

**Submission by the
Promotion of Church People's Response
Related to the PHILIPPINES
for the Universal Periodic Review May 2012**

1. In 2008, the Philippines underwent its first periodic review under the Universal Periodic Review mechanism of the UN Human Rights Council. As state under review, the government submitted its report upholding numerous national and international laws, agreements and covenants. *“The Philippines is one of the first States to have ratified all of the seven core international human rights treaties currently in force and other human rights-related instruments. The Philippines is presently strengthening its institutional mechanism, through the PHRC, to ensure its reporting compliance to the UN treaty bodies.”*¹
2. During the review, a significant number of extrajudicial killings was noted leading a number of country missions to raise questions to which the government responded in its report that it *“has taken firm measures to address the problem of extrajudicial killings and enforced disappearances...addressing this most urgent concern, by bringing their perpetrators to justice and preventing such killings in future, remains a priority of Government...”*²
3. Victims of extrajudicial killings and other human rights violations included activists, journalists, lawyers and judges, and even church people. From January 2001 to March 2008 before the first review session on the Philippines in April 2008, there were 903 victims of extrajudicial killings.³
4. At the end of the session, the following recommendation was made by different governments regarding human rights violations: *To completely eliminate torture and extrajudicial killings (Holy See), to intensify its efforts to carry out investigations and prosecutions on extrajudicial killings and punish those responsible (Switzerland) as well as to provide a follow-up report on efforts and measures to address extrajudicial killings and enforced disappearances, taking into account the recommendations of the Special Rapporteur on extrajudicial, summary or arbitrary executions (The Netherlands).*⁴
5. The government of the Philippines responded as one of its voluntary commitments *“To maintain the momentum on addressing killings of activists and media professionals..”*⁵
6. Despite the above commitment of the Philippine government, human rights violations continue. As of July 2011, during the one year term of President Benigno Aquino III, there were 48 victims of extrajudicial killings, 5 enforced disappearances, 95 illegal arrests with detention and 29 of torture.⁶ President Aquino

¹ Philippine National Report to the Human Rights Council for the Universal Periodic Review, par. 8, p. 1 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/114/11/PDF/G0811411.pdf?OpenElement>

² Ibid, par. 105, p. 13

³ Karapatan Monitor, January-March 2008, Table 2 http://www.karapatan.org/files/KarapatanMonitor_JanMarch08.pdf

⁴ Report of the Working Group on the Universal Periodic Review The Philippines, p. 15 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/136/75/PDF/G0813675.pdf?OpenElement>

⁵ Ibid, par. 60 p.16

⁶ http://www.karapatan.org/files/Karapatan%20Monitor_2ndQuarter_April-June2011.pdf

also continued the implementation of his predecessor's internal security program until December 2010 and instituted a new program called Oplan Bayanihan that still includes the vilification campaign and the filing of fabricated charges against activists.(Attachment 1)

7. The existing Human Security Act (HSA) carries a broad definition of terrorist acts to include those that “sow and create conditions of widespread and extraordinary fear and panic among the populace, in order to coerce the government to give in to an unlawful demand.” It also authorizes preventive detention, expands the power of warrantless arrest, and allows for unchecked invasion of privacy, liberty and other basic rights. Persons merely suspected of engaging in terrorism may be arrested without warrant and detained without charges.⁷
8. In a recent statement, Executive Secretary Ochoa announced that the government is pushing for “stronger anti-terrorism legislation” that would remove certain provisions such as “*inform(ing) suspected terrorists that they are under surveillance and that their bank accounts are subject of investigations. A portion of the law also states that the application of the law is prohibited one month before and two months after an election.*”⁸
9. The Promotion of Church People’s Response, a national organization of ordained church people and lay faithful seeking justice for all the victims of human rights violation, is submitting this report for the upcoming universal periodic review on the Philippines in 2012 with emphasis on the violations of human rights committed against church people.
10. “*Those that belong to the religious groups are not spared from extra-judicial killings. It is noteworthy that three percent of the victims are members of the religious groups.*”⁹
11. From 2001 to 2007, there were 26 church people who were victims of extrajudicial killings, seven were illegally detained and tortured, one victim of enforced disappearance and one victim of fabricated charges. Two active church members of a Protestant denomination committed suicide to escape further torture from the hands of the military.

