The Philippine
HUMAN RIGHTS
Situationer
May 2020
Executive Summary

This document is a comprehensive account of the human rights situation in the Philippines, including the country’s human rights policies, mechanisms, advocacies and accomplishments. It was consolidated by the Department of Foreign Affairs based on the information provided by various Philippine government agencies concerned.

The Philippines has always accorded high importance to its human rights commitments and its engagements with all stakeholders and the international community. It is in this spirit of transparency and open and constructive engagement that the Philippine government shares this information.

This Human Rights Situationer frames the on-the-ground situation in the Philippines from the perspective of good governance, of a government that is fully aware of immense challenges, and is determined to meet them to better the life of every Filipino citizen, consistent with its obligations to respect, protect and fulfill human rights, as enunciated in the Bill of Rights of the 1987 Philippine Constitution, the Universal Declaration of Human Rights, the human rights treaties ratified by the Philippines, relevant laws and other issuances.

This Situationer takes full cognizance of UN Commission on Human Rights resolution 2000/64, which underscored the role of good governance in the promotion of human rights, to wit:

“Emphasizing that the strengthening of good governance at the national level, including through the building of effective and accountable institutions for promoting growth and sustainable human development, is a continuous process for all Governments regardless of the level of development of the countries concerned …”

“Noting that good governance practices necessarily vary according to the particular circumstances and needs of different societies, and that the responsibility for determining and implementing such practices, based on transparency and accountability, and for creating and maintaining an enabling environment conducive to the enjoyment of all human rights at the national level, rests with the State concerned.”
The Situationer endeavors to shed light on government actions which have been misrepresented outside the country as human rights violations. In good faith and in line with the government's public duty, the document provides a background on the political context in the Philippines to help contextualize some of the allegations on the human rights situation in the country and the non-state actors who raise these allegations before the international community.

The high satisfaction ratings of the Filipino people for President Rodrigo R. Duterte and his administration are inconsistent with the picture of systematic and widespread human rights violations and civil society crackdown being painted of the Philippines in the international community. The Duterte administration, driven by a strong agenda on social justice, continues to enjoy broad public support, with 87% approval and 83% trust ratings in surveys of December 2019.

**Parts 1 and 2** highlight key efforts undertaken consistent with the country’s strong and continuing tradition of human rights leadership. These include the following:

- advancement of its core human rights advocacies in the national, regional, and international fora and the enhancement of constructive engagements with all States, stakeholders, the UN, and human rights mechanisms;

- full and strengthened implementation of a rights-based development and good governance agenda to sustain inclusive economic growth in a peaceful and secure environment for 110 million Filipinos;

- further strengthening of national accountability mechanisms and scaling up of best practices in order to address reports of, and incidences of human rights violations. These mechanisms are well-entrenched to uphold human rights and the rule of law, and transparent and open to public scrutiny; and,

- continued investment in new and existing legal and institutional mechanisms to effectively prevent and address allegations of impunity.

**Part 3** describes the political context in the Philippines to enable readers to understand better the dynamics in the Philippines as it relates to human rights and the activities of a small but well-resourced group of actors decrying alleged human rights violations before the international community. This section illustrates the challenges confronted by the Philippines, as one of the top ten countries most impacted by terrorism per the 2019 Global Terrorism Index, to decisively defeat the longest-running and most violent communist insurgency in Asia pursued by the Communist Party of the Philippines-New People’s Army-National Democratic Front (CPP-NPA-NDF). The terrorism of the CPP-NPA-NDF constitutes a challenge to the democracy and development of the Philippines and it has been waged over the past five decades based on the group’s dual revolutionary tactic that blurs the boundaries of social activism and armed struggle. Facts and case studies are provided to illustrate how this group has exploited human rights issues and democratic spaces as a platform for advancing their agenda of an armed revolution and covering crimes and atrocities.
The document emphasizes the following:

• despite their claims, these actors do not by the nature of their activities and organizational objectives represent the thousands of civil society organizations in the Philippines, including community-based groups, whose roles in the Philippine public life are established, unhindered, constructive, peaceful, well-recognized and highly-valued. There are over 101,000 registered non-profit organizations, and majority of them are valued partners of the government and the Filipino people in nation-building;

• these actors, which have consistently undermined democratically-elected Philippine administrations, have historically failed to provide facts to support their allegations and have rejected the government’s request for their cooperation to resolve the alleged cases within the framework of the national accountability mechanisms; and,

• the Philippine government has repeatedly called on the international community to exercise due diligence in assessing information and representations made by organizations and personalities affiliated to or associated with the CPP-NPA-NDF, which have been declared terrorists by the Philippines, US, UK, EU, Australia, Canada and New Zealand.

Part 4 discusses the continuing reforms to strengthen rule of law, access to justice and accountability mechanisms in the judiciary and executive institutions in the Philippines. This falls squarely within the priorities of the Philippine Development Plan of 2017-2020, which pursues strategies to enhance the country’s civil, criminal, commercial and administrative justice systems and improve the efficiency and accountability of the justice sector. A key mechanism in focus is Administrative Order No. 35 which was enacted as a machinery dedicated to the resolution of unsolved cases of political violence in the form of extra-legal killings, enforced disappearances, torture, and other grave violations to the right to life, liberty and security of persons. This mechanism is being further strengthened with the assistance and support of international partners including with the EU-GoJust program.

Part 5 illustrates that media freedom is constitutionally-guaranteed and fiercely guarded by the government, with two of the first executive issuances of the President focusing on strengthening media space through the Freedom of Information and the creation of the Presidential Task Force on Media Security (PTFOMS). It contains updates on the convictions and status of the caseload of the Task Force involving cases of threats and killing of media practitioners. The work of the Task Force underlines the commitment of the government at the highest level to protect the life, liberty and security of media workers. As a testimony to the early accomplishments of the Task Force, Reporters without Borders (RSF) delisted the Philippines from the list of the top 5 “most dangerous countries in the world for journalists” and the Committee to Protect Journalists (CPJ) has made a special citation of the Philippines as a country with improved ranking in the 2018 Global Impunity Index. The conviction in December 2019 of over 43 individuals including politicians and police officers for the killing in 2009 of 58 people, including 32 media workers, was hailed as a triumph of justice and an affirmation of the integrity of the Philippine judicial system.

Part 6 emphasizes the strong and comprehensive government agenda of empowering the indigenous peoples (IP). The Philippines is the first country in Asia and one of the few countries in the world to legally recognize the rights of indigenous peoples, with its Indigenous People’s Rights Act (IPRA), which became the model for what ten years later was to become the UN Declaration on Indigenous Peoples. This agenda stands on a comprehensive social justice program rectifying centuries of historical injustice rooted in colonial times and grants effective control of ancestral domains to IP communities, this being
the most important and effective measure to truly operationalize the promotion and protection of their rights. This section describes duplicities and atrocities committed by the CPP-NPA-NDF on the IP communities in the Philippines and explains why the empowerment of the IP communities is fundamental to national development and in ensuring the defeat of this long-running insurgency in the country.

Part 7 highlights agrarian reform as a keystone in the Philippine human rights and development agenda. The future of millions of Filipino farmers and agricultural workers, as well as the sustainable development of the country’s agricultural sector rests on the commitment of the government to correct historical injustices and redistribute land ownership to the landless. The Duterte administration’s determination to complete the Comprehensive Agrarian Reform Program (CARP) is manifested in the aggressive fast-tracking of the resolution of agrarian-related cases and ensuring the land tenure security of farmers and agrarian reform beneficiaries. This section also presents cases that illustrate the challenge of decisively addressing vulnerabilities of farmers and the youth in pockets of the Philippine countryside to various acts of exploitation by the CPP-NPA-NDF, which considers the peasant sector as a remaining base to keep its flagging armed struggle going. It draws attention to the interest of the terrorist group in instigating conflicts and land-related disputes that victimize farmers and in preventing the successful delivery of agrarian justice programs in the countryside.

Part 8 explains the comprehensive implementation of the government’s anti-illegal drugs (AID) campaign, in full respect of human rights and with strong adherence to a zero-tolerance policy for abuses and human rights violations committed by state actors. Critical sources have cited bloated figures concerning AID deaths reaching as high as 30,000 but have not been able to substantiate claims. The government has rejected this figure as baseless and implausible, citing that the figure in fact encompasses all homicide cases in the country for the period 2016-2018, including those that have resulted from personal disputes and rivalries.

Part 8 also addresses related updates on the government’s anti-illegal drug (AID) campaign and measures to further strengthen accountability in the Philippine National Police and the rule of law with respect to the AID. The indictment in January 2020 of Chief of Police Oscar Albayalde together with 13 police officials in relation to a drug raid in Pampanga serves as clear evidence of a well-functioning justice system that does not exempt even top officials from the legal process. The conduct of Senate inquiry into this case further illustrates a healthy democracy with a working system for checks and balances among the branches of government.

This section affirms that sweeping claims of impunity on the AID campaign are unfounded in a system that provides every avenue to examine, establish and pursue a claim of wrongdoing by a State actor, if such claim is substantiated with facts.

