information and sow intrigue and disloyalty within the New People's Army.

If the charge of espionage should prove to be well-founded, then the two lose their status as prisoners of war. The NDFP takes note that the GRP has already conceded that they should not be treated as captured combatants or as prisoners of war. ■

Estrada Is Responsible for Foreclosing Negotiations Over the POWs and for Ending the Peace Negotiations

By Luis Jalandoni
Chairperson, NDFP Negotiating Panel
24 February 1999

Since coming to power, Mr. Estrada has in fact always suspended the GRP-NDFP peace negotiations. His announcement of suspending these is merely a formalization of the fact, which is nothing new to the NDFP.

He made the pretense of approving the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) for immediate application. But immediately after his sham approval, his representatives informed the NDFP that there would be no implementation unless the NDFP capitulate and criminalize itself in an additional document.

Since coming to power, Mr. Estrada has never undertaken any single significant goodwill measure but has treacherously encouraged the counterrevolutionary military and police forces to kill suspected personnel of the revolutionary movement and to take no prisoners and in the process commit gross violations of human rights in complete mockery of the CARHRIHL and the principles and instruments of international human rights and humanitarian law.

Mr. Estrada must take full responsibility for foreclosing the possibility of any negotiation towards the release of General Obillo and Capt. Montealto and, more significantly, for signaling the end of the GRP-NDFP peace negotiations.

The legal and judicial processes of the people's democratic government must proceed against those who commit serious crimes against the people and the revolutionary movement.

The revolutionary forces and the people are well prepared to defend themselves and fight against the intensification of military and police campaigns.

The revolutionary mass base has become far wider and deeper than in 1992. There are now eighty-one guerilla fronts to enable the New People's Army to launch tactical offensives on a nationwide scale.

The Estrada regime is a rotten regime of the worst political descendants of the Marcos fascist dictatorship and is plundering the country amidst an economic and social crisis generated by the local exploiting classes and their imperialist masters. ■

**In the Name of God the Beneficent, the Merciful, Dialogue
Not War Is the Best Way to Free General Obillo, et al.**

**By Mohagher Iqbal
Chairman, Department of Information
Central Committee, MILF
24 February 1999**

The unilateral suspension of the GRP-NDFP peace negotiations by President Joseph Estrada is a dangerous precedent. It does not only imperil the chance of success of its peaceful parleys with the NDFP, but would have far-reaching serious implications to the GRP-MILF peace negotiations to resolve the Mindanao problem. If the GRP, at the slightest pretext, can suspend these talks or set aside easily any formal agreement such as the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) with the NDFP, what can prevent it from doing the same to the MILF?

President Estrada should understand that the GRP has no ceasefire agreement with the NDFP and therefore the capture or “arrest” of Brig. Gen. Victor Obillo, Capt. Eduardo Montealto and Chief Supt. Roberto Bernal is the necessary consequence of this state of war between the AFP and the NPA. Why cry foul when the AFP is also guilty of the same acts? Many NPAs or suspected NPA were arrested, imprisoned, summarily executed while the GRP-NDFP peace negotiations are in a standoff.

In light of this grave development, we urge the government not to make many hasty decisions as these may step into many other toes and may drag other forces into the confrontation. The MILF and the NDFP have an existing tactical alliance to help each other in defense of common territory under attack by government forces.

In Davao City and provinces, we have several positions adjacent or near NPA-held areas and unless the situation simmers down and the AFP immediately call-off its massive military offensives against the New People’s Army we are afraid that our forces in these areas will be involved in the fighting in compliance with our prior commitment.

The NDFP is inviting the GRP to discuss the capture of Gen. Obillo et al. in the negotiating table. We firmly believe this is the best way to resolve

this controversy. The use of force, experience tells us, is counter-productive. We therefore urge the government to respond positively to this call for dialogue and to resume their formal peace negotiations as soon as possible. ■

Indictment of Gen. Obillo and Capt. Montealto

1 March 1999

COMMUNIST PARTY OF THE PHILIPPINES
SOUTHERN MINDANAO REGIONAL COMMITTEE

INDICTMENT

for

War Crimes, Crimes against Humanity and other
Serious Violations of International Humanitarian Law

AGAINST

Prisoner of War VICTOR OBILLO
(Rank: Brigadier General, Armed Forces
of the Philippines; Serial Number 05169)

and

AGAINST

Prisoner of War EDUARDO MONTEALTO
(Rank: Captain, Philippine Army, Armed Forces
of the Philippines; Serial Number 012504),

both being detained and accorded humane treatment as Prisoners of War
somewhere in Southern Mindanao by the Pulang Bagani Command
of the Merardo Arce Command (Southern Mindanao Regional
Operational Command), New People's Army.

by the

MERARDO ARCE COMMAND (SOUTHERN MINDANAO
REGIONAL OPERATIONAL COMMAND)
of the NEW PEOPLE'S ARMY

After a thorough investigation in accordance with the legal and judicial system and processes of the People's Democratic Government, the Merardo Arce Command (Southern Mindanao Regional Operational Command) has found the following prima facie facts against the above-named Prisoners of War (POW):

Both POWs were captured in civilian clothes with an armed escort and carrying communication equipment (one tape recorder and two cellular phones) while intruding inside National Democratic Front of the Philippines (NDFP) territory on 17 February 1999 by the Pulang Bagani Command of the New People's Army in Sitio Tabak, Barangay Carmen, Baguio District, Davao City.

Both POWs, prior and up to the time of their capture, were combatants and were active and regular members of the reactionary Armed Forces of the Government of the Republic of the Philippines (GRP). POW Obillo was the Commanding Officer of the 55th Engineering Brigade of the Philippine Army based in Mintal, Davao City while POW Montealto was its Logistics Officer. The said Brigade is part of the larger military forces and operations of the reactionary Armed Forces of the Philippines engaged in counterrevolutionary campaigns.

Both POWs are combatants in accordance with Article 43 (2) of the 1977 Protocol I Additional to the 1949 Geneva Conventions, to wit:

(2) Members of the armed forces of the Party to a conflict (other than medical personnel and chaplains covered by Article 33 of the Third Convention) are combatants, that is to say, they have the right to participate directly in hostilities.

POW Obillo is a graduate of the Philippine Military Academy, Class 1966, served as the Deputy Chief of the Civil Relations Service (CRS) of the reactionary Armed Forces of the Philippines and was a recipient of the notorious Mindanao Anti-Dissident Award.

He has served the reactionary AFP continuously for 33 years. During this long period of his military career:

(1) he has actively served, participated, supported and committed military acts of aggression and atrocities as a responsible officer, singly or collectively with others, in the military fascist rule under its commander-in-chief Ferdinand Marcos;

(2) he has continued to participate in the planning, execution and conduct of military campaigns and operations in the implementation of the Low Intensity Conflict (LIC) and total war policy under its commander-in-chief Corazon Aquino; and

(3) he continued to perform such military duties in the implementation of the LIC and total war policy under President and commander-in-chief Gen. Fidel Ramos all of which resulted in torture, extra-judicial killings, abductions, massive dislocation of people and communities, among others. Specific acts which have been perpetrated under nos. 1, 2 and 3 above will be presented during the trial.

POW Obillo's crimes against the people have been emphasized by virtue of the heightened role of the CRS since the Aquino regime in counter-revolutionary campaigns. He has played a key role in the black propaganda campaign against the revolutionary forces.

Additionally, POW Obillo was engaged in acts of espionage while maintaining at least 10-hectare farm in Barangay Carmen, Baguio

District, Davao City where he developed his caretaker therein, Roger Mendoza, as an intelligence asset of the GRP in line with the intelligence network being established by said POW. Under POW Obillo's direction, control and supervision, Mendoza established contact with the Pulang Bagani Command to instigate and entice its leaders to surrender. POW Obillo's unit, a part of the war machinery of the GRP, is responsible for building the infrastructure of military offensives in NDFP territory and in actively conducting psychological warfare and intelligence missions.

The said POW instigated and induced revolutionary cadres to abandon and betray the revolutionary cause. Moreover, he gathered and attempted to gather information, including those of military value, within NDFP territory constituting acts of espionage as defined in Article 46 of the 1977 Protocol I Additional to the Geneva Conventions of 1949, which provides:

“(2) A member of the armed forces of a Party to the conflict who, on behalf of the Party and in territory controlled by an adverse Party, gathers or attempts to gather information shall not be considered as engaging in espionage if, while so acting, he is in the uniform of his armed forces.”

xxx

(4) A member of the armed forces of a Party to the conflict who is not a resident of territory occupied by an adverse Party and who has engaged in espionage in the territory shall not lose his right to the status of prisoner of war and may not be treated as a spy unless he is captured before he has rejoined the armed forces to which he belongs.

In the main, the said POW established and built intelligence networks within NDFP territory for purposes of counterrevolutionary operations of the reactionary AFP-GRP, including developing, maintaining and directing of assets for infiltration, espionage and sabotage constituting acts of espionage as defined in the aforementioned Article 46 of the 1977 Protocol I Additional to the Geneva Conventions of 1949.

Furthermore, POW Obillo's unit was involved in building and maintaining army detachments in Sitio Panaga, Brgy. Colosas, Paquibato District, Davao City and Sitio Labo, Brgy. Tapak, Paquibato District, Davao City, in 1997.

Said unit engaged in ecologically-destructive logging operations in a relatively denuded residual forest in the same area and also conducted anti-revolutionary operations against the masses and revolutionary forces in Paquibato District, Davao City. The masses in said area have also raised complaints against POW Obillo's unit for firing at civilians who

opposed such logging activities. Said POW has also been accused by the Lumad people of land grabbing.

Lastly, information has been received that POW Obillo and his men committed murder and acts of torture, landgrabbing and physical and verbal abuse against innocent civilians including Nicanor Solis in 1993 when POW Obillo was still a Colonel of the Philippine Army of the AFP in a land dispute in Antipolo, Rizal.

The Merardo Arce Command (Southern Mindanao Regional Operational Command) hereby recommends, after due trial by a tribunal for this purpose, that POW BRIG. GEN. VICTOR OBILLO be meted out appropriate extreme penalties for having committed the abovementioned acts constituting war crimes, crimes against humanity and other violations of international humanitarian law.

The Merardo Arce Command (Southern Mindanao Regional Operational Command) likewise recommends, after due trial by a tribunal for this purpose, that POW CAPT. EDUARDO MONTEALTO be meted out appropriate penalties for having connived, conspired and confederated with POW Obillo in the commission of the foregoing acts during his assignment with the 55th Engineering Brigade of the Philippine Army of the GRP resulting in the specific crimes mentioned in the preceding paragraph.

Their trial shall be in accordance with international humanitarian law and the legal judicial system and processes of the People's Democratic Government taking into consideration the pertinent provisions of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) between the GRP and the NDFP. They shall continue to be guaranteed and accorded humane treatment while in custody and afforded due process and all rights appurtenant to their status and condition as POWs – including the right to prepare and present their defense, the right to counsel, and to appeal.

March 1, 1999, Southern Mindanao, Philippines.
MERARDO ARCE COMMAND, SOUTHERN MINDANAO
REGIONAL OPERATIONAL COMMAND
By: Rigoberto F. Sanchez

Cc:
Gen. Joselin Nazareno
AFP Chief of Staff

NDFP Welcomes Appeal for Negotiated Settlement

**By Luis Jalandoni
Chairperson, NDFP Negotiating Panel
3 March 1999**

On behalf of the National Democratic Front of the Philippines (NDFP), I welcome the appeal of the Mindanao bishops, ulama, priests, local political leaders and nongovernmental organizations for a negotiated settlement of the issue concerning the prisoners of war in the custody of the New People's Army.

As chairperson of the NDFP Negotiating Panel, which is authorized by the NDFP National Executive Committee to conduct negotiations, I wish to invite those who have made the aforesaid appeal to send as soon as possible a delegation to my office. There is an urgent need for us to meet.

The NDFP is desirous of discussing the modalities for negotiations on the political basis and safe procedure for the possible release of the prisoners of war.

We also welcome the offer of Cardinal Sin to mediate between the GRP and NDFP insofar as this might be able to enlighten the GRP to negotiate with the NDFP on the specific issue of the prisoners of war and on the resumption of the formal meetings in the GRP-NDFP peace negotiations.

We are ever ready and willing to cooperate with all those interested in a just and lasting peace. We hope that they can inspire sobriety and reasonableness among the few who are drunk with the elixir of power. ■

Police Major Bernal Is a Prisoner of War in the Custody of the NPA

By Luis Jalandoni
Chairperson, NDFP Negotiating Panel
7 March 1999

The National Executive Committee of the National Democratic Front of the Philippines hereby announces that it has taken the responsibility for the prisoner of war, Police Major Roberto Bernal, who is now in the custody of the Bicol Regional Command of the New People's Army.

Police Major Roberto Bernal is an intelligence officer of the Philippine National Police, an integral part of the armed forces of the Government of the Republic of the Philippines. He was captured by an NPA unit on February 21, 1999 in Barangay San Juan, Bacon, Sorsogon.

Police Major Bernal is afforded treatment as prisoner of war in accordance with the Geneva Conventions and Protocol I, the NPA's long-standing policy of leniency towards prisoners of war, and the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL).

The NPA Bicol Regional Command is undertaking the investigation of Major Bernal. They shall determine whether there is sufficient prima facie evidence for his prosecution and trial according to the judicial and legal system of the revolutionary movement. Among the charges being readied are the following:

1. Major Bernal ordered the massacre of six peasants belonging to the Felonia family in Sitio Parad, Barangay Fabrica, Barcelona town during a combat strike operation which he led in 1987.
2. He is a drug pusher who has victimized students in different parts of Sorsogon.
3. He has built and is operating an intelligence network within the region for spying on the revolutionary forces and the people, especially the New People's Army.

The NDFP is open to receive an appropriate approach from the Estrada regime in order to negotiate the release of Major Bernal. Such approach must be made to the NDFP Negotiating Panel that has been authorized by the NDFP National Executive Committee to carry out any

negotiations with the GRP regarding the possible release of prisoners of war.

While the Estrada regime maintains its hardline position of no negotiations for the release of the prisoners of war, the legal and judicial processes of the revolutionary movement take their natural course.

The intensified military operations of the AFP and PNP in the Bicol region must be stopped immediately because these are injurious to the lives and property of civilians and endanger as well the life of the prisoner of war, Major Bernal. ■

The Question of Releasing Prisoners of War Is Necessary and Appropriate Subject in Peace Negotiations

By Luis Jalandoni
Chairperson, NDFP Negotiating Panel
12 March 1999

The question of releasing prisoners of war is a necessary and appropriate subject in the GRP-NDFP peace negotiations and is within the framework of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL).

By refusing to negotiate on the question and by undertaking all sorts of actions to violate bilateral agreements between the GRP and the NDFP, Mr. Estrada has in fact terminated the peace negotiations and cannot be expected to dispatch his negotiating panel to any formal meeting of the peace negotiations in the future.

The NDFP National Executive Committee does not have the basis for ordering the release of the prisoners of war under the terms of Mr. Estrada's line of no negotiations and ordering the NDFP to surrender the prisoners of war to the GRP. If he is capable of sobriety, Mr. Estrada should recognize that there is a war between the GRP and the revolutionary forces.

The taking of prisoners of war is a legitimate and necessary part of the war between the armies of the GRP and the NDFP. Because they are alive and are accorded respect and treatment required by international humanitarian law, the prisoners of war in the custody of the New People's Army are far better off than the victims of the extrajudicial killings by the armed personnel of the GRP.

The NDFP has demanded the resumption of the formal meetings in the peace negotiations because it wants to resolve the current issue of prisoners of war, to push the implementation of the CARHRIHL and to present complaints concerning the extrajudicial killings, kidnappings, torture, food blockades, bombardments and forced mass evacuations done by the armed forces of the GRP.

These gross human rights violations have been perpetrated under the Estrada regime even before the capture of Gen. Obillo and Capt. Montealto and Major Roberto Bernal. Because the GRP refuses now to negotiate the issue of human rights violations, the NDFP cannot

expect that the GRP under the Estrada regime will ever go back to the negotiating panel.

Mr. Estrada has already terminated the GRP-NDFP peace negotiations by refusing to negotiate the issues of prisoners of war, by treacherously violating the safety and immunity guarantees of the negotiating personnel and consultants of the NDFP and by repeatedly announcing that there shall be no negotiations except in the confines of GRP territory under the shadow of his treachery. ■

Communique of NDFP Negotiating Panel and Archbishop Capalla Humanitarian Mission

17 March 1999

We, the undersigned, hereby announce that the NDFP National Executive Committee has unilaterally approved the release from captivity of Brig. Gen. Victor Obillo, Capt. Eduardo Montealto, PNP Officer Roberto Bernal and Sgt. Alipio Lozada on high moral and humanitarian grounds.

The NDFP Negotiating Panel declares that, in the exercise of the political authority of the NDFP, the abovementioned prisoners shall be released on humanitarian grounds on the occasion of the yearlong celebration of the 30th anniversary of the Communist Party of the Philippines and the New People's Army.

The release of Gen. Obillo and Capt. Montealto who are presently under the custody of the local forces of the New People's Army shall be effected anytime within the period from March 22, 1999 to April 19, 1999 as soon as a safe and orderly conduct of the release has been arranged, taking into paramount consideration the safety of the custodians, the captives and all those involved in the implementation of the release. The other captives shall be released on a similar basis and according to a similar procedure, preferably within the same period.

The releases shall be made with the cooperation of the NDFP, the humanitarian mission led by Archbishop Fernando R. Capalla and, on her own account, Sen. Loren Legarda, as well as the International Committee of the Red Cross.

On the part of the NDFP, it holds and maintains the position that the issue of prisoners of war is a necessary and appropriate subject in the GRP-NDFP peace negotiations and is within the purview of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) mutually approved by the Philippine Government and the NDFP. A paper entitled "NDFP Position on the Prisoners of War and the GRP-NDFP Peace Negotiations" is appended hereto for reference.*

On the part of the humanitarian mission and Sen. Legarda, they express their deep appreciation to the NDFP for welcoming and responding

* See page 34.

positively to their appeal for release on high moral and humanitarian grounds. At the same time, the mission and Sen. Legarda issue a call on all parties and sectors concerned to cooperate, assist and pave the way for the immediate, safe and orderly return of the officers to their waiting and anxious families and friends.

The humanitarian mission and Sen. Legarda also view the scheduled release of the military and police officers under the custody of the New People's Army as a favorable factor in the resumption of the formal meetings of the peace negotiations as it hereby issues a call on both the Government of the Republic of the Philippines (GRP) and the National Democratic Front of the Philippines (NDFP) to take the necessary and appropriate steps in the pursuit of a just and lasting peace for the sake of all peace-loving Filipinos.

The NDFP Negotiating Panel responds immediately that there is no problem about resuming the formal meetings of the peace negotiations if the GRP respects the bilateral agreements already made with the NDFP and goes back to the status quo ante the so-called suspension of the safety and immunity guarantees.

Done in Utrecht, The Netherlands, March 17, 1999:

Arch. Fernando Capalla
Head
Humanitarian Mission

Luis Jalandoni
Chairperson
NDFP Panel

Sen. Loren Legarda

Bishop Wilfredo Manlapaz
Member

Fidel V. Agcaoili
Member

Msgr. Mario Valle
Member

Coni K. Ledesma
Member

Fr. Pete Lamata
Member

Antonio Zumel
Senior Adviser

Atty. Jesus G. Dureza
Member/Legal Counsel

Atty. Romeo T. Capulong
General Counsel

Prof. Jose Maria Sison
NDFP Chief Political Consultant

**Memorandum of Agreement on the Release
of AFP Brig. General Victor Obillo,
AFP Captain Eduardo Montealto,
PNP Major Roberto Bernal
and AFP Sergeant Alipio Lozada**

17 March 1999

1. Background Statement

The Negotiating Panel of the National Democratic Front of the Philippines (NDFP), headed by Chairperson Luis Jalandoni, received and welcomed the third-party initiative of the humanitarian mission headed by Archbishop Fernando R. Capalla and the parallel initiative of Senator Loren Legarda. Other members of the mission are Bishop Wilfredo D. Manlapaz, Msgr. Mario Valle, Atty. Jesus G. Dureza and Rev. Fr. Pedro Lamata (hereinafter called “humanitarian mission”).

The NDFP Negotiating Panel and the humanitarian mission and Sen. Legarda held a dialogue on March 16 and 17, 1999 in Utrecht, The Netherlands and presented their respective positions, exchanged proposals and reached agreement towards the resolution of the issue concerning the military officers of the Government of the Republic of the Philippines (GRP) Brig. Gen. Victor Obillo, Capt. Eduardo Montealto, Maj. Roberto Bernal and Sgt. Alipio Lozada, who are currently captives of the New People’s Army (NPA).

The humanitarian mission and Sen. Legarda explained the background of their parallel initiatives and the purpose of their coming to Utrecht, The Netherlands.

Archbishop Capalla presented two letters both dated 15 March 1999: one from Chairperson Howard Q. Dee of the GRP Negotiating Panel addressed to him as Archbishop of the Archdiocese of Davao and another from Archbishop Oscar V. Cruz, President of the Catholic Bishops’ Conference of the Philippines addressed to the leadership of the NDFP. Copies of both letters are attached for ready reference, as part of the presentation of the humanitarian mission. Earlier, the mission also handed two letters to Chairperson Jalandoni, one from Mrs. Obillo and another from Mrs. Montealto.