I. Continuing Human Rights Violations

12. Since 2008, the following clergy and active lay leaders of different religious denominations were victims of extrajudicial killings, torture and other human rights violations.
 - Extrajudicial killings: Rev. Filomino Catambis, Fr. Cecilio Lucero, Bro. Benjamin Bayles, Jovelito Agustin, Rabenio Sungit and Fr. Fausto Tentorio
 - Attempted killing: Fr. Jose Francisco Talaban
 - Illegal detention and torture: Dr. Alexis Montes
 - Illegal arrest and filing of fabricated charges: Pastor Edwin Edgar
 - Harassment and intimidation: Fr. Quirino Aguilar
13. **Rev. Filomino Catambis**, a pastor of the United Church of Christ in the Philippines, while on his way home in the province of Leyte, central Philippines, was shot several times on January 23, 2008, by two men on board a motorcycle. (Attachment 2)

⁷ <http://www.chanrobles.com/republicacts/republicactno9372.html>

⁸ <http://www.abs-cbnnews.com/-depth/09/10/11/palace-seeks-boost-govt-anti-terrorism-campaign>

⁹ Parreño, A. Report on the Philippine Extrajudicial Killings (2001-August 2010)
<http://www.scribd.com/doc/37525880/Atty-Al-Parreno-s-Report-on-the-Legal-Audit-of-EJK-cases-2001-2010>

14. **Fr. Cecilio Lucero**, a priest from the Diocese of Catarman in Northern Samar a province in central Philippines and holds the human rights desk of the diocese, was ambushed and killed last September 6, 2009 at around six o'clock in the morning by five bonnet-wearing assailants along a national highway. He instantly died on the spot while one of his companions was wounded and another passenger, a policeman escaped unscathed. Based on the national fact finding report conducted by different church and people's organization, prior to his killing Fr. Lucero provided moral and material support to the victims of human rights violations. He also provided sanctuary to a peasant survivor of a massacre incident perpetrated by forces belonging to the 63rd Infantry battalion of the Philippine Army. Three days before Fr. Lucero was killed, according to his secretary, he was visited by a group of military and had a heated argument regarding the case of the peasant survivor. He was also vilified as a supporter of the Communist Party of the Philippines/New People's Army received death threats.¹⁰

15. **Bro. Benjamin Bayles**, a lay leader of the Philippine Independent Church in Negros Occidental, a province in central Philippines, was shot dead by two motorcycle riding men on June 14, 2010. After the incident, the suspected gunmen were arrested while fleeing from the crime scene by the responding police officers. The two suspected assailants turned out to be active elements of the 61st Infantry Battalion of the Philippine Army based in Negros Occidental, This they initially denied until the Department of Defense secretary admitted it in a congressional hearing. At the time of his death, Bayles was a member of Promotion of Church People's Response, an active farmer-organizer of the National Federation of Sugar Workers (NFSW), a member of September 21 Movement affiliated with Karapatan, and was also a member-volunteer of Bayan Muna Partylist. (Attachment 3)

16. The next day, June 15, **Jovelito Agustin**, a lay minister of the Philippine Independent Church in the province of Ilocos Norte in northern Philippines and media professional being an anchorman of a local radio program, was on his way home onboard his motorcycle when two motorcycle-riding gunmen overtook him along the highway and shot him several times. He is a well known pro-labor commentator and widely used his radio program to help victims of illegal recruitment in the province. (Attachment 3)

17. **Rabenio Sungit**, a lay leader of the United Church of Christ in the Philippines, was shot dead by an unidentified motorcycle-riding man in the public market of a town in Palawan Island, Luzon on September 5, 2011 at around 13:30. He was an active advocate of the rights of indigenous peoples for ancestral lands against encroachments of large-scale mining companies and other environmentally-destructive projects. (Attachment 4)

18. This killing is not the first to happen in the Sungit family and tribal community. Rabenio's older brother, **Abe**, an oppositionist of and organizer against destructive mining operations and human rights violations, was also shot dead in a similar manner in 2005.