Finally, Part 9 addresses specific allegations of reprisals that have been brought before the United Nations. The government has exhaustively addressed these allegations through various channels and in different UN fora.
# TABLE OF CONTENTS

## I

**A STRONG AND CONTINUING TRADITION OF HUMAN RIGHTS**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.1 An inclusive good governance agenda</td>
<td>3</td>
</tr>
<tr>
<td>1.2 Philippines’ Voluntary National Review on the 17 Sustainable Development Goals</td>
<td>12</td>
</tr>
<tr>
<td>1.3 An open and transparent government</td>
<td>13</td>
</tr>
<tr>
<td>1.4 Empowered citizen participation</td>
<td>14</td>
</tr>
<tr>
<td>1.5 An independent and empowered national human rights institution</td>
<td>15</td>
</tr>
<tr>
<td>1.6 The anti-illegal drug campaign: a mandate from the Filipino people</td>
<td>16</td>
</tr>
</tbody>
</table>

## II

**ROBUST ENGAGEMENTS WITH THE UN, HUMAN RIGHTS MECHANISMS, AND THE INTERNATIONAL COMMUNITY**

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1 The Universal Periodic Review</td>
<td>20</td>
</tr>
<tr>
<td>2.2 Engagement with UN Treaty Bodies</td>
<td>20</td>
</tr>
<tr>
<td>2.3 Engagement with the Special Procedures of the Human Rights Council</td>
<td>21</td>
</tr>
<tr>
<td>2.3.1 Special Rapporteur on Extra-Judicial Killings</td>
<td>21</td>
</tr>
<tr>
<td>2.3.2 Recent Engagements with Special Procedure Mandate Holders</td>
<td>22</td>
</tr>
<tr>
<td>2.3.3 Meetings with the UN Working Group on Enforced and</td>
<td>23</td>
</tr>
<tr>
<td>Involuntary Disappearances (WGEID)</td>
<td></td>
</tr>
<tr>
<td>2.4 Recent partnerships and engagements with the UN, human rights</td>
<td>23</td>
</tr>
<tr>
<td>mechanisms, and the international community</td>
<td></td>
</tr>
</tbody>
</table>
III
UNDERSTANDING THE PHILIPPINES
AND THE POLITICAL CONTEXT ..............................................................................25

3.1 Sources of allegations .........................................................................................26
3.2 Understanding CPP-NPA-NDF duplicity and how it blurs boundaries
   between social activism and terrorism ................................................................31
3.3 Government efforts to end insurgency and negotiate a peace agreement ..........42
3.4 The National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) .................................................................44
   3.4.1 Successes of NTF-ELCAC ........................................................................46
   3.4.2 CPP-NPA-NDF vilification of E.O. 70 ..........................................................47

IV
ACCOUNTABILITY AND RULE OF LAW ................................................................50

4.1 Justice Sector Coordinating Council (JSCC) ........................................................52
4.2 National Justice Information System ................................................................53
4.3 Higher case disposition rates due to process improvements and increased
   number of prosecutors, public attorneys and courts ........................................54
4.4 Promotion of Alternative Dispute Resolution (ADR) mechanisms ....................55
4.5 Access to justice of indigent litigants, the oppressed, marginalized
   and underprivileged ........................................................................................56
4.6 Ensuring the right of persons arrested/detained or under custodial investigation
   to have access to court at all times ......................................................................56
   4.6.1 Night courts ............................................................................................57
   4.6.2 Justice on Wheels ..................................................................................57
4.7 Strengthening national mechanisms to provide redress to victims and accountability
   for human rights violations .............................................................................58
   4.7.1 The Administrative Order no. 35 (AO 35) ................................................58
   4.7.2 Strengthening the DOJ Victims’ Compensation Program ..........................63
   4.7.3 National Preventive Mechanism under the Optional Protocol to the Convention Against
         torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) ....64
4.8 Enforced and Involuntary Disappearances (EID) ....................................................65
   4.8.1 Cooperation with the UN Working Group on Enforced or Involuntary
         Disappearances (WGEID) ..........................................................................66
4.9 Decongestion of detention facilities ...................................................................70
4.10 Accountability and respect for human rights in the Philippine National Police (PNP) ..71
4.11 Accountability and respect for human rights in the Armed Forces of the Philippines (AFP) ..........................................................................................75
   4.11.1 AFP Monitoring of Violations ................................................................77
   4.11.2 AFP Engagement with the Commission on Human Rights and Stakeholders ....77
## V MEDIA FREEDOM

- **5.1** Protecting the Media: The Presidential Task Force on Media Security (Task Force) ................................................. 83
- **5.2** Guilty Verdict on the Maguindanao Massacre Case .......................................................................................... 84
- **5.3** The Task Force’s Case Data (As of April 20, 2020) ...................................................................................... 85
- **5.4** Threats and Intimidation against media workers ......................................................................................... 86
- **5.5** Fight against disinformation and fake news ............................................................................................ 86
- **5.6** Alleged restrictions on Philippine media and press freedom ......................................................................... 87
  - **5.6.1** Rappler ................................................................................................................................. 87
  - **5.6.2** ABS-CBN .......................................................................................................................... 89
- **5.7** Promoting an enabling environment for media workers ............................................................................. 91

## VI PROTECTION OF THE RIGHTS OF INDIGENOUS PEOPLES (IPs)

- **6.1** Ancestral domain and land titles ........................................................................................................... 95
  - **6.1.1** Ancestral Domains Sustainable Development and Protection (ADSDP) Plan ................................. 96
- **6.2** Certificate of Precondition: A working mechanism ................................................................................ 97
- **6.3** Social justice programs for the indigenous peoples ................................................................................. 97
  - **6.3.1** Socio-economic services and special concerns .............................................................................. 97
  - **6.3.2** Education, culture, and health ..................................................................................................... 97
  - **6.3.3** Empowerment and human rights .................................................................................................. 97
  - **6.3.4** Legal affairs ....................................................................................................................................... 97
  - **6.3.5** Policy, planning, and research ....................................................................................................... 97
- **6.4** Allegations in the context of the IP empowerment agenda ........................................................................ 98
  - **6.4.1** On the alleged use of “paramilitaries” ......................................................................................... 99
  - **6.4.2** On the alleged “militarization” of ancestral domains and displacement of IPs .................................. 101
  - **6.4.3** CPP-NPA-NDF’s use of IP schools to train children combatants ...................................................... 104
  - **6.4.4** Closure of 55 Salugpongan schools in Davao del Norte ................................................................. 105
- **6.5** Lakbay-Hukay Program and the CPP-NPA-NDF’s “kangaroo courts” .......................................................... 107
VII
AGRARIAN REFORM AND THE PROTECTION OF THE RIGHTS OF FARMERS/ PEASANTS ........................................108

7.1 History of the Philippine agrarian reform .........................................................................................110
7.2 Accelerated agrarian reform under the Duterte administration ........................................................111
7.3 Terrorist challenge to advancing social justice in the countryside ..................................................112
  7.3.1 Recruitment of minors for armed conflict: Qualified cases of human trafficking vs. CPP-NPA-NDF personalities in Negros ..................................................................................114

VIII
ANTI-ILLEGAL DRUGS (AID) CAMPAIGN ..................................................................................115

8.1 Results and gains ..............................................................................................................................118
8.2 The Drug situation before 2016 ......................................................................................................119
8.3 PH Anti-Illegal Drug Policy – Rehabinasyon ..................................................................................119
8.4 #RealNumbersPH ..........................................................................................................................121
8.5 Holistic approach to the drug problem ............................................................................................122
  8.5.1 Supply reduction ........................................................................................................................122
  8.5.2 Demand reduction, rehabilitation and reintegration ................................................................124
  8.5.3 Access to and dispensation of justice in the Anti-illegal Drug Campaign ................................126
8.6 Accountability in the Anti-illegal Drugs Campaign .........................................................................127
8.7 Strengthening accountability within law enforcement agencies .....................................................129

IX
ALLEGATIONS OF REPRISAL .................................................................................................130

9.1 Alleged reprisal against Former Chief Justice Maria Lourdes Sereno ............................................131
9.2 Alleged reprisal against Special Rapporteur on Indigenous Peoples Victoria Tauli-Corpuz ............132
9.3 Alleged reprisal against Senator de Leila de Lima ............................................................................132
9.4 Alleged reprisal against the Commission on Human Rights ............................................................133
9.5 Alleged reprisal against Karapatan et. al. .......................................................................................134
TABLES

Table 1-1 List of key legislation enacted during the Duterte administration ................................................. 3
Table 1-2 Budget of the Philippine Commission on Human Rights .............................................................. 15
Table 3-1 2019 Global Terrorism Index data on Philippine ranking since 2002 ................................................ 27
Table 3-2 Concise background on the CPP-NPA-NDF .............................................................................. 29
Table 3-3 CPP Central Committee’s Sectoral Organizing Work ................................................................. 34
Table 3-4 CPP-Created Underground, Front Organizations, Alliances and Networks ................................. 35
Table 3-5 Beast in sheep’s clothing: 5 cases of falsehoods vis-à-vis facts on the ground ........................... 36
Table 3-6 NTF-ELCAC’s 12 Clusters of Effort ......................................................................................... 45
Table 4-1 Board of Claims’ Data (2016-2019) ............................................................................................ 63
Table 4-2 Summary of the 625 reported cases of disappearances referred by WGEID ............................. 67
Table 8-1 Number of Operations Conducted and Persons Arrested for Violation of Republic Act 9165 or the Comprehensive Dangerous Drugs Act of 2002 (2011-2018) ........................................ 122
Table 8-2 Resolved Criminal Cases related to Illegal Drugs .................................................................... 126
Table 8-3 Summary of Elected Officials, Government Employees and Uniformed Personnel Arrested Covering the Period July 2016 to December 2019 ................................................................. 128

FIGURES

Figure 4-1 AO Cases by Nature .................................................................................................................. 59
Figure 4-2 Status of AO 35 Reported Cases ............................................................................................... 60
Figure 4-3 AO 35 Reported Cases by Region ............................................................................................. 60
Figure 4-4 Spikes in Reported Killings from the 625 cases under WGEID .................................................. 69
I

A STRONG AND CONTINUING TRADITION OF HUMAN RIGHTS
The Philippines is the oldest Republic and one of the most vibrant democracies in Asia. Since becoming an independent state and a founding member of the United Nations, the Philippines has always been at the global forefront of advancing human rights. It has championed the causes of the underrepresented, particularly the small states, newly independent states, and the colonized peoples, and was instrumental in shaping the Universal Declaration of Human Rights (UDHR) which was adopted in 1948.