Sen. Legarda explained that the NDFP directly invited her to participate in the process of facilitating the release of the captives. And this has led to a series of consultations between her and NDFP consultants in Manila and in The Netherlands. She also said that she has been in contact with the families of Gen. Obillo and Capt. Montealto and has kept Pres. Estrada directly informed of her discreet initiative to facilitate the release, including the acceptance of the NDFP invitation to participate in the dialogue in the Netherlands. At the outset of the meeting, Sen. Legarda explicitly clarified that she did not come to The Netherlands as a negotiator for the GRP but only as an interested party acting on her own initiative to facilitate the expeditious and safe release of the captives.

As expressed in earlier communications, the humanitarian mission reiterates its position that because of the nature of its trip as an independent third party, the release of the captives is being proposed by the mission on moral and humanitarian grounds and the issue relative to the political basis of said release is a matter that is beyond its competence to handle.

Chairperson Jalandoni explained the NDFP Position on the Prisoners of War and the GRP-NDFP Peace Negotiations. This position is contained in a paper dated March 16, 1999 a copy of which is attached for ready reference, as part of the presentation of Chairperson Jalandoni.

By agreement of the parties, human rights lawyer Romeo T. Capulong assisted the parties as their common counsel during the meeting in collaboration with Atty. Jesus G. Dureza who likewise assisted the humanitarian mission as counsel. They will continue to act as such counsel and assist the parties in the implementation of this Memorandum of Agreement.

Upon the proposal of the humanitarian mission, the NDFP has agreed to take the high moral ground. Upon the request of the mission and Sen. Legarda, the NDFP shall undertake the release of the above-named captives on humanitarian grounds, according to the guidelines and procedure in Section 3 on Safe Procedure of Release and such supplemental guidelines and procedure which the NDFP may hereafter issue to ensure the safe release of the prisoners and the safety and security of their custodians and others who will assist or be involved in the implementation of this agreement.

2. NDFP's Basis for Release

The NDFP Negotiating Panel shall order the release of the above-named military officers in accordance with the authority vested on it by the NDFP National Executive Committee and the laws and processes of

the People's Democratic Government, and in compliance with the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) and the NDFP Unilateral Declaration of Undertaking to Apply the Geneva Conventions and Protocol I.

The order of release shall be done and issued in the exercise of the power, authority and jurisdiction of the People's Democratic Government. The moral bases of the release are humanitarian grounds and grant of clemency on the occasion of the celebration of the 30th anniversary of the founding of the Communist Party of the Philippines and the New People's Army. It is also NDFP's favorable response to the widespread appeals of well-meaning parties and personages for the unilateral and negotiated release of said prisoners.

The Order of Release shall suspend or supersede the judicial proceedings initiated by the Southern Mindanao Regional Operational Command (Merardo Arce Command) of the New People's Army against said prisoners, including the sentence which may have been imposed, if any, provided that such proceedings shall remain valid and the evidence therein shall continue to be admissible against the said prisoners in the event of another justifiable arrest.

The NDFP Position on the Prisoners of War and the GRP-NDFP Peace Negotiations and the NDFP Order of Release shall be distributed on an appropriate date together with this Memorandum of Agreement in order to inform the public of the moral and political basis of the release as herein unilaterally decided by the NDFP and as a rejection of the GRP's intransigent position of no-negotiations and unacceptable imposition of surrender of the prisoners.

3. Safe Procedure of Release

3.1 Pursuant to their voluntary undertaking and mandate, the humanitarian mission and Sen. Legarda shall exert best efforts to secure from the GRP appropriate and effective binding orders for the cessation of GRP military operations and withdrawal of GRP military and police forces from offensive deployment for a period of four weeks, from March 22 to April 19, 1999, from an area the perimeter of which is wide enough for the safety of the NPA custodial force and for the safe holding, transport and release of the above-named prisoners of the New People's Army, as determined by the latter's local command. Said area shall include Davao del Norte, Davao del Sur, Bukidnon, North Cotabato and Davao City.

3.2 Within the aforesaid area and during the period of March 22 to April 19, 1999, the armed personnel of the GRP and the NDFP shall cease and desist from undertaking any offensive action against each other. The NPA unit involved in the holding and release of the prisoners shall be given ample time and territorial space to maneuver and move safely before, during and after the release of the prisoners within the aforesaid period. On or prior to March 22, 1999, NDFP Panel Chairperson Luis Jalandoni shall sign a written order to the NDFP forces in the area to implement this provision, while the humanitarian mission and Sen. Legarda will secure a counterpart order from the authorized GRP officer or official on or prior to said date.

3.3 Once secured from the GRP on a best effort basis, the humanitarian mission and Sen. Legarda shall present certified true copies of the orders mentioned in paragraph 3.1 and 3.2 to the NDFP Negotiating Panel or its duly authorized representative. Subsequent to the presentation of the certified true copies, the NDFP Negotiating Panel shall approve and sign the Order of Release for each of the above-named prisoners of the NPA. The order of release shall be immediately announced jointly by the parties hereto but the actual issuance and implementation thereof shall be determined by the NDFP within the period stated in the preceding paragraph hereof.

3.4 The NDFP Negotiating Panel, the Merardo Arce Command of the NPA and their duly authorized representatives shall take full charge of the release procedure with the cooperation of the humanitarian mission and Sen. Legarda. Both the humanitarian mission and Sen. Legarda shall help ensure, monitor and verify GRP compliance with the orders to its military and police forces to keep out of the areas defined in paragraph 3.1 hereof and to comply with the orders required by said paragraph 3.1 and paragraph 3.2.

3.5 As in previous releases of NPA captives and in accordance with established practice and precedents, the representative/s of the International Committee of the Red Cross shall receive the captives from the NPA custodial force and thereafter turn them over to the immediate members of the families of the captives through the members of the humanitarian mission and Sen. Legarda in the presence of interested GRP officials, human rights advocates, Church people and other personages.

3.6 The NDFP Negotiating Panel or the Merardo Arce Command may decide to cease or suspend the release of the captives or modify the release procedure due to any circumstance or reason that may endanger the lives of the NPA custodial force and the captives. The Merardo Arce

Command shall authorize its forces to investigate and determine the presence and activities of any enemy surveillance on the ground or from the air or any form of infiltration, ambush, sabotage or blocking teams which will endanger the lives of the NPA custodial force and the captives and warrant a suspension of the release of the captives or a modification of the release procedure.

4. Major Roberto Bernal and Sgt. Alipio Lozada shall be released on the moral, humanitarian and political basis in Section 2 and in accordance with the safe procedure defined in Section 3 hereof, preferably within the period of March 22 to April 19, 1999.

5. The foregoing initial guidelines and details in the implementation of this Memorandum of Agreement have been agreed upon by the NDFP Negotiating Panel, the humanitarian mission and Sen. Legarda in order to start the safe, expeditious and appropriate process in the release of the above-named captives. Said details are highly confidential and shall not be revealed to any unauthorized person or party to ensure the effective implementation of the release procedure and the safety of the captives and their custodians.

Done in Utrecht, The Netherlands, March 17, 1999.

Arch. Fernando Capalla
Head
Humanitarian Mission

Luis G. Jalandoni
Chairperson
NDFP Panel

Sen. Loren Legarda

Bishop Wilfredo D. Manlapaz
Member

Fidel V. Agcaoili
Member

Msgr. Mario Valle
Member

Coni K. Ledesma
Member

Rev. Pedro Lamata
Member

Antonio Zumel
Senior Adviser

Atty. Jesus G. Dureza
Legal Adviser

Atty. Romeo T. Capulong
General Counsel

Prof. Jose Ma. Sison
Chief Political Consultant

NDFP Position on the Prisoners of War and the GRP-NDFP Peace Negotiations

18 March 1999

The NDFP Negotiating Panel is authorized by the NDFP National Executive Committee to negotiate with the GRP on the issue of prisoners of war, including Brig. General Victor Obillo and Capt. Eduardo Montealto. It holds the position that the issue is a necessary and appropriate subject in the GRP-NDFP peace negotiations and is within the purview of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) mutually approved by the GRP and the NDFP.

Within that context, the NDFP has announced its willingness and readiness to receive the appropriate approach from the GRP for negotiating the issue.

The NDFP wishes to resolve it, return the peace negotiations to the status quo ante the so-called suspension of the safety and immunity guarantees and violation of the bilateral agreements, present complaints over increasing cases of extrajudicial killings, disappearances, torture, food blockades, bombardments and forced mass evacuations under the Estrada regime and push the implementation of the CARHRIHL.

The response of the regime has been to announce a policy of no negotiations, accusing the revolutionary forces and even the NDFP Negotiating Panel of a common crime and ordering the unconditional surrender of the prisoners of war in the custody of the NPA. Moreover, the regime has intensified so-called military rescue operations to prevent any negotiated or unilateral release of the prisoners and has undertaken a series of punitive acts against NDFP negotiating personnel and consultants in gross violation of the Joint Agreement on Safety and Immunity Guarantees (JASIG). By itself alone, such violation of a bilateral agreement has, in fact and in effect, destroyed the basis for peace negotiations between the GRP and the NDFP.

Nevertheless, the NDFP Negotiating Panel has continued to keep its door open to negotiations with the GRP for the purpose of establishing the political basis (the why) for releasing the aforesaid prisoners and for the safe procedure (the how) for their release. At the same time, the NDFP Negotiating Panel is ever conscious that if the GRP cannot negotiate a

minor issue relative to the major issues in the substantive agenda of the GRP-NDFP negotiations, it is clear that the Estrada regime will never talk to the NDFP under the terms of The Hague Joint Declaration but only to dictate the terms of surrender.

The NDFP Negotiating Panel has exerted efforts towards negotiations with the GRP to no avail. In view of the unreasonable and intransigent position of the GRP, which is “no negotiations prior to NDFP surrender,” and the intensified military operations and violations of the CARHRIHL and JASIG by the GRP, the NDFP has considered the exercise of the political power of the people’s democratic government to undertake the release of the prisoners of war on moral and political grounds, if applicable.

As demonstrated on several occasions in the recent past, it is within the power of the NDFP National Executive Committee to order the release of prisoners of war unilaterally on humanitarian grounds or as an act of clemency due to remorse and apology of the accused or convicted, all in accordance with the Guide for Establishing the People’s Democratic Government and International Humanitarian Law.

However, the NDFP exercises said power with prudence in view of the calculated position of the Estrada regime to make the NDFP appear as being intimidated and capitulating to the GRP and to misrepresent the GRP-NDFP peace negotiations as no more than a GRP process of dictating the terms of surrender to the NDFP. In this connection, the NDFP is prepared to frustrate the calculations and maneuvers of the regime by issuing a declaration recognizing the fact that the GRP has already terminated the peace negotiations and by undertaking the corollary actions as to make manifest the significance and consequences of said declaration.

The promise of the Estrada regime to resume the GRP-NDFP peace negotiations after what it calls the “surrender” of the prisoners of war is a big lie. To believe this lie is to bow to the arrogance of such regime and descend to the level of the intelligence of its chief executive.

Since before the capture of General Obillo and Capt. Montealto, the GRP under the Estrada regime has practically killed the GRP-NDFP peace negotiations by sending to the NDFP the following clear message:

1. That The Hague Joint Declaration be scrapped and replaced by a framework of capitulation and self-criminalization at the expense of the NDFP.
2. That the Joint Agreement on Safety and Immunity Guarantees is a list of favors from the GRP to the NDFP and that these can be

suspended or scrapped at the whim of the GRP and moreover that the provision for a neutral venue abroad is no longer effective and that the formal meetings in the peace negotiations be held in Manila and put under the surveillance and mercy of the GRP as in 1986 and 1987.

3. That the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law is not effective and implementable unless the NDFP submit to a framework of capitulation and self-criminalization that the GRP can do as it pleases to violate the provisions of the bilateral agreements.

In violation of the CARHRIHL, the GRP under the Estrada regime is carrying out a policy of extrajudicial killings, kidnappings, torture, food blockades, bombardments and forced mass evacuations. These gross violations of human rights are also gross violations of international humanitarian law (Geneva Conventions and their Protocols), to which the NDFP adheres, as exemplified in our respect for the rights and humane treatment of our prisoners of war.

In further violation of the CARHRIHL, the GRP has refused to do away with repressive decrees, laws, policies and campaigns that violate human rights and has pushed further legislation to aggravate these. It has used the release of political prisoners as a bargaining chip and has acted in collaboration with the Marcoses to swindle the victims of human rights violations under the Marcos regime.

The GRP intends to amend or replace the current GRP constitution in order to remove provisions that it deems as impediment to a policy of repression and to allow the violation of every aspect of national sovereignty by such laws as those auctioning off the national patrimony and economy and a treaty on "visiting" foreign military forces.

The GRP has ignored the complaints of the NDFP concerning current human rights violations and has refused to comply with its obligations under the CARHRIHL and to negotiate a wide range of issues under this agreement, including the issue of prisoners of war.

Instead of negotiating the political basis and safe procedure for the release of General Obillo and Capt. Montealto, the GRP has used the capture of these military officers in the course of the ongoing war between the GRP and the revolutionary forces as a pretext for violating the JASIG and the CARHRIHL and undermining The Hague Joint Declaration with the demand for capitulation.

The GRP has set a policy of doing away with the peace negotiations and violating the CARHRIHL by considering as common crime every

legitimate action of the New People's Army (NPA) under the law of armed conflict, making revolutionaries, including the negotiators and consultants, appear as criminal accomplices and prolonging the imprisonment of the political prisoners in the custody of the GRP as a retaliatory action.

The GRP under the Estrada regime has absolutely no intention of resuming the formal meetings of the GRP-NDFP peace negotiations. If it cannot negotiate with the NDFP on a relatively small issue such as the issue of some specific prisoners of war it cannot negotiate on the larger issues of the substantive agenda of the peace negotiations.

We have observed that the GRP, especially under the Estrada regime, has no interest in serious peace negotiations to address the roots of the civil war but only in seeking the capitulation and pacification of the revolutionary people and forces. The Estrada regime has demonstrated that it would rather push its military solution to problems than negotiate with the NDFP on social and economic reforms and on political and constitutional reforms.

The NDFP can cause the release of the prisoners of war unilaterally in the exercise of the power and authority of the people's democratic government, its constitution and laws and in accordance with International Humanitarian Law. At the same time, the revolutionary people and forces are well prepared to wage all forms of resistance to a regime of the worst political descendants of the Marcos dictatorship.

The bottom line in our position is that, as in the long past even before the GRP-NDFP peace negotiations, we can release the prisoners of war under our own terms, in the exercise of our political power and authority and empathically now not under the terms of the GRP or Mr. Estrada. And we consider as worthless any promise of the Estrada regime to resume the GRP-NDFP peace negotiations because he has violated and will continue to violate the solemn bilateral agreements between the GRP and the NDFP.

Hell-bent on pursuing a policy of servility to imperialists, military repression and unbridled corruption, the Estrada regime has practically terminated the GRP-NDFP peace negotiations. All that the NDFP has to do is to make a declaration recognizing this fact. ■

NDFP to Release Prisoners of War on Humanitarian Grounds

**By Luis Jalandoni
Chairperson, NDFP Negotiating Panel
18 March 1999**

The National Democratic Front of the Philippines has responded positively to the appeal of the church-based humanitarian mission headed by Archbishop Fernando R. Capalla as well as that of Sen. Loren Legarda for the release of Brig. General Victor Obillo, Capt. Eduardo Montealto and other prisoners of war under the custody of the New People's Army.

The NDFP National Executive Committee shall issue the orders of release in the exercise of the political power and authority of the people's democratic government and on humanitarian grounds or as an act of clemency on the occasion of the year-long celebration of the 30th anniversary of the Communist Party of the Philippines and the New People's Army.

For the purpose, the NDFP Negotiating Panel has worked out with the church-based mission and Sen. Legarda a memorandum of agreement laying down the moral basis of the release as well as the political basis of the NDFP in releasing the prisoners of war and setting forth the requirement for the safe procedure of the release.

At the same time, the NDFP Negotiating Panel is herewith issuing the NDFP position on the prisoners of war and the GRP-NDFP peace negotiations.

The NDFP will continue to negotiate with the GRP if the latter does not insist on a framework of requiring the NDFP to capitulate, respects the bilateral agreements already made with the NDFP and goes back to the status quo ante the anomalous so-called suspension of safety and immunity guarantees. ■

Communique on Dialogue of NDFP Negotiating Panel with PIC Supreme Bishop and NCCP General Secretary

19 March 1999

Luis Jalandoni, chairperson of the NDFP Negotiating Panel, and Prof. Jose Maria Sison, NDFP chief political consultant, hereby express gratitude to Supreme Bishop Alberto Ramento of the Iglesia Filipina Independiente (Philippine Independent Church) and Bishop Roman B. Tipples, Jr., General Secretary of the National Council of Churches in the Philippines (NCCP), for accepting the invitation to dialogue with them.

We, the undersigned, have dialogued on March 18 and 19, 1999 on the issue of releasing the current prisoners under the custody of the New People's Army as well as on the issue of resuming the formal meetings of the peace negotiations between the National Democratic Front of the Philippines (NDFP) and the Government of the Republic of the Philippines (GRP).

Supreme Bishop Ramento and Bishop Tipples congratulate the NDFP, the humanitarian mission headed by Archbishop Fernando R. Capalla and on her own account Senator Loren Legarda for taking the high moral ground in forging the Memorandum of Agreement, which lays down the humanitarian grounds and safe procedure for the release of the aforesaid prisoners.

The two Christian leaders consider the procedure as reasonable and practicable. They agree with the parties to the aforesaid memorandum that the offensive operations of the GRP must cease and the offensive forces must be withdrawn in order for the procedure to succeed. They pledge that they will pray for the realization of the procedure, that they will urge all the parties and sectors concerned to perform their responsibilities and that they shall cooperate with them in every possible way in this regard.

Jalandoni and Sison once more thank Supreme Bishop Ramento and Bishop Tipples for their support and cooperation. They declare that the unilateral release of the prisoners of war is an exercise of power and authority of the people's democratic government and is done on humanitarian grounds on the occasion of the year-long celebration of the 30th anniversary of the Communist Party of the Philippines and the New People's Army.

Supreme Bishop Ramento and Bishop Tipples appreciate the decision of the NDFP to release the prisoners as a great Christian act of generosity and as a sign that the quest for a just and lasting peace will become fruitful. They express not only the hope but also urge that the GRP and the NDFP will soon resume the formal meetings of their peace negotiations. They pledge to pray and to use the resources available to them for the progress of said negotiations. They recognize the need to respect and implement all the bilateral agreements already signed and approved by the GRP and the NDFP.

Jalandoni and Sison declare that the NDFP is willing to continue the peace negotiations with the GRP so long as the framework set by The Hague Joint Declaration remains, the Joint Agreement on Safety and Immunity Guarantees is respected by the GRP, the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) is implemented and the status quo ante the so-called suspension of safety and immunity guarantees is restored.

Supreme Bishop Alberto B. Ramento Supreme Bishop Iglesia Filipina Independiente	Luis Jalandoni Chairperson NDFP Negotiating Panel
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Bishop Roman B. Tipples, Jr. General Secretary NCCP	Prof. Jose Maria Sison Chief Political Consultant NDFP Negotiating Panel
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NDFP Orders of Ceasefire and Release of Prisoners of War Are Signed and Ready for Implementation

By Luis Jalandoni
Chairperson, NDFP Negotiating Panel
24 March 1999

By the authority delegated to me by the NDFP National Executive Committee and in my capacity as chairperson of the NDFP Negotiating Panel, I have already signed since March 20, 1999 and thereafter issued to the pertinent commands of the New People's Army the order of ceasefire and separate orders for the release of the prisoners of war Brig. Gen. Victor R. Obillo, Capt. Eduardo Montealto, Police Maj. Roberto Bernal and Sgt. Alipio Lozada.

The aforesaid orders take effect immediately after the NDFP Negotiating Panel confirms the following:

1. That the GRP has issued the orders to its military and police forces to cease offensive operations and withdraw from offensive deployment; and
2. That the pertinent leading organs of the Communist Party of the Philippines and NPA commands have verified implementation of the GRP orders.

The pertinent regional and lower NPA commands cover Southern Mindanao, Northern Mindanao, Bicol and Southern Tagalog.

The duly authorized NPA commands take charge of the safe release procedure and proceed with this as soon as they have verified that a reciprocal or mutual ceasefire is already in place.

This procedure ensures the safety of the NPA custodial force, the prisoners of war, the third parties and other persons involved before, during and after the release of the prisoners of war.

So long as the GRP performs its share of responsibilities in the safe procedure by posing no obstacle or threat to the safe procedure, the NDFP will fulfill its commitment to release the prisoners of war within a four-week period (March 22 to April 19) in accordance with the Memorandum of Agreement signed by the NDFP Negotiating Panel, the Capalla humanitarian mission and Sen. Loren Legarda. ■

NDFP Warns Against Post-Release Offensives by GRP

**By the National Executive Committee
National Democratic Front of the Philippines
7 April 1999**

The National Democratic Front of the Philippines (NDFP) will release the five prisoners of war in accordance with the Memorandum of Agreement (MOA) with the Capalla humanitarian mission and Sen. Loren Legarda and likewise in accordance with the laws and processes of the people's democratic government, the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law and the NDFP Declaration of Undertaking to Apply the Geneva Conventions and Protocol I.

For the safe and orderly procedure of release to be implemented, the Government of the Republic of the Philippines (GRP) is under the obligation to pull out its military and police forces from offensive deployment and reciprocate the ceasefire order that the NDFP has issued to the New People's Army in certain provinces and areas up to April 19, the deadline that the NDFP has set for itself for effecting the releases.

