

# A Look into the Complaints Submitted to the Joint Monitoring Committee

4 June 2004 to 31 December 2007



National Democratic Front of the Philippines

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## PREFACE

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This publication, *A Look into the Complaints Submitted to the Joint Monitoring Committee*, from 4 June 2004 to 31 December 2007, is a factual analysis of the contents of complaint forms filed against the armed forces of the Government of the Republic of the Philippines (GRP) and the National Democratic Front of the Philippines (NDFP) for alleged violations of human rights. These complaint forms were filed with the Joint Monitoring Committee (JMC) formed in accordance with the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL).

This pamphlet exposes in very concrete terms the blatant lies of the GRP and its agencies, especially Task Force Usig (TFU), regarding the extrajudicial killings of unarmed civilians, as well as the malicious attempts to shift blame for a number of these criminal incidents to the Communist Party of the Philippines (CPP), New People's Army (NPA) and other revolutionary forces in the NDFP.

Prof. Philip Alston, UN Special Rapporteur on extrajudicial, summary and arbitrary executions has seen through the false claims of the GRP and the scheme to malign progressive legal activists as “communists” and “enemies of the state” and then to blame the CPP, NPA and other revolutionary forces. Before him, respected human rights organizations like Amnesty International and Human Rights Watch and religious institutions like the World Council of Churches and national councils of Christian churches in various countries have called the GRP and its agencies to task for command responsibility and have supported the evidence provided by the families of victims, the surviving victims, Philippine-based people's organizations, religious institutions and human rights organizations like KARAPATAN and several international fact-finding missions.

In the article, *A Conspiracy of State Murders*, the pamphlet documents the fact that the overarching rationale for the extrajudicial killings and other human rights violations is the GRP's counterinsurgency program dubbed *Oplan Bantay Laya* I and II. It also shows in two instances the complicity of Mrs. Gloria Macapagal-Arroyo for having direct knowledge of the

atrocities being committed by the military and police in her counterinsurgency program and the attempts to cover these up. No less than Macapagal-Arroyo's Cabinet Cluster on Internal Security is in charge of the orgy of political killings and kidnappings.

In September 2006, representatives from various GRP agencies, including the Office of the Presidential Adviser on the Peace Process (OPAPP), the GRP Negotiating Panel and Monitoring Committee, the Inter-Agency Legal Action Group (IALAG), among others, formed a technical working group (TWG) purportedly “to clean up the different lists of incidents/cases of alleged political killings submitted by different groups (covering the period 1 February 2001 to 31 October 2006) for possible similarities, discrepancies, double count or inaccuracies” in order to “provide inputs for an intelligible response to the local and international public regarding allegations against the State”. It came out with its initial report on 20 December 2006.

The TWG made the following absurd conclusions: that there was no pattern in the extrajudicial killings; that most of the victims listed had insufficient information (528 out of 725 in the list of KARAPATAN); that the killings happened only after the NPA declared an escalation in tactical offensives; and that, while 184 incidents involving 240 victims could be classified as “political killings”, only 110 incidents could be deemed valid

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and, relying on the data of TFU, a number were attributed to the revolutionary movement (including the cases of Sotero Llamas and Victor Olayvar) and only a few to the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP).

In an orchestrated move, simultaneous with the press releases of TFU and the AFP Chief of Staff, spokesman, and regional military commanders, the PNP and AFP began submitting complaints to the JMC against the forces of the NDFP, with 1,373 being submitted in one day on 8 November 2006. The obvious intent was to bloat or inflate the number of incidents against the revolutionary movement with a barrage of nuisance and false complaints that mocked the integrity of the JMC and proved the attitude of impunity by the GRP. Unwittingly, the GRP provided the documentary evidence for the falsity of its claims and for the scheme of perpetrating gross and systematic human rights violations and then scapegoating the revolutionary forces for these.

The articles in this publication are based on the complaint forms themselves. There is no attempt to embellish much less obfuscate the facts and figures as was done by TWG. Surprisingly, the basic conclusions in the articles concur with those independently drawn by Prof. Alston.

One article shows how the general character of the complaints filed by the GRP against the NDFP are tainted with duplicate filings and defective complaints – supported by scanned copies of illustrative complaint forms – or false attributions and outside the coverage of CARHRIHL, among others. In fact, of the 1,791 complaints filed by the GRP, only six (6) could qualify for referral to the NDFP Human Rights Committee.

*It is urgently necessary and crucial to expose the lies of the Macapagal-Arroyo regime regarding the extrajudicial killings and disappearances. The denial and distortion of the truth about these criminal acts of the military and police minions of the regime must not be allowed.*

The pamphlet also contains illustrative examples of the violations of human rights and international humanitarian law committed by the GRP, featuring specific cases as recorded in the complaint forms and complemented by data from reports of international and national fact-finding bodies and missions. These examples demonstrate the wide range of violations, the systematic pattern, the level not only of the brutality and brazenness but also of the depravity and perversity of the perpetrators.

It is urgently necessary and crucial to expose the lies of the Macapagal-Arroyo regime regarding the extrajudicial killings and disappearances. The denial and distortion of the truth about these criminal acts of the military and police minions of the regime must not be allowed. The sufferings of the victims and their families and their cries for justice should not be obscured or overwhelmed by the fabrication of lies and distortion of the circumstances by the regime.

Without the truth, the path to justice can never be clear; and without justice, there can be no lasting peace. All efforts must be exerted to bring the masterminds and the perpetrators to justice. All attempts by the GRP to obfuscate and bury the issue of extrajudicial killings, disappearances, torture and other grave human rights violations must be thwarted. We hope that this publication will contribute towards the ultimate goal of punishing a brutal regime for all the cold-blooded horrors it has unleashed against the Filipino people.

Finally, the extrajudicial killings in the Philippines, along with the rapid deterioration of the over-all civil, political, economic, social and cultural rights in the country continue to be among the most compelling reasons to demand the ouster of the incumbent regime and its illegitimate head. The debunking of the lies of the GRP and the military on the issue of the killings and other human rights violations is in consonance with the calls for the ending of the extremely oppressive and corrupt Macapagal-Arroyo regime. Soon enough, this regime will have to pay for its crimes against the Filipino people. Only thus can there be hope for the fruitful resumption of formal talks in the GRP-NDFP peace negotiations.■

## Joint Monitoring Committee Receives 3,018 Complaint Forms in 43 Months

4 June 2004 – 31 December 2007

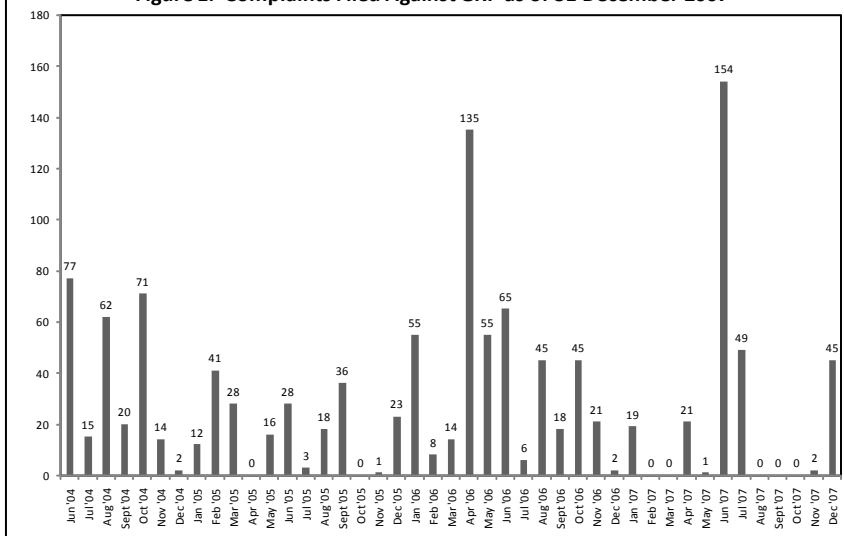
Article 3 Part V of the CARHRIHL stipulates that the co-chairpersons of the Joint Monitoring Committee (JMC) shall receive complaints of violations of human rights (HR) and international humanitarian law (IHL). In accordance with this provision, the Joint Secretariat (JS) as the support staff of the JMC has started to receive submissions of complaints of alleged violations of HR and IHL since it opened its offices on 4 June 2004.

In the 43-month period from 4 June 2004 to 31 December 2007, the JS has received 3,018 submissions of complaint forms. The GRP-nominated section received 1,227 submissions against the forces of the GRP while the NDFP-nominated section received 1,791 submissions against the forces of the NDFP.

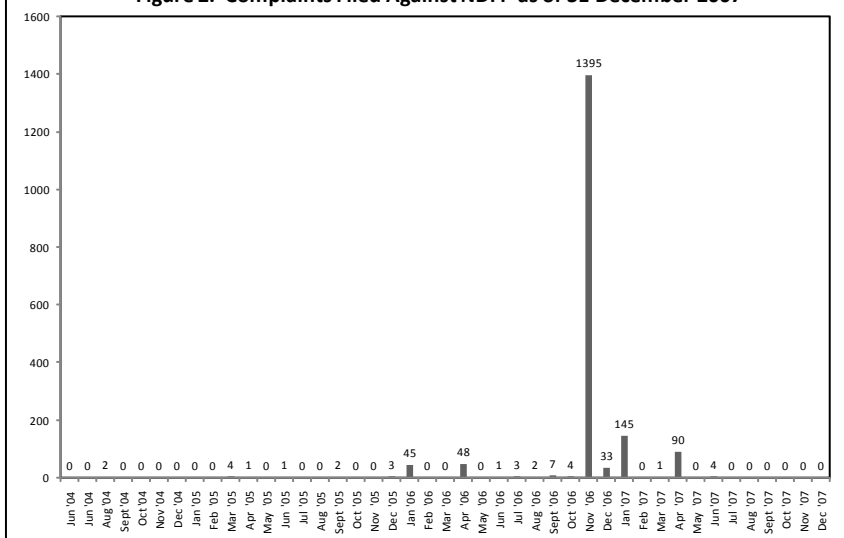
The submissions against the GRP were filed at the average rate of 28.53 per month. (Figure 1 shows the pattern of filing of complaints against the GRP.)

On the other hand, for 29 months, there were only 123 submissions against the NDFP. Then on 8 November 2006, 1,373 complaint forms – or 76.67% of all complaint forms – were submitted in one batch by the Judge Advocate General's Service of the Armed Forces of the Philippines. (Figure 2 shows the pattern of filing of complaint forms against the NDFP.)■

**Figure 1. Complaints Filed Against GRP as of 31 December 2007**



**Figure 2. Complaints Filed Against NDFP as of 31 December 2007**



## Complaints Against GRP

Complaints filed against the forces of the GRP during the period from 4 June 2004 to 31 December 2007 number 1,227. Most of these were filed by human rights and people’s organizations and 168 by the victims and relatives of victims.

Forty-five (45) of the submissions or complaint forms are duplicates or refer to incidents which have been the subject of previously filed complaints. Thus, there are only 1,182 complaints against the GRP.

Of these 1,182 complaints, 246 (20.81%) involve incidents of summary executions with 277 victims, 25 (2.12%) of massacres with 123 victims and 65 (5.50%) of enforced disappearances with 101 victims. The enforced disappearance of NDFP Negotiating Panel consultant Prudencio Calubid together with his wife Celina Palma, staffer Ariel Beloy and relative Gloria Soco on 26 June 2006 is a case of multiple disappearances in a single incident.

Around 71.57% or 846 complaints involve incidents of other violations of human rights including torture, illegal arrest, forced evacuation, violation of the rights of hors de combat, fake surrender, etc.

The three regions with the most number of complaints comprising more than 56% are Southern Tagalog, Central Visayas and Central Luzon. (Table 1 shows the number of complaints per region.)

Table 1. Complaints Filed Against GRP Per Region		
Region	Incidents	Percent
Southern Tagalog	319	26.94%
Central Visayas	181	15.31%
Central Luzon	169	14.30%
Eastern Visayas	86	7.28%
Bicol	75	6.35%
National Capital Region (NCR)	74	6.26%
Caraga Region	72	6.09%
Cordillera Administrative Region (CAR)	45	3.81%
Davao	36	3.05%
Western Visayas	35	2.96%
South Cotabato, Cotabato, Sultan Kudarat, Sarangani and General Santos (SOCCSKSARGEN)	21	1.78%
Ilocos	19	1.61%
Northern Mindanao	18	1.52%
Cagayan Valley	16	1.35%
Autonomous Region of Muslim Mindanao (ARMM)	8	0.67%
Western Mindanao	5	0.42%
Zamboanga Pensinsula	2	0.17%
Overseas Filipino Workers	1	0.08%
<b>TOTAL</b>	<b>1,182</b>	<b>100.00%</b>

The three years with the most number of complaints comprising more than 61% are 2005, 2006 and 2004, respectively. (Table 2 shows the number of complaints filed against the GRP per year of incident.)

**Table 2. Complaints Filed Against GRP Per Year of Incident**

Year	Incidents	Percent
2005	323	27.33%
2006	241	20.39%
2004	157	13.28%
2003	122	10.32%
2002	114	9.64%
2007	99	8.38%
2001	85	7.20%
2000	19	1.61%
1999	7	0.59%
1998	1	0.08%
1994-1997	13	1.10%
Undated	1	0.08%
<b>TOTAL</b>	<b>1,182</b>	<b>100.00%</b>

In 752 complaints, the AFP was the identified perpetrator, followed by the PNP (267) and by unidentified military units (113). In one incident, an American soldier was identified as the perpetrator. (Table 3 shows the different types of perpetrators and the number of complaints in which they are involved.)