One of the most important contributions of the Philippines has been to push for the recognition of human rights as extending to people in colonies and non-self-governing territories, resulting in Article 2 of the UDHR which affirmed that all persons regardless of the political, jurisdictional, or international status of the country they may be in, are entitled to human rights.

The Philippines drafted in 1973 and negotiated for nearly a decade what later was to become known as the Convention on the Elimination of Discrimination Against Women (CEDAW). The Philippines similarly led and actively contributed to the adoption of other international human rights instruments including the International Convention on the Protection of the Rights of Migrant Workers and Members of their Families (CMW).

Today, the Philippines stands among the countries that have ratified the most number of UN human rights treaties; it is a State party to eight of nine human rights treaties along with additional protocols.

In the Southeast Asian region, the Philippines championed the inclusion in the Charter of the Association of Southeast Asian Nations (ASEAN) of Article 14 relating to human rights in Southeast Asia, the creation of an overarching human rights body called the ASEAN Intergovernmental Commission on Human Rights (AICHR), and the adoption of the ASEAN Declaration of Human Rights.

Human rights, enshrined in the 1987 Constitution, are a cornerstone of the country’s national and foreign policies. The mainstreaming of the Human Rights-Based Approach and good governance principles and elements in development planning is reflected in the planning documents AmBisyon Natin 2040 (Our Vision 2040) and the Philippine Development Plan (PDP) 2017-2022. AmBisyon Natin 2040 articulates the collective long-term vision and aspirations of the Filipino people for a stable, prosperous, and secure life while the PDP 2017-2022 lays out and defines three main pillars for the achievement of these goals, as follows:

**Pillar 1:**
Enhancing the social fabric
(Malasakit):
Greater trust in public institutions; people-centered, clean and efficient government; swift and fair administration of justice; greater awareness and respect for cultural diversity.

**Pillar 2:**
Inequality-reducing transformation
(Pagbabago):
Greater economic opportunities and access to these opportunities; and greater attention to disadvantaged subsectors and people groups.

**Pillar 3:**
Increasing growth potential
(Patuloy na Pag-unlad):
Increased adoption of modern technology for production; greater innovation especially in research and development; population growth management and increased investments in human capital development.

The targets, indicators, and timelines in the PDP are aligned with the Sustainable Development Goals (SDGs) and ensure that no one is left behind by paying special attention to the vulnerable and most disadvantaged.
1.1 An Inclusive good governance agenda

President Rodrigo Roa Duterte’s agenda for social and economic inclusion and good governance enjoys strong support from the Filipino people. He was elected in 2016 with over 16.6 million votes representing 39% of the votes, and nearly twice as many votes as his nearest rivals. The 2016 elections had one of the highest voter turn-out in the history of the Philippines, with 81% of the 54 million registered voters casting a ballot.

The highest priority attached to a rights-based development agenda by the government is evidenced in the enactment of milestone legislation (see Table 1-1) representing critical and historic policy interventions to address and reduce poverty, promote social inclusion, and build stable conditions for sustained and inclusive economic growth.

Table 1-1 List of key legislation enacted during the Duterte administration

1. **RA 10929**
   “Free Internet Access in Public Places Act” (2017)

   An Act establishing the Free Internet Access Program in public places in the country and appropriating funds therefor

2. **RA 10931**
   “Universal Access to Quality Tertiary Education Act” (2017)

   An Act providing for free tuition and other school fees in State universities and colleges, local universities and colleges and State-run technical-vocational institutions, establishing the tertiary education subsidy and student loan program, strengthening the unified student financial assistance system for tertiary education, and appropriating funds therefor

3. **RA 10932**
   “Anti-Hospital Deposit Law” (2017)

   An Act strengthening the Anti-Hospital Deposit Law by increasing the penalties for the refusal of hospitals and medical clinics to administer appropriate initial medical treatment and support in emergency or serious cases

4. **RA 11036**
   “Mental Health Act” (2018)

   An Act establishing a National Mental Health Policy for the purpose of enhancing the delivery of integrated mental health services, promoting and protecting the rights of persons utilizing psychiatric, neurologic and psychosocial health services, appropriating funds therefor, and for other purposes
5. **RA 11037**


An Act institutionalizing a national feeding program for undernourished children in public day care, kindergarten and elementary schools to combat hunger and undernutrition among Filipino children and appropriating funds therefor.

6. **RA 11038**


An Act declaring protected areas and providing for their management, amending for this purpose Republic Act No. 7586, otherwise known as the “National Integrated Protected Areas System (NIPAS) Act of 1992”, and for other purposes.

7. **RA 11106**

**“The Filipino Sign Language Act”** (2018)

An Act declaring Filipino sign language as the national sign language of the Filipino deaf and the official sign language of government in all transactions involving the deaf, and mandating its use in schools, broadcast media, and workplaces.

8. **RA 11164**

**“An Act increasing the monthly old-age pension of senior veterans”** (2018)

An Act increasing to P20,000 per month the old-age pension of veterans.

9. **RA 11166**


An Act strengthening the Philippine comprehensive policy on HIV and AIDS prevention, treatment, care, and support, and reconstituting the Philippine National AIDS Council (PNAC) and appropriating funds therefor.

10. **RA 11180**

**“Athletic Program Report Act”** (2019)

An Act requiring Higher Education Institutions to report annually the following: total number of participants in the athletic program and their gender; ratio of male to female participants; operative expenses; scholarship expenditures.

11. **RA 11201**

**“Department of Human Settlements and Urban Development Act”** (2019)

An Act creating the Department of Human Settlements and Urban Development, defining its mandate, powers and functions, and appropriating funds therefor.

12. **RA 11206**


An Act establishing a career guidance and counselling program for all public and private secondary schools to help students decide their courses for college.

13. **RA 11210**

**“105-Day Expanded Maternity Leave Law”** (2019)

An Act increasing the maternity leave period to one hundred five (105) days for female workers with an option to extend for an additional thirty (30) days without pay, and granting an additional fifteen (15) days for solo mothers, and for other purposes.
<table>
<thead>
<tr>
<th>No.</th>
<th>RA</th>
<th>Act Title</th>
<th>Year</th>
<th>Act Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>RA 11214</td>
<td>“The Philippine Sports Training Act”</td>
<td>2019</td>
<td>An Act establishing the Philippine Sports Training Center that will serve as the official home and primary venue for the development of athletes of the national team, contribute to sports science and research, and host local and international competitions</td>
</tr>
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<td>15</td>
<td>RA 11215</td>
<td>“National Integrated Cancer Control Act”</td>
<td>2019</td>
<td>An Act institutionalizing a National Integrated Cancer Control Program and appropriating funds therefor</td>
</tr>
<tr>
<td>16</td>
<td>RA 11222</td>
<td>“Simulated Birth Rectification Act”</td>
<td>2019</td>
<td>An Act allowing the rectification of simulated birth records and prescribing administrative adoption proceedings for the purpose</td>
</tr>
<tr>
<td>17</td>
<td>RA 11223</td>
<td>“Universal Health Care Act”</td>
<td>2019</td>
<td>An Act instituting Universal Health Care for all Filipinos, prescribing reforms in the health care system, and appropriating funds therefor</td>
</tr>
<tr>
<td>18</td>
<td>RA 11227</td>
<td>“Handbook for Overseas Filipino Workers Act”</td>
<td>2019</td>
<td>An Act mandating the Philippine Overseas Employment Administration (POEA) to develop, publish, disseminate and update a handbook on the rights and responsibilities of migrant workers</td>
</tr>
<tr>
<td>19</td>
<td>RA 11228</td>
<td>“An Act providing mandatory Philhealth coverage for all persons with disability”</td>
<td>2019</td>
<td>An Act providing for the mandatory health insurance coverage for all persons with disability, amending the 1992 Magna Carta for Persons with Disability</td>
</tr>
<tr>
<td>21</td>
<td>RA 11291</td>
<td>“Magna Carta for the Poor”</td>
<td>2019</td>
<td>An Act providing for a Magna Carta of the Poor</td>
</tr>
<tr>
<td>22</td>
<td>RA 11299</td>
<td>“An Act establishing the Office for Social Welfare Attaché”</td>
<td>2019</td>
<td>An Act amending for the purpose Republic Act No. 8042, otherwise known as the “Migrant Workers and Overseas Filipinos Act of 1995”</td>
</tr>
<tr>
<td>23</td>
<td>RA 11310</td>
<td>“Pantawid Pamilyang Pilipino Program (4Ps) Act”</td>
<td>2019</td>
<td>An Act institutionalizing 4Ps as the national poverty reduction strategy and human capital investment program that provides conditional cash transfer to poor households to improve the health, nutrition and education aspects of their lives</td>
</tr>
<tr>
<td>24</td>
<td>RA 11314</td>
<td>“Student Fare Discount Act”</td>
<td>2019</td>
<td>An Act institutionalizing the grant of student fare discount privileges on public transportation and for other purposes</td>
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### I. A STRONG AND CONTINUING TRADITION OF HUMAN RIGHTS