At the same time, the NDFP is advising all progressive forces and all revolutionary forces to be more vigilant and militant in anticipation of the military and police offensives, including dirty tricks that the Estrada regime is preparing to carry out after the completion of the releases of the prisoners of war.

The Estrada regime is thoroughly embarrassed by the fact that the New People's Army has demonstrated its nationwide capability of capturing enemy officers, including a general, holding them as prisoners of war and releasing them in accordance with the laws and processes of the people's democratic government.

Aware of the roguish and bloodthirsty character of Mr. Estrada, the NDFP estimates that his false offers of high positions to the leaders of the revolutionary movement and resuming the formal meetings of the GRP-NDFP peace negotiations are a camouflage for preparations by the Estrada regime to intensify military and police offensives as soon as all the prisoners of war are released.

We therefore call on the people to be ever more vigilant and militant against the impending offensives, including bloody dirty tricks, being

prepared by the Estrada regime. In order to continue puncturing the arrogance of the regime and to advance the new democratic revolution, it is necessary for the New People's Army to carry out the decision of the Communist Party of the Philippines to launch tactical offensives that are well within their capabilities.

In carrying out offensives, the enemy is capable of concentrating his forces on only a few parts of the country. He leaves open many more parts of the country where the units of the New People's Army can at will choose soft targets to ambush or raid. We must make the enemy bleed in as many parts of the body until he haemorrhages to death.

The conditions are excellent for intensifying the people's war. The economic and political crisis of the ruling system is grave and continues to worsen. The Estrada regime, which includes the worst of the political descendants of the Marcos fascist regime, can only aggravate the crisis and bring upon itself the wrath of the Filipino people. ■

**NDFP Panel Commends Successful Release
of Bernal and Announces Scheduled Releases
of Other Prisoners of War**

**By Luis Jalandoni
Chairperson, NDFP Negotiating Panel
10 April 1999**

The NDFP Negotiating Panel congratulates the Santos Benamira Command of the New People's Army for successfully carrying out the safe and orderly release of Police Major Roberto Bernal and for according him humane treatment as a prisoner of war pursuant to the laws of the people's democratic government, the Rules of the New People's Army, the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) and the Geneva Conventions and their Protocols.

We also congratulate the NDFP Negotiating Panel consultants, the International Committee of the Red Cross, Sen. Loren Legarda, the Capalla humanitarian mission, Bishop Jesus Varela and all those who helped in the successful release.

Based on the verification of the withdrawal of AFP troops offensively deployed in some areas in Surigao del Sur and Agusan del Sur, the Pulang Diwata Command of the NPA is ready, with the cooperation of the Capalla humanitarian mission, Gov. Murillo and Bishop Amantillo and Sen. Loren Legarda, to release Army Sgt. Alipio Lozada. The release of Sgt. Lozada is scheduled for tomorrow.

The release of Gen. Obillo and Capt. Montealto has been scheduled by the Merardo Arce Command of the NPA for April 16, subject to the verification of the GRP's substantial compliance with withdrawal of AFP detachments from offensive deployment in areas specified by the Merardo Arce Command.

Reports of GRP military operations and offensive deployment in the Southern Tagalog area are causing a delay in preparations for the release of Army Sgt. Wivino Demol. As soon as the Melito Glor Command of the NPA in Southern Tagalog is able to verify that there are no GRP offensive military operations and offensive deployment in the area, the NDFP is ready to carry out the release of Sgt. Demol on or before April 19.

The NDFP is ready to resume peace negotiations with the GRP on the basis of The Hague Joint Declaration of 1992, the Joint Agreement on Safety and Immunity Guarantees of 1995, the CARHRIHL of 1998 and other bilateral agreements, but not on the one-sided terms that GRP President Joseph Estrada seeks to impose, such as NDFP capitulation to GRP constitutional and legal processes and arbitrary and treacherous cancellation of safety and immunity guarantees by the GRP in violation of the JASIG. Mr. Estrada must respect the bilateral agreements and fulfill GRP obligations arising from the CARHRIHL. These GRP obligations include the indemnification of the victims of human rights violations under the Marcos dictatorship, the release of political prisoners, the repeal of repressive decrees, and a stop to GRP campaigns and programs causing massive uprooting of communities. ■

On the Release of General Obillo and Capt. Montealto

**By Jose Maria Sison
NDFP Chief Political Consultant
17 April 1999**

I am deeply pleased that the safe and orderly procedure for the release of General Obillo and Capt. Montealto has been accomplished and that priorly Comrade Amado Payot has been released and has rejoined the New People's Army.

I commend the Southern Mindanao Regional Committee of the Communist Party of the Philippines and the National Democratic Front of the Philippines, the Merardo Arce Command and the Pulang Bagani Unit of the New People's Army for the success of the release procedure. I thank NDFP General Counsel Romeo Capulong and all the NDFP consultants for their assistance.

I thank the International Committee of the Red Cross (ICRC). Likewise, I thank the Capalla humanitarian mission and Sen. Loren Legarda for having come to Utrecht to take the moral high ground with the NDFP and make the Memorandum of Agreement and for having worked hard for its implementation on a moral and humanitarian basis.

In handling the issue of the prisoners of war, the Communist Party of the Philippines, the National Democratic Front of the Philippines and the New People's Army have demonstrated to the entire world their high sense of responsibility and nationwide capability. They have acted in accordance with the laws and processes of the people's democratic government, the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) and the Geneva Conventions and their Protocols.

The issue of prisoners of war is well within the ambit of the CARHRIHL. It should have been expeditiously discussed and agreed upon by the GRP and NDFP negotiating panels or even by the Joint Monitoring Committee which is required by CARHRIHL. Thus, General Obillo and Capt. Montealto would have been released much earlier if the Estrada regime respected the CARHRIHL and did not resort to a futile attempt to "rescue" the POWs by military force, using so many thousands of troops.

Regarding the case of Comrade Amado Payot, he should have never been arrested and detained for so long because he is a security officer of the NDFP in the peace negotiations. At any rate, I am happy that he is now free through what is objectively and in effect an exchange of prisoners of war even if there is no formal exchange.

By its inability to negotiate with the NDFP on the issue of POWs, the Estrada regime manifests an inability to deal with issues pertaining to the acts of war or armed revolution (which the police-minded Mr. Estrada mistakes for common crimes) as well as an inability to negotiate with the NDFP on the far larger social, economic and political issues which are raised by the people's war.

Mr. Estrada has expressed interest in resuming the formal meetings of the GRP-NDFP peace negotiations. But he has already ended the negotiations by preconditioning these with the demand for the capitulation of the NDFP and by grossly violating the existing bilateral agreements. He should respect these agreements if he has any positive interest in resuming the peace negotiations.

The broad masses of the people and the revolutionary forces should be more vigilant than ever against the worsening trend of oppression and exploitation. They should be more resolute and militant in fighting for national liberation and democracy. ■

**NDFP, NPA Release Gen. Obillo,
Other AFP, PNP Men Held as POWs**

**By Antonio Zumel
Senior Adviser, NDFP Negotiating Panel
20 April 1999**

True to their word, the National Democratic Front of the Philippines (NDFP) and the New People's Army (NPA) released Brig. Gen. Victor Obillo, commanding officer of the 55th Engineering Brigade and his aide Capt. Eduardo Montealto Friday afternoon (April 16) in the mountain village of Unapan, barrio Suawan, Marilog district of Davao City in Mindanao.

The NPA Red fighters who served as Obillo and Montealto's custodial force released the two prisoners of war after making certain that last-minute provocations by the enemy would bring no harm to themselves and to their captives. These included two enemy helicopters that flew over the release area, and the presence of two jeeploads of heavily armed police officers, in defiance of orders of their own president and commander-in-chief, Joseph Estrada.

Asked by representatives of the International Committee of the Red Cross (ICRC) how the NPA had treated them, Obillo said, "I could not ask for more. I was 'babied' and was served breakfast in bed." He added in an interview: "What I saw here is their commitment and dedication. They have a cause and they are committed to it. I respect that. This is a very disciplined outfit." Obillo also told Senator Loren Legarda that he and Montealto were well treated during the 58 days that they were held as POWs by the NPA.

The release of the two Philippine Army officers brought to a close almost two months of detention of Obillo, the highest-ranking officer of the Armed Forces of the Philippines (AFP) to be captured by the NPA and his aide, in a guerilla front of the NPA, in the foothills of Mt. Apo, the highest mountain peak in the Philippines.

In that period, two other servicemen of the Manila government who were captured after February 17 – Police Major Roberto Bernal and AFP Sgt. Alipio Lozada – were also released. A fifth POW Sgt. Wivino Demol, an NPA POW in the Southern Tagalog Region, was not yet released by

April 19 since the enemy has continued to keep up offensive military operations in that region.

Obillo and Montealto would certainly have been released much earlier had not the GRP president, Joseph Estrada, suspended any direct dealings with the NDFP, and had he been more circumspect about launching offensive military operations especially in Mindanao, and in the Bicol region where Bernal was captured.

The last two months also saw Estrada virtually wreck the peace negotiations between the Manila government and the NDFP by unilaterally disregarding formal agreements previously signed by the two sides, and engaging the NDFP leaders in a tit-for-tat propaganda war neither he nor his wisest advisers could win.

Present at the release of Obillo and Montealto were NDFP General Counsel Romeo T. Capulong, Senator Loren Legarda, members of Davao Archbishop Fernando Capalla's humanitarian mission that had gone to Utrecht, The Netherlands, to seek the release of the two key Army officers, Maximo Obispo (Supreme Bishop) Alberto Ramento of the Iglesia Filipina Independiente, ICRC representatives Pierre Delacoste and Olivier Jenard, NDFP consultants Rafael Baylosis, Sotero Llamas and former AFP Gen. Raymundo Jarque who has joined the NDFP, Davao City Mayor Benjamin de Guzman, Davao del Norte Gov. Rodolfo del Rosario, Bishop Felixberto Calang of the Iglesia Filipina Independiente, more than a hundred mass media men and women, members of Obillo's and Montealto's families, and others.

Sticking points

Among the first things that Estrada did soon after February 17, the day of Obillo and Montealto's capture, was to unilaterally and treacherously suspend the Joint Agreement on Safety and Immunity Guarantees (JASIG) which provided for safety and immunity guarantees to NDFP negotiators, consultants, advisers and security officers. Regarding the release process, it would have been a matter for both negotiating panels to work out under the Comprehensive Agreement on the Respect for Human Rights and International Humanitarian Law (CARHRIHL), but Mr. Estrada also refused to implement it soon after he approved it on August 7, 1998.

In the mass media, Estrada complained about the NDFP's "kidnaping" of AFP "non-combatants" even while it was talking peace with the GRP (Government of the Republic of the Philippines). Obillo, he said,

was concerned with development projects such as roads and bridges. Mr. Estrada did not consider that Obillo himself would object to being classified as a “non-combatant” after getting himself promoted all the way from lieutenant to general.

In his psychological warfare against the NDFP, Estrada was assisted by such men of his as Executive Secretary Ronaldo Zamora, Defense Secretary Orlando Mercado, National Security Adviser Gen. Alexander Aguirre and presidential spokesman Gerardo Barican.

Usually taking up the cudgels for the revolutionary forces from Utrecht, The Netherlands, were Luis G. Jalandoni, chairperson of the NDFP negotiating panel, Prof. Jose Maria Sison, chief political consultant of the panel and Fidel V. Agcaoili, member of the NDFP negotiating panel. In the home front, the people’s voice was amplified by the mass organizations, and there was Ka (Comrade) Roger (Gregorio Rosal), spokesman of the Central Committee of the Communist Party of the Philippines.

With regard to the NPA’s so-called “kidnapping operations,” Jalandoni said that the revolutionary forces allied within the NDFP have been waging protracted armed struggle since the last 30 years, and over that period, the revolutionary forces have suffered death, injury, capture and torture at the hands of sadists in the AFP and other government forces. They are within their rights to pursue revolutionary struggle, including launching tactical offensives, causing casualties or capturing the enemy and confiscating his arms.

As regards the capture and safekeeping of Obillo and Montealto as prisoners of war, the NPA was just exercising its revolutionary power, Jalandoni added. On the supposed status of Obillo and Montealto as “non-combatants,” the NDFP chief negotiator pointed out that the Geneva Conventions stipulate that members of the armed forces of a party to the armed conflict are combatants. Only medical personnel and religious chaplains covered by the Third Geneva Convention (Art. 33) are exempted. In this sense Obillo and Montealto are certainly combatants.

Regarding the projects of Obillo and Montealto as “helpful to the people,” Jalandoni said that these are in fact “counter-insurgency” in nature because the roads and bridges that the army engineering brigades build facilitate military movement to guerilla fronts of the revolutionary forces. And, in the case of Mindanao, the 55th Engineering Brigade was making roads through the ancestral lands of national minorities which are being coveted and grabbed by foreign and domestic mining and

logging corporations. Moreover, the AFP engineering brigades carry out intelligence and psywar operations. They are an integral part of the war machinery of the AFP.

Since the NDFP has been talking peace with the GRP, was it not “treachery” and “an act of bad faith” for the NDFP forces to be “kidnaping” a general, as charged by Estrada? Jalandoni replied that there had been no direct talks between the negotiating panels of the NDFP and the GRP since the Estrada regime refused to implement the CARHRIHL at the end of August 1998 and after the GRP delegation led by Senator Franklin Drilon proposed in October 1998 that the NDFP sign a new agreement wherein the NDFP would capitulate to the GRP and criminalize itself.

Estrada said that when Obillo and Montealto were captured by the NPA, he was about to order the release of 50 of 152 political prisoners in various parts of the country. He was not going to release anybody after all, he said. He took this hard-headed stance even as the prisoners – and the human rights organization Karapatan – emphasized that their cases had nothing to do with the capture of the PA general in Mindanao.

AFP military offensive

While Estrada adamantly held on to his hard-line “no negotiations policy” and intensified offensive military operations in Mindanao, the GRP negotiating panel headed by former Ambassador Howard Dee refused to deal with the NDFP negotiating panel. PINROM (People’s Initiative for the Negotiated Release of Obillo and Montealto) composed of a wide spectrum of prestigious people called on the Estrada regime to engage in negotiations with the NDFP for the release of Obillo and Montealto and stop the intensified AFP military operations in Mindanao.

In the face of Estrada’s “no negotiations policy” and in response to PINROM’s call and other similar requests, the NDFP approached some organizations and individuals to help in working out the releases of the POWs.

The NDFP contacted Senator Loren Legarda who responded in a positive manner. There was also the humanitarian mission of Catholic bishops headed by Archbishop Fernando R. Capalla of Davao, and still another humanitarian group composed of Obispo Maximo Alberto B. Ramento of the Iglesia Filipina Independiente, and Bishop Roman B. Tiples Jr., general secretary of the National Council of Churches of the Philippines.

Ostensibly, Estrada had nothing to do with these groups. In the mass media in Manila, he was even supposedly discouraging them from making the trip to Utrecht, on the ground that they were just wasting their time and money.

But Estrada did talk to Legarda (as did the families of Obillo and Montealto), and Ambassador Dee did talk to Archbishop Capalla before the delegation left for Utrecht. Archbishop Capalla had a letter from Dee addressed to him, and another letter for the NDFP written by Archbishop Oscar V. Cruz, president of the Catholic Bishops Conference of the Philippines (CBCP). The Capalla mission included Bishop Wilfredo D. Manlapaz, Msgr. Mario Valle, Rev. Fr. Pedro Lamata and Atty. Jesus G. Dureza.

In the same plane as Legarda was NDFP general counsel Romeo T. Capulong, who assisted the parties as their common counsel during the meetings in Utrecht. Atty. Dureza likewise assisted the Catholic bishops as legal adviser.

They were received and welcomed on March 16 by an NDFP delegation headed by Jalandoni and Sison.

After two days of talks, the NDFP panel and Senator Legarda and the Capalla humanitarian mission came up with a Memorandum of Agreement (MOA) which contained the NDFP's political basis for the release of the POWs and the humanitarian grounds agreed upon by the three parties. The MOA also stipulated the requirements for the safe and orderly release of the captives.

For his part, Jalandoni said the NDFP negotiating panel was ordering the release of the four officers in accordance with the authority vested in the panel by the NDFP National Executive Committee "and the laws and processes of the People's Democratic Government, and in compliance with the CARHRIHL and with the NDFP Unilateral Declaration of Undertaking to Apply the Geneva Conventions and Protocol I."

"The order shall be done and issued in the exercise of the power, authority and jurisdiction of the People's Democratic Government," the NDFP chief negotiator said. The moral bases of the release were humanitarian grounds and grant of clemency on the occasion of the year-long celebration of the 30th anniversary of the founding of the Communist Party of the Philippines and the New People's Army on December 26, 1998, and on March 29, 1999, respectively. Jalandoni said it was also the NDFP's favorable response to the widespread appeals of well-meaning parties and personages for the unilateral and negotiated release of said prisoners.

For their part, the Capalla humanitarian mission and Senator Legarda would exert “best efforts” to secure from the GRP appropriate and effective binding orders for the cessation of GRP military operations for four weeks – from March 22 to April 19 – “from an area the perimeter of which would be wide enough for the safety of the NPA custodial force and for the holding, transport and release of the prisoners of the New People’s Army, as determined by the latter’s local command.” The area would include Davao del Norte, Davao del Sur, Bukidnon, North Cotabato and Davao City.

In accordance with established practice, the representative of the ICRC would receive the captives from the NPA custodians and thereafter turn them over to the immediate members of the families of the captives through the Capalla humanitarian mission and Senator Legarda, in the presence of interested GRP officials, human rights advocates, Church people and other personages.

The NDFP panel or the Merardo Arce Command (MAC) of the NPA in Southern Mindanao might decide to cease or suspend the release of the captives or modify the release procedure due to any circumstance or reason that might endanger the lives of the NPA custodial force and the captives.

“The Merardo Arce Command shall authorize its forces to investigate and determine the presence and activities of any enemy surveillance on the ground or from the air or any form of infiltration, ambush, sabotage or blocking teams which shall endanger the lives of the NPA custodial force and the captives and warrant a suspension of the release...,” the Memorandum of Agreement pointed out.

The MOA was signed by Archbishop Capalla and members of his mission, Senator Legarda, by Jalandoni and Sison and by members of the NDFP negotiating panel, Fidel V. Agcaoili and Coni K. Ledesma, human rights lawyer Romeo T. Capulong and NDFP senior adviser Antonio Zumel.

On March 18 and 19, Obispo Maximo Ramento and Bishop Tipples also arrived in Utrecht, and held talks with Jalandoni and Sison on the issue of the release of Obillo, Montealto and other POWs.

The two Christian bishops congratulated the NDFP, the Capalla humanitarian mission and Senator Legarda, “for taking the high moral ground” in forging the MOA. Declaring that the procedure of release was reasonable and practicable, Bishops Ramento and Tipples said the release of the POWs was “a great Christian act of generosity” and “a sign that

the quest for a just and lasting peace will be fruitful.” They also urged the GRP and the NDFP to resume the formal meetings of their peace negotiations.

Upon their return to Manila, Senator Legarda informed Estrada of the Utrecht meeting, and asked that the GRP abide by the MOA’s requirement that the GRP stop the military offensives of its military and police forces and withdraw these forces from offensive deployment in the areas and during the period specified in the MOA. Estrada agreed to declare a suspension of offensive military operations (SOMO) from March 28 to April 19. For their part, Archbishop Capalla and the other Catholic bishops talked to such AFP officials in Mindanao as Lt. Gen. Angelo Reyes, chief of the AFP’s Southern Command, and Brig. Gen. Jose Proceso Torrelavega, deputy chief of the 6th Infantry Division (PA) and head of the ground forces assigned to rescue Obillo and Montealto.

A lot of bluster

Meantime, in Manila, Estrada and such satraps of his as Zamora and Mercado kept up their bluster in the mass media. Even as the Merardo Arce Command of the NPA in Mindanao exposed on April 1 the widespread offensive deployment and movement of AFP units in the areas concerned, Estrada and his men kept saying that Obillo and Montealto must be released on or before April 19 or else the AFP offensive would continue and there would no longer be NDFP-GRP peace negotiations. And the April 19 deadline that the NDFP had set upon itself and agreed upon in the MOA was fast approaching.

Estrada said that Sison was eating well and living a good life in The Netherlands and that he should go back to the Philippines. Sison responded by saying that comparing his lean figure to the fat figure of Estrada, it was clear who was overeating and living a good life. Sison referred to Estrada as “Rambotete” (a combination of Rambo and butete [blowfish], in reference to Estrada being a Rambo-type tough guy in his movies and his gargantuan size).

Jalandoni strongly protested to the GRP about the plight of Ms. Jelyn Dayong, a member of the Mamanwa tribe in Mindanao. Jelyn was wounded in the hip in an AFP attack on the community. She was being held under military guard by the government’s Department of Social Welfare and Development in Cagayan de Oro City in Mindanao. Her parents and human rights organizations were being barred from visiting her.

On the other hand, Jalandoni said, GRP negotiators Dee and Rene Sarmiento and military psywar experts had free rein to “intimidate her, subject her to psychological manipulation, misrepresent her as a ‘rebel returnee and amnesty seeker,’ and cajole her with offers for the purpose of making her turn against her principles and violate her conscience.”

“The right to hold on to one’s conviction is a basic human right,” the NDFP chief negotiator pointed out, even as he also urged Estrada to release Jelyn to her family and release the 50 political prisoners Estrada said he was about to do in February 1999 when Obillo and Montealto were captured.