**Table 3. Complaints Filed Against GRP Per Alleged Perpetrator**

Perpetrator	Incidents
Armed Forces of the Philippines (AFP)	752
Philippine National Police (PNP)	267
Unidentified military units	113
Paramilitary (CAFGU, etc)	103
Civilian National Unit (Metropolitan Manila Development Authority, Department of Interior and Local Government, etc)	62
Private security agency	50
Local Government Unit (LGU)	42
Landlord/caretaker/management	41
Civilian agents	40
Goons, private army, etc.	27
Unclassifiable	21
American soldier	1

In 909 or 76.90% of complaints, there was only one type of perpetrator and in the rest, it was a combination of two or more types of perpetrators (Table 4).■

**Table 4. Complaints Filed Against GRP Per Number of Alleged Perpetrators**

Incidents with one type of perpetrator	909	76.90%
Incidents with composite teams of perpetrators	273	23.10%
<b>TOTAL</b>	<b>1,182</b>	<b>100.00%</b>



## More Than 96% of Complaints Against NDFP Are Nuisance Complaints\*

As of 31 December 2007, the JMC received 1,791 submissions or complaint forms against the forces of the NDFP, almost all submitted by the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP). Of these, 1,373 (76.67%) were submitted wholesale on 8 November 2006 by the Judge Advocate General's Service (JAGS) office of the AFP.

Of the 1,791 complaint forms, 152 are either duplicates of previously submitted complaints or are multiple submissions for a single incident. Thus, there are only 1,639 submissions against the forces of the NDFP.

An examination of the 1,639 submissions reveals that 1,349 of these are defective in form and content and cannot qualify as valid complaints. They are not properly documented and most contain no narration of incidents (illustrative example: No. S-751). They also lack substantiation for the allegations, except for terse, bare and formulaic statements such as "shot to death/summarily executed" by CTs or communist terrorists (illustrative examples: Nos. S-804 and S-1431). One complaint form (No. S-1022) has only the signature of the military lawyer from the JAGS office of the AFP. Since these 1,349 submissions are practically impossible to verify, evaluate or investigate, they are really nuisance complaints meant only to bloat the number of complaints against the NDFP.

It is interesting to note that in his final report to the United Nations Human Rights Council (UNHRC), UN Special Rapporteur on extrajudicial, summary or arbitrary executions Prof. Philip Alston says that during his mission to the Philippines from 12 to 21 February 2007, "The Government provided a list of 1,335 individuals, two-thirds of them civilians, allegedly killed by the NPA (New People's Army). Despite numerous requests for documentation substantiating any of these cases, virtually none was provided... without further documentation it is impossible to confirm its reliability or to evaluate which killings violated the humanitarian law of armed conflict."

The figure of 1,335 alleged victims given to Prof. Alston nearly corresponds to the 1,349 submissions that have been deemed defective in form and content which came mostly from the

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single batch submitted on 8 November 2006 by the JAGS office of the AFP.

Of the remaining 289 submissions, further examination reveals that:

1. Forty-two (42) involve incidents occurring before the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) took effect on 7 August 1998 (thus, falling outside of its coverage), or about allegations that could not possibly qualify as violations of the CARHRIHL such as teaching environmental consciousness (No. S-032), extending voluntary contributions to the revolutionary movement (Nos. S-041 to S-045) or where the alleged violators are not even forces of the NDFP (Nos. S-1146 and S-1519/S-1610).

2. Another forty-one (41) are about incidents that are falsely attributed to the NPA. Some of these involve deaths of military, police or paramilitary personnel, the responsibility for which has been denied by concerned NPA commands (Nos. S-081, S-188, S-265 and S-491). The remaining are cases of extrajudicial killings previously filed against the GRP which the AFP/PNP subsequently filed or passed off to the NDFP; 23 of which have been the subject of a comparative study by the NDFP-MC and NDFP-JS in February 2007 and reissued in book form in May 2007.

Again, it is interesting to note that in his report, Prof. Alston says that he was provided by the AFP with 44 names in the list of KARAPATAN whose deaths the AFP attributes to the NPA. Of these 44 names, 33 correspond to complaints filed against the GRP with the JMC, including the extrajudicial killings of Eden Marcellana, Eddie Gumanoy, Noli Capulong, Abelardo Ladera, Jose Manegdeg and Cris Hugo, whose cases are well documented and have never been filed against the NDFP with the JMC. But 23 of these 33 cases were the subject of the comparative study mentioned above (see next article on “A Conspiracy of State Murders”).

3. Two hundred one (201) submissions concern incidents which were reported in publications or public statements of the revolutionary movement or its forces. After analyzing the submissions, the NDFP-MC has further broken these down into the following:

- 138 concern incidents involving legitimate military operations (ambushes, raids, firefights and encounters between the armed forces of the GRP and the NDFP) or attacks on legitimate military targets by forces of the NDFP;
- 32 concern incidents in connection with the implementation of the revolutionary movement’s justice and legal system (which conforms and abides by internationally accepted standards on due process, fair trial, judgment and punishment); and
- 31 concern incidents in connection with the implementation of the movement’s policies on taxation, on protection of the environment and on the promotion of the rights of workers and farmworkers to unionize and for fair wages and better working and living conditions. (It is well known that the revolutionary movement carries out sanctions against an offending party only after due notice and complying with appropriate administrative procedures.)

According to the NDFP-MC, these 201 incidents do not constitute violations of the CARHRIHL because most (138) involve actual armed hostilities between the two parties in the civil war, while the rest (64) are in connection with the exercise of political authority by the revolutionary movement. However, the NDFP-MC says that it may look further into the 64 incidents in accordance with the guidelines of the NDFP Negotiating Panel and subject to the principles, policies, rules and circumstances of the revolutionary movement.

4. So far, only six submissions have been forwarded by the NDFP-MC to the NDFP Human Rights Committee for study and referral to concerned units of the revolutionary movement. These six complaints have been reviewed jointly by the NDFP-MC and NDFP-JS.

The table below summarizes the above data.

	Number	Percent
Duplicates	152	8.49%
Defective	1,349	75.32%
Outside coverage	42	2.35%
Falsely attributed	41	2.29%
Reported		
Legitimate military operation	138	7.70%
Implementation of revolutionary justice and legal system	32	1.79%
Implementation of movement’s revolutionary policies on taxation, environment and promotion of rights of workers and farmworkers	31	1.73%
For further study	6	0.33%
<b>TOTAL</b>	<b>1,791</b>	<b>100.00%</b>

*\*A study of 1,787 complaints filed against the NDFP as of 30 April 2007 has been conducted by the NDFP-MC and NDFP-JS. The study has been submitted to the Royal Norwegian Government as Third Party Facilitator in the GRP-NDFP peace negotiations and other interested parties for their information.■*

## A Conspiracy of State Murders

The extrajudicial killings of unarmed activists, including community organizers, human rights defenders, partylist leaders and supporters, farmers, workers, church people, and people's lawyers, have indubitably been established to be part of a devious plan by the Macapagal-Arroyo regime to suppress or destroy the revolutionary movement and eliminate what its officials falsely claim to be the legal structure of the movement.<sup>1</sup> The plan is patterned after the CIA Phoenix program that killed more than 20,000 civilians suspected to be members of the National Liberation Front of South Vietnam.

These killings – as well as the disappearances, arbitrary arrests and detention, torture, the filing of politically-motivated harassment suits or trumped-up charges, and the massive wanton military operations in the countryside which have led to numerous abuses and the displacement of millions and the deaths of children, women and old people in makeshift evacuation centers due to illness and disease – are an intrinsic component of the counterinsurgency program of the Government of the Republic of the Philippines (GRP) ironically dubbed Oplan Bantay Laya I and II (Operation Plan Freedom Watch I and II).

*On the basis of an objective evaluation of the facts, circumstances, pattern, context, impunity and even the brazenness and brutality that commonly characterized the killings, the responsibility of the GRP is unmistakable.*

### GRP Culpability

Various independent observers and reports have validated the fact that this is the overarching framework and *raison d'être*

for the surge in the number of extrajudicial killings and disappearances of more than a thousand civilians all over the country since the US-Macapagal-Arroyo regime came to power. Indeed, on the basis of an objective evaluation of the facts, circumstances, pattern, context, impunity and even the brazenness and brutality that commonly characterized the killings, the responsibility of the GRP is unmistakable.

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Prof. Philip Alston, has himself concluded in his November 2007 report that this counterinsurgency strategy, as an approach within the global context of the so-called war on terror, “focuses on dismantling civil society organizations that are purported to be ‘CPP front groups.’”<sup>2</sup>

He notes that the campaign of vilification and killings which was designed to instill fear “reflect(s) more than the mere ‘excesses’ of a particular commander... but is a deliberate strategy in keeping with the overall trajectory of counterinsurgency thinking at the national level.”<sup>3</sup> Other prominent international rights groups, churches and sectoral organizations basically corroborate this.<sup>4</sup>

In its August 2006 report on the Philippines, Amnesty International states: “The common features in the methodology of the attacks, leftist profile of the victims, and an apparent culture of impunity shielding the perpetrators, has led Amnesty International to believe that the killings are not an unconnected series of criminal murders, armed robberies or other unlawful killings. Rather, they constitute a pattern of politically targeted extrajudicial executions taking place within the broader context of a continuing counterinsurgency campaign.”<sup>5</sup>

Oplan Bantay Laya I and II constitute a dark conspiracy hatched at the highest levels of the Macapagal-Arroyo government that involves the labeling and demonization of unarmed civilians, putting them under surveillance, threatening and abusing them, and then murdering them in cold blood. But this criminal design does not stop there. It proceeds to a combination of outright denials, false attributions, sham investigations, cover-ups, contrived and

fictitious theories, and even blaming the victims themselves for their deaths.

### Sham Investigation and False Attribution

In an attempt to cover up the involvement of her armed forces in the extrajudicial killings of unarmed civilians, the de facto President Mrs. Gloria Macapagal-Arroyo in May 2006 created Task Force Usig (TFU) to ostensibly look into the killings. As expected, TFU in symphony with top security and military officials played to the hilt its role as the most vocal mouthpiece of the GRP in spreading the lie that the killings were the result of a so-called purge within the revolutionary movement.

The claim has strained credulity.<sup>6</sup> For instance, Prof. Alston declares: “The military is in a state of denial concerning the numerous extrajudicial executions in which its soldiers are implicated... they relentlessly pushed on me the theory that large numbers of leftist activists are turning up dead because they were victims of internal purges within the CPP and NPA. I repeatedly sought evidence from the Government to support this contention... but the evidence presented was strikingly unconvincing.”<sup>7</sup>

He describes the spurious document provided by the military in support of the theory as bearing the “hallmarks of a fabrication and cannot be taken as evidence of anything other than disinformation.” Prof. Alston maintains that the “military’s insistence that the correct, accurate, and truthful reason for the recent rise in killings lies in the CPP/NPA/NDF purges can only be viewed as a cynical attempt to displace responsibility.”<sup>8</sup>

Furthermore, Human Rights Watch in its June 2007 report castigates TFU for laying the blame for the extrajudicial killings on the CPP and NPA “despite clear evidence of military involvement.”<sup>9</sup>

With unabashed gall, the GRP military and police even submitted to Prof. Alston a list of 1,335 individuals allegedly killed by the NPA “as evidence of a purge. However, only 44 of the persons alleged by KARAPATAN to have been extrajudicially executed were included in this list and,” he adds, “I was unable to obtain any information from the Government that would indicate that any particular one of these individuals was killed as part of a purge.”<sup>10</sup>

Included among these 44 are church worker Noli Capulong, peasant leader Eddie Gumanoy, human rights worker Eden Marcellana, student leader Cris Hugo, councilor Abelardo Ladera and lay missionary Jose Manegdeg, whose deaths have been established by different independent groups as the handiwork of the GRP security forces.<sup>11</sup>

The claim of TFU that only 11 of the 836 victims listed by KARAPATAN from January 2001 to 14 November 2006 could be attributed to the military is also contradicted by the records of the GRP’s own Commission of Human Rights which listed 77 cases of murder filed against GRP military personnel in the extrajudicial killings from January 2005 to December 2006 alone.<sup>12</sup>

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### Attempt to Deflect State Responsibility

Because TFU failed to silence the loud cries for accountability and growing clamor for justice, Mrs. Macapagal-Arroyo tried another tack of damage-control especially in light of the scathing criticism by the August 2006 report of Amnesty International that reverberated not only in the Philippines but also in the international community.

She formed the Melo Commission in August 2006 that was widely seen as beholden to her and lacking the necessary powers to ferret out the truth. The bias and predetermined role of the Melo Commission was exposed when its report<sup>13</sup> profusely praised Mrs. Macapagal-Arroyo and refused to



acknowledge that the killings were part of GRP state policy even as it was compelled to restate the obvious about the responsibility of one notorious general, Jovito Palparan, in the orchestrated killings “by allowing, tolerating, and even encouraging the killings.”<sup>14</sup> Obviously the Melo Commission was meant to pin the blame for the extrajudicial killings on particular commanders in order to deflect responsibility away from the state and its counterinsurgency program.