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<tr>
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<tbody>
<tr>
<td>26</td>
<td>“National Museum of the Philippines Act” (2019)</td>
<td>RA 11333</td>
</tr>
<tr>
<td>27</td>
<td>“National Performing Arts Companies Act” (2019)</td>
<td>RA 11392</td>
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<tr>
<td>28</td>
<td>“Mandatory Provisions of Neutral Desks in Educational Institutions Act” (2019)</td>
<td>RA 11394</td>
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<td>29</td>
<td>“National Commission of Senior Citizens Act” (2019)</td>
<td>RA 11350</td>
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<td>30</td>
<td>“National Vision Screening Act” (2019)</td>
<td>RA 11358</td>
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<tr>
<td>31</td>
<td>“Philippine Coast Guard General Hospital Act” (2019)</td>
<td>RA 11372</td>
</tr>
<tr>
<td>32</td>
<td>“Transnational Higher Education Act” (2019)</td>
<td>RA 11448</td>
</tr>
<tr>
<td>33</td>
<td>“Malasakit Centers Act” (2019)</td>
<td>RA 11463</td>
</tr>
<tr>
<td>34</td>
<td>“Tax Reform for Acceleration and Inclusion (TRAIN)” (2017)</td>
<td>RA 10963</td>
</tr>
</tbody>
</table>

#### Act Descriptions

- **“Mandatory Reporting of Notifiable Diseases and Health Events of Public Health Concern Act”** (2019): An Act providing policies and prescribing procedures on surveillance and response to notifiable diseases, epidemics, and health events of public health concern, and appropriating funds therefor.


- **“National Performing Arts Companies Act”** (2019): An Act establishing a framework for the selection of national performing arts companies, designating for the purpose certain performing arts genres and appropriating funds therefor.

- **“Mandatory Provisions of Neutral Desks in Educational Institutions Act”** (2019): An Act requiring public and private schools to provide a table or an armchair equivalent to ten percent of the student population that is suitable for both right-handed and left-handed students.


- **“Philippine Coast Guard General Hospital Act”** (2019): An Act establishing the creation of Philippine Coast Guard General Hospital for the employees and their dependents, and retired uniform personnel of the Coast Guard.

- **“Transnational Higher Education Act”** (2019): An Act expanding access to educational services through the establishment and administration of transnational higher education, and appropriating funds therefor.

- **“Malasakit Centers Act”** (2019): An Act establishing Malasakit Centers to serve as one-stop shop for medical and financial assistance for the underprivileged in all Department of Health hospitals in the country and in the Philippine General Hospital, providing funds therefor.

- **“Tax Reform for Acceleration and Inclusion (TRAIN)”** (2017): An Act to create a simpler, fairer, transparent and more efficient tax system in order to promote investment, job creation and poverty reduction.
“Mobile Number Portability Act” (2019)
An Act requiring mobile service providers to provide nationwide mobile number portability to subscribers; “Mobile Number Portability Act”

“Tulong Trabaho Act” (2019)
An Act instituting a Philippine Labor Force Competencies Competitiveness Program and free access to technical-vocational education and training (TVET), and appropriating funds therefor

“Occupational Safety and Health Standards Act” (2018)
An Act strengthening compliance with occupational safety and health standards and providing penalties for violations thereof

“Telecommuting Act” (2018)
An Act institutionalizing telecommuting as an alternative work arrangement for employees in the private sector. The law aims to address traffic congestion and promote work-life balance

“Act allowing home economics graduates to teach home economics related technical-vocational subjects in all public and private schools, consistent with the Enhanced Basic Education Act of 2013” (2019)
An Act allowing home economics graduates to teach related subjects in public and private elementary and high school students. Home economics graduates shall be required to take the Licensure Examination for Teachers, except for part-timers, while those wishing to teach technical-vocational economics for secondary level, shall be required to obtain requisite certifications from TESDA

“Act Liberalizing the Importation, Exportation, and Trading of Rice” (2019)
An Act replacing the current quota system in importing rice with a tariff system, where rice can be imported more freely. The revenues from tariffs will go to the Rice Competitiveness Enhancement Fund with Php 10 billion (USD 197.8 million) annual funding to protect the rice industry from price fluctuations

“The Philippine Human Rights Situationer”

“Tulong Trabaho Act” (2019)
An Act instituting a Philippine Labor Force Competencies Competitiveness Program and free access to technical-vocational education and training (TVET), and appropriating funds therefor

“Telecommuting Act” (2018)
An Act institutionalizing telecommuting as an alternative work arrangement for employees in the private sector. The law aims to address traffic congestion and promote work-life balance

“Free Irrigation Service Act” (2018)
An Act providing free irrigation service, amending for the purpose Republic Act No. 3601, as amended, appropriating funds therefor and for other purposes

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<tr>
<th>Bill Number</th>
<th>Bill Title</th>
<th>Year</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>RA 11241</td>
<td>“The Philippine Occupational Therapy Law”</td>
<td>2019</td>
<td>An Act regulating the registration, licensure and practice of occupational therapy, providing funds therefor and for other related purposes</td>
</tr>
<tr>
<td>RA 11249</td>
<td>“Speech Language Pathology Act”</td>
<td>2019</td>
<td>An Act regulating and professionalizing the practice of speech language pathology in the Philippines, and creating the Board of Speech Language Pathology</td>
</tr>
<tr>
<td>RA 11261</td>
<td>“First Time Jobseekers Assistance Act”</td>
<td>2019</td>
<td>An Act waiving government fees and charges in the issuance of documents required in the application for employment of first-time jobseekers</td>
</tr>
<tr>
<td>RA 11285</td>
<td>“Energy Efficiency and Conservation Act”</td>
<td>2019</td>
<td>An Act institutionalizing energy efficiency and conservation, enhancing the efficient use of energy, and granting incentives to energy efficiency and conservation projects</td>
</tr>
<tr>
<td>RA 11293</td>
<td>“Philippine Innovation Act”</td>
<td>2019</td>
<td>An Act adopting innovation as vital component of the country’s development policies to drive inclusive development, promote the growth and national competitiveness of micro, small and medium enterprises, appropriating funds therefor, and for other purposes</td>
</tr>
<tr>
<td>RA 11311</td>
<td>“Act to Improve the Land Transportation Terminals, et. al., their facilities”</td>
<td>2019</td>
<td>An Act requiring owners and operators of land transportation terminals to provide free internet services and clean sanitary facilities</td>
</tr>
<tr>
<td>RA 11312</td>
<td>“An Act strengthening the Magna Carta for scientists, engineers, researchers and other science and technology personnel in the government”</td>
<td>2019</td>
<td>An Act amending Republic Act No. 8439 Magna Carta of 1997</td>
</tr>
<tr>
<td>RA 11321</td>
<td>“Sagip Saka Act”</td>
<td>2019</td>
<td>An Act instituting the Farmers and Fisherfolk Enterprise Development Program of the Department of Agriculture. Under the program, there will be improvement of producers’ and enterprises’ access to financing, provision of access to improved technologies, business support and development services</td>
</tr>
<tr>
<td>RA 11371</td>
<td>“Murang Kuryente' Affordable Electricity Act” (2019)</td>
<td></td>
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<tr>
<td>RA 11360</td>
<td>“Service Charge Law” (2019)</td>
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<tr>
<td>RA 11363</td>
<td>“Philippine Space Act” (2019)</td>
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<tr>
<td>RA 11396</td>
<td>“State Colleges and Universities Land Use Development and Infrastructure Plan Act” (2019)</td>
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<td>RA 11398</td>
<td>“The Philippine Fisheries Profession Act” (2019)</td>
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</table>

An Act providing for the development of a curriculum on advanced energy and green building technologies at the graduate and undergraduate levels which shall focus on design resilience, natural resource conservation, and sustainable design and building practices.

### “State Colleges and Universities Land Use Development and Infrastructure Plan Act” (2019)
An Act requiring State College and Universities to craft and submit their land use and infrastructure plan to the Commission on Higher Education for efficient land use and management design and building practices.

### “The Philippine Fisheries Profession Act” (2019)
An Act creating the Professional Regulatory Board of Fisheries to establish fishery as a profession in the country and providing for the establishment of quality standards for fisheries professionals that will guide fisheries schools/colleges.

### “Innovative Startup Act” (2019)
An Act providing benefits and programs to strengthen, promote and develop the Philippine startup ecosystem.

### “Increase in the Excise Tax on Tobacco Products” (2019)
An Act increasing the excise tax on tobacco products, imposing excise tax on heated tobacco products and vapor products, increasing the penalties for violations, and earmarking a portion of the total excise tax collection or universal health care.