This again provoked an outburst from Defense Secretary Mercado who had been irresponsible and arrogant all the time. Saying he was “surprised” over the “new requirement” by the NDFP on the release of Obillo and Montealto, Mercado accused the NDFP of “changing the rules in the middle of the game” – as if the NDFP were requiring the release of Ms. Dayong and the 50 political prisoners as a condition for the release of the general and his aide.

A Manila newspaper editorially chided Mercado for deliberately misreading Jalandoni’s statement, and said “A careful reading of the NDF’s statement would show that nowhere in it was an exchange of prisoners proposed.... The attentive observer who expects such a responsible official as the defense secretary to, among other things, watch his language, has good reason to wince.”

Mercado finally shut up when Prof. Sison stated in a radio interview, referring to Mercado and Estrada: “Mga hambog sila! Tingnan natin kung saan tutungo ang kanilang kahambugan!” (“They are windbags. Let’s see how far their hot air can bring them!”)

Release of POWs as scheduled

Notwithstanding the humbuggery and arrogance of Estrada and his men, the NDFP and the NPA continued to release the prisoners as they had scheduled and announced. Police Major Bernal, who was captured on February 21, was released on April 9. Sgt. Lozada, who was captured on March 5, was released on April 11.

There was an interesting sidelight to the release of Major Bernal in Sorsogon, Sorsogon. After his NPA custodial force had turned him over to the official of the ICRC, the police intelligence officer ran after his NPA guards and hugged every single one of them and thanked them once again for their kind treatment of him.

Then Bernal made honest remarks which were considered “disloyal” by his superiors in the Philippine National Police (PNP). Addressing himself to his PNP colleagues and to officers and soldiers of the Armed Forces of the Philippines, he said “Do not be afraid if you are taken prisoner by the NPA, because they will take good care of you.”

Riling his superiors even more, Bernal said, “I urge my colleagues to respect human rights.”

In his debriefing process in Quezon City, his superiors said Bernal seemed to have been “indoctrinated” by the NPA during his one and a half month of detention.

Revolutionaries at the NDFP office in Utrecht shared a good laugh when Gen. Robert Lastimoso, PNP chief, stated that Bernal had been given the CPP’s Basic Party Course and that the police major has since become “unreliable” in so far as the PNP was concerned. Bernal continued to be “debriefed,” Lastimoso said, but in the meantime, he may not be returned to his former work and may even be dismissed from the police force.

Sgt. Lozada had been detained for 37 days. He was released in Lianga, Surigao del Sur. Lozada was captured by the NPA Pulang Diwata Command after it had raided a military detachment in Lianga on March 5. Upon his release, Lozada said that at one point in his detention, he wanted to escape. But he changed his mind because his custodians “had been treating him well.”

Lozada was released directly to his family in the presence of NDFP general counsel Capulong, Senator Legarda, Bishop Amantillo and other members of the Catholic clergy, about 200 media people and onlookers.

Then, on April 16, the Merardo Arce Command of the NPA released Brig. Gen. Obillo and Capt. Montealto. Despite AFP troop movement near the release site on the night before the release and the fly-over by two helicopters and the provocative presence of two jeeploads of heavily armed policemen in the morning of the scheduled release, the NPA command decided to still carry out the release. The AFP and PNP provocations though caused a delay of three hours. Both POWs attested to the humane treatment accorded them by the NPA.

Only the release of Sgt. Demol in Southern Tagalog has still to be carried out. On April 17, the NDFP said his release on April 19 was “highly improbable,” because of the continuing military operations in Southern Tagalog by forces under Gen. Voltaire Gazmin, commander of the Southern Luzon Command (Solcom). Ka Roger of the Melito Glor Command

of the NPA said they want to release Sgt. Demol “in the next few days” but also pointed out that the AFP offensive military operations stood in the way of Demol’s release.*

Jalandoni cited reports from the revolutionary movement in Southern Tagalog that exposed the AFP violations of the GRP’s declaration of Suspension of Offensive Military Operations (SOMO) in the provinces of Rizal, Laguna and Quezon.

In Rizal and Laguna, offensive military operations were being carried out by the AFP’s 76th Infantry Battalion, Philippine Army (PA) and the 6th and 9th Scout Ranger companies of the SOLCOM. One example of such an offensive military operation was the attack against an NPA unit carried out by a platoon of the 9th Scout Ranger Co. led by M/Sgt. Sumawang at Sitio Dangay, Bato, Famy, Laguna, on April 7. The offensive operation resulted in the wounding of Cpl. Rodelio Quilapio who had to be brought to the general hospital in Sta. Cruz, also in Laguna, for treatment.

In Quezon province, the AFP units carrying out offensive military operations are the 74th IB, 31st IB, and the 16th IB of the Philippine Army (PA).

Praise from Sison and Jalandoni

Meanwhile, Prof. Sison and Comrade Jalandoni, in separate statements, lauded the safe and orderly procedure that attended the release of Obillo and Montealto, and that priorly, Comrade Amando Payot had been released and had rejoined the NPA.

“I commend the Southern Mindanao Regional Committee of the Communist Party of the Philippines and the National Democratic Front of the Philippines, the Merardo Arce Command and the Pulang Bagani Unit of the New People’s Army for the success of the release procedure,” Sison said. “I thank NDFP General Counsel Romeo T. Capulong and all the NDFP consultants for their assistance.”

He also thanked the ICRC, the Capalla humanitarian mission and Sen. Loren Legarda for having come to Utrecht to “take the moral high ground with the NDFP and make the MOA and for having worked hard for its implementation on a moral and humanitarian basis.

* Demol was released on April 25, 1999 after the GRP military and police ceased their operations in Laguna and Quezon provinces in accordance with their SOMO and SOPO.

“In handling the issue of the prisoners of war, the Communist Party of the Philippines, the National Democratic Front of the Philippines and the New People’s Army have demonstrated to the entire world their high sense of responsibility and nationwide capability,” said Sison, who, as Amado Guerrero, had reestablished the CPP in 1968. “They have acted in accordance with the laws and processes of the people’s democratic government, the Rules of the New People’s Army (NPA), the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) and the Geneva Conventions and their Protocols.”

Regarding the case of Amado Payot, he should have never been arrested and detained for so long because he is a security officer of the NDFP in the peace negotiations and therefore covered by safety and immunity guarantees under the JASIG, Sison said.

“At any rate, I am happy that he is now free through what is objectively and in effect an exchange of prisoners of war even if there is no formal exchange,” he added.

Sison said that by its inability to negotiate with the NDFP on the issue of the POWs, the Estrada regime “manifests an inability to deal with issues pertaining to the acts of war or armed revolution (which the police-minded Mr. Estrada mistakes for common crimes) as well as an inability to negotiate with the NDFP on the far larger social, economic and political issues which are raised by the people’s war.”

Mr. Estrada has expressed interest in resuming the formal meetings with the NDFP negotiating panel, but he has already ended the negotiations by preconditioning these with the demand for the capitulation of the NDFP and by grossly violating the existing bilateral agreements, according to Sison. “He should respect these agreements if he has any positive interest in resuming the peace negotiations,” he added.

The broad masses of the people and the revolutionary forces should be more vigilant than ever against the worsening trend of oppression and exploitation, he said, and should be more resolute and militant in fighting for national liberation and democracy. ■



(From extreme right) GRP Negotiating Panel members Atty. Rene Sarmiento, Atty. Silvestre Bello III and Gov. Jose Yap talking with Ka Roger Rosal (3rd from left) at the release of Police Chief Inspector Francisco (extreme left) and Sgt. Melad (2nd from left) in December 1997 in Tanay, Rizal.



Brig. Gen. Obillo (extreme left) and Capt. Montealto (2nd from left) watching the signing of their release papers in April 1999 in Davao City; human rights lawyer Atty. Romeo Capulong is second from right.

Police Chief Inspector Bernal (left) returned twice to hug and say goodbye to his custodians after he had been turned over to the ICRC in February 1999.



Ka Roger Rosal (with microphone) speaking at the release of Maj. Buan (lower left with long hair) in April 2001. Partly hidden behind Ka Roger is GRP Department of Justice Sec. Hernani Perez.



PFC Nemeño giving a song number during one of the cultural programs held during his captivity in 2004 in Camarines Sur, Bicol.



Sgt. Corbita undergoing a final medical checkup during his release in April 2008 in Compostela Valley.



Lt. Cammayo (right) with one of his custodians waiting to be formally turned over to the ICRC in January 2009 in Agusan del Sur.



(From left) Police Inspector Cuntapay, PO1 Agasen and PO1 Umali signing their release papers before their formal turnover to the ICRC in March 2009 in Rodriguez, Rizal.

On POWs Maj. Noel Buan and Police
Inspector Abelardo Martin
and the “Updated NDFP Position
on the Issue of Prisoners of War
and the GRP-NDFP Peace Negotiations”

Joint Press Communique*

12 January 2000

We, the undersigned Panel of the National Democratic Front of the Philippines (NDFP) and the Humanitarian and Peace Mission, have successfully held a dialogue from 10 to 12 January 2000 in Utrecht, The Netherlands, concerning the issue of certain captives in the custody of the New People's Army and the possible resumption of the peace negotiations between the Government of the Republic of the Philippines (GRP) and the National Democratic Front of the Philippines (NDFP).

We have forged a Memorandum of Understanding to lay the ground for the release of Chief Inspector Abelardo Martin of the Philippine National Police and Army Major Noel Buan of the Southern Luzon Command of the Armed Forces of the Philippines.

Pending the release, the NDFP Panel assures that the captives shall continue to enjoy respect for their rights and humane treatment in accordance with International Humanitarian Law. The captives are under the custody of the Melito Glor Command of the New People's Army (NPA) operating in the Southern Tagalog region.

The NDFP Panel and the Humanitarian and Peace Mission agree that the peace negotiations of the GRP and the NDFP should be resumed on a

* Despite the willingness and readiness of the NDFP to release AFP Major Noel Buan and PNP Chief Inspector Abelardo Martin on humanitarian grounds on the basis of the appeal of the Humanitarian and Peace Mission of Sen. Loren Legarda, Bishop Jesus Y. Varela of Sorsogon and Bishop Tomas A. Millamena, Supreme Bishop of the Philippine Independent Church and Chairman of the National Council of Churches of the Philippines (NCCP), GRP President Joseph Estrada refused to meet with the Humanitarian and Peace Mission upon its return to the country in January 2000. Even with the overthrow of Estrada a year later, the AFP under Gen. Angelo Reyes continued with its military operations in an attempt to rescue Buan and Martin. Martin died in a botched rescue operation by the AFP on 7 March 2001. Buan was released on 6 April 2001 as goodwill and confidence-building measure by the NDFP in connection with the resumption of peace talks on 27-30 April 2001 in Oslo, Norway, and after the GRP had declared the suspension of military and police operations in the whole of Mindoro Oriental in compliance with the demand of the NPA for the safe and orderly release of Buan.

basis mutually satisfactory to both parties and that goodwill measures should be undertaken by both parties to promote the resumption of such negotiations.

In the same spirit that it has made an appeal to the NDFP to release Major Buan and police chief inspector Martin on moral and humanitarian grounds, the Humanitarian and Peace Mission appeals to the GRP to respect human rights and international humanitarian law.

Appended to the Memorandum of Understanding is an NDFP document known as “The Updated Position of the NDFP on the Issue of Prisoners of War and the GRP-NDFP Peace Negotiations.” The Mission took note of the NDFP position without necessarily subscribing to the same.

The members of the Humanitarian and Peace Mission have come to Utrecht on the insistent appeals of the Buan and Martin families and upon the invitation of the NDFP.

We thank NDFP chief political consultant Prof. Jose Maria Sison and NDFP consultant Danilo Borjal and Atty. Romeo Capulong, Ruth de Leon, Atty. Raul Lambino and Cherbett Karen Maralit for assisting us in the dialogue and in the drafting of the Memorandum of Understanding.

Panel of the NDFP	Humanitarian & Peace Mission
Luis G. Jalandoni	Sen. Loren Legarda
Fidel V. Agcaoili	Bishop Jesus Y. Varela
Coni Ledesma	Bishop Tomas A. Millamena

**Memorandum of Understanding for the Release
of GRP (AFP) Major Noel Buan and GRP (PNP) Chief
Inspector Abelardo Martin and the Possible Resumption
of the GRP-NDFP Peace Talks**

12 January 2000

The Panel of the National Democratic Front of the Philippines (hereinafter, NDFP Panel) composed of NDFP Executive Committee member Luis Jalandoni as head and Fidel V. Agcaoili and Coni Ledesma as members received and welcomed the Humanitarian and Peace Mission (hereinafter, Mission) of Senator Loren Legarda, Bishop Jesus Varela of the Diocese of Sorsogon and Iglesia Filipina Independiente (IFI) Supreme Bishop Tomas Millamena, who is also chairman of the National Council of Churches in the Philippines (NCCP).

The NDFP Panel and the Mission held a dialogue on January 10-12 in Utrecht, The Netherlands and presented their respective positions, exchanged proposals and reached a mutual understanding towards the resolution of the issue concerning GRP-AFP Major Noel Buan and GRP-PNP Chief Inspector Abelardo Martin who are currently in the custody of the New People's Army (NPA) as a consequence of the ongoing armed conflict, and the possible resumption of the peace talks between the Government of the Republic of the Philippines (GRP) and the National Democratic Front of the Philippines (NDFP).

Human rights lawyer Romeo T. Capulong assisted the parties as their common counsel during the meeting in collaboration with Atty. Raul Lambino who, likewise, assisted the Mission and its members as their principal counsel with Cherbett Karen Maralit as technical staff. They will continue to act as such and assist all concerned parties in the implementation of this Memorandum.

I. Background

The members of the Mission explained the background of their initiatives and their purpose in coming to Utrecht, The Netherlands. They informed the NDFP Panel that the wives, relatives and friends of the two captives approached them and asked them to intercede and appeal to the appropriate NDFP officials for the release on humanitarian grounds of the two captives.

It can be recalled that Senator Legarda was one of the principal figures in the successful release of Army officers General Victor Obillo, Captain Eduardo Montealto, Sergeant Alipio Lozada, PNP Chief Inspector Roberto Bernal and Sergeant Wivino Demol in April 1999.

She joined the Mission and came to Utrecht to appeal to the NDFP Panel after consultations by long distance calls, with NDFP Executive Committee member Luis Jalandoni and Chief Political Consultant Jose Maria Sison.

Bishop Varela, who likewise prominently figured in the release of Chief Inspector Bernal, was asked by Mrs. Buan to help facilitate the release of her husband because of her family's closeness to him. Mrs. Buan comes from the Province of Sorsogon and her uncle is a priest working with Bishop Varela. On the basis of the invitation of Jose Ma. Sison and Luis Jalandoni, Bishop Varela agreed to join the humanitarian and peace mission to Utrecht.

Bishop Millamena, because of the active participation of the Iglesia Filipina Independiente in previous releases of captives, and his being chairman of the National Council of Churches in the Philippines, was also invited by the NDFP to participate in the said Mission. He is a highly-respected advocate for peace, justice and human rights.

Senator Legarda informed the NDFP Panel that before coming to Utrecht, she talked to appropriate GRP officials whose cooperation is necessary in the implementation of certain provisions of this Memorandum. She likewise informed the NDFP Panel that she has written GRP President Joseph Ejercito Estrada about her initiative concerning Major Buan and Chief Inspector Martin.

GRP Vice-President Gloria Macapagal-Arroyo appealed to the NDFP through IFI Supreme Bishop and NCCP Chair Tomas Millamena and human rights lawyer Romeo T. Capulong for the release of the aforementioned captives and expressed support for resumption of the GRP-NDFP peace negotiations.

II. Statement of Appeal of the Humanitarian and Peace Mission

Senator Legarda, after formally introducing the members of the mission to the NDFP Panel, explained her reasons for coming to The Netherlands and her involvement in the Mission. She related the stories of Mrs. Cielo Buan and Mrs. Nenita Martin and strongly appealed to the NDFP to release Army Major Buan and Chief Inspector Martin. She made this appeal on behalf of the two captives and their families. As a

wife and as a mother, she could not shirk from the responsibility of assisting the two wives knowing fully well her capability to be of help. She could not be indifferent to their pleadings.

At the outset of the meeting, Senator Legarda explicitly clarified that she did not come to The Netherlands as a negotiator for the GRP but only as an invited and interested party acting on her own initiatives to facilitate the expeditious and safe release of the captives.

Both Bishop Varela and Millamena agreed with the statement of Senator Legarda, that while the immediate concern is the release of the two captives, the long-term objectives of the Mission is the possible resumption of peace talks between the GRP and the NDFP.

The Mission expressed the desire and hope that the GRP-NDFP peace talks be resumed on a basis mutually satisfactory to both parties and that the release of the aforementioned captives be done in the spirit of undertaking goodwill measures to promote the peace talks.

In presenting its appeal, the Mission affirmed its independent position. The Mission takes due note of the following NDFP position, without however necessarily subscribing to the same.

III. Statement of the NDFP Panel in Response to the Appeal of the Humanitarian and Peace Mission, and the NDFP's Position on the Issue of Prisoners of War and the GRP-NDFP Peace Negotiations

The NDFP Panel received the appeal and informed the Mission that this would be forwarded to the National Executive Committee of the NDFP for serious consideration by the concerned authorities of the people's democratic government in accordance with the Guide for Establishing the People's Democratic Government, the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) and the principles and instruments of the International Bill of Rights and International Humanitarian Law.

The NDFP Panel affirmed that the NDFP adheres to and complies with the international instruments on human rights and international humanitarian law, particularly the Geneva Conventions and their Protocols, and the CARHRIHL despite the termination of the GRP-NDFP peace negotiations.

In this regard, the NDFP Panel assured the Mission that all prisoners of war, including the aforementioned ones, are accorded humane treatment and that their rights are respected, even in the case of the POWs who are liable for prosecution and trial according to the legal and judicial process of the people's democratic government.

The NDFP Panel pointed out that the GRP sent to the NDFP the formal notice to terminate the GRP-NDFP peace negotiations on 31 May 1999. The peace negotiations can resume only if the GRP requests the resumption and expresses respect for the joint agreements mutually approved by both parties and rectifies its violations thereof.

The NDFP holds the position that the issue of POWs is necessary and appropriate in the GRP-NDFP negotiations within the purview of the CARHRIHL and the entire process of peace negotiations, as demonstrated in the cases of POWs Major Rene Francisco and Army Sgt. Joaquin Melad in December 1997 and PNP Sgt. Martellano Magtagad in January 1998.

In any circumstance, the NDFP can exercise the political power, authority and jurisdiction of the people's democratic government either in prosecuting and imposing punishment for war crimes committed by POWs whenever evidence warrants, or in considering and carrying out the unilateral release of POWs on humanitarian and moral grounds or on political grounds, if applicable, as in the cases of POWs AFP Brig. General Victor Obillo, AFP Captain Eduardo Montealto, PNP Major Roberto Bernal, AFP Sgt. Alipio Lozada, and AFP Sgt. Wivino Demol.

The NDFP views the issue of POWs as an unavoidable consequence of the ongoing civil war in which the parties to the armed conflict have reciprocal rights and obligations. While the NDFP complies with its duties under international instruments on human rights and international humanitarian law and the CARHRIHL, accord humane treatment to its POWs and release them on moral and humanitarian grounds, it demands that the GRP likewise complies with the principles and standards set by the aforesaid instruments on human rights and humanitarian law.

Attached hereto and made an integral part hereof as Annex "A" is the Updated Position of the NDFP on the Issue of Prisoners of War and the GRP-NDFP Peace Negotiations dated January 10, 2000.*

The NDFP Panel continues to hold the GRP responsible for the gross and systematic violations of human rights and international humanitarian law against suspected revolutionaries and non-combatants including torture, extrajudicial killing, abduction and forced disappearance, wrongful detention, criminalization of suspected revolutionaries in violation of the Hernandez doctrine, continued prolonged detention of 190 political prisoners, indiscriminate bombardments, artillery fire and

* See page 73.

strafing, food blockades, forced mass evacuations, landgrabbing, zoning, degrading treatment of entire neighborhoods and physical attacks on workers' strikes and other peaceful mass actions. Attached as Annex "B" and made an integral part hereof is the list of the most recent documented cases of such violations.*

The NDFP Panel asserts that justice should be rendered to the victims and that the aforesaid violations should be rectified. Due consideration should be given to the sufferings and demands of the families of the victims. The NDFP takes these into account in considering the release of the POWs on humanitarian grounds.

IV. Mutual Understanding Concerning the Appeal for the Release of Army Major Noel Buan and Police Chief Inspector Abelardo Martin and the Possible Resumption of the Peace talks

1. The NDFP Panel, giving due weight and consideration to the appeal of the Mission, shall favorably endorse to the National Executive Committee of the NDFP the appeal of the Mission on moral and humanitarian grounds and for the safe and orderly release of Army Major Noel Buan and Police Chief Inspector Abelardo Martin. The Mission expresses its gratitude and agrees to participate in the implementation of this memorandum.

2. In the same spirit that it has appealed to the NDFP, the Mission shall appeal to the GRP to resume the peace negotiations with the NDFP.

3. The Mission shall also appeal to the GRP to respect human rights and international humanitarian law. It shall take appropriate steps to effect the appeal.

4. Upon the decision of the NDFP National Executive Committee to release any of the aforementioned captives, the NDFP Panel shall issue the Order of Release in accordance with the authority vested on it by the NDFP-NEC.