However, by holding Palparan responsible, the Melo Commission has directly put Mrs. Macapagal-Arroyo in the firing line as Commander-in-Chief, especially after her fulsome praise and encouragement of Palparan’s methods in implementing the GRP’s counterinsurgency program during her State of the Nation Address in July 2006 in front of cameras and hundreds of people.<sup>15</sup> This spectacle recorded live by media constitutes direct evidence of her complicity through command responsibility in the extrajudicial executions and disappearances of unarmed civilians that were being perpetrated by Palparan and his men in his areas of operations.

*To complete its murderous intent and premeditated design to escape responsibility for the killings... the GRP has turned to the squid tactic of manufacturing nuisance complaints with the Joint Monitoring Committee (JMC) to pass off blame to the NPA... The GRP military and police have been filing simulated and false charges against the NPA with the JMC since January 2006.*

Human Rights Watch notes the different conclusions drawn by TFU and the Melo Commission, with the former insisting that only rogue elements in the lower ranks of the

military are involved in a few cases of extrajudicial killings and the latter identifying a military commander as being responsible.<sup>16</sup>

### **Squid Tactics: Complaints against NDFP**

To complete its murderous intent and premeditated design to escape responsibility for the killings – acts which constitute violations of human rights amounting to crimes against humanity<sup>17</sup> and war crimes under international humanitarian law – the GRP then turned to the squid tactic of manufacturing nuisance complaints with the Joint Monitoring Committee (JMC) to pass off blame to the NPA.

Mrs. Macapagal-Arroyo practically gave her official imprimatur to this tactic when she publicly adopted the dubious findings of TFU that 23 cases of killings were allegedly perpetrated by the NPA “against their own men” in her Vin D’Honneur speech in Malacañang on 31 January 2007 before GRP officials and foreign diplomats.

The GRP military and police have been filing simulated and false charges against the NPA with the JMC since January 2006, with 1,373 complaints being filed in one day on 8 November 2006 by the Judge Advocate General’s Service (JAGS) office of the AFP. Included among these were 23 complaints which have counterpart complaints filed earlier against the GRP by human rights organizations and which could have been the subject of Mrs. Arroyo’s *Vin D’Honneur* speech.

The incidents covering these 23 complaints were the subject of a comparative study by the NDFP Monitoring Committee (MC) and its Nominated Section in the Joint Secretariat (JS) released in February 2007 and reissued in book form in May 2007.<sup>18</sup>

The study juxtaposes the GRP and NDFP complaint forms against each other in each of the 23 cases of extrajudicial killings – comparing their respective data with respect to the following: personal circumstances of the victims; description of the incidents, if any; and, allegations, evidence, supporting documents, possible motives, if any. In this manner, the differences between the two complaint forms are highlighted.



At the end of the comparative matrix for each case, the NDFP-MC with the help of the NDFP-JS has put forward some remarks to underscore the differences between the GRP and NDFP complaint forms, taking into account the disparity in the resources, capabilities and situation between, on the one hand, the human rights organizations filing the complaints against the GRP and, on the other hand, the GRP military and police filing the complaints against the NDFP.

The human rights organizations, given their limited resources, and the difficult circumstances in which they work – putting the lives of their members on the line – are committed to carry out initial factual investigation of each incident of reported violation of human rights, i.e., gather the basic information or facts and record or document these for submission to concerned bodies, including the JMC, for further investigation and action. On the other hand, the GRP, as the de-facto government, with all its resources and power and its police and other investigative and intelligence agencies, is expected to be able to conduct more thorough investigations of each incident.<sup>19</sup>

The complaints against the GRP filed by human rights organizations comply with their mandate in terms of containing substantial data and basic information which concerned bodies can use for further investigation. They also include substantive supporting documents which provide ample grounds for placing responsibility on the GRP for the extrajudicial killings.<sup>20</sup>

The responsibility of the GRP takes different forms either direct through the participation of its security forces or indirectly through inaction, belated or perfunctory response, lack of thorough investigation, inordinately delayed GRP judicial proceedings and even cover-up by its investigating agencies.

In the cases showing direct involvement by military forces, there are corroborating eyewitness accounts in addition to

strong circumstantial evidence to support the allegations.<sup>21</sup> In 19 of the 23 complaints, the presence of eyewitnesses to the shootings is mentioned, including a deathbed declaration by one of the victims (Anakpawis-Isabela Secretary General Madonna Castillo) which was reportedly recorded by media.<sup>22</sup> Given adequate protection and/or refuge, the witnesses could help identify the perpetrators, some of whom were seen either wearing military uniforms, being accompanied by men in military uniforms, or running to nearby military camps after the shootings. Yet these eyewitnesses were apparently not interviewed by TFU in its so-called investigations.

The manner of the attacks, description of the killers, and the method of the actual operations also point towards killings by GRP security forces. In 12 cases, the killings were preceded by surveillance, harassment, intimidation and threats against the victims by GRP forces. All these are incontrovertible evidence in proving motive, means and opportunity in any investigation of murder.<sup>23</sup>

The attacks generally follow a pattern where victims are identified, harassed and put under surveillance, “invited” to military camps or “visited” at their

homes. Then vans and motorcycles without plate numbers are used, with the gunmen usually riding in tandem with back-up shooters in another vehicle, and with their identities concealed by ski masks and other devices. The killers also make certain that their victims were dead before leaving the scene.

Additionally, the background of the victims, their organizational affiliations and the public accusations leveled against them by GRP officials provide tangible and prima facie evidence of motive for the killings. All of them were unarmed civilians, members of legal organizations active in exposing and opposing the abuses and corruption of the US-Macapagal-Arroyo regime, which have been viciously and persistently accused, without any credible proof, of being fronts of the CPP or NPA. Some

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of the victims – such as Expedito Albarillo, Rommel Arcilla, Nestor Arinque, Teodoro Segui, Jr. and Abe Sungit – were confirmed to have been issued virtual death warrants called military or police Orders of Battle.<sup>24</sup>

In contrast, the complaints filed against the NDFP by the GRP military and police contain hardly any information which makes abundantly clear that these were filed merely to muddle responsibility for the killings by falsely accusing the NPA and even spitefully putting the blame on the victims themselves for their own deaths.

Ten of the 23 complaints against the NDFP contain only terse, bare and formulaic allegations such as ‘shot to death/summarily executed,’ while the other 13 lack any description or narration of incident. Eighteen of the 23 have no supporting documents at all, despite the fact that 16 of these were filed by the AFP JAGS or the PNP that both have the power and resources to mount basic investigation. In the five with supporting documents, the investigation conducted was apparently haphazard or obviously contrived to fit the pre-existing theory of passing off the blame to the revolutionary forces.

Also, no motive is provided in 14 of the 23 complaints filed by the GRP. In the nine cases where motive is alleged, the reasons are purely speculative, patently false or simply unfounded.

In the case of NDFP consultant Sotero “Ka Teroy” Llamas, the military’s claim that he was “shot to death” by his former comrades after allegedly being “expelled from the Party in 2004 due to malversation of Party funds” was immediately denied by the CPP-NPA and the NDFP Negotiating Panel in their separate statements wherein they paid tribute to Llamas’ revolutionary contributions despite his being out of the mainstream movement since 2004.

In the case of the killing of UCCP Pastor and Bayan Muna-Misamis Occidental Provincial chairman Rev. Jemias Tinambacan, the victim’s wife who survived the attack positively identified one of their assailants as a Philippine Army intelligence agent. This fact is stated in the complaint filed against the GRP but is deliberately omitted in the complaint against the NDFP.

In another complaint against the NDFP, victims Ricardo Balauag and Elena Mendiola, Municipal Coordinator and

Regional Coordinator-Isabela Chapter of Bayan Muna, respectively, were shot by two unidentified men wearing ski masks as they were leaving the house of their farmer friends. Mendiola’s grandchildren were inside the car parked outside the house when the incident happened and saw what transpired. The farmers immediately called the police who arrived only after almost four hours and did not even secure or gather the testimonies of the victims’ companions. Instead, in the complaint against the NDFP, the police relied on the account – despite the glaring material inconsistencies in the statements – of two so-called voluntary witnesses who came forward much later after the incident.

On the killing of journalist and Bayan Muna-Sorsogon Chairman Ricardo “Ding” Uy by unidentified gunmen, no interviews were done by the police of the witnesses such as the wife and helper of Uy. The police report mentions only one unidentified witness, not four as alleged by the TFU in its so-called accomplishment report in June 2006. Most importantly, the alleged NPA member who purportedly shot Uy did not turn out to be one. Even the GRP court had to dismiss the case against him for lack of evidence. Despite this, TFU insists in claiming that Uy whom it alleged was a collector of the revolutionary movement was shot because of a supposed rift within the movement.

In another complaint, Victorina Gomez, Bayan Muna member and barangay captain, together with two barangay councilors Romeo Atienza and Rey Macabili, were shot by unidentified motorcycle-riding men wearing ski masks and armed with high-powered rifles in Mexico, Pampanga. Gomez and Atienza were killed instantly while Macabili was brought to the hospital in critical condition. The three were ambushed directly after attending an invitation to dialogue with soldiers of the 69th IBPA, then under the command of Palparan, in connection with the demand of the barangay council for the soldiers to vacate the multipurpose hall which had been converted into a military detachment. Despite the existence of obvious motive and opportunity on the part of the military, TFU persists in presenting this case against the NPA.

These illustrate that the complaints filed against the NDFP are inherently weak and severely flawed. They contain glaring inconsistencies, dubious and sloppy documentation, even contrived and fictional stories on the alleged identities of perpetrators supposedly belonging to the revolutionary movement.

*...The impunity for the killings is demonstrated not only by the blatant display of indifference and even antipathy for the victims or any sincere desire to render justice to them, but also by the contemptible arrogant attitude of the GRP that its military, police and paramilitary forces are beyond any accountability for their crimes. Not one perpetrator has been tried, convicted or punished for the killings. Worse, the GRP routinely resorts to lies, distortion of the truth and fabrication of stories in order to justify and continue with the killings and put the blame on the victims.*

The verdict of the Permanent Peoples' Tribunal Second Session on the Philippines is unequivocal in its judgment of the direct culpability of the US, Mrs. Macapagal-Arroyo and her cohorts in the military and police in the extrajudicial killings. It declares:

"The PPT has found unequivocal evidences that the military has a central role in the greatest majority of the scenarios of human rights violations in the Philippines. The PPT however wants to underline the highly misleading role of the recurrent debates on the direct vs. indirect involvement of the military forces in one or the other individual case. The AFP is a structural component and instrument of the policy of the 'war on terror' declared jointly by the Philippines and the US Governments, as a comprehensive label to justify all illegal actions and their impunity."<sup>25</sup>

### Dark Conspiracy

These premeditated and unmitigated killings, together with the attempts at false attribution, deflection of responsibility and the use of dirty tactics, constitute the evil conspiracy of State murders systematically perpetrated by the GRP through its armed forces and police under the rubric of its

counterinsurgency programs called Oplan Bantay Laya I and II.

Moreover, the impunity for the killings is demonstrated not only by the blatant display of indifference and even antipathy for the victims or any sincere desire to render justice to them, but also by the contemptible arrogant attitude of the GRP that its military, police and paramilitary forces are beyond any accountability for their crimes. Not one perpetrator has been tried, convicted or punished for the killings. Worse, the GRP routinely resorts to lies, distortion of the truth and fabrication of stories in order to justify and continue with the killings and put the blame on the victims.

In fact, the killings go on to this day. This conspiracy of state murders must be ended and the mastermind and perpetrators be brought to account for their crimes. ■

<sup>1</sup> See, for instance, Human Rights Watch Report, "Scared Silent," June 2007, p. 3.

<sup>2</sup> Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston, on his Mission to Philippines (12-21 February 2007), 27 November 2007, pp. 2, 7, 8.

<sup>3</sup> Ibid. pp. 10-11.

<sup>4</sup> These include the fact-finding missions by Amnesty International, the World Council of Churches and the US Methodist Church, lawyers and judges groups, peasants' organizations, trade unionists, and journalists associations. See also the Permanent Peoples' Tribunal (PPT 2) Second Session on the Philippines, Verdict, March 2007, cited at pp. 225-226, "Repression and Resistance: The Filipino People vs. Gloria Macapagal-Arroyo, George W. Bush, et. al."; Report of US Women Lawyers' Human Rights delegation, "Seeking Answers," June 2006, at p. 22; and An Ecumenical Report on Human Rights, NCCP, March 2007, "Let the Stones Cry Out," at p. 61.

<sup>5</sup> Amnesty International (AI) Report, Philippines: Political Killings, Human Rights and the Peace Process, August 2006, p. 1.

<sup>6</sup> See for instance, Dutch Lawyers for Lawyers Foundation, "From Facts to Action," Report on the Attack against Filipino Lawyers and Judges, July 2006, at p. 38. It said: "So far, Task Force USIG has not proven to be an independent body: It is chaired by the PNP which has a poor record as far as the effective investigation of the killings is concerned and which is mistrusted by the Philippine people." See also, Hong Kong Mission for Human Rights and Peace in the Philippines July 2006 Mission Report on the extrajudicial killings and other human rights abuses in the Philippines, 14 November 2006, at p. 117.

<sup>7</sup> Report of the Special Rapporteur, *supra*, p. 13.

<sup>8</sup> Ibid.