### “Anti-Obstruction of Power Lines Act” (2019)
An Act ensuring the continuous and uninterrupted transmission and distribution of electricity and the protection of the integrity and reliability of power lines, and providing penalties for violations thereof.

### “Service Charge Law” (2019)
An Act providing that service charges collected by hotels, restaurants and other similar establishments be distributed in full to all covered employees.

### “Philippine Space Act” (2019)
An Act establishing the Philippine Space Development and Utilization policy and creating the Philippine Space Agency to undertake space science and technology activities and space-related research and programs.

### “Murang Kuryente' Affordable Electricity Act” (2019)
An Act providing for the government to shoulder two items from the electricity charges paid by the consumers, using the government’s share of proceeds from the Malampaya Natural Gas project.
I. A STRONG AND CONTINUING TRADITION OF HUMAN RIGHTS

60. **RA 11449**


An Act providing increased penalties for the commission of a crime using access devices and considers such crime as a form of economic sabotage and a heinous crime punishable to the maximum level allowed by law.

61. **RA 11053**

“Anti-Hazing Act” (2018)

An Act prohibiting hazing and regulating other forms of initiation rites of fraternities, sororities, and other organizations, and providing penalties for violations thereof.

62. **RA 11235**

“Motorcycle Crime Prevention Act” (2019)

An Act preventing and penalizing the use of motorcycles in the commission of crimes by requiring bigger, readable and color-coded number plates and identification marks, and for other purposes.

63. **RA 11313**

“Safe Spaces Act” (2019)

An Act defining gender-based sexual harassment in streets, public spaces, online, workplaces, and educational or training institutions, providing protective measures and prescribing penalties therefor.

64. **RA 11362**

“Community Service Act” (2019)

An Act authorizing the court to require community service in lieu of imprisonment for the penalties of arresto menor and arresto mayor.

65. **RA 11188**

“Special Protection of Children in Situations of Armed Conflict Act” (2019)

An Act providing for the prevention of the recruitment, re-recruitment, use, displacement of, or grave child rights violations against children involved in armed conflict and providing penalties for violations thereof.

66. **RA 11458**

“An Act to Exempt the Publisher, Editor or Reporter of Any Publication from Revealing the Source of Published News or Information Obtained in Confidence” (2019)

An Act expanding the coverage of exemptions from revealing the source of published news or information obtained in confidence by including journalists from broadcast, and news agencies.

67. **RA 11055**

“Philippine Identification System Act” (2018)

An Act establishing the Philippine identification system to promote seamless delivery of service, to improve the efficiency, transparency, and targeted delivery of public and social services, to enhance administrative governance, to reduce corruption and curtail bureaucratic red tape to avert fraudulent transactions and misrepresentations to strengthen financial inclusion, and to promote ease of doing business.
Public spending on social services vis-à-vis the national budget reached its peak at 40.3 percent in 2017, the highest in the past 32 years.

Major social safety programs include, among others, the Pantawid Pamilya program, a cash transfer scheme conditioned on health and education outcomes benefiting over 4.8 million registered households; the Social Pension Program whose coverage was expanded to benefit over 2.8 million indigent senior citizens; and the socialized and low-cost housing under the BALAI Program (Building Adequate, Liveable, Affordable, Inclusive Filipino Communities) which has already benefited over 650,000 families. The government, under the Duterte administration, has made significant investments in human capital such as through provision of social and health care services and enhancing literacy and skills competencies.
The government’s anti-graft and corruption campaign is also vigorously pursued. The President created in October 2017 the **Presidential Anti-Corruption Commission (PACC)** with a firm order to spare no one. The conduct of investigations and joint fact-finding missions and operations spearheaded by PACC led to the filing of cases with the Ombudsman, resolution of anomalies in government transactions, and the dismissal of corrupt officials.

The gains of the administration’s inclusive good governance agenda are attested by the following statistics:

- **Drop in poverty rate** to 16.6% in 2018 from 23.3% in 2016 and **drop in poverty incidence** among Filipino families to 12.1% in 2018 from 16.5% in 2015, per data from the Philippine Statistics Authority.

- In 2019, the Philippines **leaped to 54th place** in the **Global Innovation Index** from 73rd place in 2018 and 2017.

- The Philippines ranked **95th in World Bank’s Doing Business Report** 2020 from 124th place in 2018. According to the report, the country improved in three areas: starting a business, dealing with construction permits, and protecting minority investors.

- **Increase in the employment rate** in the country to 95.5% as of October 2019 from 94.9% in October 2018.

- **Drop in involuntary hunger rate** to 8.8% as of December 2019, the lowest rating since the March 2004 survey.

1.2 **Philippines’ Voluntary National Review on the 17 Sustainable Development Goals**

The Philippines was one of the first 22 countries that submitted their Voluntary National Review (VNR) to the UN High-Level Political Forum in July 2016.

The country’s first VNR report referred to the Duterte administration’s ten-point socio-economic agenda, the Philippine Development Framework, and the Long-Term Vision dubbed as Our Ambition 2040 being in full support of the 2030 Agenda and SDGs. The ten-point agenda of the President Rodrigo Duterte “emphasizes the need to maintain accelerated economic growth while ensuring that gains are broadly shared by the Filipino people”. It prioritizes the agriculture and manufacturing sectors of the economy where the vulnerable sectors depend for livelihood.

In July 2019, the Philippines presented its second VNR report which highlighted sustainability and inclusivity as guiding principles for national development strategies. The report also emphasized synergies between government and non-government actions required to ensure inclusiveness and equality. The reporting period saw the strengthening of the engagement of non-government stakeholders based on a whole-of-society approach to SDG implementation, coordination of cross-sectoral actions through institutional mechanisms, engagement of stakeholders in discussions, and the launch of the SDG website\(^1\) to provide a platform for broader public engagement on the nation’s SDG agenda, including with the youth and the Filipino diaspora.

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\(^1\) [http://sdg.neda.gov.ph](http://sdg.neda.gov.ph)
1.3 An open and transparent government

The Philippines is internationally recognized as a global leader in the open government space, being one of the eight founding members of the Open Government Partnership, a coalition of reformers within and outside of government that aim to strengthen good governance, public service, and civic participation. President Duterte’s 2019 State of the Nation Address highlighted as priorities the fight against corruption, improving frontline service delivery and building open and responsive public institutions. This governance agenda is addressed in the Philippine Open Government Partnership National Action Plan 2019-2021.

The country scored 67 in the last Open Budget Survey (OBS) released in January 2018 placing the Philippines on top and ahead of all other Asian countries in terms of government budget transparency.

Executive Order (EO) no. 2 on the Freedom of Information Program was one of the first orders signed by President Duterte upon his assumption into office in mid-2016. This landmark issuance established at the outset the agenda for good governance and transparency by the administration, facilitating public access to public records of public interest and informed citizenry participation. The government has been working with members of Congress on the enactment of the Freedom of Information Act that will have a broader scope beyond executive agencies.

The EO refers to the State policy of full public disclosure of all its transactions involving public interest, subject to reasonable conditions prescribed by law, and the right of the people to information on matters of public concern, both of which is a recognition of the fundamental role of free and open exchange of information in a democracy and meant to enhance transparency and accountability in government official acts, transactions, or decisions. It directs every government office to prepare its own People’s FOI Manual, and provides remedies in cases of denial of request for access to information.
1.4 Empowered citizen participation

The Philippine Constitution duly recognizes the role of civil society in promoting the welfare of the nation.

At the heart of open government is citizen engagement and participatory governance. The Philippines has over 101,000 registered non-profit organizations, around 60,000 of which are non-government organizations engaged in advocacy work. This clearly indicates the vast space for civil society actors to contribute to national development.

According to the Commission on Audit, through the institutionalization of the Citizen Participatory Audit (CPA), the Philippines is the only country in the world where the citizens are officially part of the state auditing team.

State processes on development planning and accountability monitoring involve the participation of civil society and the Commission on Human Rights. Listed below are some of the mechanisms for such participation:

- Administrative Order 35 (AO35) the inter-agency committee on extra-legal killings;
- Presidential Task Force on Media Security (PTFoMS);
- Barangay Anti-Ilegal Drugs Council (BADACs);
- Armed Forces of the Philippines (AFP) Development Support and Security Plan;
- National Economic and Development Authority (NEDA) Social Development Committee;
- Monitoring, Reporting and Response System to Grave Child Rights’ Violations (MRRS-GCRV);
- Philippine Commission on Women (PCW) Sectoral Council;
- Indigenous Peoples Participation Framework;
- Tripartite Industrial Peace Council;
- National Council on Disability Affairs (NCDA) Sub-sector Committees,
- PNP-Human Rights Affairs Office Multi-Sectoral Advisory Council; and the
- National Monitoring Mechanism (NMM).
The global recognition of CHR as one of the strongest NHRI\textacutes in Asia and the world and its A-status accreditation signifying full compliance with the UN Paris Principles attest to the health of the country’s democracy and the government’s respect for independent institutions.