19. **Fr. Fausto Tentorio**, PIME was brutally killed in a broad daylight on October 17, 2011 by a lone assassin inside the compound of his parish in Arakan, North Cotabato, southern Philippines. Before Fr. Tentorio was assassinated, he was active in the promotion of indigenous peoples' and peasants' rights. He was also active in the campaign against military presence in the rural communities and in the peace initiative of different groups. He also initiated various programs for the welfare of the poor people in his church. Prior to his death, Fr. Tentorio was vilified as a supporter of the New People's Army and constantly received death threats.¹¹

¹⁰ <http://www.scribd.com/doc/21246407/A-journey-for-the-truth-National-fact-finding-mission-report-on-the-killing-of-Father-Cecilio-Lucero>

¹¹ *End the impunity in Arakan Valley* www.justiceforfatherpops.org

20. As in the previous history of extrajudicial killings that were reviewed by 2008, the above killings followed a pattern:
 - these were carried out by unknown assassins, usually two men riding a motorcycle, often wearing bonnets;
 - the victims were known to be active advocates of human rights especially of the poor, and oppositionists to military presence in their communities and/or the encroachment of mining companies and other foreign enterprises;
 - they were vilified as supporters of the New People's Army/Communist Party of the Philippines
21. What is new is that Fr. Lucero and Fr. Tentorio were the first two victims after martial law from the clergy of the Roman Catholic Church, in a country that is predominantly Catholic.
22. The other church people who were victims of human rights violations included: **Fr. Jose Francisco Talaban**, a clergy from the Infanta Prelature of the Roman Catholic Church in the island of Luzon survived from a bombing of his convent on June 26, 2010. After the incident, leaflets from "*Aniban Ayaw sa Komunista*", a local anti-communist group, accused the priest with other church people and a lawyer who were active in a campaign against government projects in the area as members and supporters of the New People's Army and told in Filipino "*You should be packing your bags now. You have caused disunity*".¹²
23. Another case of harassment and intimidation was suffered by **Fr. Quirino Aguilar**, ESHT, a priest of a church in Metro Manila. He is active in the campaign against possible displacement of more than 40,000 people in an urban poor community due to government and private corporation's projects in the area. He received text messages discouraging him to take part in the community issues. There were also two incidents of bonnet-wearing armed men roaming at the back of his convent, monitored by residents after a shooting incident last July 23, 2011 where two residents were killed by security guards of a private corporation.
24. **Dr. Alexis Montes**, a lay leader of the United Church of Christ in the Philippines, was among the 43 health workers arrested on February 6, 2010 in the province of Rizal in Luzon and illegally detained. He was also heavily tortured. Dr. Montes with other co-detainees in what is known as "Morong 43" has filed charges against the Philippine military.¹³
25. **Pastor Edwin Egar** of the United Church of Christ in the Philippines was arrested on February 9, 2009, released after 5 hours but has been slapped with fabricated criminal charges together with 71 other activists from the southern part of Luzon.¹⁴

II. Elusive Justice for the Victims

¹² <http://www.gmanews.tv/story/194652/unidentified-men-attack-catholic-rectory-in-aurora>

¹³ <http://newsinfo.inquirer.net/breakingnews/nation/view/20100209-252207/Military-accused-of-torturing-detained-health-workers>

¹⁴ *Government files new charges vs 72 Southern Tagalog activists*, June 9, 2011,