<sup>9</sup> Human Rights Watch, *supra*, p. 4. It continued: “In most of the cases examined by Human Rights Watch in which the police considered the matter ‘solved,’ the alleged suspects were members of the NPA. In each of these cases, this finding seemed unlikely given the available facts on the ground and consistent rebuttals from the victim’s families. Moreover, experts on the NPA have found no evidence that large-scale intra-NPA killings have persisted beyond the early 1990s, and that the current killings do not reflect the typical pattern of killings by the NPA, thus calling the PNP’s explanation into question.” (at p. 71).

<sup>10</sup> Report of the Special Rapporteur, *supra*, par. 28, at p. 13.

<sup>11</sup> The summary killings of Marcellana and Gumanoy have been found to have been perpetrated by members of then Col. Palparan’s 204th Infantry Brigade in Mindoro. (See the Permanent Peoples’ Tribunal (PPT 2), *supra*, at pp. 26, 224; NCCP Ecumenical Report, *supra*, at p. 32; US Women Lawyers’ Report, *supra*, at p. 23; the ISM-International People’s Tribunal (ISM-IPT) Jurors’ Verdict, August 2005 at p. 1; and the Citizens’ Congress for Truth and Accountability (CCTA), Summation on Political Killings and other Human Rights Violations, November 2005, at p. 10).

In the cases of Capulong and Manegdeg, military personnel were also credibly tagged as those behind their brutal murders. (See NCCP Ecumenical Report, at pp. 26-27; also US Women Lawyers’ Report, at p. 16).

GRP security forces have also been implicated in the cases of Hugo and Ladera. (See Human Rights Watch, *supra*, at pp. 44-45 and PPT 2 Testimony, at pp. 140-141, respectively).

<sup>12</sup> Commission on Human Rights Computer Databank: Masterlist of Cases Where Military Personnel Are Alleged Perpetrators.

<sup>13</sup> Released only in 22 February 2007, one day after Prof. Alston concluded his 12-21 February 2007 visit and after being held up since the Commission finished it on 22 January 2007, and only after strong public clamor and the personal intercession of Prof. Alston.

<sup>14</sup> Melo Commission Report, at p. 53. In fact, the GRP-created Commission conceded that: “There is no shirking the fact that people, almost all of them activists or militants have been killed.... [T]he victims, of which this Commission is concerned, were all non-combatants. They were not killed in armed clashed or engagements with the military.” The report also concludes that the “killings of activists and media personnel is pursuant to an orchestrated plan by a group or sector with an interest in eliminating the victims, invariably activists and media personnel” (at pp. 1, 6).

<sup>15</sup> Mrs. Arroyo exclaimed, despite strong evidence and widespread condemnation of Gen. Palparan’s involvement in the killings and disappearances in his areas of responsibility: “In the provinces under the jurisdiction of the 7th Division, Jovito Palparan continues to do battle against the enemy. He will not retreat until our communities are freed from the horrors of the night and the people witness the dawn of justice and freedom.” State of the Nation Address, July 24, 2006.

<sup>16</sup> Human Rights Watch, *supra*, p. 5.

<sup>17</sup> PPT 2, *supra*, at p. 225; ISM-IPT, *supra*, and NCCP Ecumenical Report, *supra*, at p. 59.

<sup>18</sup> “The Lies of GRP Officials on Extrajudicial Killings, A Comparative Study of Twenty-Three (23) Cases of Extrajudicial Killings Filed Against the GRP that the Macapagal-Arroyo Regime is Attributing to the NDFP” Booklet Number 9, NDFP Human Rights Monitoring Committee, May 2007, p. 3.

<sup>19</sup> Thus, AI pointed out that: “In the Philippines while the authorities routinely launch police investigations into political and other killings, and in May 2006 established a special unit - Task Force Usig - to better coordinate investigations into political killings at a national level, Amnesty International is concerned at persistent reports that the majority of investigations do not meet international standards as set forth in the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, as supplemented by UN Manual Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions.” (AI, *supra*, p. 10.)

<sup>20</sup> In a statement before the United Nations Human Rights Council on 27 March 2007, Prof. Alston reiterated his findings that “there is no reasonable doubt that the military is responsible for a significant number of the killings and that subsequent evidence points to the continuing nature of that practice.” Cited in the “Lies of GRP Officials...”, Preface, at p. 4.

<sup>21</sup> See for instance, Human Rights Watch, *supra*, p. 3, which documented the involvement of the armed forces in the killings of individuals “because of their political activities.” It “was able to interview eyewitnesses to killings that identify the perpetrators as members of the military. In addition, Human Rights Watch’s investigations uncovered other sources of information that support the allegations of the involvement of military personnel in many of the killings.”

<sup>22</sup> Prof. Alston cited this case in his Final Report. He said: “There is no reason to assume that a significant proportion of cases in which suspects have been identified will ultimately result in convictions. In multiple instances in which the PNP has ‘resolved’ a case, others following that case have raised serious doubts as to whether the evidence points to the suspect identified. One such instance is the case of Madonna Castillo y Lucban: The police filed charges against an alleged NPA, but others have pointed to allegedly recorded deathbed testimony that her attackers belonged to the AFP. (Report of the Special Rapporteur, *supra*, pp. 46-47, Footnote No. 62). Prof. Alston also cited “The Lies of GRP Officials...” (pp. 63-64).

<sup>23</sup> See also AI, *supra*, p. 7: “Amnesty International believes that these successive killings are marked by common features. These include the political affiliations of the victims; the methodology of attacks; an apparent climate of impunity which, in practice, has shielded those responsible from prosecution; and repeated reports that military or other state agents have been directly involved in the attacks, or else have acquiesced or been complicit in them.”

<sup>24</sup> Prof. Alston himself uncovered that “in some areas, the leaders of leftist organizations are systematically hunted down by interrogating and torturing those who may know their whereabouts, and they are often killed following a campaign of individual vilification designed to instill fear into the community.” He also said that “of particular concern is the fact that those killed appear to have been carefully selected and intentionally targeted. The aim has been to intimidate a much larger number of civil society actors, many of whom have, as a result, been placed on notice that the same fate awaits them if they continue their activism.” Report of the Special Rapporteur, *supra*, pp. 2, 6.

For its part, AI observed that “the practice of ‘red-labeling’, by which perceived communist or leftist opponents of the government were tagged as ‘subversives’ became more pronounced. Once publicly labeled, such people were at sharply increased risk of grave human rights violations, including extrajudicial executions, “disappearances”, arbitrary arrest and torture.” (AI, *supra*, pp. 2, 8).

<sup>25</sup> PPT 2, at pp. 225-226.



## **Illustrative Examples of Complaints Against GRP**

## No. G-002: Eden Marcellana and Eddie Gumanoy Extrajudicial Killing and Illegal Detention

Eden Marcellana, secretary general of KARAPATAN-Southern Tagalog (ST), headed an 11-member Quick Reaction Team (QRT) on 19 April 2003 to investigate reports of abductions, killings, disappearances and burning of properties by the military in Gloria and Pinamalayan towns in Mindoro Oriental.

The team arrived in Gloria, conducted several interviews and tried to visit some detainees at the 204th Infantry Brigade Headquarters (IBde HQ) of the Philippine Army (PA) under then Col. Jovito Palparan Jr., who had threatened Marcellana several times before for her staunch human rights advocacy.

From the start, the military laid obstacles to the team's activities including denying them visit to the said detainees. Some members of the team also had their pictures taken against their will even as they observed unidentified persons monitoring their activities. Col. Johnny Gomez, Palparan's deputy in the 204th IBde, even called up the mayor of Gloria town ordering him to expel the team.

For lack of time, the team decided to cut short its investigation in Pinamalayan in the evening of 21 April and headed for Calapan City in a rented van. According to some team members, Marcellana needed to travel to Manila to personally sign an Opposition against the promotion of Col. Palparan to the rank of general to be filed before the GRP Commission on Appointments. The team was scheduled the next day to also get the position paper of a local official against the promotion of Col. Palparan.

On their way to Calapan City, to the team's surprise, the van was not subjected to the usual checkpoints in the area, even passing by two military detachments along the road. Suddenly, the van's path was blocked by a jeepney and large stones, and armed men appeared from the roadside at Naujan near the headquarters of the 204th IBde. Five of the men, some of whom were in military attire, rushed inside and commandeered the van, pointed their guns at the passengers and threatened to kill them. All the passengers' belongings including their cellphones, cameras, as well as documents, video footages and photographs, were seized.

The van was driven towards the opposite direction of Calapan City. It followed the jeepney which carried more armed men and was in turn followed closely by a motorcycle. In Victoria town, the armed men were joined by about 20 heavily armed men, some of whom were hooded. They specifically asked for Marcellana who was forced to identify herself.



*Eden Marcellana*

The voice of rebel-returnee and known military asset Aniano "Silver" Flores was recognized by two survivor-witnesses

*The voice of rebel-returnee and known military asset Aniano "Silver" Flores was recognized by two survivor-witnesses when he entered the van carrying a flashlight. Another survivor-witness also identified a certain Richard "Waway" Falla another known rebel-returnee turned military asset. Flores and Falla were publicly known to be under the protection, custody and care of Col. Palparan and his men in the 204th IBde PA at the time of the incident.*

when he entered the van carrying a flashlight. Another survivor-witness also identified a certain Richard “Waway” Falla another known rebel-returnee turned military asset. Flores and Falla were publicly known to be under the protection, custody and care of Col. Palparan and his men in the 204th IBde PA at the time of the incident.

The vehicles then drove for another hour. Marcellana was ordered to get off the van. Peasant leader Eddie Gumanoy, Kalipunan ng mga Magsasaka sa Timog Katagalugan (KASAMA-TK) President, followed her when she alighted. Survivor-witnesses freelance videomaker Virgilio Catoy II, Francis Saez, Marlvín Jocson and another passenger who rode the rented van -- who were all blindfolded and hogtied -- were also ordered to get off the van and transfer to the jeepney. The last four were later dropped off one after the other at the roadside in Bongabong town.

The following morning, 22 April, the dead bodies of Marcellana and Gumanoy were found near each other dumped in a canal in Bansud town. Both bore sustained gunshot wounds and were apparently shot at close range.

Witnesses’ accounts submitted to the Permanent People’s Tribunal (PPT) 2nd Session on the Philippines as well as the Ecumenical Report on Human Rights in the Philippines (“Let the Stones Cry Out”) and the Report of the Women’s Human Rights Delegation (“Seeking Answers”) indicate that the two apparently suffered torture. This was corroborated by Amnesty International, citing post-mortem examinations by the GRP’s Commission on Human Rights (CHR).

The GRP’s Department of Justice (DOJ) dismissed the charges of arbitrary detention, murder and robbery against the suspects despite the independent, credible and positive identification by four survivor-witnesses and other evidence. An appeal to the GRP Office of the President questioning the dismissal remains pending to this day.

Separate investigations were also held by the House of Representatives and the Senate of the GRP but no definitive resolution was issued by either body. Hearings before the GRP Commission of Human Rights (CHR) were also held but the victims and their heirs were compelled to withdraw because they sincerely believed that they could not get justice there at that time.

According to legal papers and the records submitted to the DOJ, the Office of the GRP President and the UN Human Rights Committee, a certain M/Sgt. Donald Caigas, an intelligence officer who worked closely and directly with Col. Palparan, was positively identified as one of the perpetrators by four survivor-witnesses on 05 June 2003 when they were presented a photo line-up in public at the National Bureau of Investigation (NBI).

Reports relayed by KARAPATAN-ST indicate that to this day, some of the survivor-witnesses are still being harassed and threatened by members of the military even as the handling lawyers of the case are being maliciously labeled as “communists.”■

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## No. G-1151: Betty and Dan-Dan Quillano Extrajudicial Killing, Desecration of Remains and Denial of Decent Burial

On the morning of 2 April 2007 in Barangay Caromata, San Miguel, Surigao del Sur, eight women including Betty Quillano and her three children, one of whom was 12-year old Dan-Dan, were resting inside a hut, waiting for their companions to open up a new kaingin (slash and burn) field.

Suddenly, their hut was indiscriminately shot at with high-powered firearms by elements of the 58th Infantry Battalion (IB), Special CAFGU Active Auxiliary (SCAA) and CAFGU under the 402nd Infantry Brigade (IBde), 4th Infantry Division (ID) who were conducting a patrol.

Dan-Dan was hit in the abdomen while running for cover. The rest were able to run for safety and then hide. Betty, however, was caught. Witnesses reported that she was dragged to where the body of her son lay, repeatedly beaten and her head bashed with a big rock, causing her instant death. Dan-Dan's head was also bashed with the rock. Their bodies were then chopped into pieces and burned. Later that same afternoon, a Huey helicopter dropped a bomb near the place of the incident.



*Encircled are the remains of a child's chopped off foot and a fractured skull*

The relatives of the Quillanos tried to retrieve the bodies of the victims but the military cordoned off the area, deploying elements of the SCAA and CAFGU. It was only on 11 April that they were allowed to enter the area. They saw what was left of a bonfire where they found the charred remains of a child's foot, an adult's skull, and a burned torso, all of which they presumed to be Dan-Dan's and Betty's. The front of the skull was shattered. There were also other bone fragments, pieces of clothing and two pairs of rubber slippers.

The relatives were not able to recover Betty and Dan-Dan's personal effects from the military. Neither were they able to gather the mother and son's remains for a decent and proper burial.