Contrary to allegations of underfunding CHR, the government under the Duterte administration has almost doubled, even tripled, the increase in CHR budget compared to those allocated under the previous administrations, as shown below (Table 1-2):

<table>
<thead>
<tr>
<th>FISCAL YEAR</th>
<th>CHR BUDGET (Php)</th>
<th>(USD)</th>
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<tbody>
<tr>
<td>FY 2014</td>
<td>Php 326.9 million</td>
<td>USD 6.5 million</td>
</tr>
<tr>
<td>FY 2015</td>
<td>Php 355.1 million</td>
<td>USD 7.1 million</td>
</tr>
<tr>
<td>FY 2016</td>
<td>Php 439.7 million</td>
<td>USD 8.7 million</td>
</tr>
<tr>
<td>FY 2017</td>
<td>Php 724.9 million</td>
<td>Php 14.5 million</td>
</tr>
<tr>
<td>FY 2018</td>
<td>Php 666.9 million</td>
<td>Php 13.3 million</td>
</tr>
<tr>
<td>FY 2019</td>
<td>Php 799.5 million</td>
<td>Php 16.0 million</td>
</tr>
<tr>
<td>FY 2020</td>
<td>Php 888.8 million</td>
<td>Php 17.8 million</td>
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With the budget increase and continued respect for its independence, the CHR is further empowered to carry out its Constitutionally-mandated functions.
1.6 The anti-illegal drug campaign: a mandate from the Filipino people

Three years into his administration, President Duterte’s agenda enjoys broad public support, as evidenced by the victory of administration candidates during the mid-term elections in 2019, and the 87% approval and 83% trust ratings for the President at the end of 2019.

In the survey conducted from December 13 to 16, 2019, President Duterte garnered a net satisfaction rating of +72 or “excellent” for his presidency. This marked a new high for the public’s approval of the Presidency, as it surpassed net satisfaction ratings of “very good” +65 in September 2019, and the previous high score of “very good” +68 in June 2019.

The anti-illegal drug campaign is an important mandate of the administration from the Filipino people. Prior to 2016, national surveys have indicated that drugs issue was a very important public concern for the Filipino people, next only to unemployment and food prices.

Drugs and drug addiction threaten the well-being and future of Philippines, which today has the largest generation of young people in its history. As of 2018, over 40 percent of the Philippine population – about 45 million —are young people 18 years old and below.

The early gains of this campaign have been recognized by Filipinos themselves. These include the arrests and convictions of criminals, the reduction of crimes especially in Metro Manila, seizure and closure of illegal drug laboratories in the country, and the rehabilitation and treatment across the country of over 1 million Filipinos who have suffered varying degrees of drug dependency.

The period July 2018 to June 2019 saw a sharp decrease in the crime volume with 438,496 incidents from 488,644 during the previous year.
There was also a **49% decrease in crimes against persons** (e.g. murder, homicide, physical injury, and rape) with 18,814 incidents from July 2016 to September 2019 compared to 35,836 incidents recorded from April 2013 to June 2016.

Between 2016 and 2019, this campaign has undergone rigorous open public scrutiny, review, and reform, in response to public opinion and as a matter of due diligence.

A long-standing issue in the country, the drug campaign is being carried out with commitment and focus unseen in previous administrations.

**The siege of Marawi City in southern Philippines by ISIS-affiliated terrorists from May to October 2017 established beyond doubt the urgency of the drugs problem in the Philippines as it relates to national security.**

Links between the rebels and their drugs-related interests were made clear in the investigations. The siege, which laid the historic Muslim city in ruins, forcibly displaced more than 230,000 residents, and damaged billions of pesos of private and public property, was the longest urban battle in the contemporary history of the Philippines. **Terrorism remains a grave security challenge in the Philippines**, with the Global Terrorism Index ranking the country as **9th among the most impacted by terrorism**.

As early as eight weeks within the assumption of the administration, without proper basis and vetting on the ground, news articles alleged that there were as many as 30,000 Filipinos killed resulting from law enforcement operations. As of the end of 2019, no human rights CSO, or media organization, or private institution has provided an authoritative basis for this staggering figure and claims of extrajudicial killings.

Section 8 of this document on the Anti-Illegal Drugs Campaign discusses the accountability efforts and mechanisms in length.
II
ROBUST ENGAGEMENTS WITH THE UN, HUMAN RIGHTS MECHANISMS, AND THE INTERNATIONAL COMMUNITY
The Philippines’ role as champion and voice for the underrepresented, vulnerable and marginalized sectors continue up to the present. In the Human Rights Council, the Philippines reaffirms its human rights leadership and further pursues its advocacies on youth, migrants, anti-trafficking in persons especially women and children, climate change, human rights education, among others.

In 2018, the Philippines served as Vice President of the Human Rights Council representing the Asia Pacific Group and played an active role in strengthening the Council as a platform for open dialogue and constructive cooperation and in ensuring that the views of the regional group and of the Like-Minded Group of countries were duly considered in the debates and consultations including on enhancing the efficiency of the Human Rights Council.

The Philippines was one of the first 47 members of the newly created Human Rights Council. Now serving on its fifth term as member of the Human Rights Council, the Philippines has actively contributed to the institutional strengthening of the Council and its mechanisms. The re-election of the Philippines as fifth-term member for the period 2019 to 2021 strongly reaffirmed the trust of the wide membership of the UN as it garnered 165 of the 192 votes cast by UN member states during the 73rd General Assembly in New York on 12 October 2018. The Philippines continues to be guided by and implement its voluntary pledges and commitments as an HRC member. The Philippines’ previous terms as HRC member covered the following periods: First term- 2006; Second term- 2007-2010; Third term- 2011-2014; and Fourth term-2016-2018.

The country’s long and established track record of human rights leadership in the UN and continuing robust engagements belie allegations that the Philippines has not been cooperating with the UN, OHCHR, and human rights mechanisms.

The Philippines attaches the highest importance to open dialogue and constructive cooperation and continues to play a pivotal role in various multilateral fora. It continues to hold in high regard the UN, the OHCHR, and human rights mechanisms for the invaluable expertise and power of constructive multilateralism in effecting positive transformations on the ground and in facilitating the strengthened implementation of human rights obligations among countries.
The Philippines is finalizing for submission in 2020 its State Compliance Reports on the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW).

With these two pending submissions, the Philippines will have completed in 2020 all its international human rights reporting obligations and looks forward to the dialogue/revalida with the concerned Treaty Bodies.

To ensure compliance with and strict adherence by the government to all its obligations under international human rights instruments where the Philippines is a party, among others, Administrative Order No. 163 series of 2006 was signed to strengthen the function of Presidential Human Rights Committee (PHRC). The Administrative Order also designated the following Lead Agencies in coordinating compliance with international human rights treaties, including the timely submission of treaty implementation reports, replies, and comments on cases filed with the UN:

- Department of Justice – ICCPR
- Department of Interior and Local Government – CAT
- National Commission on Indigenous People – CERD
- National Economic and Development Authority – ICESCR
- Department of Labor and Employment – CMW
- Philippine Commission on Women – CEDAW
- Department of Social Welfare and Development – CRC
- National Commission on Disability Affairs – CRPD

The following illustrates the country’s active engagement with the human rights mechanisms

### 2.1 The Universal Periodic Review

The Philippines’ full participation in the three cycles of the Universal Periodic Review (UPR) reflects the government’s strong support for this state-driven voluntary peer review process as an effective mechanism for monitoring the human rights records of all 193 UN Member States.

Then Senator Alan Peter Cayetano (now Speaker of the House of Representatives) and Senior Deputy Executive Secretary Menardo Guevarra of the Office of the President (now Secretary of Justice) co-headed the Philippine delegation during the presentation of the Philippine National Report to the UPR Working Group on 08 May 2017 in Geneva. It was the first time that the executive and legislative branches of the Philippine Government were represented at the UPR.

The Philippine UPR Report adopted in 2017 was the third since the HRC was founded in 2006. The two previous reports were adopted in 2008 and 2012, respectively.

### 2.2 Engagement with UN Treaty Bodies

Recognizing the importance of UN Treaty Bodies in monitoring and providing recommendations for a State Party’s implementation of core human rights treaties, the Philippines regularly engages these bodies through submission of reports and participation in constructive dialogues (i.e., revalida process). Recently, the Philippines:

- submitted its Mid-Term Report to the Committee on the Elimination of Discrimination against Women (CEDAW) (September 2018);
- completed its constructive dialogue with the Committee on the Convention on the Rights of Persons with Disabilities (CRPD) (October 2018);
- submitted its State Report on the Convention on the Rights of the Child (CRC) (February 2019); and,

The Philippines is finalizing for submission in 2020 its State Compliance Reports on the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW).

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- Department of Labor and Employment – CMW
- Philippine Commission on Women – CEDAW
- Department of Social Welfare and Development – CRC
- National Commission on Disability Affairs – CRPD
2.3 Engagement with the Special Procedures of the Human Rights Council

The Chairmanship of the strengthened PHRC functions directly under the Executive Secretary of Office of the President, headed by the Executive Director of Undersecretary/Vice Minister rank which is appointed by the President. This is a concrete demonstration of the Philippine government’s high-level commitment to the protection and promotion of human rights, and the recognition that much of this mandate falls under the purview and responsibility of the executive branch and requires a whole-of-government approach. All government agencies, i.e. all departments, bureaus, offices, agencies, and instrumentalities of the government including government owned or controlled corporations, are directed to actively cooperate with, and support the PHRC.