5. The Order of Release shall suspend or supersede the judicial proceedings initiated by the Southern Tagalog Regional Operational Command (Melito Glor Command) of the New People's Army against any of the aforementioned captives, including the sentence which may have been imposed, if any. The NDFP reserves its right to continue such proceedings and to consider as admissible the evidence against said captives in the event of another justifiable capture.

* See page 81.

6. The captives covered by the Order of Release shall be released upon the cognizance of the Mission or their duly-authorized representatives. As in previous releases of captives and in accordance with established practice and precedents, the representative/s of the International Committee of the Red Cross shall receive the captives from the NPA custodial force and thereafter turn them over to the immediate members of the families of the captives through the members of the Mission in the presence of concerned GRP officials, humanitarian advocates, Church people and other personages.

7. The Mission shall secure from the GRP the orders to its military, police and paramilitary forces to cease offensive operations and withdraw from certain areas in the Southern Tagalog region within a certain period of time, all to be defined by the Melito Glor Command, in order to ensure the safe procedure for the release of any of the aforementioned prisoners as well as for the withdrawal of the custodians from site of release.

Once secured from the GRP, the Mission shall present certified true copies of the orders to the NDFP Panel or its duly-authorized representatives.

8. The NDFP Panel and the Mission shall maintain continuous communications in order to ensure the safe release procedure and to implement this Memorandum. The Mission shall provide all necessary assistance to realize said procedure.

9. The NDFP Panel and the Mission shall avail themselves of the assistance of the Philippine Peace Center and Public Interest Law Center in the implementation of this Memorandum.

This Memorandum of Understanding shall have the force and effect of a Memorandum of Agreement upon the decision of the National Executive Committee of the NDFP to release any of the aforementioned captives.

Within three weeks from the date of this Memorandum, the NDFP Panel shall inform the Mission of the decision of the National Executive Committee of the NDFP as stated in part IV, No. 4 hereof.

Done in Utrecht, The Netherlands, 12 January 2000.

Luis G. Jalandoni
Head of NDFP Panel

Senator Loren Legarda
Member of Mission

Fidel V. Agcaoili
Member of NDFP Panel

Bishop Jesus Y. Varela
Member of Mission

Coni Ledesma
Member of NDFP Panel

Bishop Tomas Millamena
Member of Mission

Witnesses:

Jose Maria Sison
NDFP Chief Political Consultant

Atty. Romeo T. Capulong
Common Counsel

Danilo F. Borjal
NDFP Consultant

Atty. Raul Lambino
Counsel of the Mission

**Updated NDFP Position on the Issue of Prisoners of War
and the GRP-NDFP Peace Negotiations**

**By Luis Jalandoni
Chairperson of the Panel
National Democratic Front of the Philippines
10 January 2000**

I

The National Executive Committee of the National Democratic Front of the Philippines (NEC-NDFP) has authorized our Panel to receive the appeal, which you have made in the name of the Humanitarian and Peace Mission and on behalf of the families of the chief intelligence officer Major Noel Buan of the Southern Luzon Command of the Armed Forces of the Philippines (AFP) and police chief inspector Abelardo Martin of the Philippine National Police (PNP).

We must state at the outset that the NDFP is affording to you an opportunity that the Government of the Republic of the Philippines (GRP), especially its chief executive Estrada, does not give to the families and representatives of the victims of violations of human rights and international humanitarian law committed by the military, police and paramilitary forces of the GRP.

We refer to the more than 190 detained political prisoners who are either charged or convicted of common crimes instead of the bailable political offense of rebellion, those tortured and murdered and entire communities that are made to suffer bombardments, artillery fire, strafing, zonings, forced eviction, forced mass evacuation, food blockades and massacres.

The NDFP vigorously asserts that the arrest and capture of prisoners of war by the New People's Army is a legitimate act of war and condemns any imputation or presumption that it is a criminal act of kidnapping or abduction and that said prisoners must be released immediately with the explicit or implicit admission by the NDFP that said prisoners have been unlawfully imprisoned.

The NDFP, therefore, declares in the clearest terms certain premises concerning prisoners of war captured by the New People's Army:

1. The arrest and capture of prisoners by the NPA is a legitimate act of war and is a humane act in relation to the extreme penalty. In this regard, the NPA is duty-bound to respect the rights of the prisoners of war and treat them humanely in accordance with the bill of fundamental rights in the Guide for Establishing the People's Democratic Government, the Rules of the New People's Army, the GRP-NDFP Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) and the international law on human rights and the laws of armed conflict.

In accordance with the CARHRIHL and the norms and standards of international humanitarian law and practice pertaining to the trial of POWs for war crimes, the NDFP respects and accords its POWs their right to a fair trial before a duly-constituted people's tribunal or court martial all the guarantees of due process including:

1.1 a thorough preliminary investigation of the charges and the relevant facts before the formal indictment and trial by the people's tribunal or court martial;

1.2 a detailed written indictment, duly served and explained to the POW specifying the charges, the circumstances of capture, relevant background information about the captured combatant and the evidence gathered and to be adduced by the concerned NPA command;

1.3 right to prepare for trial and be heard with the assistance of competent counsel;

1.4 right to be tried before an impartial tribunal and to appeal its decision to an appellate body; and

1.5 the NDFP National Executive Committee retains its power to suspend the judicial proceedings of the people's tribunal or court martial including the execution of the penalty imposed, reverse or modify its findings and decision, grant clemency and order the release of POWs on humanitarian, moral and political grounds, if applicable.

2. The people's democratic government upholds and exercises its political authority in dealing with the question of prisoners of war. It can try and punish prisoners of war when the evidence warrants, take into account mitigating circumstances in order to reduce the punishment or release a prisoner of war on moral and humanitarian grounds or political grounds, if applicable.

3. In receiving your appeal and in starting to give due course to it on moral and humanitarian grounds, we give due respect and due weight to your good intention. But you must also understand that the revolutionary forces and the people would ask their leadership, why should it be in a

hurry to release prisoners of war when the enemy is engaged in gross and systematic violations of human rights and international humanitarian law and is escalating armed offensives to endanger the lives of the prisoners of war and their custodians.

It necessarily follows that demands be made on the GRP to respect human rights and international humanitarian law and to cease violations of these and, in the event of a decision taken by the NEC-NDFP to release any prisoner of war, the safe release procedure must be well-defined and carried out, with the cooperation of our Panel, your Mission, the forces of the two parties to the on-going civil war and the International Committee of the Red Cross.

Considering the premises that our Panel has made clear, let us try to reach a common understanding prior to whatever decision that the NDFP makes on your appeal. Such an understanding should involve a recognition of certain requirements that can buttress your appeal and that can ultimately ensure the safe release of any prisoner of war.

II

Our Panel takes this opportunity to give you the updated position of the NDFP on the issue of prisoners of war and the GRP-NDFP negotiations.

1. The NDFP Negotiating Panel is authorized by the NDFP National Executive Committee to negotiate with the GRP on the issue of prisoners of war, including AFP Major Noel Buan and PNP Chief Inspector Abelardo Martin. It holds the position that the issue is a necessary and appropriate subject in the GRP-NDFP peace negotiations and is within the purview of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) mutually approved by the GRP and the NDFP and which the NDFP continues to comply with despite the unilateral termination of the GRP-NDFP peace negotiations by the GRP.

Within that context, as in the cases of the other prisoners of war, the NDFP has announced its willingness and readiness to receive the appropriate approach from the GRP for negotiating the issue of prisoners of war Noel Buan and Abelardo Martin directly with the GRP. The NDFP wishes to mutually resolve it with the GRP, return the peace negotiations to the status quo ante the so-called suspension of the safety and immunity guarantees and subsequent unilateral termination of the peace negotiations by the GRP and the GRP violations of the bilateral agreements, present complaints over increasing cases of extrajudicial killings,

disappearances, torture, illegal arrests, the wrongful charge of common crimes against suspected NDFP personnel, food blockades and bombardments and forced mass evacuations under the Estrada regime, and push the implementation of the CARHRIHL.

2. As in the previous cases of POWs Victor Obillo (AFP Brig. General), Eduardo Montealto (AFP Captain), Roberto Bernal (PNP Chief Inspector), Alipio Lozada (AFP Sergeant) and Wivino Demol (AFP Sergeant), the inflexible response of the regime has been to announce a policy of no negotiations, maliciously accusing the revolutionary forces and even the NDFP Negotiating Panel of a common crime of the NPA. Moreover, this regime, whenever confronted with the issue of prisoners of war, has intensified the so-called military rescue operations to prevent any negotiated or unilateral release of the prisoners and has undertaken a series of punitive acts against the NDFP Negotiating personnel and consultants in gross violation of the Joint Agreement on Safety and Immunity Guarantees (JASIG) when it was still in force, International Humanitarian Law, GRP's own laws, and established universal norms and practice in the release of POWs. By itself alone, such violation of a bilateral agreement has, in fact and in effect, destroyed the basis for peace negotiations between the GRP and the NDFP. And as subsequent events would show, the unilateral demands for capitulation and self-criminalization imposed by the Estrada regime upon the NDFP as conditions for the resumption of the peace negotiations and other GRP unilateral acts eventually caused the termination of the GRP-NDFP peace negotiations.

3. Nevertheless, the NDFP Negotiating Panel has continued to keep its door open to negotiations with the GRP on the issue of prisoners of war for the purpose of establishing the political and legal bases under international law (the why) for releasing the aforesaid prisoners and for the safe and appropriate procedure (the how) for this release. Concretely, the release of POWs Rene Francisco and Joaquin Melad in Tanay, Rizal in December 1997 based on bilateral talks and agreement within the framework of the GRP-NDFP peace negotiations and in accordance with international humanitarian law and practice demonstrated that such mode is appropriate, feasible and mutually beneficial especially since it was made with the participation and in accordance with the mandate of the International Committee of the Red Cross. At the same time, the NDFP Negotiating Panel is ever conscious that if the GRP cannot negotiate a minor issue relative to the major issue in the substantive agenda of the GRP-NDFP peace negotiations, it is clear that the Estrada regime will

never talk to the NDFP under the terms of The Hague Joint Declaration but will continue to delude itself with the vain wish to dictate the terms of surrender.

4. In the case of POWs Victor Obillo, Eduardo Montealto, Roberto Bernal, Alipio Lozada and Wivino Demol, the NDFP Negotiating Panel exerted efforts towards bilateral negotiations with the GRP to continue the precedent set in the release of POWs Rene Francisco and Joaquin Melad, to no avail. It continued such efforts to keep its door open to bilateral negotiations in the cases of POWs Noel Buan and Abelardo Martin. In view of the relentless, unreasonable and intransigent position of the GRP, which is “no negotiations prior to the NDFP surrender” and the intensified military operations and violations of the CARHRIHL, International Humanitarian Law, JASIG and its own laws by the GRP, the NDFP stresses that it must uphold the political power, authority and jurisdiction of the people’s democratic government to take the decision it deems best on the specific cases of prisoners of war.

5. Whenever the NDFP exercises the authority to release prisoners of war on humanitarian grounds, it does so with prudence in view of the calculated position of the Estrada regime to make the NDFP appear as engaging in the common crime of kidnapping or abduction and not in the legitimate and humane act of arresting and capturing prisoners of war, according them humane treatment and all their rights under international humanitarian law and the CARHRIHL. At the same time, the Estrada regime in macho style wants to make the NDFP appear as being intimidated by GRP use or show of force and capitulating to the GRP whenever the NDFP releases prisoners of war. With boundless arrogance, the regime proceeds to misrepresent the GRP-NDFP peace negotiations as no more than a GRP process of dictating the terms of surrender to the NDFP and further proceeds to terminate these negotiations unilaterally and to replace these arbitrarily with the scheme of localized surrender negotiations. In this connection, the NDFP has taken the appropriate steps to frustrate the calculations and maneuvers of the regime by issuing a declaration recognizing the fact that the GRP has already terminated the peace negotiations and by undertaking the corollary actions as to make manifest the significance and consequences of said declarations.

6. The promise early last year of the Estrada regime to resume the GRP-NDFP peace negotiations after what it called the “surrender” of the five prisoners of war led by AFP Brig. Gen. Victor Obillo is a big lie. To believe this lie is to bow to the arrogance of such regime and descend to

the level of the intelligence of its chief executive. Since before the capture of General Obillo and Capt. Montealto, the GRP under the Estrada regime has practically killed the GRP-NDFP peace negotiations by sending NDFP the following clear message:

6.1 That The Hague Joint Declaration, a landmark document that definitely resolved the fundamental question of framework of the GRP-NDFP peace negotiations, be scrapped and replaced by a framework of capitulation and self-criminalization at the expense of the NDFP.

6.2 That the Joint Agreement of Safety and Immunity Guarantees which is a bilateral document of reciprocal rights and obligations of the parties during the peace negotiations is a list of favors from the GRP to the NDFP and that these can be suspended or scrapped at the whim of the GRP; and moreover that the provision for a neutral venue abroad is no longer effective and that the formal meetings of the peace negotiations be held in Manila and put under the surveillance and mercy of the GRP as in 1986 and 1987.

6.3 That the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) which, according to its express terms, is immediately executory and binding upon both parties, is not effective and implementable unless the NDFP submit to a framework of capitulation and self-criminalization and that the GRP can do as it pleases to violate the provisions of bilateral agreements.

7. In violation of the CARHRIHL, International Humanitarian Law and its own laws, the GRP under the Estrada regime is carrying out a policy of extrajudicial killings, illegal arrests, torture, the wrongful filing of charges of common crimes against suspected NDFP personnel, food blockades, bombardments and forced mass evacuations under the recycled so-called counter insurgency program notoriously known as "Oplan Makabayan." These gross violations of human rights are also gross violations of international humanitarian law (Geneva Conventions and their Protocols) which the NDFP adheres to and complies with, as exemplified in our respect for the rights and humane treatment of our prisoners of war.

8. In further violation of the CARHRIHL, the GRP has refused to do away with repressive decrees, laws and policies and campaigns that violate human rights and has pushed further legislation to aggravate these. It has used the release of political prisoners as a bargaining chip and has acted in collaboration with the Marcoses and pseudo-human rights

organizations, personalities and lawyers and American interlopers to swindle the victims of human rights violations under the Marcos regime.

9. The GRP intends to amend or replace the current GRP constitution in order to remove provisions including those in the Bill of Rights that it deems as impediment to a policy of repression and to allow the violation of every aspect of national sovereignty by such constitutional amendments and laws as those auctioning off the national patrimony and economy and a treaty on “visiting” foreign military forces which the GRP Senate ratified in May last year.

10. The GRP has ignored the complaints of the NDFP and the victims concerning human rights violations and has refused even prior to its unilateral termination of the peace negotiations up to the present time, to comply with its obligations under the CARHRIHL and to negotiate a wide range of issues under this agreement, including the issue of prisoners of war.

11. Instead of negotiating the political and legal bases and safe and appropriate procedure for the release of Gen. Obillo and Capt. Montealto, PNP Chief Inspector Roberto Bernal, AFP Sgt. Alipio Lozada, and AFP Sgt. Wivino Demol and now AFP Maj. Noel Buan and PNP Chief Inspector Abelardo Martin, the GRP has used the capture of these military and police officers in the course of the ongoing civil war between the GRP and the revolutionary forces as a pretext for escalating violations of human rights and international humanitarian law and further burying the GRP-NDFP peace negotiations.

12. The GRP, especially under the Estrada regime, has set a policy of doing away with the peace negotiations and in violating the CARHRIHL by considering as common crime every legitimate action of the New People’s Army under the law of armed conflict, making revolutionaries, including the NDFP negotiators and consultants, appear as criminal accomplices and prolonging the imprisonment of political prisoners in the custody of the GRP as a retaliatory action.

13. Since the very beginning of its term, the GRP under the Estrada regime had absolutely no intention of resuming the formal meetings of the GRP-NDFP negotiations. It has fixed its mind on scuttling the entire peace negotiations and keeping these at the bottom of the sea. Indeed, if it cannot negotiate with the NDFP on a relatively small issue such as the issue of some specific prisoners of war, it cannot negotiate in good faith and in accordance with the Hague Joint Declaration on larger issues of the

substantive agenda of the peace negotiations or respect and comply with the CARHRIHL and other bilateral agreements.

14. We have observed that the GRP, specially under the Estrada regime, has no interest in serious peace negotiations to address the roots of the civil war and attain a just and lasting peace but only in seeking the capitulation and pacification of the revolutionary people and forces. The Estrada regime has demonstrated that it would rather push its military solution to problems than negotiate in good faith with the NDFP on social and economic reforms and on political and constitutional reforms.

Hell-bent on pursuing a policy of servility to the imperialists, military repression and unbridled corruption, the Estrada regime has terminated the GRP-NDFP peace negotiations. All that the NDFP did was to make a declaration recognizing this fact.

We have presented to you the position of the NDFP on the issue of prisoners of war and the GRP-NDFP peace negotiations in order to make indubitably clear our firm adherence to principles, the justness and reasonableness of our position and the grave problems generated by the US-Estrada regime to obstruct the release of prisoners of war and the resumption of the GRP-NDFP peace negotiations. Our panel and your mission can try to overcome those obstacles.

As part of our efforts to overcome the above-stated obstacles, the NDFP Panel requests you, the members of the Humanitarian and Peace Mission, to undertake effective steps to press the Estrada regime to rectify the escalating GRP violations of human rights and international humanitarian law. For this purpose, I am presenting to you a list of the most urgent cases, which I hereby attach to this paper. ■

**Gross and Systematic Violations of Human
Rights and International Humanitarian
Law by the Estrada Regime**

10 January 2000

The NDFP Panel condemns the Estrada regime for the gross and systematic violations of human rights and international humanitarian law against suspected revolutionaries, the most recent documented cases being those enumerated hereunder:

1. The torture and extrajudicial killing of NDFP regional consultant and NPA Commander Godofredo “Ka Paking” Guimbaolibot, NPA Medic Rolando “Ka JR” Jubahib, Engineer Edwin Asion and mining employee Mariano Diamante on August 2, 1999 at Mawab, Compostela. The extrajudicial execution of wounded NPA fighter Domingo “Ka Mel” Baluncio (43) on December 7, 1998 at Brgy. Mangga, Bato, Camarines Sur; of Ricardo Ilustre (19) who was *hors de combat* on June 9, 1998 at Dipanikihan, Dingalan, Aurora; likewise of Jimmy Baltazar (18) on the same occasion; of Cely Anonevo (14) and Marites Casamis (16) on the same occasion who were also sexually abused after being killed.

2. In violation of the landmark Hernandez doctrine which was reinstated by the Supreme Court in two recent cases of *People vs. Dasig* and *People vs. Avila*, the filing of charges of common crimes against newly-arrested Leoncio “Leonardo” Pitao who is the NPA Commander Parago Sandoval who accorded humane treatment and effected the release on humanitarian grounds of POWs General Obillo and Capt. Montealto; also the filing of charges of common crimes against NPA member Irene M. Valencia who was captured on November 18, 1999 at Guihulngan, Negros Oriental.

3. The abduction, manhandling and prolonged tactical interrogation and incommunicado status of NDFP consultant Vicente Ladlad in June 1999 (while the GRP-NDFP Joint Agreement on Safety and Immunity Guarantees was still in full force and effect) and likewise the more recent abduction and involuntary disappearance of Ruben Saluta from November 22 until December 22, 1999 and his detention under charges of common crimes until now.

4. The involuntary disappearance of Danilo Caisip (43) and Jayson Nieva (19) in sitio Kaybanban, Brgy. Kayrilao, Nasugbu, Batangas on

December 8, 1998 caused by the 401st PNP Mobile Force Company based in Palico, Nasugbu. Likewise the involuntary disappearance of Ruel Distreso and Ermelo Basalan, who were captured alive and not wounded at barrio Calongcalongan, Buenavista, Agusan del Norte on March 28, 1998. Romeo Cortez (48), peasant leader, disappeared on April 1, 1997 in San Roque, Mexico, Pampanga. All five remain disappeared until now.

5. The GRP's refusal to release 19 political prisoners including 3 in Southern Tagalog in compliance with its commitment to reciprocate the release of POWs Rene Francisco, Joaquin Melad and Martellano Magtagad in 1997 and 1998 and likewise the GRP's failure to release 50 political prisoners whose release the GRP President Estrada claimed to have approved in the first quarter of 1999.

6. GRP's continued imprisonment of more than 190 political prisoners wrongfully charged or convicted on charges of common crimes in violation of the Hernandez doctrine. According to the CARHRIHL, the GRP is obliged to release them right away.

7. Indiscriminate bombardments, artillery fire and strafing, arbitrary arrest, torture, extrajudicial killings, food blockades, forced mass evacuations and landgrabbing under Oplan Makabayan, especially in the countryside.

8. Zoning and degrading treatment of entire neighborhoods and physical attacks on workers' strikes and other peaceful actions.

The NDFP demands that justice be done and all the foregoing human rights violations be rectified. It asserts that it takes these into account in considering the release of POWs on humanitarian grounds. ■

The Estrada Regime Is the Major Impediment to the Release of PCI Abelardo Martin

**By Ka Bart
Spokesperson, Melito Glor Command
New People's Army, Southern Tagalog
15 February 2000**

Only the irrational and macho stance of the Estrada regime which is adopted by his generals Chief of Staff General Angelo Reyes, PNP Chief Deputy General Panfilo Lacson and DND Secretary Orlando Mercado poses a major impediment towards paving the way to the swift implementation of the NDFP's Order of Release for PCI Abelardo Martin.