The military later issued a statement claiming that the Quillanos were New People's Army (NPA) members who were killed when their camp was overrun. The operation was claimed to be part of the efforts to clear the area of 'communist influence.'■

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## No. G-028: Golloso children Extrajudicial Killing, Indiscriminate Firing and Denial of Medical Attention



*Siblings Mylene (13) and Raymund (6) Golloso*

On 7 May 2004, two of the four Golloso children, Melody (18) and Mylene (13) were cooking native sweets inside their house in Barangay Recto, Bulan, Sorsogon when they heard gunshots coming from the direction of the road. The sisters called out to their brothers who were playing outside -- Resty (9) and Raymund (6), a special child -- to immediately get inside. Melody told her three siblings to hide in their parents' room. Then they heard two more gunshots. Resty saw that Raymund was wounded and blood was gushing from his head but he was still alive so Resty frantically tried to stop the bleeding. He also saw that the left part of Mylene's face was shattered and she was calling out to their mother.

Melody and Resty ran out to get help. On their way out, they heard someone say, "Pasukin natin ang bahay baka may buhay pa" (Let's get inside the house, there might be others who are still alive). Due to fear, they did not bother to find out who uttered those words and continued running towards the nearest house of a relative. They had run a considerable distance when they heard more gunshots.

Meanwhile, their mother Adelia who was out at the time, heard the same volley of shots coming from the direction of the road near their house and she immediately ran home. When she arrived, she saw at least seven military men, three of whom were crouched behind trees while the others crawled on the ground. She identified herself and insisted on entering

her house -- "*Ako po ang nagmamay-ari ng bahay na 'yan! Ang mga anak ko nasa loob ng bahay!*" (I own that house! My children are inside!).

The soldiers told her to take a different route but she ran straight to her house. Inside she saw Mylene and Raymund, both bleeding, slumped in the bedroom. Raymund was able to open his eyes and call her. Adelia went out and pleaded for help from the soldiers, telling them that one of her children was still alive, but they did not help her and just left their yard when residents began arriving to help the Gollosos.

After the incident, the soldiers went to the house of the barangay captain and asked him to issue a certification dictated by them, supposedly attesting that there was an encounter with the New People's Army (NPA) near the house of Adelia and that it was the NPA who opened fire and killed her two children. Adelia disputed this and asserted that the only persons inside their house were her children. According to the written certification of the barangay officials attached to the complaint and the narration of the barangay captain cited in the web media Bulatlat, he and other barangay officials were forced to sign the certification out of fear.

Later, the barangay captain and the barangay officials, together with 42 other residents, issued another written certification. They attested that they saw no other armed group on that fateful day except the soldiers of the 2nd Infantry Battalion (IB), 901st Infantry Brigade (IBde), 9th Infantry Division Philippine Army (ID PA) who were together with Citizens Armed Forces Geographical Unit (CAFGU) members, one of whom they identified as Cesar Luarens.■

*Adelia went out and pleaded for help from the soldiers, telling them that one of her children was still alive, but they did not help her and just left their yard when residents began arriving to help the Gollosos.*



## No. G-857: Pastor Isaias Sta. Rosa Extrajudicial Killing and Divestment of Properties



*Pastor Isaias Sta. Rosa*

In the evening of 3 August 2006, three hooded armed men barged into the house of brothers Jonathan (26) and Ray Sun Sta. Rosa (30) in Barangay Malobago, Daraga, Albay. The armed men, two of whom wore camouflage pants, combat boots and dark long-sleeved shirts, were looking for the older brother, United Methodist Pastor Isaias Sta. Rosa. Isaias (47) who was also a member of the Kilusang Magbubukid ng Bicol (Peasant Movement of Bicol).

The armed men ordered Jonathan and Ray Sun to lie on the ground while they stepped on their heads and pointed guns at them. They were both accused of being New People's Army (NPA) members and stripped of their shirts. Jonathan was hit on the head with the barrel of a gun when he tried to look up. He was dragged later at gunpoint to the house of Pastor Isaias which was a few meters away.

According to Sonia, wife of Pastor Isaias, in an account cited in both the web media Bulatlat and Human Rights Watch, she saw a shirtless Jonathan who appeared to be in pain when she and Pastor Isaias answered the knock on their door. Ten hooded armed men with Jonathan barged into their house, pointed guns at them and told them to drop to the floor. The men grabbed Pastor Isaias, tied his hands behind his back, beat him up and forced him to admit that he was "Elmer," the man whom they were looking for. They took him to one of the rooms and continued beating him up. The beatings were heard by Sonia, their four children and Jonathan who were in another room. Later, Ray Sun was made to join them in that room.

The soldiers went out of the house dragging with them the bloodied and still bound Pastor Isaias. They also took a laptop computer, printer, cellular phones and other personal belongings of the family.

Sonia then ran out for help. When the neighbors arrived five minutes later, nine gunshots were heard. This prompted them to run towards the direction of the gunshots.

They found the body of Pastor Isaias in a nearby creek about 50 meters away from his house. His body bore six gunshot wounds, three of which were on his chest. About five meters from it was another body of a hooded man, a loaded .45 pistol with silencer and a cellular phone. The phone was later verified to be the same one taken from the Sta. Rosas.

An identification card with photograph and bearing serial number 850278 found in the wallet of the dead hooded man identified him to be Armed Forces of the Philippines (AFP) Corporal Lordger Pastrana. Also found on him was a mission order signed by Major Ernest Marc Rosal of Camp Matillana, Pili, Camarines Sur marked "SECRET" from the 9th Military Intelligence Battalion for Pfc. Lordger Pastrana, serial number 850278, authorizing him to carry a .45 caliber pistol from 1 July 2006 until 30 September 2006.

According to the Asian Legal Resource Center, Sonia identified Cpl. Pastrana as the one who gave orders to his companions when they took her husband from their house. She recalled that he was the only short and stout man among them.

The records of the Permanent Peoples' Tribunal (PPT) Second Session on the Philippines as well as the Ecumenical Report on Human Rights by the National Council of Churches in the Philippines (NCCP) disclose that immediately after the killing, the police hastily announced in media that it was a case of robbery with homicide. This was later on questioned by the GRP Commission on Human Rights (CHR). The military and police did not conduct further investigation on the case. The military even refused to reveal any relevant data on Cpl. Pastrana's team members and claimed that he was AWOL (absent without leave) and was purportedly in the area to woo someone. Sonia and her children still live in fear while Pastor Isaias' brothers have since moved out of the barangay.

During the congressional inquiry on the incident, two unidentified military men who were surreptitiously taking photos of Jonathan and his companions were apprehended by the security of the GRP House of Representatives.■

## No. G-372: Patricio Abalos Enforced Disappearance, Illegal Search, Violation of Domicile and Divestment of Properties

On 28 March 2005, the children of Patricio Abalos saw a vehicle parked in front of their house in Quidaponan, South Road, Km. 2, Catbalogan, Samar. They saw a man standing beside it and observing them. A former small commercial trader, Abalos, 61 was informed by his daughter Cristina about what they saw. He went outside to check but the vehicle was already gone.

Suddenly, the same vehicle drove back and stopped in front of Abalos who was still outside. Four men armed with high-powered firearms alighted and forcibly took Abalos at gunpoint. The vehicle sped away followed by a motorcycle. According to evidence submitted before the Permanent Peoples' Tribunal (PPT) 2nd Session on the Philippines, the motorcycle had no plate number.

His granddaughter who witnessed the incident shouted, "Hi Tatay, hi tatay, adto ginsakay!" (There, Dad is being forced into the vehicle!) Patricio's wife Rosa and their daughter went to the 8th Infantry Division (ID) based in Camp Lucban, Maunlong, Catbalogan to search for him but they were denied entry. They reported the incident

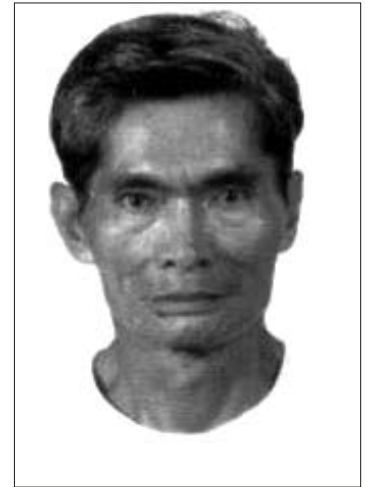
to the police and the Public Attorney's Office (PAO) but no action was taken. The PAO even said that they were subjected to harassment.

On 31 March 2005, six soldiers led by Lt. Wilbert Basquiñas of the 8th ID under Major Gen. Jovito Palparan went to Abalos' house and entered without permission. According to Cristina, Lt. Basquiñas told them that they had Patricio in their custody and that they were there to get a gun that the latter was allegedly keeping inside a wooden trunk. Cristina told them that they did not have a gun, but the soldiers continued their search which resulted in damage to their belongings.

Cristina pleaded with the soldiers but Lt. Basquiñas threatened them that if they did not produce the gun, they might as well kill the family, and aimed his pistol at them while he brandished a fan knife with the other hand.

Finally the soldiers found the wooden trunk but found no firearm inside. They then proceeded to put the clothes, identification card, wallet, medicines and other personal belongings of Patricio inside the trunk and brought it along with them. Before they left, Lt. Basquiñas pointed his gun at Abalos' wife and threatened her that if she did not surrender the firearm, she would be abducted next. He then gave them three cellular phone numbers to call in case they wanted to surrender the alleged firearm.

The next day Patricio's son Oliver went to talk with a certain Lt. Rosete. He was told that Gen. Palparan would be available the next day and that the latter knew all about the incident. The family went to Congressman Catalino Figueroa, Representative



*Still Missing:  
Patricio Abalos*

*When they complained why Patricio was being held and why they were not being allowed to visit, Palparan said that he had already given the go signal for them to visit. Palparan uttered threatening words such as "I hope that when your father and I talk again, he won't be as hard-headed as he is. I'm bad when I get angry and I'm getting angry now..." Abalos remains missing to this day.*

of the 2nd district of Samar, to ask for help. They gave him the numbers given to them by Lt. Basquiñas. The congressman called up the numbers and Lt. Basquiñas mockingly laughed at him on the other end.

According to the records of the PPT, Cristina's family reported the latest incidents to the police and the fact that their father was still missing, but the police refused to help, claiming that they did not want to antagonize the military.

On 7 April 2005, Abalos' family again went to the house of the congressman. There, they chanced upon Gen. Palparan who was using the same vehicle that was used in the abduction of Patricio. Gen. Palparan told them that they should admit that Patricio was a New People's Army (NPA) member so that he would be freed. They replied that he was not an NPA and that he could hardly walk.

When they complained why Patricio was being held and why they were not being allowed to visit, Palparan said that he had already given the go signal for them to visit. Palparan uttered threatening words such as "I hope that when your father and I talk again, he won't be as hard-headed as he is. I'm bad when I get angry and I'm getting angry now."

When Gen. Palparan left, Congressman Figueroa told the family that Gen. Palparan admitted having Patricio in their custody. Cristina also went to Manila to the office of GRP Justice Secretary Raul Gonzales but nothing came of it. She even testified before the GRP House of Representatives on the disappearance of her father and on the subsequent incidents.

PPT records show that a petition for *habeas corpus* and criminal charges against the military were dismissed by the GRP Court of Appeals and a GRP Provincial Prosecutor, respectively.

Abalos remains missing to this day.■

## No. G-1163: Leo Velasco Enforced Disappearance



*Still Missing:  
Leo Velasco*

On 19 February 2007, NDFP Negotiating Panel consultant Leo Velasco was walking in front of the Philippine First Insurance building along Aguinaldo Street in Cagayan de Oro, Misamis Oriental, when two armed men grabbed and dragged him into an L300 van with plate number LCV-513. One of the abductors wore a black, long-sleeved shirt with the letters CIDG (Criminal Investigation and Detection Group) printed on the back. They also used a black Toyota Revo as backup vehicle with

license plate number ending in 692.

According to reports, bystanders attempted to prevent the abduction which happened in broad daylight but the armed men claimed that they were GRP personnel and CIDG members.

The local newspaper Gold Star Daily reported that witnesses saw Velasco struggling with his abductors for five minutes while he was being manhandled in full public view. Five men held Velasco's arms, legs and torso and threw him into the van. His eyeglasses fell off during the scuffle. Two security guards were able to retrieve the eyeglasses and later gave these to a journalist who handed them over to CIDG director for Northern Mindanao Julian Pantonal.

In the same news report, a police officer, speaking on condition of anonymity, said that one of the vehicles used by the suspects matched the description of a van that an intelligence group in the military uses whenever it carries out a "special operation." Some of the witnesses reported the incident to the police, who after getting the description of the van, reportedly told them that it was a military operation.

Velasco's daughter, who joined the search for her father, later found out that the security guard who witnessed the incident had been receiving threats and was forced to go into hiding. She also learned that the plate number used by the vehicle was fake and not registered with the Land Transportation Office (LTO).

*Witnesses saw Velasco struggling with his abductors for five minutes while he was being manhandled in full public view. Five men held Velasco's arms, legs and torso and threw him into the van.*

The incident was recorded in a police blotter but no investigation has ever been conducted. The military and the police continue to deny having abducted Velasco. The Intelligence Service of the Armed Forces of the Philippines (ISAFP) through Lt. Col. Jack Baltazar informed Velasco's daughter that her father was on the military intelligence unit's target list but denied having him in their custody.