2.3.1 Special Rapporteur on Extra-Judicial Killings

It has been alleged that the Philippines has denied in 2016 the request for visit by Special Rapporteur on extra-judicial killings Agnes Callamard and has since then refused to cooperate with Special Procedures Mandate Holders.

Notwithstanding the sweeping allegations and politicized statements against Philippine government officials by SR Callamard in social media, in violation of the Code of Conduct, the Philippines accepted the request for visit by SR Callamard and was in consultations with her since August 2016 with a view to building a strong, constructive, and cooperative relationship. The earliest meeting took place immediately after she issued her first statement on the Philippines, very soon after her assumption of her duties as a Special Rapporteur.

The Philippine Mission in Geneva met with SR Callamard and her team on several occasions in late 2016 and early 2017 to share information and data on the anti-illegal drugs campaign in the Philippines and discuss the arrangements for the visit. With respect to the visit, the Philippines had reiterated the need to uphold the Code of Conduct, including ensuring wide and open consultations on the results of her findings and ensuring that government officials be given the opportunity to respond and provide answers.

As Philippine government officials were preparing to travel to Geneva for the country’s Universal Periodic Review in May 2017, the Philippines sought to maximize the opportunity to meet with her on the sidelines of the UPR session with a view to facilitating and finalizing the arrangements for her official visit, and also to establish preliminary direct dialogue between her and officials responsible for human rights and the anti-illegal drug campaign.

In response, the Office of SR Callamard informed the Philippine Mission that she would be unavailable as she would be in the Philippines for an unofficial/academic visit coinciding with the period when Philippine government officials would be in Geneva for the UPR session. During this unofficial visit, SR Callamard issued inflammatory public statements pertaining to the drugs situation in Philippines, in violation of the Code of Conduct which prohibits the issuance of country-specific statements during unofficial visits.

SR Callamard’s statements were highly reported by the Philippine media and elicited negative reactions from the Filipino public. SR Callamard would later allege that the response to her tweets and statements by private citizens was orchestrated by the government, and constituted acts of harassment and intimidation. This situation was regrettable. For the Philippines, these developments constituted a “missed opportunity” for sincere engagement. Her actions had put into question her sincerity to pursue dialogue and cooperation with the government, undermining the principles that ensure that the Special Procedures remains as a constructive mechanism of the Human Rights Council.
The Philippines has consequently become cautious in engaging with Special Rapporteurs (SRs) following this undesirable experience in 2017 when SR Callamard conducted herself in such a regrettable manner, as the government delegation for the UPR was in Geneva and was reaching out to meet with her on her concerns on the situation on the Philippines and to finalize the arrangements for her official visit.

The Philippine Mission has raised concerns on SR Callamard’s conduct with the appropriate UN human rights mechanisms.

2.3.2 Recent Engagements with Special Procedure Mandate Holders

In 2018 and 2019, the Philippines maintained engagements with Special Procedure Mandate Holders, recognizing their constructive role in the body of human rights mechanisms, notwithstanding the conduct of SR Callamard. Senior Philippine government officials engaged in one-on-one dialogues with various mandate holders on the sidelines of the 40th, 41st, 42nd, and 43rd sessions of the Human Rights Council (HRC), discussing issues of concern to the Philippines:

• HRC 40 (February-March 2019) – SR on torture, SR on environment, SR on sale of children, and SR on the rights of persons with disabilities;

• HRC 41 (June-July 2019) – SR on migrants, SR on education, SR on leprosy, SR on internally displaced persons, Independent Expert (IE) on international solidarity, SR on freedom of opinion and expression, IE on sexual orientation and gender identity, SR on extreme poverty, and SR on health;

• HRC 42 (September 2019) – IE on rights of older persons, SR on the promotion of truth, justice, reparation and guarantee of non-recurrence; SR on safe drinking water and sanitation, SR on contemporary forms of slavery, IE on the promotion of a democratic and equitable order, SR on development, and SR on indigenous peoples;

• HRC43 (February-March 2019)-SR on food; SR on privacy; SR on persons with disabilities; SR on human rights defenders

The Philippines is committed to continue its constructive engagements with the Special Procedures. It must be underscored that the process of engagement is a two-way process whereby countries should also help improve and strengthen the Special Procedures in the areas of improving efficiency, ensuring integrity and credibility in the working methods, and in addressing conflicts of interest—issues that have been raised on many occasions not only by States but also by many other stakeholders.

Pertaining to communications from Special Procedures Mandate Holders, the Philippine government exerts every effort to ensure a proper and fact-based response. These communications are referred to concerned agencies for validation, investigation, and careful vetting. Inter-agency meetings are also convened to discuss these communications.
2.3.3 Meetings with the UN Working Group on Enforced and Involuntary Disappearances (WGEID)

In 2019, the Philippine delegation, led by the Presidential Human Rights Committee and the Department of Justice, engaged with the Working Group during its 117th and 119th Sessions in Sarajevo and Geneva, respectively, to clarify the 625 cases of disappearance attributed to the Philippines by the WGEID from 1975 to 2012. The Philippines submitted a comprehensive report on the status of 625 cases.

The Working Group welcomed the Philippines’ engagement, the thorough preparations and the level of detail provided on each case. The Working Group cited the landmark Philippines’ Anti-Enforced or Involuntary Disappearance Law of 2012, the first of its kind in Asia, which criminalizes the practice of enforced and involuntary disappearances.

This subject is discussed in length under section 4.8 on Enforced and Involuntary Disappearance.

2.4 Recent partnerships and engagements with the UN, human rights mechanisms, and the international community

Visit to the Philippines by the UN Committee on the Rights of the Child. On 14-15 November 2019, upon invitation by the Philippine government, UN Committee on the Rights of the Child Expert Mikiko Otani participated as a resource speaker during the Department of Education’s First National Summit on Child Rights in Education. The Summit, which gathered over 600 public educators and private stakeholders, discussed the mainstreaming of children’s rights in the context of education where the country caters to over 27 million basic education students.

The Philippine government also extended an invitation to three (3) UN CRC experts for the ASEAN Dialogue on the UN CRC General Comments on 11-12 December 2019 in Manila. The Dialogue is a multi-year initiative of the Philippines which began in 2018, involving ASEAN government officials, UN CRC, and stakeholders, aimed at strengthening the implementation of CRC at the regional and national level. UN CRC expert Mikiko Otani served as a resource speaker during this Dialogue which discussed CRC General Comments no. 14 on the best interest of the child and General Comment no. 12 on the right to be heard. The Philippines will continue hosting this ASEAN Dialogue on the General Comments of the CRC.

The Global Pledge of Recommitment to the CRC. In support of the commemoration of the 30th year of the CRC, the Philippines joined the global pledge to underscore its continued eagerness in implementing the Convention. In partnership with UN agencies and international and local partners, national agencies spearheaded the commemorative activities for CRC30. The Philippines submitted its pledge to the CRC outlining its commitments to uphold the promotion and protection of the rights of the child.

Partnership with the UN Resident Coordinator and the Human Rights Adviser on SDGs and Human Rights. Through conduct of a series of national workshops on the SDGs and Human Rights nexus, the Philippine government has been pursuing the enhancement of human rights-based approach in development planning and programming in the implementation of its national development
II. ROBUST ENGAGEMENTS WITH THE UN, HUMAN RIGHTS MECHANISMS, AND THE INTERNATIONAL COMMUNITY

roadmaps. This initiative with the UN and the Human Rights Adviser will continue this year with the aim of encouraging the review of sectoral strategies and work plans to ensure that their implementation incorporates a human-rights based approach and is in line with the principle of Leaving No One Behind.

Engagement with the UN-OHCHR and Office of the UN Secretary-General. The Philippines is appreciative of High Commissioner Michelle Bachelet’s constructive approach and principled guidance on ensuring objectivity, fairness, and balance in the work and reports of the OHCHR. The Philippines continues to actively engage with her and her office and the office of the UN Secretary-General to provide information, address concerns, and to work on areas of mutual interest and concern. From 2017 to 2019, the Philippines has provided modest voluntary contribution in support of the work of the OHCHR.

Briefing/ Dialogue with the Diplomatic Corps on the Human Rights Situation in the Philippines. The Philippines convenes regular briefings/dialogues with members of the diplomatic corps in Manila and in Geneva. These sessions provide an opportunity for key government agencies including the Presidential Human Rights Committee, the Department of Justice, the Philippine National Police, among others, to share updates and developments on the human rights situation in the Philippines, including on the anti-illegal drug campaign, in the spirit of open dialogue and transparency.

Engagement with the European Union. The advancement of Filipino ideals and values, which include cooperation on the promotion of shared democratic values and universal human rights, is an integral component of Philippine bilateral relations especially with Western countries. The Philippines, as a beneficiary of the Special Incentive Arrangement for Sustainable Development and Good Governance (GSP+), complies with the EU’s rigorous monitoring mechanisms for the implementation of the 27 conventions on human rights, labor rights, environmental protection, and good governance under the EU’s Generalized Scheme of Preferences (GSP).