<http://filipinodemocrats.org/node/416>

26. While the government of the Philippines claimed that there are “*effective remedies available through judicial, administrative and legislative processes*” cases filed before the court went under different technical and judicial predicaments.
27. In Report on the Philippine Extrajudicial Killings (2001 – August 2010), lawyer Al A. Parreño concluded that: *The Conviction Rate is, at the least, dismal. Of the three hundred five (305) incidents recorded for the years 2000-2010, only one hundred sixty-one (169) or 56.29% of the cases reached the prosecutorial level. Only ninety-five (101) cases or 33.22% of the total number of incidents are successfully prosecuted. This means that only fifty-nine percent (59%) of the total number of the criminal complaints are found to have probable cause that a crime has been committed and the accused is probably guilty thereof. Unfortunately, barely one percent (1%) of the cases have attained a conviction.*¹⁵
28. Among these are those of Bishop Alberto Ramento, Fr. Cecilio Lucero and Benjamin Bayles whose cases are pending before the trial courts.
29. **Bishop Alberto Ramento** of the Philippine Independent Church was stabbed to death at the early dawn of October 3, 2006 inside his parish. The police investigation concluded after three days that the incident was a case of robbery with homicide. Arrested and charged before the court were four suspected civilian perpetrators and the case was declared solved and closed.
30. On December 6, 2006, the family and the church of Bishop Ramento through their private counsel belonging to the Public Interest Law Center entered a special appearance before the regional trial court stating that: *“The widow and the family of and the church to which Bishop Ramento belonged hereby inform this Honorable Court that they find the investigation of this case conducted by the Philippine National Police to be utterly unsatisfactory and unconvincing. Nevertheless, since a criminal case has already been filed in court, they find it necessary to critically participate therein with reservations.”* (Attachment 5)
31. After more than five years, the case of Bishop Ramento is still pending before the Regional Trial Court and no further investigation was conducted by the Philippine National Police.
32. Upon **Fr. Lucero**’s murder, a task force named after the victim was created by the Philippine National Police to investigate the killing. The said investigation led to the arrest of a certain Jerry Esperas who admitted that he participated in the actual killing. Based on his affidavit, that he was hired with other state forces element to kill the priest and that the master minds were the influential people whom the parish priest has allegedly criticized.
33. The PNP eventually filed a murder case in the office of the prosecutor against Jerry Esperas and a number of police and military personnel, including influential local politicians, based on the account of the self confessed assailant. But after preliminary investigations by the Department of Justice prosecutors’ panel and series of motions filed by both parties, the panel ruled that the cases against the accused police and military personnel and influential politicians be dismissed except that of Esperas. The administrative case against the state security forces was also dismissed. All were reinstated into the police service and some of them were even promoted to a higher position. After more than two years, the cases are still pending at the prosecutorial level except the murder case filed against a self confessed assailant.¹⁶

¹⁵ Parreño, Al. Report on the Philippine Extrajudicial Killings (2001-August 2010)
<http://www.scribd.com/doc/37525880/Atty-Al-Parreno-s-Report-on-the-Legal-Audit-of-EJK-cases-2001-2010>

¹⁶ <http://www.scribd.com/doc/21246407/A-journey-for-the-truth-National-fact-finding-mission-report-on-the-killing-of-Father-Cecilio-Lucero>

34. Murder cases were filed against the two suspected killers of **Benjamin Bayles** but till now it is pending at the regional trial court. There were a number of deficits in this case from the investigation before and after the arrest of the suspects, criminal procedure and handling of witnesses.¹⁷ There is a possibility that the suspects would be released.

Recommendations

35. Since the Philippine government failed to stop the killings and the blatant violations of human rights, the Promotion of Church People's Response proposes the following recommendations to the Philippine government to:

1. Put an end to extrajudicial killings enforced disappearances, illegal arrests and detention, torture and other human rights violations
2. Discontinue the internal security plan Bayanihan that targeted the civilian population.
3. Render justice to the victims of human rights violations by providing adequate compensation, indemnification, restitution and rehabilitation and establishing mechanisms for this purpose.;
4. Institute special laws, procedures, remedies and courts that would effectively prosecute cases of extrajudicial killings, enforced disappearances, illegal arrests, detention and torture carried out by state forces.
5. Enforce the implementation of the Anti-torture law.
6. Repeal the Human Security Act.