Velasco remains missing to this day.■

## No. G-444: Palo farmers Massacre, Torture, Threats and Denial of Medical Attention

On the evening of 20 November 2005 in Barangay San Agustin, Palo, Leyte, 46 farmers gathered to help six of their members reclaim the land that they were tilling. The Department of Agrarian Reform (DAR) awarded the land to them after they won an ownership dispute. Most of the farmers were members of the DAR-accredited San Agustin Farmers-Beneficiaries Multipurpose Cooperative (SAFaBeMCo), Alang-alang Small Farmers Association (ASFA) and Bayan Muna (People First) partylist. They organized a balik-uma (re-cultivating the land) activity on the 12-hectare land. They stayed in a kamalig, a makeshift leisure hut for farmers, and marked the opening of the planting season with festivity as they had traditionally practiced.

At around 5:00 am the following day, when some of the farmers were already awake drinking coffee and cooking, a platoon of soldiers wearing ski masks, fatigue uniforms, combat boots, and in full battle gear arrived and began firing indiscriminately at the farmers for about 30 minutes. The soldiers belonged to the 19th Infantry Battalion Philippine Army (IBPA) under

According to the evidence submitted to the Permanent Peoples' Tribunal (PPT) 2nd Session on the Philippines, the soldiers ordered the farmers to lie face-down and started stepping on their backs. The farmers were being forced to admit that they were members or sympathizers of the NPA. When they denied this and asserted that they were simple farmers and were unarmed, a soldier suddenly produced a sackful of firearms and so-called subversive documents and claimed that these belonged to the farmers. The soldiers also refused to give them immediate medical attention when the farmers pleaded.

At one point, one of the soldiers said that those who were wounded should be finished off but he was prevailed upon by another soldier because "there were already lots of people who are watching."

Killed on the spot were seven civilians including a woman who was then seven months pregnant while 11 were wounded and eight were arrested and subsequently detained. According to the web publication Bulatlat, one of those arrested and detained was Joselito Tobe, secretary-general of the Concerned Citizens for Justice and Peace (CCJP) and Bayan Muna coordinator. He later died in prison under questionable circumstances. The PPT records show that he was subjected to death threats but the jail authorities claimed that he suffered a stroke.

The military later claimed that there was an encounter with the New People's Army (NPA) in the area. In his testimony before the Citizens' Congress for Truth and Accountability (CCTA), Richard Margallo, a survivor, denounced the military's claim and said that all they had in their possession during the incident were farm bolos and three hand tractors.

According to the PPT records, the military filed charges of illegal possession of firearms and illegal assembly against the farmers who survived. Legal documents show that the illegal possession charges were subsequently dismissed by the GRP courts while the illegal assembly charge remains pending. However, it was also learned that the countercharges filed by the farmers against the military were recently dismissed by the GRP prosecutor "for lack of merit." ■

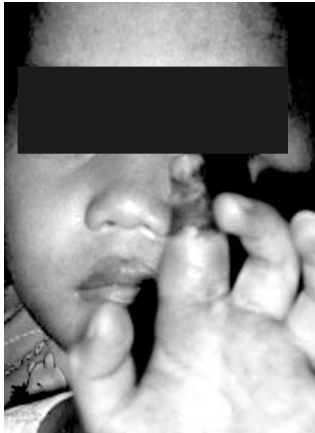


*One of the massacre survivors; on the right is a close-up of his leg bearing gunshot wounds*

Lt. Adrian Benedicto. They lobbed five grenades, entered the kamalig and told the farmers to surrender their firearms. The farmers replied that they did not have firearms but the soldiers ignored them and continued to pepper them with gunfire.



## No. G-483: Padiwan family Massacre, Indiscriminate Firing and Desecration of Remains



*Eight-year old Almujaayal Padiwan showing his wounded finger*

On 1 February 2005 at 6:00 a.m., 10 year old Aldassir Padiwan was sleeping together with his 8-year old brother Almujaayal in their house in Sitio Baunu Ice, Barangay Kapuk Punggol, Maimbung, Sulu. Their other sibling Madrazana (11) was in the kitchen together with their parents and their youngest three-year old brother Aljismal.

Madrazana noticed that several men in military uniform were approaching their house and she called the attention of her father, an imam. One of the soldiers then

called out to them from outside the kitchen. Their parents went out to talk with the soldiers who were speaking in Tagalog. Madrazana was instructed by their mother to get drinking water that was requested by the soldiers.

When she was about to bring the water from the kitchen, there was a commotion and she saw her father run inside towards the main house. Then she saw one of the soldiers shoot her father who fell as he was approaching the door.

Madrazana ran back to the kitchen to take cover. She took Aljismal with her. She saw her mother take a piece of cloth and wrap their father's head with it to stop the bleeding from the gunshot wound. Then they both went inside the house. The father then came out of the house and staggered back to the kitchen. As he was going down the stairs, soldiers again shot him and he fell to the ground. After which, a soldier kicked him and said "*Patay na*" (He is already dead).

Meanwhile, Almujaayal was still in bed beside his brother Aldassir when he was awakened by their mother who told him not to move because there were soldiers in their house. Madrazana, who was still in the kitchen, heard gunfire coming from every direction and she saw the soldiers shooting at their house from underneath, training their guns towards the floor. Almujaayal also saw bullets being fired from every direction of the house. Their mother died of gunshot wounds while Almujaayal and Aldassir were wounded.

When the firing stopped, the soldiers barged inside the house and asked if they have guns. Almujaayal told them that they had none. In the kitchen, the soldiers asked Madrazana the same question and again she also answered in the negative. A Tausug-speaking soldier told her to run away. She then called out to her brothers Almujaayal and Aldassir, but there was no reply so she took Aljismal and they went to a nearby house.

The soldiers took the wounded Aldassir and Almujaayal on board a military truck and put them on its floor. Almujaayal heard his brother call out to him, but when he called out Aldassir's name, his brother no longer responded. The truck was still running when the soldiers threw out the dead body of Aldassir because according to them he was already dead anyway.

While recuperating at the hospital, soldiers would pass by Almujaayal's bed and make threatening hand signals at him suggesting that he would be finished off or would be taken and tied up by them.

He and Madrazana have since then stopped going to school and have not returned to their house out of fear.

According to evidence submitted before the Citizens' Congress for Truth and Accountability (CCTA), the soldiers were members of the 53rd Infantry Battalion headed by a Col. Dennis Villanueva.■

*The soldiers took the wounded Aldassir and Almujaayal on board a military truck and put them on its floor. Almujaayal heard his brother call out to him, but when he called out Aldassir's name, his brother no longer responded. The truck was still running when the soldiers threw out the dead body of Aldassir because according to them he was already dead anyway.*

## No. G-535: Antonio Licawen and Brandon Guinaban Violation of the Rights of Hors de Combat and Extrajudicial Killing

On 17 August 2005 in Sitio Luy-otan, Barangay Sabang, Buguias, Benguet, New People's Army (NPA) members Antonio Licawen and Brandon Pedro Guinaban were in two separate huts when elements of the 1604th Provincial Police Mobile Group and Police Regional Office led by Senior Inspector Crispin Ongican chanced upon them.

According to statements of the Chadli Molintas Command of the NPA, Licawen was wounded after their unit was involved in an encounter on 15 August 2005. He could hardly walk and needed surgery for his severely broken ankle. Guinaban was accompanying Licawen and they were waiting for transport on their way to seek medical attention. Witnesses attest that Licawen was incapacitated and both he and Guinaban were unarmed and unable to offer any resistance when captured by the police.

Residents, including children, saw the policemen tie the hands of the two with the use of a sack. The two were subjected to blows, kicks, and gunbarrel jabs in the presence of the residents. The two pleaded for mercy but to no avail. Later, they were taken to a nearby brook where their heads were

dunked into the water before they were led back to the house. Licawen was continuously jabbed with a gun because he could not walk. The beatings continued until they reached the road. They were then told to run and when they did not, they were fired upon by the police.

When found, their dead bodies bore several gunshot wounds and signs of being tightly bound. According to reports, Guinaban's body was hardly recognizable and his skull was partially shattered while Licawen's armpit was severely damaged and almost disconnected, and his ears showed signs that they were pierced by a hard object.

Witnesses, including children, were severely shocked and traumatized by what they saw.■

*Witnesses attest that Licawen was incapacitated and both he and Guinaban were unarmed and unable to offer any resistance when captured by the police... (They) saw the policemen tie the hands of the two with the use of a sack. The two were subjected to blows, kicks, and gunbarrel jabs in the presence of the residents... They were then told to run and when they did not, they were fired upon by the police.*

## **No. G-441: Jojo Temporada et. al. Violation of the Rights of Hors de Combat, Extrajudicial Killing and Denial of Medical Attention**

On 16 August 2005 in Sitio Basangan, Barangay San Francisco, San Antonio, Nueva Ecija, elements of the 71st Infantry Battalion Philippine Army (IBPA), the 308th Regional Mobile Group of the Philippine National Police (PNP) and local policemen headed by a certain Col. Tanchoco arrived in front of the house of a certain Sabino Pano. A firefight ensued that lasted for almost two hours, resulting in the immediate death of two New People's Army (NPA) members, Eleazar delos Santos and Zaldy Tisada; a GRP soldier; and an elderly civilian woman while another soldier was wounded.

According to captured wounded NPA member Jojo Temporada, he and another NPA member, Eugene Santos, had already raised their arms and were surrendering when the military men hit him on the head and pushed him outside the house. They also pushed Santos and shot him in the head at close range. The bullet exited through Santos' forehead, gouging his eyes out and deforming his face.

Two other NPA members were able to escape -- Ernesto Perez and Efren Adriano. But Perez who was hit by a bullet on his neck that exited at his back died later, while Adriano, who was wounded on his leg, was captured at 8:00 a.m. the next day. He was not immediately taken to the hospital or given first aid treatment. The hospital records indicate that he was taken to the hospital only at 11:25 a.m. He later died of infection and loss of blood.

Temporada who was wounded on his belly, thigh and head was given initial medical treatment but was not given an anti-tetanus vaccine. He was immediately taken to jail on the day of his capture and a case of rebellion was filed against him on 18 August 2005.■

*According to captured wounded NPA member Jojo Temporada, he and another NPA member, Eugene Santos, had already raised their arms and were surrendering when the military men hit him on the head... They also pushed Santos and shot him in the head at close range. The bullet exited through Santos' forehead, gouging his eyes out and deforming his face.*

## No. G-358: Angelina Bisuña Ipong Sexual Abuse/Harassment, Torture, Illegal Arrest and Detention



*Angelina Bisuña Ipong*

Angelina Bisuña Ipong, 60-year old peace advocate was arrested without a warrant by armed men in Anastacia Mission Village, Barangay Lumbayao, Aloran, Misamis Occidental on 8 March 2005. The men identified themselves as Criminal Investigation Detection Group (CIDG) members. The account received by the Permanent Peoples' Tribunal (PPT) 2nd Session on the Philippines stated that the armed men were wearing bonnets.

Another man entered the room, removed her blindfold and interrogated her again before he left. An hour later, another man entered the room and blindfolded her again. Afterwards, three men came, tied her hands behind her and interrogated and tortured her again. They punched, beat and undressed her. Her undergarments were pulled down and they fondled and touched her private parts while interrogating her. She shouted for mercy and asked that she be treated with respect like their mothers and sisters but her torturers just laughed. She eventually lost consciousness.

When she came to, she was shivering because the air-conditioner was on full blast. It was under these conditions that she was forced to admit that she was a top ranking official of the Communist Party of the Philippines-New People's Army (CPP-NPA).

She was then presented by Gen. Alberto Braganza of the Southern Command to the media on 16 March 2005 allegedly as a captured NPA leader. She was so sick, nauseated and in pain that she had to be taken to the conference room in a wheelchair.

Ten days after her arrest, Ipong was flown to Molave, Zamboanga del Sur where she was charged with rebellion and later with several common crimes on the basis of her forced admission. She was detained at the Ramon Magsaysay, Zamboanga del Sur prison and then transferred to the Pagadian City Jail where she is presently detained. Court records show that another case for rebellion was filed against her in Dipolog.

After denying her arrest, custody and place of detention for more than a week, the military finally allowed Ipong to receive a visit from her lawyer and KARAPATAN representatives who, together with her family and friends, had tirelessly been searching for her from one military camp to another since her arrest.■

She was brought to the bunker of the First Infantry (Tabak) Division at Pulacan, Labangan, Zamboanga del Sur, held incommunicado, denied access to her relatives and counsel and blindfolded every now and then. She was continuously interrogated and physically abused while blindfolded. To protest her arrest and ill-treatment, she went on a hunger strike.

On the fourth day of her incarceration, she was blindfolded, led to a car and then made to ride a helicopter. It took around two hours to reach their destination which she reckoned to be the Southern Command (SouthCom) headquarters in Zamboanga City. She was then brought to an air-conditioned room with a microphone and black chain attached to the wall. She was denied access to a comfort room so she was forced to relieve herself in a glass jar. A man threatened her that she would rot in that room if she did not tell the truth. She was being forced to incriminate herself and when she refused, she was punched on the side of her body, hit on the head with a rolled-up paper and threatened with rape. The man also took all her belongings.

## No. G-547: “Liza and Jenny” Rape, Exploitation of Children in the Context of the Armed Conflict and Fake Surrender

On 7 February 2005, soldiers belonging to the 21st Infantry Battalion Philippine Army (IBPA) led by a certain Sgt. Gunato arrived and stayed in the house of 15-year old twin sisters Liza and Jenny (not their real names) in Pinukpuk, Kalinga.