Even in their simplemindedness, Estrada's coterie should understand that the formula the NDFP is proposing which is in the Memorandum of Understanding between the Humanitarian and Peace Mission of Senator Loren Legarda, Bishop Jesus Varela and Supreme Bishop Tomas Millamena and the NDFP gives leeway to both the GRP and the NDFP to solve the issue of Prisoners of War (POWs) in a rational and swift way. Anyone in their right mind and uses common sense would easily comprehend this matter.

Everything else taken, Comrade Luis Jalandoni's Order of Release for PCI Martin is humane and an act of kindness because it suspended all judicial processes already begun to prosecute PCI Martin in a legitimate military court of the NPA because of his likely criminal sins against the people and the revolutionary movement.

Just like the previous release of POWs by the NPA, the NDFP's order to the NPA that it cease and avoid offensive operations should be met with a counterpart and similar order to the AFP and the PNP to withdraw their armed forces from an offensive posture and suspend their military and police operations. In the memorandum of understanding, it is clear that there is a need for a mutual ceasefire of armed forces of the GRP and the NDFP to ensure the orderly release of the prisoner of the Melito Glor Command.

The aggressive posture of the Estrada regime in the pronouncements of General Reyes and Secretary Mercado only forces the Melito Glor Command to delay without defined limits the release of PCI Martin until the

Estrada regime gives in to the minimum demands of the NDFP for the swift and secure release of PCI Martin.

It becomes highly laughable how General Reyes and Secretary Mercado have illusions that the Melito Glor Command's release of the POWs will be swiftly implemented through a massive military rescue operation. In truth, this has begun since the previous year, and it has borne no positive results. In the meantime, the six-week SOMO the NDFP sought from the Estrada regime so the NDFP can prepare the necessary process for the release of PCI Martin is by comparison a very short period in contrast with the many months wasted by the AFP and the PNP on their lunatic rescue operations.

Only one with unstable thinking such as General Angelo Reyes and Secretary Orlando Mercado would choose such a difficult, dangerous and uncertain method instead of an easy, safe and sure means that the NDFP is proposing for the release of prisoner of war PCI Martin.

The NPA units in Southern Tagalog will not be passive targets of the military operations of the AFP and the PNP. The Melito Glor Command will respond to these massive military operations with tactical offensives against the weak parts of the enemy until Estrada's henchmen have awakened from their delirium.

Attested to by:

Gregorio "Ka Roger" Rosal
National Spokesperson
Communist Party of the Philippines (MLM)
20 February 2000

Martin Died in Bungled Army Operation, Villagers' Accounts Suggest

The firefight between Army soldiers and NPA rebels that resulted in the death of Chief Inspector Abelardo Martin was not a “chance encounter,” as the military has been claiming. Prior to the exchange of gunfire, residents in the area say the soldiers harassed and threatened some of them into pinpointing the location of the NPA camp where Martin was being held.

By Sandra Nicolas
bulatlat.com
March 2001

Scout Rangers shouted “Hala, sige lang!” (Go on!) and “Sige na, banatan pa!” (Go on, continue firing!) as they fired relentlessly at a hilltop camp of the New People’s Army despite Chief Inspector Abelardo Martin’s cries identifying himself. Whether from the initial or subsequent volley of shots, Martin, 52, and a prisoner of war of the NPA’s Melito Glor Command since 1999, died from gunshot wounds sustained during the rangers’ assault.

This and other information provided by residents indicate that Martin’s death was the result of a bungled operation by the Army’s Scout Rangers, and not of a “chance encounter,” as the military has been claiming.

Bulatlat.com went with a fact-finding mission to Sitio Oblan, Barangay San Marcelino, in Gen. Nakar town, Quezon province, the site of the firefight between a composite force of about 30 soldiers of the Army’s 8th Ranger Company and the 4th Intelligence Security Unit, and the five-man NPA team guarding Martin.

The 19-person fact-finding mission was held March 10-11 and was participated in by the Kilusang Magbubukid ng Pilipinas, the Quezon province chapters of Bayan, Karapatan, Anakbayan, and Kadamay, Pinag-isang Lakas ng Magbubukid ng Quezon (Piglas-Quezon), and Balatik-Mindoro.

Residents interviewed by the mission and Bulatlat.com volunteered information but, fearful for their lives, asked that their names not be

divulged. At the time of the mission, some of the residents were on their way to live with relatives nearby. This was how they related the events.

Closing In

About 30 government soldiers marched into Barangay (village) San Marcelino on March 6 and spent the night in three rooms of the local schoolhouse. Residents could not identify the units the soldiers were from but noted that some wore camouflage uniforms while a few were in plain fatigues. A visiting farmer speculated that they might have been the same troops sighted two days earlier in Barangay Tanauan, Infanta town, some 20 kilometers south of San Marcelino.

Around 11 a.m. that day, the troops were seen having lunch in the house of a local merchant. It was then that a resident first noticed that the soldiers were being accompanied by three men wearing bonnets whom they presumed were guides. The three men took their bonnets off in order to eat. The residents were sure the men were not from the area.

Sometime in the late evening, around 10 soldiers stopped at the house of a young couple. The three soldiers shouted for the husband to come out. When he did, they approached him, brandishing their guns, and asked him where the NPA guerrillas were hiding. One soldier kept pointing his M16 at the back of the farmer's head.

The farmer denied knowing anything about the NPA but the soldiers insisted that a boy had told them that he, the farmer, knew where the rebels were camping out. The farmer was handcuffed and a bonnet was put on his head. They then walked away, the soldiers prodding the farmer with rifle butts.

The same 10 soldiers, along with their new "guide," proceeded to another house. It was around 11 p.m. Four of the soldiers forcibly pulled a man outside of the house. They then ransacked the house and prevented the man's wife and her two children from going outside.

Three of the soldiers, one of them pointing his gun at the farmer's crotch, asked the man where the NPA guerrillas were and if the two sacks of rice they spotted inside his hut were for the rebels. Every time the farmer raised his voice, they would hit him in the back and sides with rifle butts. The fourth soldier, meanwhile, went back and forth to the "guide" they had picked up earlier, apparently to consult with him.

The interrogation of the farmer lasted about half an hour. When the soldiers left, one of them threatened the farmer: "You'd better be inside sleeping by the time I count to three." The farmer was already sprinting to his hut even before the soldier started counting.

Unfriendly Fire

The NPA camp was on a hill about 50 meters high, surrounded by coconut trees and with thick foliage around the top. At the southern end, surrounded by foliage, is a hut made of branches, coconut fronds, wooden planks and plastic sheeting; the hut could accommodate at least two persons. Another 15-20 meters up the hill is the main hut with a bed, two tables and a cooking area. Finally, 6-7 meters up is another hut used as a guard post.

It was clear and moonlit when the soldiers reached the foot of the hill around midnight. Residents could not say with certainty who fired first but the shooting, they said, started almost as soon as the soldiers arrived and was likely started by the defending guerrillas. The first exchange of gunfire lasted “for a while” and was furious, with M16s, M14s, M203s and even a machine gun that sounded like an M60 being fired. There were said to be two main groups of soldiers coming from different directions.

It was after the first heavy exchange of gunfire that Martin shouted “I’m not an enemy! I’m Major Martin!” The soldiers, Bulatlat.com learned, ignored this and continued firing. The exchange of gunfire lasted for about two and a half hours and subsided around when it became cloudy and started drizzling.

One of the soldiers was hit and brought to the hut of an elderly Dumagat couple at the foot of the hill. Even during the fighting, soldiers accused the couple of having a guerrilla for a son and for coddling the NPA rebels camped on the hill. The soldier died later in the day.

By the account of the residents, the shooting continued sporadically until daybreak, at around 5:00 a.m. There was a final “large boom” and some gunfire and then the shooting stopped.

One resident said that it was already light when they brought Martin down. Though he could not say for sure whether Martin was already dead or not, he was definitely not moving or even conscious. By mid-morning, troop reinforcement arrived and the total number of soldiers in the area may have reached over a hundred.

The soldiers ransacked at least one more house before leaving, breaking a closet’s padlock, scattering clothes and taking a pet kulasisi bird that the family kept outside their house.

The Aftermath

The fact-finding mission arrived at the NPA camp site on Sunday, March 11, three days after the fighting. The dryness of the palm fronds,

the 116 empty packs of instant noodles and a neat pile of discarded sardine cans tend to indicate that the NPA unit and their POW had been there for about one and a half to two weeks already.

There were spent M16 and M14 shells scattered everywhere. The bark of the coconut trees were torn by bullets and there were holes all over the plastic sheeting, palm fronds, water jugs and planks, including what must have been Martin's bed. Although there was no blood on the bed itself, there were, on the dirt floor, pieces of gauze and a rice sack spotted with blood.

A resident said Martin, in preparation for going home, had asked for a woven backpack and some baskets to bring to his family as *pasalubong* (coming-home presents). These were among those taken by the military; the residents said the soldiers "probably didn't even know it was Martin's. They should return them to his wife." Also recovered in the area was a walking stick with a carved spiral design that was apparently also Martin's.

Military Denials

The residents' account of events is in stark contrast to the "official" version given by Maj. Gen. Jose Lachica, head of the Armed Forces' Joint Task Force for Southern Luzon, and Lt. Warren Lee Dagupon, leader of the assaulting Scout Rangers.

Lachica insists that it was a "chance encounter," not a rescue operation. The soldiers, he said, were merely patrolling to block a group of NPA rebels that had raided Bordeos town in Polilio island on March 2. Lachica said it was during this patrol that the Rangers came across 20 NPA guerrillas and engaged them in a firefight.

Dagupon, meanwhile, says that they "chanced" upon the NPA camp. He says that when Martin identified himself, he ordered his men to avoid firing at the main hut and even asked Martin questions (such as the name of his wife and where was he nabbed by the NPA) to confirm the POW's identity. Upon confirmation, Dagupon's version goes, the troops started attempts to secure the hut. They entered the camp at about 1:30 a.m. after an hour-long firefight. Martin, by Dagupon's account, was still alive at 7 a.m. although he could not talk anymore and died about 9 a.m.

Moreover, a press release by PNP Regional Director Chief Supt. Domingo Reyes Jr. said that the NPA rebels shot Martin before they fled.

But the residents' account, especially regarding the soldiers' use of guides, points to a deliberate military operation. It is also more in line,

notwithstanding some minor variances in detail, with the statement released by the spokesman of the NPA Melito Glor Command and the National Democratic Front-Southern Tagalog.

Tirso “Ka Bart” Alcantara of the NPA claimed that the government troops were engaged in a “planned rescue operation” involving the Scout Rangers and the Intelligence Security Unit. He also said that the custodial force’s attempts to bring Martin to safety were repulsed by the continuous fire from the troops. Thus, they said, they were forced to leave Martin in a safe place and retreat without him.

In the statement, the Melito Glor Command laid the blame on the Arroyo administration for its continuing military operations, especially in Southern Tagalog. It also extended its condolences to Martin’s widow Nenita and expressed its sadness that this would happen to Martin whom they had taken care of for over a year. It has been reported that Martin’s cataracts had even been operated on while he was in custody.*

The Melito Glor Command captured Martin on November 3, 1999, in a daring raid of the Dolores police station, which he ran, near the foot of Mount Banahaw. The NPA said it captured Martin because, as police chief, he was among the main implementors of the government’s counter-insurgency operations in the area.

Martin’s death occurred at a time when the National Democratic Front and the government were finalizing the resumption of the peace negotiations. The NDF and the Communist Party of the Philippines had, in fact, told government that it was already prepared to release Martin and Maj. Noel Buan, another POW who is still in the hands of the NPA. ■

* After Martin’s death, his widow called the NDFP Negotiating Panel in Utrecht to express thanks for the kind treatment her husband received and her regrets for the bungled rescue attempt of the AFP.

Congratulations to All Involved in the Safe and Orderly Release of Major Buan

**By Jose Maria Sison
NDFP Chief Political Consultant
6 April 2001**

I congratulate the leadership of the Communist Party of the Philippines and the National Democratic Front of the Philippines of the Southern Tagalog region, the Melito Glor Command and the custodians of the prisoner of war, Philippine army intelligence officer Major Noel Buan, for taking good care of him for 19 months and releasing him in accordance with the political authority of the people's democratic government and on humanitarian grounds.

Likewise, I congratulate the International Committee of the Red Cross, President Gloria Macapagal-Arroyo, the humanitarian and peace mission of Senator Legarda, Bishop Jesus Varela, Supreme Bishop Tomas Millamena, the NDFP and the GRP negotiating panels, the Philippine Peace Center, Bayan Muna and other respected organizations for cooperating in the success of the safe and orderly release of Major Buan.

In contrast to the barbaric practice of killing off captives, the taking of prisoners of war is a humane act in accordance with the Geneva Conventions, the GRP-NDFP Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) and the long-standing NPA policy of lenient treatment to prisoners of war.

The revolutionary people and forces demonstrate their capability as a belligerent community under international law by taking prisoners of war, according them humane treatment and respecting their human rights.

The safe and orderly release of Major Buan has been made possible by the mutual ceasefire and cooperation of the contending armed forces of the NDFP and of the GRP.

Had Mr. Estrada cooperated in undertaking the release of PNP Major Abelardo Martin and Philippine Army Major Buan, the latter would have been released early last year in accordance with the NDFP Memorandum of Agreement with the Humanitarian and Peace Mission.

I reiterate the hope that said release will enhance the favorable atmosphere for the solidarity conference for peace on April 18 in Manila and the resumption of the peace negotiations on April 27 in Oslo, Norway. ■

On the Humane Treatment of POWs by the NPA

Memo of Melito Glor Command on Policy Towards Prisoners of War*

Memo to: Molave Detention Center
Ref: Memo No. 8806-03
Date: 18 June 1988
From: Melito Glor Command
Subject: Proper Treatment of POWs

POWs of the NPA are our captives from among the AFP and other enemy combatant forces. The conditions of war require that, for as long as necessary and feasible, we secure them and neutralize their capability of inflicting further harm to the revolutionary forces and the people.

At the same time, POWs under custody shall be given their due as human beings and accorded their human rights, given the limits of our conditions and all efforts shall be made to convince them to rectify and desist from doing further harm to the revolutionary forces and the people.

In accordance, therefore, with the Three Main Rules of Discipline and The Eight Points of Attention, standing policies and memoranda on the handling of POWs and the international norms of war, including civil war, as specified in Protocols I and II additional to the Geneva Conventions, the following guidelines in regard to the proper treatment of POWs are reiterated for strict compliance.

1. In safeguarding the lives, health and welfare of POWs, they shall be accorded the following to the best of our ability:
 - a. regular and proper meals, which shall be the same as those provided to the officers and men of the detention center; POWs may be allowed to purchase additional goods.
 - b. availability of a resident medical or paramedical officer, regular medical check-up and whatever medication is required, especially in case of illness;

* This Memorandum by the Melito Glor Command shows that the NPA has been treating its prisoners of war in accordance with the Geneva Conventions and their Protocols long before the NDFP submitted on 5 July 1996 its formal Declaration of Undertaking to Apply the Geneva Conventions of 1949 and Protocol I of 1977 to the Swiss Federal Council and the International Committee of the Red Cross.

- c. regular schedule of sunning and outdoor physical exercises;
 - d. decent and human living and sleeping quarter within the limits of guerilla conditions;
 - e. decent toilet facilities;
 - f. communication with, and when security conditions permit, visits by their immediate relatives and loved ones, including conjugal visits;
 - g. newspapers and other reading materials, whenever available and under supervision; and
 - h. respect of their personal belongings.
2. In no case shall any act of physical violence or any hostile act against POWs be tolerated.
 3. In case of enemy assault upon the detention center, the POWs shall be immediately removed from the area and line of fire and their lives continued to be safeguarded as much as possible. ■

**On the Release of Prisoner of War (POW)
Maj. Neptune Elequin**

**Communist Party of the Philippines
3 February 2006**

The New People's Army (NPA) releases today its prisoner of war (POW) Maj. Neptune Elequin of the Philippine Air Force in accordance with a decision from the Communist Party of the Philippines (CPP) Central Committee and the Executive Committee of the National Democratic Front (NDF).

Maj. Elequin is being released despite the risks and difficulties faced by the CPP, NPA and NDF due to intensified attacks by government forces on revolutionary bases in Central Luzon. The Arroyo regime has adamantly refused to negotiate and come up with an agreement for the prisoner of war's orderly, prompt and safe release. Neither Arroyo nor her generals showed even an iota of sympathy or interest for Maj. Elequin's welfare, life and safety.

Despite all this, however, the NPA voluntarily releases its POW Maj. Neptune Elequin on humanitarian grounds in response to appeals from his family, friends among the military and police force and others who truly care for his welfare.

This is likewise a gesture of goodwill and an offer of friendship and cooperation by the CPP, NPA and the entire revolutionary movement to the growing numbers of military and police forces who are disgusted with the Arroyo regime's anti-national, anti-people and anti-democratic rule and its exacerbation of the social system's exploitative and oppressive character, and who have seen the light and are ready to wage resistance.

Red fighters ensured Major Elequin's welfare and well-being in the months since his capture by the NPA in Floridablanca, Pampanga on July 2, 2005. The concerned organs that conducted investigations on Maj. Elequin's record have ascertained the absence of any pending criminal case against him. The CPP-NPA assiduously complied with the policies of the revolutionary movement and international laws governing the custody of prisoners of war. His human rights, including his rights as a POW, were respected and advanced. The NPA ensured his welfare and secured him from the danger of being victimized by the AFP-PNP's military operations.

Maj. Elequin's release is in accordance with the provisions of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) signed by the NDF and the Government of the Republic of the Philippines (GRP).

In the past seven months, Arroyo and the AFP's highest officials turned a deaf ear to appeals from the prisoner's family and others who sympathized with him to negotiate for Maj. Elequin's release. The regime and the AFP refused to implement a Suspension of Military Operations (SOMO) and a Suspension of Police Operations (SOPO) in the area where the prisoner was being held in custody that would have ensured his safe, orderly and prompt release.

Such refusals to negotiate for the POW's release dovetailed the paralysis of peace talks between the GRP and NDF. The talks have been sabotaged by Gloria Arroyo, her Executive Secretary, Gen. Eduardo Ermita and her loyalist fascist generals like Gen. Jovito Palparan of the 7th ID, Gen. Romeo Tolentino of the AFP North Luzon Command (Nolcom) and Gen. Hermogenes Esperon of the Philippine Army.

Instead of addressing and resolving the roots of the civil war raging in the Philippines, the Arroyo regime has savagely expanded and intensified its "total war" at the instigation of the US' "anti-terrorist war." The government's armed forces and death squads under their direction have perpetrated numerous killings, tortures and bombings, destroyed crops and homes, forcibly evacuated the masses and committed other acts of terrorism and brutality.

Contrary to requests from Maj. Elequin's family and sympathizers, the Arroyo regime and the Armed Forces of the Philippines have stepped up military operations and campaigns of suppression and terrorism against the people of Central Luzon. In fact, since Arroyo assigned Gen. Jovito Palparan to head the 7th ID in September 2005, this notorious butcher general has intensified fascist attacks against the masses in the region.

At least 80 activists and ordinary folk were killed by military forces and AFP-directed death squads nationwide last year. Forty-seven or close to 60% of the victims were from Central Luzon. Last September, Gen. Palparan ordered bombings and food blockades in San Luis, Aurora, terrorizing and causing the forcible displacement of up to 5,000 families. On February 1 this year, helicopters indiscriminately strafed and exploded rockets in Sta. Ignacia, Tarlac, killing innocent barriofolk. Military men also perpetrated the heinous massacre of five members of a

family suspected of supporting the revolutionary movement in San Ildefonso, Bulacan.

Today's release of the prisoner of war was also made possible through the efforts of a number of groups and officers in the military who truly sympathize with Maj. Elequin and his family and showed genuine interest in securing his safe release. They took steps in defiance of Malacañang and the AFP leadership's "no negotiation" policy and issued an urgent request for the POW's safe release.

They are angered no end at the blatant disregard for Maj. Elequin's welfare demonstrated by Gloria Arroyo, her leading government officials and her generals in the armed forces. This has further put to the fore the regime's oppressive treatment of junior officers and the military rank and file as dispensable articles and mere cannon fodder. In voluntarily releasing Maj. Elequin, the CPP-NPA-NDF would also like to send the following message to his fellow oppressed officers and personnel in the military and police: Open your eyes! Put a stop to your oppression! Refuse to be used as instruments for oppressing and inflicting brutality on the people! Turn your backs on the corrupt, bogus, plundering, deceptive and repressive regime.

Maj. Elequin is being released today to the custody of Sen. Rodolfo Biazon and other sympathetic church officials. We have chosen to transfer custody of Maj. Elequin to Sen. Biazon based on the compassion he has demonstrated for downtrodden military officers and personnel. The CPP-NPA-NDF has likewise agreed to transfer custody of the prisoner of war to Sen. Biazon in recognition of his manifest readiness to listen, to seek the truth, and to study and find solutions to the grievances of the people, the revolutionary movement and various anti-Arroyo groups and discontented elements within the AFP-PNP.

The revolutionary movement's voluntary release of Maj. Elequin is likewise a declaration of the CPP-NPA-NDF's readiness to pursue the peace talks despite the regime and the AFP's efforts to sabotage and block its progress. The revolutionary forces are serious in resolving the roots of the civil war towards achieving a just and lasting peace. In this regard, it stands ready to negotiate and arrive at an agreement with anti-Arroyo forces, including positive and enlightened officers and personnel of the AFP and PNP to expand the united front; advance the Filipino people's struggle; put an end to the puppet, corrupt, lying, cheating and brutal Arroyo regime; and set up a more favorable government.