The next day, while the sisters were on their way to school, the soldiers followed them and asked them about the whereabouts of the New People’s Army (NPA). Due to fear, the twins decided to go to Tabuk, Kalinga the following day. The soldiers who were staying in their house learned of their plan and told the twins to drop by their detachment in Tappo, Pinukpuk before going to Tabuk.

For reasons unknown to the twins, when they arrived at the detachment on 9 February 2005, two soldiers coached them on how to reply to interview questions in exchange for which, they would be given P1,000.00. But the twins did not accept the amount.

On 10 February 2005, a certain Capt. Adena gave them P300.00 for their fare in going to Tabuk. They went to Casigayan, Tabuk, and stayed at the boarding house of a certain Cathy Tanguilag. On

12 February 2005, the twins were fetched by the military and brought to the camp in Bantay, Tabuk. They were interviewed and made to sign papers hastily without having read the contents. After which, they were returned to Casigayan.

On 13 February 2005, they were again fetched by Capt. Adena and taken to the camp where they were invited to a

videoke singing session that lasted until early morning of 14 February 2005. Later that day, a certain Sgt. Tayabang took pictures of the twins for souvenirs, with Liza holding an M-16 rifle and Jenny, a .45 caliber pistol. Jenny was also taught how to dismantle and assemble rifles while a

soldier took photographs. That afternoon, they were given food and water that made them dizzy and lose consciousness. When Jenny came to, she felt body pains. She went to take a bath and discovered a sticky substance on her belly and bloodstains on her underwear. A human rights organization in the province received information later that the twins had been raped.

Meanwhile, on 8 February 2005, the twins’ mother, a public school teacher, left the military in their house and went to have their palay milled in Camalog, Pinukpuk. When she returned late afternoon the next day, she was surprised to find out that her daughters did not come home from their afternoon classes. She thought that the twins slept at their uncle’s house in Limos because this was their usual routine. Later, she learned from a student who hailed from

Limos that her daughters went to Tabuk and she felt assured believing that they went there to visit relatives.

On 12 February 2005, when the twins still did not return, she decided to follow them to Tabuk. She went to the houses of their relatives but the twins were not there. Due to a Kalinga Day school activity which required compulsory attendance for public school teachers, she had to go back to Pinukpuk

*Later that day, a certain Sgt. Tayabang took pictures of the twins for souvenirs, with Liza holding an M-16 rifle and Jenny, a .45 caliber pistol. Jenny was also taught how to dismantle and assemble rifles while a soldier took photographs. That afternoon, they were given food and water that made them dizzy and lose consciousness. When Jenny came to, she felt body pains. She went to take a bath and discovered a sticky substance on her belly and bloodstains on her underwear.*



on 14 February 2005 but returned to Tabuk in the afternoon to continue looking for her children.

On 15 February 2005, the twins' mother went to the boarding house of her niece but her daughters were not there either. When she arrived at her sister's house, she was surprised to learn from her nephew that her daughters were in an undisclosed military camp allegedly as "rebel returnees." She then tried to visit her daughters at the camp but was allowed to talk with them only for a few minutes and in the presence of soldiers. She sensed that something was wrong with her daughters so after her visit, she decided to report the incident to the GRP Department of Social Welfare and Development (DSWD).

The next day, when she went to the DSWD to report the matter, she was surprised upon her arrival to see her twins. The military apparently turned-over the girls to the DSWD earlier that day. She was also informed that her daughters implicated her as the one who supposedly recruited them to join the NPA. She denied the allegation and tried to explain her side to the DSWD but to no avail. She failed to secure custody of her children.

The twins were turned-over to a relative after two days. They were surprised when the military, headed by a certain Col. Dario, hurriedly brought them to the GRP Commission on Human Rights (CHR) office in Tuguegarao City, Cagayan on 21 February 2005 where they were made to sign a joint affidavit without knowing what its contents were. It turned out that the affidavit stated that the twins were forced by their mother to join the NPA.

In a subsequent joint affidavit issued by the twins, they disputed the allegation of the military that they were NPA members and that their mother had been their recruiter. The twins' statement was corroborated by their mother in a separate affidavit.■

*(The mother) was informed that her daughters implicated her as the one who supposedly recruited them to join the NPA. She denied the allegation and tried to explain her side to the DSWD but to no avail. She failed to secure custody of her children.*

## No. G-073: Nestor Lumbab Torture, Inhuman, Cruel and/or Degrading Treatment and Illegal Arrest and Detention



*Torture victim Nestor Lumbab*

On 26 August 2002 at 1:00 p.m. in Sitio Santikan, Barangay Cabunga-an, Catmon, Nestor Lumbab, 23, a farmer of Barangay Mag-antoy, Tuburan, Cebu was arbitrarily accosted at gunpoint by soldiers of the 78th Infantry Battalion Philippine Army (IBPA) headed by Lt. Col. Jonas Sumagaysay.

The soldiers beat, punched, and hit him with their rifle butts by the roadside and in the presence of residents.

They accused him of being a New People's Army (NPA) member. He was then brought to a nearby abandoned house where he was tied to a post with only the tip of his toes touching the ground while being mauled. The soldiers forced him to admit that he was an NPA. When he refused, they untied him from the post and tied him instead to a coconut tree with his hands at his back. They choked him, banged his head against the tree while forcing him to admit to their accusation. The soldiers also threatened to kill him if he did not cooperate.

The soldiers left him tied to the tree for hours to be bitten by ants. According to the local paper SunStar Cebu, The soldiers even made fun of Lumbab by making him sing. Everytime he asked to relieve himself, they commanded him to raise one leg like dogs do when they urinate. When he refused, he was punched and kicked in the stomach.

*Everytime he asked to relieve himself, they commanded him to raise one leg like dogs do when they urinate. When he refused, he was punched and kicked in the stomach.*

*The next day he was taken to the 78th IB headquarters where he was again interrogated and tortured. A certain Lt. Margarata kicked his stomach, wrapped his face tightly with a camouflage scarf causing him to faint, poured water over him causing him chills, and electrocuted different parts of his body making him lose consciousness several times.*

The next day he was taken to the 78th IB headquarters where he was again interrogated and tortured. A certain Lt. Margarata kicked his stomach, wrapped his face tightly with a camouflage scarf causing him to faint, poured water over him causing him chills, and electrocuted different parts of his body making him lose consciousness several times.

He was again threatened with torture and summary execution if he did not admit to being an NPA. Eventually, he was forced to admit to the soldiers' allegations because he couldn't bear the pain any longer. Despite his admission, the torture continued with his face wrapped in cellophane until he couldn't breathe. This was done to him every time the soldiers asked questions.

While in detention from 27 August to 24 October 2002, Lumbab was not allowed to confer with his relatives or counsel. He was also forced to publicly say that he was being treated well and was not being detained by the military but was voluntarily staying in the military camp.

Lt. Col. Sumagaysay and his officers refused to comply with the 5 September 2002 order of a GRP court which granted the petition for a privilege of the writ of *habeas corpus* filed by Lumbab's relative. They refused to present him in court and stopped the sheriff from entering the camp to serve and execute the order. For this, they were fined for indirect contempt. It was only on 24 October 2002 that Lt. Col. Sumagaysay and his officers released Lumbab upon the order of the same judge.■

## No. G-978: Pastor Berlin Guerrero Torture, Illegal Arrest and Detention



*Pastor Berlin Guerrero shows his swollen wrists*

On 27 May 2007 in Barangay Malabanan, Biñan, Laguna, United Church of Christ in the Philippines (UCCP) Pastor Berlin Guerrero, his wife and three children had just attended a church service and were on board a tricycle when a van blocked their path. Around six armed men approached them and when they recognized Pastor Berlin, one of them exclaimed “positive.” According to reports, the armed men

who abducted Pastor Berlin were operatives of the Naval Intelligence Security Forces (NISF).

The armed NISF forcibly took him at gunpoint telling him that they had a warrant for his arrest. He asked them to show him the warrant but they could not produce any. Instead, he was hit on the nape, pushed inside the van lying face down, handcuffed and blindfolded. One of his sons who tried to intervene was pushed back by the armed men. Then one of them went back and snatched the handbag of Guerrero’s wife. During the 35 to 45 minute drive to an unknown destination, Pastor Berlin was beaten and interrogated.

He was brought to a safehouse where the beating and interrogation continued. He was punched, beaten with a big plastic bottle of mineral water, kicked on his stomach and sex organ. He was asked if his wife was good in sex. His tormentors pinched and pulled at his nipples, taunting him that they would do the same to his wife and teenage daughter whom they maliciously said was a virgin still. They covered his face with a plastic bag, making him lose consciousness twice. He urinated in his pants due to severe torture. They coerced him into incriminating some individuals, forcing

him to admit that he had taken over the position of a certain “Ka Marcing,” one of the detainees in Camp Vicente Lim, and that the internal refugees housed at a certain seminary used as a sanctuary were armed.

The following day, Pastor Berlin was taken to Camp Pantaleon Garcia, the Philippine National Police (PNP) Provincial Headquarters in Cavite where he is presently detained. It was only then - more than a day after he was abducted - that his family saw him again. He was later presented to the media. An old charge of murder was resurrected and a new case of inciting to sedition was later filed in court against him.■

*He was brought to a safehouse where the beating and interrogation continued. He was punched, beaten with a big plastic bottle of mineral water, kicked on his stomach and sex organ... They covered his face with a plastic bag, making him lose consciousness twice. He urinated in his pants due to severe torture.*

## **Illustrative Examples of Complaints Against NDFP**

Form with No Narration of Incident

**NDP-JS FORM 1**  
Revised Dec 2005

**NATIONAL DEMOCRATIC FRONT OF THE PHILIPPINES - MONITORING COMMITTEE**  
Joint Monitoring Committee

**NDP-NOMINATED SECTION**  
JOINT SECRETARIAT  
41 Laranza St., Cebu, 1111 Quezon City, Philippines  
Tel: (02) 525-1111; Email: ndf-jc@ndf.org.ph

**COMPLAINT FORM**

**RECEIVED**  
NDFP Nominated Section  
Joint Secretariat  
Date: 12 Nov 2011 Time: 2:15 PM  
Received by: [Signature]  
Signature: [Signature]

**PERSONS OR ORGANIZATIONS FILING**  
(If more than one person or organization is filing a complaint, accomplish in a separate sheet per person or organization the information requested below.)

1. Name of person or organization: Eastern Mindanao Command (EASCOM)

2. If filer is an organization, name of contact person: MAJ AGUSTIN & MARTINA JAGS AFP

3. Organization and position in organization of person used in No. 1: Legal Officer, PNL & AFP

4. Type of organization stated in No. 1 or 3: (please specify with)

A. Civilian government unit:  
National government AFP  
Local government unit PNP  
Others (please specify) CAFGU

C. Non-government organization:  
Private security agency Others (please specify)

5. Gender: Male

6. Age: 35

7. Occupation and/or Sector: Police Officer, PNP

8. Address of person or organization stated in No. 1: Barangay San Dumas, Cebu City, Cebu

**III. ALLEGED PERPETRATOR(S)**  
Name of alleged perpetrator(s):  
(1) NPA Communist Terrorist (5) \_\_\_\_\_  
(2) \_\_\_\_\_ (6) \_\_\_\_\_  
(3) \_\_\_\_\_ (7) \_\_\_\_\_  
(4) \_\_\_\_\_ (8) \_\_\_\_\_  
Total number of alleged perpetrator(s): Two (2)  
Information about alleged perpetrator No. \_\_\_\_\_ (please accomplish in a separate sheet per perpetrator the information requested below):  
1. Gender: Male 2. Age: \_\_\_\_\_  
3. If unidentified or unidentifiable, please state any circumstance or identifying mark/features that can help in the eventual identification: \_\_\_\_\_  
4. Position/Rank and Unit: \_\_\_\_\_  
5. Command: \_\_\_\_\_  
6. Address: \_\_\_\_\_  
7. Place of incident (please be as specific as possible regarding region, province, city/municipality, barangay etc.):  
Luzon Visayas Mindanao Outside the Philippines: \_\_\_\_\_  
8. Summary or narration of incident (please be brief):  
On 31/08/2011

**V. LIST OF EVIDENCES/ATTACHMENTS**  
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. \_\_\_\_\_  
If the complaint has been filed, referred or is pending before any legal and judicial body of either the GRP and/or the NDFP, please state:  
1. Complaint(s): \_\_\_\_\_  
2. Nature of complaint/case: \_\_\_\_\_  
3. Place where complaint/case was filed: \_\_\_\_\_  
4. Date of complaint: \_\_\_\_\_  
5. Case Number or Equivalent File or Reference Number: \_\_\_\_\_  
6. Status of complaint/case: \_\_\_\_\_

[Note: This form may be amended or revised at any time warranted by circumstances or developments.]  
NDP-JS Form 1 Enclosure - 3





NDPF-JS FORM 1  
Revised Dec. 2005

# NATIONAL DEMOCRATIC FRONT OF THE PHILIPPINES - MONITORING COMMITTEE Joint Monitoring Committee

## NDPF NOMINATED SECTION JOINT SECRETARIAT

NATIONAL DEMOCRATIC FRONT OF THE PHILIPPINES  
- Monitoring Committee  
NDPF Nominated Section  
Joint Secretariat  
Center, 41 Lantana St., Cebu, 1111 Quezon City, Philippines  
632 721475; Email: ndpf-jsection@yahoo.com

## COMPLAINT FORM

RECEIVED

Number 804  
Date 10 Jan 2006 Time 4:10 am  
Received by me  
Signature [Signature]

**S 804**

### 1. PERSONS OR ORGANIZATION(S) FILING

(If more than one person or organization is filing a complaint, accomplish in a separate sheet per person or organization the information requested below.)

1. Name of person or organization: NOL COM, AFP
2. If filer is an organization, name of contact person: EDMUND R. KAT HENSTON G. ARANAYAS
3. Organization and position in organization of person stated in No. 1: CHIEF OFFICER, OTHOS AFP

### 4. Type of organization stated in No. 1 or 3: (please specify unit)

- A. Civilian government unit:
  - ☐ National government
  - ☐ Local government unit
  - ☐ Others (please specify)
- B. Armed force:
  - ☒ AFP
  - ☐ PNP
  - ☐ CAPO
  - ☐ Private security agency
  - ☐ Other (please specify)
5. Gender: male 6. Age: 45

### 7. Occupation and/or Sector:

NDP COM CHIEF ARMS ACQUISITION, TRAINING WITH

8. Address of person or organization stated in No. 1: CHIEF OFFICER OF ARMS ACQUISITION, OTHOS

NDPF-JS Form 1 Enclosure - 1

# Form that Lacks Substantiation for the Allegation

**NDFP-JS FORM 1**  
Revised Dec. 2005

**NATIONAL DEMOCRATIC FRONT OF THE PHILIPPINES - MONITORING COMMITTEE**  
Joint Monitoring Committee

**NDFP NOMINATED SECTION**  
JOINT SECRETARIAT  
NATIONAL DEMOCRATIC FRONT OF THE PHILIPPINES - MONITORING COMMITTEE  
Joint Monitoring Committee  
NDFP Nominated Section  
Joint Secretariat

1111 Quezon City, Philippines  
Tel: 7221457; Email: ndfp\_jst@netcom.ph

**COMPLAINT FORM**

**RECEIVED**  
Number: 1431  
Date: 11 Nov 2006 Time: 4:03 PM  
Received by: [Signature]  
Signature: [Signature]

**S 1431**

**PERSON(S) OR ORGANIZATION(S) FILING**  
(If more than one person or organization is filing a complaint, accomplish in a separate sheet per person or organization the information requested below.)

1. Name of person or organization: COLON, AFP

2. If filer is an organization, name of contact person: MAN AGUSTIN G. MATAJIA JAGO

3. Organization and position in organization of person stated in No. 1: LEGAL OFFICER ON AG, AFP

4. Type of organization stated in No. 1 or 3: (please specify unit)

A. Civilian government unit:  
National government: ☒ AFP  
Local government unit: ☐ PNP  
Others (please specify): ☐ CARFU

C. Non-government organization:  
Private security agency: ☐ Others (please specify): ☐

5. Gender: MALE

6. Age: 41

7. Occupation and/or Sector: CAMP MAKER, LUGO CEMETERY

8. Address of person or organization stated in No. 1: GHQ, AFP CP AGUINALDO, D.C.

**NDFP-JS Form 1 Enclosure - 1**

**III. ALLEGED PERPETRATOR(S)**

Name of alleged perpetrator(s):  
(1) \_\_\_\_\_ (5) \_\_\_\_\_  
(2) \_\_\_\_\_ (6) \_\_\_\_\_  
(3) \_\_\_\_\_ (7) \_\_\_\_\_  
(4) \_\_\_\_\_ (8) \_\_\_\_\_

Total number of alleged perpetrator(s): CONSPIRACY PERPETRATOR

Information about alleged Perpetrator No. \_\_\_\_\_ (Please accomplish in a separate sheet per perpetrator the information requested below):

1. Gender: \_\_\_\_\_ 2. Age: \_\_\_\_\_

3. If unidentified or unidentifiable, please state any circumstance or identifying marks/features that can help in the eventual identification: \_\_\_\_\_

4. Position/Rank and Unit: \_\_\_\_\_

5. Command: \_\_\_\_\_

6. Address: \_\_\_\_\_

**IV. PARTICULARS OF ALLEGED VIOLATIONS**

1. Place of incident (please be as specific as possible regarding region, province, city/municipality, barangay etc.):  
ABUJO, B.

2. Date or period of incident: 2005 OCTOBER 2005

3. Summary or narration of incident (please be brief):  
TRY TO BIRTH/DYANALLY EXECUTED - ELMER SALCEDA

**V. LIST OF EVIDENCE(S)/ATTACHMENT(S)**

1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_  
4. \_\_\_\_\_  
5. \_\_\_\_\_

If the complaint has been filed, referred or is pending before any legal and judicial body of either the GRP and/or the NDFP, please state:

1. Complaintant(s): \_\_\_\_\_

2. Nature of complaint/case: \_\_\_\_\_

3. Place where complaint/case was filed: \_\_\_\_\_

4. Date of complaint: \_\_\_\_\_

5. Case Number or Equivalent File or Reference Number: \_\_\_\_\_

6. Status of complaint/case: \_\_\_\_\_

[Note: This form may be amended or revised as may be warranted by circumstances or developments.]  
NDFP-JS Form 1 Enclosure - 3

NDFFP-JS Form 1 English - 2NDPP-JS Form 1, February 2011



## Illustrative Examples of Complaints Against NDFP | 41

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# Form with Allegation that Could Not Possibly Qualify as Violation of CARHRIHL (Providing Voluntary Contribution)

NDPF-JS FORM 1



## NATIONAL DEMOCRATIC FRONT OF THE PHILIPPINES – MONITORING COMMITTEE Joint Monitoring Committee

**NATIONAL DEMOCRATIC FRONT OF THE PHILIPPINES –  
MONITORING COMMITTEE**  
NDFP Nominating Section  
Joint Secretariat  
1111 Orosa City, Baguio City  
Email: [ndfp@ndfp.org.ph](mailto:ndfp@ndfp.org.ph) Fax: \_\_\_\_\_

**RECEIVED**  
Number: 84C  
Date: 12 Dec 2006 Time: 5:13 pm  
Received by: me  
Signature: me

**COMPLAINT FORM**  
Number: 045  
Received by: me  
Signature: me

**COMPLAINT RECEIVED**  
NDFP Nominating Section  
Joint Secretariat  
1111 Orosa City, Baguio City  
Email: [ndfp@ndfp.org.ph](mailto:ndfp@ndfp.org.ph) Fax: \_\_\_\_\_

### 1. PERSON FILING

☐ Name of Person Filing: Jose P. Pineda Jr.  
☐ Signature/Thumbmark of Person Filing: \_\_\_\_\_  
☐ Position and Organization of Person Filing or Assisting: \_\_\_\_\_

☐ Mailing Address: Orangutan, Santa Catalina, Baguio  
☐ Email Address: \_\_\_\_\_  
☐ Telephone Number(s): \_\_\_\_\_  
☐ Fax Number: \_\_\_\_\_  
☐ Mobile Phone(s): \_\_\_\_\_

### 2. ALLEGED VICTIM

(If more than one, please enumerate and indicate  
number of victims here;  
and provide similar data as contained below in a Separate Sheet.)

☐ Name of Alleged Victim (If Different from No. 1): \_\_\_\_\_  
☐ Signature/Thumbmark of Alleged Victim: \_\_\_\_\_  
☐ Position/Rank and Organization of Alleged Victim: \_\_\_\_\_  
☐ Mailing Address: \_\_\_\_\_  
☐ Email Address: \_\_\_\_\_

3

☐ AFP ☐ CARFU/CVO/Paramilitary ☐ Hired Killers  
☐ PNP ☐ Government Official/Employee ☐ Hired Goons  
☐ Others (Pls. specify) ☐ Hired Security Guards

OR

If alleged perpetrators are non-GRP in cases of complaints against the NDFP

☐ Others (Pls. specify) \_\_\_\_\_

### 4. PARTICULARS OF ALLEGED VIOLATION

☐ Place of Alleged Violation (as specific as possible: region, province, city/municipality, barangay etc.) \_\_\_\_\_

☐ Luzon ☐ Visayas ☐ Mindanao ☐ Outside Philippines: (Pls. specify) \_\_\_\_\_

☐ Date or Period of Alleged Violation: 1999-2003

☐ Brief Summary/Narration of Violation: Re: 500 calls, an amount buying

slippers and others

☐ Please state if the complaint has been filed, referred or is pending before any legal and judicial body of either the GRP and/or the NDFP and if so:

☐ Who filed☐ What was filed☐ Where filed☐ When filed☐ Case Number or Equivalent File or Reference Number☐ Status of complaint

[Note: This form may be amended or revised as may be warranted by circumstances or developments.]

507 JUNE 04

3



# Form with Alleged Violators that Are Not NDFP Forces

**NDP-JS FORM 1**  
Revised Dec 2005

**NATIONAL DEMOCRATIC FRONT OF THE PHILIPPINES - MONITORING COMMITTEE**  
Joint Monitoring Committee

**NDP NOMINATED SECTION**  
JOINT SECRETARIAT  
NATIONAL DEMOCRATIC FRONT OF THE PHILIPPINES  
Monitoring Committee  
NDP Nominated Section COMPLAINT FORM  
Joint Secretariat

**RECEIVED**  
Number: 1519  
Date: 20 Dec 2006 Time: 4:26 pm  
Received by: [Signature]  
Signature: [Signature]

**PERSONS OR ORGANIZATIONS FILING**  
(If more than one person or organization is filing a complaint, accomplish in a separate sheet per person or organization the information requested below.)

1. Name of person or organization: YOLANDA B. RAYMUNDO

2. If filer is an organization, name of contact person: \_\_\_\_\_

3. Organization and position in organization of person listed in No. 1: \_\_\_\_\_

4. Type of organization stated in No. 1 or 3: (Please specify unit)

A. Civilian government unit: \_\_\_\_\_

B. Armed forces: \_\_\_\_\_

C. Non-government organization: \_\_\_\_\_

5. Gender: FEMALE

6. Age: 44

7. Occupation and/or Sector: HOUSE WIFE

8. Address of person or organization stated in No. 1: 247 WAPA ST. ABUENAY, BATAAN

**NDP-JS Form 1 Enclosure 1**

**ALLEGED PERPETRATOR(S)**

(1) BERNARD CARAGAY AKA ABA / NEMENG

(2) ROMANO ROMAN AKA KARDIAN

(3) 2 UNIDENTIFIED PERSON

(4) \_\_\_\_\_

Total number of alleged perpetrator(s): 4

Information about alleged perpetrator No. \_\_\_\_\_ (Please accomplish in a separate sheet per perpetrator the information requested below):

1. Gender: MALE

2. Age: \_\_\_\_\_

3. If unidentified or unidentifiable, please state any circumstance or identifying marks/features that can help in the eventual identification: \_\_\_\_\_

4. Position/Rank and Unit: \_\_\_\_\_

5. Command: \_\_\_\_\_

6. Address: \_\_\_\_\_

**IF PARTICULARS OF ALLEGED VIOLATIONS**

1. Place of incident: POB CAYON, BATAAN

2. Date and period of incident: MAY 13, 2006

3. Summary or narration of incident (Please be brief):  
Murder case was committed on May 13, 2006 at about 8:30 o'clock in the morning at Poblacion, Bataan. When the victim (SP4B Reynaldo Paguente) was assigned by bullet on a their distance by suspects believed to be members of MRP-RHP and sustained fifteen gunshot wounds that caused an instantaneous death. After the incident, suspects left the place in great hurry, leaving the victim.

**LIST OF EVIDENCES/ATTACHMENTS**

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

If the complaint has been filed, referred or is pending before any legal and judicial authority, please state:

1. Complaint(s): YOLANDA B. RAYMUNDO

2. Name of complainant: MURDER

3. Place where complaint/case was filed: OFFICE OF THE PROSECUTOR GENERAL, CITY

4. Date of complaint: MAY 23, 2006

5. Case Number or Equivalent File or Reference Number: IS NO. 06-14

6. Status of complaint/case: ACQUITTAL

(Notes: This form may be amended or revised as may be warranted by circumstances or development.)

**NDP-JS Form 1 Enclosure 2**

## **Other Publications of the NDFP Human Rights Monitoring Committee**

- Booklet number 1: Important Documents on the Joint Monitoring Committee, 2004.
- Booklet number 2: Visayan and English Versions of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL), 2004.
- Booklet number 3: The Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) with Iluko Translation, 2004.
- Booklet number 4: The Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) with related Communist Party of the Philippines Documents and Filipino Translations, 2005.
- Booklet number 5: Praymer Hinggil sa CARHRIHL, Joint Monitoring Committee (JMC) at Joint Secretariat (JS) ng JMC, 2005.
- Booklet number 5 (Ikalawang Edisyon): Praymer Hinggil sa CARHRIHL, Joint Monitoring Committee (JMC) at Joint Secretariat (JS) ng JMC (Filipino at Ingles), December 2005.
- Booklet number 6: Declaration of Undertaking to Apply the Geneva Conventions of 1949 and Protocol I of 1977, 2005.
- Booklet number 7: NDFP's Defense of the Rights of the Filipino Child, 2005.
- Booklet number 8: The GRP-NDFP Peace Negotiations: Major Written Agreements & Outstanding Issues, March 2006.
- Booklet number 9: The Lies of GRP Officials on Extrajudicial Killings: A Comprehensive Study of Twenty-Three (23) Cases of Extrajudicial Killings Filed Against the GRP that the Macapagal-Arroyo Regime is Attributing to the NDFP, May 2007.