The CPP-NPA-NDF hopes that under a patriotic, democratic and pro-people government, peace negotiations can be advanced and the road paved for measures that would lead to the resolution of the roots of civil war and the attainment of the people's national and democratic aspirations as the basis for a just and lasting peace. ■

**Open Letter to Mrs. Mariel Cammayo
and Mrs. Ma. Luisa Tumol (Wives
of POW 1st Lt. Vicente P. Cammayo
and POW P03 Eduardo Tumol)***

7 December 2008

Dear Mrs. Cammayo and Mrs. Tumol,

Warm revolutionary greetings.

I understand the anguish that you are now going through. It has never been the practice of the New People's Army to deliberately cause suffering on civilians. For this, we commiserate with you.

The only comfort that I can give you is to reiterate the assurance that we are taking good care of your husbands. We have gone beyond what is required by the Geneva Conventions as lenient treatment for soldiers who surrender and are taken as Prisoners of War. Certainly, the hospitality that we can offer is very basic and unlike the comfort that your husbands have been used to. But they eat more than what we eat. They have better sleeping facilities than we do. They have not been subjected to any kind of physical or psychological torture. Most of all, their safety, security and welfare are our primary concern.

Mrs. Cammayo — we have tried to reinforce this assurance through the video clip we sent through the media to show you that your husband is healthy and unharmed. In your present condition, you are very vulnerable. It would not be good for you to be unduly stressed. Your husband is also very concerned for you. However, he also understands that your first priority right now is to take care of your unborn child.

As your husbands are declared prisoners of war, this will give you comfort that they are treated well, and their rights are protected as POWs under international humanitarian law (IHL). Thus, I would like to assure you along with the revolutionary forces that there is no cause for alarm.

* Lt. Cammayo and PO3 Tumol were eventually released on January 6, 2009 and December 28, 2008, respectively.

POW 1Lt. Vicente P. Cammayo, commander of the 11th Company of the 3rd Special Forces Battalion-AFP and POW PO3 Eduardo Cruzada Tumol of the police's 1105th Provincial Mobile Group are currently under investigation for possible violations of human rights and international humanitarian law that they may have committed in the course of implementing the U.S.-Arroyo regime's counterrevolutionary Operation Plan Bantay Laya II.

As your husbands are officers and men of the security forces of the GRP, they are directly responsible for orders that have resulted in the hurting of many innocent civilians in the areas where they have been deployed. The Revolutionary Court conducts investigations as expeditiously as possible. At the same time, we take our investigations seriously and thoroughly. The results of these investigations will be made public. Upon the capture of your husbands, the legal and judicial process of the revolutionary government has commenced. A couple of weeks will not be enough time to accomplish this, more so under condition of fierce military operations.

Many military officials, especially those who have never experienced and can only speak about the suffering that your husbands have undergone in the battlefield, will try to demean this process. "Kangaroo court" is what they derisively call our Revolutionary Court. But years and years of building the People's Democratic Government and revolutionary justice being served and implemented, the people can only turn to the Revolutionary Government as their only true source of justice.

The viciously fascist Arroyo regime that has prized Gen. Jovito Palparan and Gen. Hermogenes Esperon Jr. have victimized millions of peasants, workers, journalists, lawyers, students, human rights activists, church people and NDFP consultants. Even your husbands as well as the AFP foot soldiers have been victims of the regime's callousness, war-mongering and injustice.

We do not have a kangaroo court. A kangaroo court is one where justice can be bought to the advantage of the rich while the poor languish in prisons for crimes that they have not committed. I think you are familiar with such courts.

At this point, I ask that you try to recognize the other lies that have been told to you for what they are: lies. Among the many ones, I would like to make a few corrections:

First, the NPA had never denied, right from the start, the captivity of your husband. The military cannot concoct such a statement purportedly

from us because we never said anything like that. We were delayed in making any kind of announcement because foremost in the priority of the NPA custodial forces was your husbands' security and safety amid the incessant fierce military operations in the countryside.

Secondly, the so-called AFP "rescue" missions that have been dispatched are not for the purpose of getting your husbands safely. The military merely wants to save face after the embarrassing back-to-back defeats they have suffered in the hands of the people's army. It would not be surprising if they shoot your husbands themselves and put the blame on us. I realize that these may be difficult for you to believe. I'm sure many of your husbands' colleagues have approached you and derided the NPA.

I ask you now to let our record speak for us. The New People's Army has never made it a practice to be deceitful. Even with our mistakes, we have been upfront and forthright, sometimes at great cost to us. Through hard work, painstaking mass work and sincerity, we have gained the trust of the masses. The people's trust is the source of our increasing strength.

Your husbands have been as brave and accepting of their situation as they possibly can, even though they are also very eager to go home. It is my hope that you, being wives of soldiers, can, likewise, be as brave.

For the people,

Rubi Del Mundo
Spokesperson
National Democratic Front of the Philippines
Southern Mindanao

Just and Humane: The Revolutionary Movement's Treatment of POWs

By Ignacio Alano
October 2009

No better resource persons about the way the New People's Army (NPA) treats its prisoners of war can there be than former POWs themselves. That their testimonies were made a few moments after their actual release or immediately after guarantee that these were given voluntarily, freely and candidly.

Government of the Republic of the Philippines (GRP) Air Force Maj. Neptune Elequin said while he was still in the hands of the NPA that he was confident he would regain his freedom because he knew they respected human rights. At the ceremony where the NPA turned him over to the custody of well-meaning political and church personages, he testified about his treatment:

“Maganda ang naging trato sa akin. Hindi man lang nila ako kinurot. Kung ano ang kinakain ng mga kasama ay siya ko ring kinakain (I was treated well. I did not suffer even a pinch. What the comrades ate I also ate),” he said.

He further recounted that he was loosely tied only during some nights for security reasons; that he was not handcuffed at all during the day and that he was free to walk around within reasonable limits; that he was given adequate drinking water and allowed to take a bath regularly even at the same time as his custodians; and that he was allowed to communicate with his family.¹

GRP PNP P/Insp. Rex Cuntapay believed before his capture by the NPA in an ambush that they skinned the faces of their prisoners.

Upon his release three months after his capture, he admitted he was wrong.

“Sumusunod pala sila sa batas ng digmaan. Sumusunod talaga sila sa kasunduan ng NDFP at GRP, yung CARHRIHL na tinatawag.” (I realized that they in fact follow the rules of war. They actually follow the agreement between the NDFP and the GRP called the CARHRIHL.)²

GRP Army Sgt. Ramiro Lawas said in an interview with journalists that the NPA “treated me well and never laid a hand on me. They treated me not as an enemy, but almost like a fellow guerilla. They treated my

wounds. Their behavior was so different from the behavior of my fellow soldiers in the military.”

When he developed allergies from eating dried fish and sardines, the usual staple of the guerrillas, he was given corned beef and other suitable canned goods. Once in a while, they would have meat from deer and wild pig. He even had a regular supply of juice and chocolate malt drink and occasionally he enjoyed a bottle of soda.

He was allowed to move freely around the NPA camp. He exchanged stories with the red fighters. He was also allowed to keep three pet birds.

Lawas said he was grateful to the NPA for being kind to him.³

CAFGU Eduardo Raya also said that he was treated well. “They did not harass me, they fed me well, bathed, and told me my rights.”⁴ Cuntapay and his fellow ex-POWs PO1 Marvin Agasen and PO1 Alberto Umali said that there was not a single incident wherein their custodians hurt or threatened them. Agasen said the NPA recognized their rights as humans. They also shared that their nearly three months in the guerrillas’ custody gave them insight into why groups like the NPA exist. They even expressly recognized and realized that there in fact exists two governments in the Philippines.

“Gusto nila, pantay-pantay ang lahat ng tao sa Pilipinas. Ipinaglalaban nila yung mga magsasaka, mahihirap (They want equality for all people in the Philippines. They are fighting for the peasantry, the poor),” Umali said.

The propaganda machinery of the GRP works around the clock to demonize the revolutionary forces. It works assiduously to hide the fact that the NPA has its own rules such as the Three Main Rules of Discipline and Eight Points of Attention that mandate among others that prisoners of war be treated humanely.

It is well-known that the NPA is scrupulous in ensuring that these rules, which were promulgated on the very first day the NPA formed, are observed in spirit and to the letter. The first instruction of every new member of the NPA, even before he or she is taught to fire a gun, is on these rules.

Of course the GRP-NDFP Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) is in large part about the observance of international humanitarian law which includes the treatment of prisoners of war. All the prisoners of war were given copies of CARHRIHL and its provisions as concretely applied to their situation were explained to them.

The issue of prisoners of war is covered by the CARHRIHL, and through the years, the NDFP has abided assiduously with the moral and political bases for the humane treatment of POWs and the guidelines for their safe release. After all, the release of prisoners of war is not new to the revolutionary movement. History and many, many instances have shown and proven how the revolutionary movement on its own volition and upon its exercise of its political will and authority can release POWs, regardless of the dictates of the GRP.

The records would demonstrate that the NDFP has abided assiduously through the years with the moral, political, humanitarian and legal bases for the just and humane treatment of enemy forces in its custody. It has consistently adhered to international humanitarian law in this respect.

All this is in contrast with the treatment of prisoners by the GRP. Torture is routine. Abundant evidence exist that the murder, mutilation and even desecration of hors de combat like the wounded is commonplace.

The refusal of the GRP to acknowledge that there are POWs has sometimes led to sorry consequences. Because the GRP considers the prisoners of war held by the NPA as “kidnap” victims, it often refuses to negotiate for their orderly, safe and expeditious release even when the NDFP offers to unilaterally release them on humanitarian grounds or as a confidence and goodwill-building measure.

The fate of GRP PNP Chief Inspector Abelardo Martin is an example of where this pigheadedness of the GRP can lead to. Martin was captured by members of the NPA’s Apolonio Mendoza Command during a raid of the police station which Martin headed.

The NPA immediately investigated if Martin committed any serious crime and not finding any, it announced that it was going to free Martin. But the GRP refused to implement a suspension of offensive military operations or SOMO and to negotiate for his immediate release.

Thus Martin’s release was postponed until his captivity reached 16 months. In the more than one year that Martin spent in the custody of the NPA, he received humane and lenient treatment. It was said that in the last months, Martin was allowed to freely mingle with the barrio folk. He was often seen jogging along the seashore and bathing in the sea. He was given medical attention: a cataract in one of his eyes was surgically removed by NPA medics.⁵

Obstinately refusing up to the very end to negotiate, the AFP mounted a botched rescue operation that resulted in the killing of Martin as they

fired relentlessly at a hilltop camp of the NPA despite Martin's cries identifying himself.

Unfortunate incidents such as these show how the GRP views and treats its own armed forces in the detaining power of the NDFP.

Yet independent accounts by the prisoners of war of the NDFP are replete with their just and humane treatment.

For instance, GRP Army 1st Lt. Ronaldo Fidelino and PFC Ronel Nemeño were allowed to play chess with their custodians and shared days and nights with them in songs and banter.⁶

As can be gleaned in this book on the adherence of the NDFP to international humanitarian law on the issue of prisoners of war in the ongoing armed conflict, the NPA all across its territories around the country consistently treats its POWs with humanity and kindness as a matter of policy and practice.

Such is the profuse and genuine appreciation of the POWs under the custody of the NDFP that GRP Police Chief Inspector Roberto Bernal, after already being freed and his custodians started to walk away, ran back to them to hug and thank each one for the humane treatment he was accorded. He “reserved his longest and tightest embrace for the rebel commander,” a gesture not lost on the representatives of the ICRC and a political personage present. He said that he was “not really treated as a prisoner” and was impressed with their discipline.⁷

At another time and place, the candid words of GRP Army Brig. Gen. Victor Obillo who said that his captors treated him well continue to ring — he “could not have asked for more.”⁸

Notes

- 1 Report, February 3, 2006.
- 2 Bulatlat, March 28, 2009.
- 3 Bulatlat, June 15-21, 2003.
- 4 Bulatlat, March 21-27, 2004.
- 5 bulatlat.com/archive1/005martin.htm
- 6 Snapp video, August 2004, “Awit at Ngiti”
- 7 Philippine Daily Inquirer, April 9, 1999, “Be strong comrade, farewell.”
- 8 Manila Times, April 17, 1999.

Partial List of Prisoners of War of the NPA

Date & Place of Capture/Arrest	Name	Unit	Detaining Unit	Date & Place of Release
1 29-May-87 – Claveria, Cagayan	PFC Alfredo Santos	Bravo Company, 54th Infantry Battalion (IB), Philippine Army (PA)	Lt. Crispin Tagamolilla Command	Dec-87 – Cagayan; released to GRP local officials & religious leaders for humanitarian reasons & as goodwill gesture to commemorate the founding anniversary of the CPP
	Constable 2nd Class Loretto Batalla	186th PC Company, Philippine Constabulary		
	eight unnamed soldiers			
2 1-Jun-1988 – Tiaong, Quezon	Lt. Abraham Casis	31st and 42nd IB, PA	Melito Glor Command, Southern Tagalog Regional Operational Command	14-Aug-1988 – Quezon; released to GRP public works & highways Sec. Juanito Ferrer & Catholic Bishop Julio Labayen (with Cong. Oscar Santos, Quezon Gov. Eduardo Rodriguez & Atty. Euclides Abcede)
	Lt. Clarito Santos			
	Lt. Oscar Singson			
	Lt. Rommel Salamanca			
	Sgt. John Jacob			
3 25-Sept-1988 – Atimonan, Quezon	Sgt. Gilberto de la Cruz,	PA	Melito Glor Command, Southern Tagalog Regional Operational Command	25-Dec-88 – Atimonan, Quezon; released to Cong. Oscar Santos, former Lucena City Mayor Euclides Abcede & Catholic Bishop Emilio Marquez
	Sgt. Pedro Sabado			
	Sgt. Servillano Carino			
	Sgt. Anselmo Cruz, Jr.			
	Sgt. Feliciano Bonifacio			

Date & Place of Capture/Arrest	Name	Unit	Detaining Unit	Date & Place of Release
4 28-Sept-1988 – San Andres, Quezon	Constable Alberto Ortega	Philippine Constabulary-Integrated National Police	Melito Glor Command, Southern Tagalog Regional Operational Command	25-Dec-88 – Atimonan, Quezon; released to Cong. Oscar Santos, former Lucena Mayor Euclides Abcede & Catholic Bishop Emilio Marquez
5 2-May-1989 – Lianga, Surigao del Sur	Six unnamed army men	8th IB, 401st Infantry Brigade	Pulang Diwata Command, NPA Northeastern Mindanao	4-Sept-89 – Quezon, Surigao del Sur; released to Gov. Salvacion Cejoco & Catholic Bishop Ireneo Amantillo
6 7-Nov-90 – San Miguel, Surigao del Sur	S/Sgt. Nestor Regor PFC Napoleon Bolivar	8th IB, 401st Infantry Brigade	Pulang Diwata Command, NPA Northeastern Mindanao	Dec-90 – Surigao del Sur; released to Catholic Bishop Irineo Amantillo & GRP local officials as humanitarian & goodwill gesture
	thirteen unnamed indigenous persons	Citizens' Armed Forces Geographical Unit (CAFGU), PA		immediately released to tribal leaders in Bolhoon, Surigao del Sur after the NPA learned that they had been forcibly recruited
7 20-Feb-96 – Gingoog, Misamis Oriental	Capt. Liuel Santos aka Lewel Santos T/Sgt. Johnny Dalapag	Project Bagani, 4th Infantry Division, PA	Ignacio "Eking" Balacut Command, NPA Misamis Oriental	20-Jul-96 – Cabanglasan, Bukidnon; released to ICRC, Misamis Oriental Gov. Vicente Emano, Msgr. Rey Monsanto of the Archdiocese of Cagayan de Oro & Bishop Birington of UCCP Mindanao
	three unnamed CAFGU members			Mar-96 – released to ICRC & GRP local officials

Date & Place of Capture/Arrest	Name	Unit	Detaining Unit	Date & Place of Release
8 30-Oct-97 – Rodriguez, Rizal	Police Chief Inspector Rene Francisco M/Sgt. Joaquin Melad	Rodriguez, Rizal PNP Station, Philippine National Police (PNP) 2nd IB, PA	Melito Glor Command, Southern Tagalog Regional Operational Command	5-Dec-97 – Tanay, Rizal; release of Francisco & Melad, as well as Magtagad, was negotiated between the GRP & NDFP Negotiating Panels. Francisco & Melad were released to ICRC & GRP Panel members Silvestre Bello III, Jose Yap & Rene Sarmiento
9 8-Nov-97 – Bongabong, Mindoro Oriental	Special Police Officer 3 Martellano Magtagad Jr.	Intelligence Officer, 3rd PNP Mobile Group, PNP	Lucio de Guzman Command, Melito Glor Command, Southern Tagalog Regional Operational Command	2-Jan-98 – Mindoro Oriental; released to ICRC & GRP Negotiating Panel members
10 8-Feb-98 – Rodriguez, Rizal	T/Sgt. Wivino Teves Demol	16th Intelligence Security Unit, Intelligence Security Group (ISU/ISG), PA	Melito Glor Command, Southern Tagalog Regional Operational Command	25-Apr-99 – Kalayaan, Laguna; released to ICRC & humanitarian mission of Sen. Loren Legarda with the participation of Laguna Gov. Joey Lina & Catholic Bishop Francisco San Diego of San Pablo City.
11 17-Feb-99 – Baguio District, Davao City	Brig. Gen. Victor R. Obillo Capt. Eduardo Montealto	Commanding Officer, 55th Engineering Brigade, PA Logistics Officer, 55th Engineering Brigade, PA	Pulang Bagani Command, Mararado Arce Command, Southern Mindanao Regional Operational Command Fernando Capalla	16-Apr-99 - Marilog District, Davao City; released to ICRC & humanitarian mission of Sen. Loren Legarda & Catholic Bishop
12 21-Feb-99 – Bacon, Sorsogon	Chief Inspector Roberto Bernal	Intelligence Operative, Criminal Investigation Division, Central Police District, Quezon City, PNP	Santos Binamera Command, NPA Albay, Bicol Regional Command	9-Apr-99 – Sorsogon, Sorsogon; released to ICRC, humanitarian mission of Sen. Loren Legarda & Catholic Bishop Jesus Varela

Date & Place of Capture/Arrest	Name	Unit	Detaining Unit	Date & Place of Release
13 5-Mar-99 – Lianga, Surigao del Sur	S/Sgt. Alipio Boy S. Lozada	CAFGU Commander, 29th IB, 4th Infantry Division, PA	Pulang Diwata Command, NPA Northeastern Mindanao	11-Apr-99 – Lianga, Surigao del Sur; released to ICRC, humanitarian mission of Sen. Loren Legarda, Catholic Bishop Irineo Amantillo & Gov. Primo Murrillo
14 7-Jul-99 – Lucena, Quezon	Maj. Noel Buan	Deputy Intelligence Officer, Southern Luzon Command, PA	Melito Glor Command, Southern Tagalog Regional Operational Command	6-Apr-01 – Oriental Mindoro; released to ICRC, Sen. Loren Legarda, Speaker Jose de Venecia, Gen. Eduardo Ermita, GRP Negotiating Panel members & other high GRP officials
15 3-Nov-99 – Dolores, Quezon	Police Chief Inspector Abelardo Martin	Dolores Station, Quezon, PNP	Apolonio Mendoza Command, Melito Glor Command, Southern Tagalog Regional Operational Command	Killed in a botched GRP rescue operation: 8-Mar-00 – Quezon
16 4-Sep-01 – Columbio, Sultan Kudarat	Sgt. Jeremias Rosete Jr.* Wilfredo Maidecir Hermia Sorongon Maidecir	Military Intelligence Groups (MIG), PA	Valentin Palamine Command, NPA Far South Mindanao	were reportedly found guilty after due proceedings by a people's court

* The NDFP had decided to release Sgt. Rosete et al. as a humanitarian gesture but the GRP through General Eduardo Ermita and AFP Chief of Staff Angelo Reyes twice refused to declare a SOMO and a SOPO despite the intercession of Bishop Dinnaldo Gutierrez and local GRP officials in southern Mindanao. The NDFP Executive Committee was forced to withdraw its decision to release Rosete et al. on humanitarian grounds and allowed the revolutionary movement's justice system to take its course.

Date & Place of Capture/Arrest	Name	Unit	Detaining Unit	Date & Place of Release
17 4-Apr-02 – Boston, Davao Oriental	Sgt. Ramiro G. Lawas	60th IB, PA	Ruperto Tuyac Command, NPA Southern Mindanao	9-Jun-03 – Compostela Valley, released to ICRC & Davao City Mayor Rodrigo Duterte
18 15-Feb-04 – Himamaylan City, Negros Occidental	Eduardo Raya	CAFGU, 303rd Brigade, 3rd Infantry Division, PA	Larangang Gerilya 2, Bonifacio Pasakan Command, NPA Negros Island	19-Mar-04 – Negros Occidental; released to Catholic Bishop Vicente Navarra & local church leaders
19 1-Mar-04 – Tinambac, Camarines Sur	1st Lt. Ronaldo Alvarez Fidelino	Commanding Officer, Charlie Company, 42nd IB, PA	Nerissa San Juan Command, Romulo Jallores Command, NPA Bicol	18-Aug-04 – Presentacion, Camarines Sur; released to ICRC & Cong. Rolando Andaya
20 25-Aug-04 – Camalig, Albay	PFC Ronel Nemeño aka Ronel Lemeno, Ronel Nemeccio, Ronel Nemenno	Charlie Company, 42nd IB, PA		
20 25-Aug-04 – Camalig, Albay	Henry Nabor Allan Madara	CAFGU, PA	NPA Albay	25-Aug-04 – Camalig, Albay; released on their own volition a few hours after capture
21 2-Jul-05 – Floridablanca, Pampanga	Maj. Neptune Gasilos Dololasa Elequin	Civil Military Operations Director, 355th Aviation Engineering Wing, Philippine Air Force	Josepino Corpuz Command, Central Luzon Regional Operational Command	3-Feb-06 – Bulacan; released to Sen. Rodolfo Biazon as gesture of support for patriotic elements in the GRP-AFP, Methodist Bishop Solito Toquero & local church leaders

Date & Place of Capture/Arrest	Name	Unit	Detaining Unit	Date & Place of Release
22 23-Nov-05 – Guagua, Pampanga	T/Sgt. Marlon Alba Oronan	Marine Battalion Landing Team - 6, Philippine Marines	Josepino Corpuz Command, Central Luzon Regional Operational Command	11-Jan-06 – San Fernando, Pampanga; released to Catholic sisters
23 13-Apr-07 – Cateel, Davao Oriental	S/Sgt. Albert A. Baludoya	Detachment Commander, 72nd IB, PA	Conrado Heredia Command, Merardo Arce Command, Southern Mindanao Regional Operational Command	1-May-07 – Trento, Agusan del Sur; released to GRP local officials
24 15-May-07 – Boliney, Abra	2Lt. Jeron Labrado Etrone	Commanding Officer, Company Coy, 77th IB, PA	Agustin Begnalen Command, NPA Abra	15-May-07 – Boliney, Abra; released to GRP local officials & tribal elders
	Sgt. Restino Angoluan Alabon	77th IB, PA		
	Sgt. Alexander Salvador Paulo			
	Cpl. Benigno Eugenio Soriano, Jr.			
25 10-Aug-07 – Monkayo, Compostela Valley	PFC Marijun Gatela	Asst. Detachment Commander, 72nd IB, PA	Front 3 Operations Command, Alejandro Lanaja Command, Merardo Arce Command, Southern Mindanao Regional Operational Command	18-Aug-07 – Monkayo, Compostela Valley; released to Gov. Arturo Uy

Date & Place of Capture/Arrest	Name	Unit	Detaining Unit	Date & Place of Release
26 7-Oct-07 – Montevista, Compostela Valley	Sgt. Raul Reyes	Detachment Commander, 72nd IB, PA	Front 3 Operations Command, Alejandro Lanaja Command Merardo Arce Command, Southern Mindanao Regional Operational Command	29-Oct-07 – Monkayo, Compostela Valley; released to Gov. Arturo Uy & Rep. Ronaldo Zamora
	Glorieto Mahumas	Civilian Action Auxiliary (CAA), PA		escaped
	Rudy Villafior	Civilian Action Auxiliary (CAA), PA		escaped
27 24-Apr-08 – Monkayo, Compostela Valley	Sgt. Huberto C. Corbita	K9 Unit, Special Operations Command, PA	Front 20 Operations Command, Conrado Heredia Command, Merardo Arce Command, Southern Mindanao Regional Operational Command	6-May-08 – Compostela, Compostela Valley; released to Gov. Arturo Uy & GRP local officials
	Sgt. Napoleon P. Gerasmio	Armed Forces Reserve Command, PA		
28 5-Nov-08 – Cateel, Davao Oriental	Police Officer 3 Eduardo Cruzada Tumol	1105th Provincial Mobile Group, PNP	Front 15 Operations Command, Antonio Nerio Antao Command, Merardo Arce Command, Southern Mindanao Regional Operational Command	24-Dec-08 – Mati City, Davao Oriental; released to GRP local officials & church people
29 7-Nov-08 – Monkayo, Compostela Valley	1st Lt. Vicente Cammayo	Company Commander, 11th Special Forces Company, 3rd Special Forces Battalion, PA	Merardo Arce Command, Southern Mindanao Regional Operational Command	6-Jan-09 – Loreto, Agusan del Sur; released to ICRC & Davao City Mayor Rodrigo Duterte

Date & Place of Capture/Arrest	Name	Unit	Detaining Unit	Date & Place of Release
30 3-Jan-09 – Rodriguez, Rizal	Police Officer 1 Marvin M. Agassen Police Officer 1 Alberto de la Cruz Umali Police Inspector Rex Cuntapay	Rizal Police Office, PNP Rizal Police Office, PNP PNP	Narciso Antazo Aramil Command, Melito Glor Command, Southern Tagalog Regional Operational Command	27-Mar-09 – Rodriguez, Rizal; released to ICRC, Catholic Bishop Gabriel Reyes, Sen. Jamby Madrigal & GRP local officials
31 28-Apr-09 – New Bataan, Compostela Valley	Pvt. Ronnie Trinidad	Charlie Company, 66th IB, PA	Front 25 Operations Command & 5th Pulang Bagani Company, Ruperto Tuyac Command, Merardo Arce Command, Southern Mindanao Regional Operational Command	11-May-09 – Compostela, Compostela Valley; released to GRP local officials & religious leaders
32 22-May-09 – Monkayo, Compostela Valley	S/Sgt. Joselito Manlangit	36th IB, PA	Front 20 Operations Command, Conrado Heredia Command, Merardo Arce Command, Southern Mindanao Regional Operational Command	Killed while attempting to escape: 22-May-09 – Compostela Valley
33 2-Nov-09 – Monkayo, Compostela Valley	Cpl. Dominador Alegre	72nd IB, PA	4th Pulang Bagani Company, Merardo Arce Command, Southern Mindanao Regional Operational Command	18-Nov-09 – Compostela Valley; released to Phil. Independent Church Bishop Delfin Callao, Jr. & Monkayo vice mayor Avelino Cabag



Appendix



**European Parliament Resolution on the Philippines,
unanimously adopted on 14th of January 1999
(res. B4-1096, 1106, 1158 and 1160/98)**

The European Parliament

A. reaffirming its resolution of 18 July 1997 on the Philippines supporting peace negotiating between the Government of the Republic of the Philippines (GRP) and the National Democratic Front of the Philippines (NDFP) within the framework of their Joint Declaration in The Hague (1),

B. congratulating the aforesaid parties for their success in forging the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law, approved by the Philippine Government on 7 August 1998 and by the NDFP on 10 April 1998,

C. further congratulating the aforesaid parties for their success in forging the Joint Agreement in Support of Socioeconomic Projects of Private Development Organizations and Institutes and the Additional Rules Implementing the Joint Agreement on Safety and Immunity Guarantees Pertinent to the Security of Personnel and Consultations in the Furtherance of the Peace Negotiations,

D. welcoming all the expressions and acts of good intention of the Government of the Republic of the Philippines and National Democratic Front of the Philippines within their respective spheres of responsibility and in accordance with international law and their common determination to implement all their bilateral agreements and accelerate the progress of the peace negotiations,

E. encouraging and supporting all the common and separate efforts of the Government of the Republic of the Philippines and the National Democratic Front of the Philippines to realize their mutual commitment to accelerating the progress of their peace negotiations in Europe, apply the International Bill of Rights and International Humanitarian Law and pave the way for a just and lasting peace,

1. Urges the Government of the Republic of the Philippines and the National Democratic Front of the Philippines to realize their mutual commitment to accelerating the progress of their peace negotiations in Europe, forging the comprehensive agreements on social and economic

reforms and political and constitutional reforms and achieving a just and lasting peace,

2. Continues to support all the bilateral agreements and confidence-building measures that they have reached and undertaken in order to create a favourable atmosphere for peace negotiations and to lay the ground for a just and lasting peace,

3. Recognizes and appreciates all the acts of good intention of the Parties and their common and separate efforts to adhere to and apply the principles and instruments of respect for human rights and international humanitarian law and the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law,

4. Requests the Commission and Council to provide and facilitate support and assistance to the Parties in carrying out their formal peace negotiations, in the implementation of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law and in undertaking development, relief and rehabilitation programmes,

5. Instructs its President to forward this Resolution to the Council, the Commission, the governments of the Member States and the Government of the Republic of the Philippines and the National Democratic Front of the Philippines.

The sponsors of the above resolution are representatives of all the political groups in the European Parliament. They are as follows:

1. Mr. Newens, on behalf of the Parties of European Socialists (PSE)

2. Mrs. Lenz and Mr. Cushnalhan, on behalf of the European People's Parties (PPE Group)

3. Mr. Bertens and Mr. Fassa, on behalf of the Group of European Liberal and Reformist Parties (ELDR)

4. Mr. Vinci, Mr. Puerta, Mr. Sjostedt, Mr. Wurtz, Mrs. Ojala and Mrs. Gonzales Alvarez, on behalf of the Confederal Group of the European United Left/Nordic Green Left Parties (GUE/NGL)

5. Mr. Telkamper and Mrs. McKenna, on behalf of the Green Group (V Group)

1 OJC 286, 229.1997, p.245



National Democratic Front of the Philippines National Council

ORDER OF RELEASE

By virtue of the power delegated to me by the National Executive Committee of the National Democratic Front of the Philippines (NEC-NDFP),

On behalf of the Communist Party of the Philippines (CPP), the New People's Army (NPA) and organs of political power concerned,

In compliance with the Geneva Conventions of August 12, 1949 and Protocol I thereto,

Pursuant to the decision taken by the organs of the People's Democratic Government,

In my capacity as Chairperson of the NDFP Negotiating Panel in the GRP-NDFP peace negotiations,

I hereby order the release of the prisoner of war named hereunder:

Name of prisoner: Victor R. Obillo
Serial Number : AFP 05169
Rank : Brigadier General
Unit : Commanding Officer, 55th Engineering Brigade
Branch of Service: Philippine Army, Armed Forces of the Philippines
Sex: Male
Date & Place of Birth:

The information on the circumstances of arrest, charges and status of proceedings, current conditions of detention and status of health is provided to the NDFP Negotiating Panel on documents other than this order of release.

This Order of Release will also suspend or supersede the judicial proceedings against the above-named Prisoner of War, including the sentence which may have been imposed, if any, provided that such proceedings shall remain valid and the evidence therein shall continue to be admissible against the said prisoner in the event of another justifiable arrest.

The release of the above-named Prisoner of War is hereby being ordered as an act of compliance with the Memorandum of Agreement on the Release of AFP Brig. General Victor Obillo, AFP Captain Eduardo Montealto, PNP Major Roberto Bernal and AFP Sergeant Alipio Lozada dated March 17, 1999, a copy of which is hereto attached and made part hereof, together with its Annex on the NDFP Position on Prisoners of War and the GRP-NDFP Peace Negotiations. Furthermore, this Order of Release has been issued after due consideration of the following:

1. After the capture of the prisoner, he has been investigated by responsible organs of the Detaining Power and sufficient evidence has been established to warrant his prosecution for serious crimes committed against the Filipino people and the revolutionary movement. However, his acts and conduct while under detention and during the investigation and judicial proceedings have been observed as exhibiting remorse for his offenses and voluntary desistance from committing further crimes against the people and the revolutionary forces.
2. The prisoner's release is being ordered in compliance with the NDFP's long-standing policy of lenient treatment of prisoners of war and its Declaration of Undertaking to Apply the Provisions of the 1949 Geneva Conventions and Protocol I thereto dated July 5, 1996 which was deposited with the Swiss Federal Council as official depository of said instrument and

the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) between the Government of the Republic of the Philippines and the National Democratic Front of the Philippines.

3. This Order of Release is an act in the exercise of the political power and authority of the people's democratic government and is done on humanitarian grounds and as an act of clemency on the occasion of the year-long celebration of the 30th anniversary of the Communist Party of the Philippines and the New People's Army.
4. This Order of Release is likewise the NDFP's act of goodwill and favorable response to the widespread appeals of well-meaning parties and personages that have expressed support for a negotiated settlement on the issue of Prisoners of War within the purview of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law and the Geneva Conventions and Protocol I.

Upon receipt of this order of release, the custodian shall inform the prisoner of war of his or her release and prepare for the release in accordance with the required procedure of release.

The implementation of this order of release shall be completed upon the delivery of the abovementioned prisoner of war to the representative of the International Committee of the Red Cross.

Utrecht, The Netherlands, March 20, 1999

On behalf of the National Democratic Front of the Philippines:



Luis G. Jalandoni
Chairperson, NDFP Negotiating Panel

Received for implementation
Custodian
Military Command of the New People's Army

By : Parago Sandoval
Commanding Officer
Date: April 16

To the NDFP Negotiating Panel:

I have read and understood the content of this order of release.

Signature: 
Prisoner for Release

TO THE CUSTODIAN:

Please provide true copies of this order of release, as accomplished, to higher organs and to the NDFP Negotiating Panel.

NDFP Negotiating Panel

Contact Points:
NDFP Website: <http://www.geocities.com/~cpp-ndf> Email address: ndfp@hkstar.com
Telephone: 31-30-2310431 Fax: 31-30-2322989
Mailing address: Amsterdamsestraatweg 50, NL-3513 AG Utrecht, Netherlands



National Democratic Front of the Philippines
National Council

**ORDER TO CEASE AND DESIST
FROM OFFENSIVE MILITARY OPERATIONS**

To the CPP Southern Mindanao Regional Committee
and the Merardo Arce Command
Thru channels

By virtue of the authority delegated to me by the NDFP National Executive Committee and the Central Committee of the Communist Party of the Philippines, I hereby order the New People's Army and the people's militia to cease all offensive military operations in Davao del Norte, Davao del Sur, Bukidnon, North Cotabato and Davao City from March 22 to April 19, 1999 in compliance with 3.2 of the Memorandum of Agreement of the NDFP Negotiating Panel, the Davao-based humanitarian mission and Sen. Loren Legarda, dated March 17, 1999, in connection with the release of AFP Brig. Gen. Victor Obillo and Capt. Eduardo Montealto.

This order shall take effect immediately after the Government of the Republic of the Philippines (GRP) complies with 3.1 of the aforesaid Memorandum of Agreement, which requires the GRP to order the cessation of military operations and withdrawal of GRP military and police forces from offensive deployment from March 22 to April 19, 1999 in the provinces of Davao del Norte, Davao del Sur, Bukidnon, North Cotabato and Davao City.

The certified true copies of the orders herein mentioned from the GRP as well as the certified true copy of this order of the NDFP shall be coursed through the Davao-based humanitarian mission headed by Archbishop Fernando R. Capalla as well as through Sen. Loren Legarda in order to effect the exchange of the aforesaid copies between the GRP and the NDFP and to realize the crucial reciprocal responsibilities of the GRP and NDFP in effecting the safe and expeditious release of the aforesaid Brig.Gen. Obillo and Capt. Montealto.

The NDFP Negotiating Panel hereby authorizes the Southern Mindanao Regional Committee of the Communist Party of the Philippines and the Merardo Arce Command of the New People's Army and the NDFP-Mindanao to coordinate with the undersigned and higher authorities of the NDFP and the CPP to carry out the tasks for the safe and expeditious release of the prisoners of war herein mentioned, in consonance with the stipulations in the aforesaid Memorandum of Agreement.

Done on March 20, 1999

Luis G. Jalandoni
Chairperson
NDFP Negotiating Panel

Contact Points:

NDFP Website: <http://www.geocities.com/~cpp-ndf>

Telephone: 31-30-2310431

Mailing address: Amsterdamsestraatweg 50, NL-3513 AG Utrecht, Netherlands

Email address: ndfp@hkstar.com

Fax: 31-30-2322989

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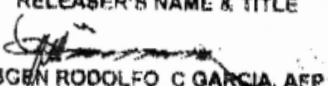
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AFP MESSAGE FORM

INSTRUCTION (ORIGINAL OR FILL UP BOXES INSIDE DOUBLE LINES ONLY)

FOR COM/CEN/SIGNAL USE						
LINE 1						
PRECEDENCE ACTION "P"	DATE/TIME/INFO		MESSAGE INSTRUCTION			
ROUTINE INDICATOR	FROM: CSAFF		FN: SOMO IN SELECTED AREAS			
	TO: COMSOUTHCOM COMSOLCOM ALL MAJ SYC COMDRS OTHER AREA COMDRS		CITE NU/DIO/ORIG/NR OPNC-3103-202 99			
<p>WITH REFERENCE TO EARLIER RDO MSG CITE NR OPNC-2303-188-99 CMA YOU ARE HEREBY DIRECTED TO SUSPEND OFFENSIVE MILITARY OPERATIONS AGAINST THE DTs IN THE FOLLOWING MINDANAO PROVINCES CLN AGUSAN SUR CMA AGUSAN NORTE CMA SURIGAO SUR CMA SURIGAO NORTE CMA DAVAO NORTE CMA COMPOSTELA VALLEY CMA DAVAO SUR CMA DAVAO CITY AND COTABATO PD SAME SOMO SHALL BE IN EFFECT IN SORSOGON AND ALBAY IN THE BICOL REGION PD SOMO SHALL BE EFFECTIVE IMMEDIATELY UNTIL 19 APR 99 AND UP TO ALFA REASONABLE AND SUFFICIENT TIME THEREAFTER TO ENSURE THE SAFETY OF THE VICTIMS AND PERSONS INVOLVED IN THE RELEASE PROCESS PD TROOPS IN ABOVE SOMO-DECLARED AREAS HOWEVER SHALL CONTINUE WITH NORMAL PEACE KEEPING OPS TO PROTECT THE PEOPLE AND COMMUNITIES IN THE AREA AND GENS IN SUPPORT TO PNP'S LAW ENFORCEMENT FUNCTIONS CMA INCLUDING THEIR INHERENT TASK OF DEFENSE WHEN ATTACKED OR SUBJECTED TO HOSTILE ACTIONS BY CPP/NPA PD FOR STRICT COMPLIANCE PD SGD NAZARENO PD END</p>						
REFER TO		DRAFTER'S NAME AND TITLE			PHONE NR	
		 LTC VICTOR S IBRADO (GSC) PA CHIEF, OPNS DIV, OJ3			6093/6721	
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Republic of the Philippines
 Department of the Interior and Local Government
 NATIONAL POLICE COMMISSION
 NATIONAL HEADQUARTERS PHILIPPINE NATIONAL POLICE
 Camp Crame, Quezon City

BOD Memo 199

Memorandum

TO : Regional Director, Police Regional Office 5

FROM : Director for Operations

SUBJECT : **SUSPENSION OF OFFENSIVE POLICE OPERATIONS IN THE PROVINCES OF SORSOGON AND ALBAY**

DATE : March 21, 1999

1. Reference Pronouncement of the President to suspend the military/police offensive operations against the Disident Terrorists (DTs) who abducted BGen Victor Obillo and Capt. Eduardo Montelito in Davao City, Sgt. Alipio Lozada in Sutigno del Sur and PC Insp. Roberto Bernal in Sorsogon.

2. In observance of the Lenten Season and for humanitarian reason, the President and Commander-in-Chief has declared a unilateral suspension of offensive police operations against the DTs in possible areas where the said hostages may be released. Accordingly, the suspension of military/police offensive operations will take effect on March 28, 1999 (Palm Sunday) to April 19, 1999 and up to a reasonable and sufficient time thereafter to ensure the safety of the victims and persons involved in the release process.

3. In support with the President's pronouncement and in coordination with the AFP units in your AOR, you are hereby directed to suspend all police offensive operations in the Provinces of Sorsogon and Albay effective March 28, 1999 to April 19, 1999, and up to a reasonable and sufficient time thereafter.

4. The suspension of offensive police operations in the selected areas, however, will not cover the normal law enforcement and security functions and shall be without prejudice to actions and counteractions aimed at protecting the people and the communities, as well as the government troops and installations against insurgents' attack or atrocities that may take place.

5. For your guidance and strict compliance.



EBC SR. CALVANTE




INTERNATIONAL COMMITTEE OF THE RED CROSS
REGIONAL DELEGATION FOR THE PACIFIC

HANDOVER CERTIFICATE

This is to certify that ERP MAJOR NOEL S. BUAN was handed over by representatives of the MELITO GLOR COMMAND to representatives of the International Committee of the Red Cross (ICRC).

For the ICRC


PATRICK ALLIOT

For MELITO GLOR COMMAND

KA BART

Date: APRIL 6, 2001 Place: SOMEWHERE IN THE SOUTHERN PART OF ORIENTAL MINDORO

DELEGATION ADDRESS: 8F ERECHEM BUILDING, COR. HERRERA & SALCEDO STS., LEGASPI VILLAGE, MAKATI CITY, PHILIPPINES TEL.: (63-2) 892-8901 FAX: (63-2) 819-0997
MINDANAO ADDRESS: 404A & 405, 4TH FLOOR CENTRAL PLAZA I, J.P. LAUREL AVENUE, BAJADA, DAVAO CITY TEL.: (83-82) 222-8870/71 FAX: (83-82) 222-0884
OFFICE OF THE PACIFIC REPRESENTATIVE: 23 MARINO STREET, RAJAHMUNDRY, SUVA, FIJI ISLANDS/PO BOX 13648 TEL.: (678) 302169 FAX: (678) 302919
OFFICE OF THE REPRESENTATIVE OF AUSTRALIA & NEW ZEALAND: SUITE 304, LEVEL 3, 75 GRAFTON STREET, WOOLLAHRA, SYDNEY NSW 2025, AUSTRALIA TEL.: (61-2) 93280639 FAX: (61-2) 93280642