In its 2018 report, the EU noted improvements in the Philippines’ implementation of human rights including, among others, in raising living standards in the country through reforms and measures on inclusive socio-economic development. In line with fighting corruption, the report noted improvements in government bureaucracy, with strengthened legislative frameworks under the Duterte administration on whistle-blower’s protection, amendments to code of conduct and ethical standards for public servants, strengthening the institutional capacity of the Ombudsman, Freedom of Information Act, amendments to Witness Protection Act, and mutual legal assistance in criminal matters, among others. The EU’s GSP Report of February 2020 covering the period from 2018-2019 noted progress in addressing poverty, hunger, and unemployment, including the Universal Health Care Act (2019) and Magna Carta for the Poor (2019), positive measures on environmental protection, and the creation of an implementation plan for the Children’s Emergency Relief and Protection Act, among others.

With support from the European Union Governance in Justice Program (EU-GoJust), the Philippines continues to pursue initiatives to further strengthen its national accountability mechanisms. These include, among many others, the updating of operational guidelines of Administration Order No. 35 (AO 35) and strengthening collaboration with the Commission on Human Rights with a view to strengthening this inter-agency cooperative mechanism for defined cases of extra-legal killings, enforced disappearances, torture and other grave violations of the right to life, liberty and security of persons. The Philippine government enjoys the support of the EU in discussions to undertake multi-stakeholder consultations on the creation of a human rights observatory and hold a human rights summit to address concerns and cases raised by human rights defenders and other cases not falling within the scope of AO 35. AO 35 is discussed in detail in Section 4.

The above-cited engagements are only a few examples of the Philippines’ robust engagements with the UN, human rights mechanisms, and the international community which comprise the core of the Philippines’ voluntary pledges in its bid as a fifth-term member of the Human Rights Council from 2019 to 2021.
III
UNDERSTANDING THE PHILIPPINES AND THE POLITICAL CONTEXT
This section describes the political context in the Philippines to assist the readers to better understand the political dynamics in the Philippines, as they relate to activities of actors particularly those belonging to or associated with the Communist Party of the Philippines-New People’s Army-National Democratic Front (CPP-NPA-NDF) and the allegations they bring before the UN Human Rights Council and the international community.

3.1 Sources of allegations

The human rights situation in the Philippines must be fully appreciated from a broad political and historical milieu where the CPP-NPA-NDF has waged the longest-running and one of the most brutal communist insurgency in Asia, for over five decades.

The activities of the CPP-NPA-NDF – an armed non-state actor – and their affiliates must be examined in the context of the group’s self-professed and publicly known exploitation of human rights issues and democratic spaces as a means to advance its political objective of toppling the democratically-elected government and installing communist regime through the armed struggle.

In various public fora including in the United Nations, the Philippines has always underscored the government’s openness and readiness to engage all parties in good faith to address all claims of human rights violations, case by case, on the basis of facts.

Moreover, the Philippine government has drawn attention to the historical failure of sources of allegations on the Philippines to substantiate their claims and their consistent rejection of the government’s call for cooperation to bring alleged cases towards their resolution within the framework of the rule of law and established national accountability mechanisms.
The Philippines has repeatedly called on the international community to exercise prudence and objectivity in assessing representations and claims made by this small group of non-state actors, with a careful consideration of their background and motives.

The European Union, the United States, United Kingdom, Australia, Canada, New Zealand, and the Philippines have declared the CPP and NPA as terrorist groups. The 2019 Global Terrorism Index, which ranks the Philippines 9th among the 10 countries most impacted by terrorism, cited the NPA as the biggest perpetrator of terroristic activities in the country. It reports the NPA’s responsibility for over 107 deaths, 179 terror-related incidents and attacks against police, military and government targets in 39 provinces, in 2018 alone. Table 3-1 below shows the data provided in the 2019 Global Terrorism Index on the Philippines’ ranking by number of deaths from 2002.

Table 3-1  2019 Global Terrorism Index  data on Philippine ranking  since 2002

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Discrediting the Philippine government before the international community by exploiting human rights is a central component of CPP-NPA-NDF activities over the past decades. This strategy has not spared any political administration of the Philippines. It is markedly intensified when administrations take decisive measures to end the insurgency and to hold the group’s leadership to account for their atrocities. Inside the country, the CPP-NPA-NDF has sustained itself for over 50 years and countered government measures with terrorism and other crimes, and suppression, intimidation and killings of its members, as well as farmers, workers and indigenous leaders availing themselves of government programs.
The CPP-NPA-NDF’s international strategy is carried out most actively in the frontlines of the UN Human Rights Council and European capitals, the CPP-NPA-NDF leaders being based in Europe. This strategy is also the lifeline for the CPP-NPA-NDF to secure foreign funding for their activities on the ground and to sustain their organization in the midst of their dwindling support in the Philippines.

It is important to emphasize the following:

1. These actors are small in number but are well-connected and well-resourced.

2. These actors do not by the nature of their activities and organizational objectives represent the thousands of civil society organizations in the Philippines, including community-based groups, whose roles in the Philippine public life are established, unhindered, constructive, peaceful, well-recognized and highly-valued. There are over 101,000 registered non-profit organizations, and majority of them are valued partners of the government and the Filipino people in nation-building.

3. These actors, despite their small number and illegitimate purposes, happen to be the most actively embedded in international NGO networks where they falsely claim to represent the entire CSO community in the Philippines. They have successfully made use of their influence to generate international financing for unlawful activities such as crime and terrorism, in the guise of “social projects” in the rural communities in the Philippines.

4. Throughout the decades, these actors have been consistently hostile against any democratically-elected Philippine government regardless of the leadership and administrative agenda, consistent with their aim to topple democracy and establish a revolutionary government. Their engagement in legitimate advocacies is only a cover to sustain work to pursue ideological ends by violent means.

5. These actors have leveraged their standing in the international network of NGOs to evade accountability for violent crimes perpetrated against civilians, communities, government personnel and their own associates. They abuse the respect and protection accorded by the international community to human rights defenders to evade responsibility for atrocities committed by the CPP-NPA-NDF in the last five decades.

6. These actors have a fundamental interest in sustaining a narrative on the human rights situation in Philippines that serves their ends and activities towards an armed revolution. Sustaining international perceptions on a brutal human rights situation in contemporary Philippines is particularly important for CPP-NPA-NDF leader Jose Maria Sison to justify his self-imposed exile in the Netherlands and his refusal to face criminal charges brought before him in Philippine courts.

7. These actors are not held to account by the international community for the sweeping allegations against the Philippine government that they present, and/or their basis, and for their consistent failure to fully substantiate such allegations.
The longest-running communist insurgency in Asia: The Communist Party of the Philippine - New People’s Army- National Democratic Front (CPP-NPA-NDF) and its international propaganda activities

Founded in December 1968, the Communist Party of the Philippines (CPP) has waged the longest-running insurgency in Asia. This is done through concerted operation with the New People’s Army (NPA) which was established in 1969 to carry out army-building and armed activities and the National Democratic Front which was founded in 1973 to serve as the political cover of the communist movement. These three entities known as the CPP-NPA-NDF function in unison to serve and advance the party’s political agenda.

Its founding leader, 81-year old Jose Maria Sison is directing the activities of the CPP-NPA-NDF from Utrecht, the Netherlands, where he has been residing in a self-imposed exile despite criminal cases brought before him.

The CPP-NPA-NDF pursues its objective of a “national democratic revolution” under the Marxist-Leninist-Maoist ideology, seeking to topple the legitimate government and establish a communist state.

- Since the repeal of the Anti-Subversion Act in 1998, members of the CPP have been able to move freely, mobilizing and organizing insofar as infiltrating the Philippine Congress by winning in party-list elections. As a result, while its Party members have been able to participate in national debates and decision-making processes, its cadres in the NPA have continued to perpetrate crimes of terror on the ground.

- The NPA is the armed wing of the CPP.

- The NDF, the political arm of the CPP, consolidates a mass base of leftist organizations, both legal/above-ground and underground, including students, journalists, and unions, to support the Party’s work. This is the wing that engages the government in peace negotiations.

- Its strength is in its numbers and the power to mobilize anti-government action i.e., rallies, strikes and protests, using the hundreds of groups nationwide which belongs to its network.

- Not all of these groups associated with the NDF share the CPP ideology, nor support the armed struggle, but over the years, the umbrella leadership of the NDF, under CPP leadership, has been able to manipulate and use them for its political purposes to (1) recruit members to the CPP and the NPA (2) radicalize groups into front organizations of the CPP-NDF-NPA, (3) associate itself with legitimate and non-militant social, human rights, students, urban and rural workers, peasants and indigenous people’s advocacies and (4) mobilize these groups for rallies, protests and strikes.

- At the peak of its influence in the early 1980s, the NDF was said to have consolidated its influence, if not infiltrated and radicalized, over 500 organizations, had over 30,000 urban activists, and were responsible for majority of mass actions, such as rallies, boycotts, pickets, and strikes in the country.

- The NDF mass base – currently very much diminished compared to the period of its peak influence --- plays a critical pillar to project mass support for the agenda of the CPP and NPA. On their own, CPP and NPA have little if no public support in the Philippines, because of its outdated ideology and decades of experience of the Filipino people of their violence and terrorism.

With such network of multilayered and intertwined legitimate and underground activities, CPP-NPA-NDF has thrived in the democratic system, enjoying a role in the country’s political affairs through its participation in legitimate processes of governance while it pursues...
an “armed revolution” with its underground activities.

CPP-NPA-NDF’s underground activities have been sustained by the NPA’s collaboration with grassroots organizations. Not all of the grassroots organizations working with the NPA necessarily subscribe to communist ideology and support the armed revolution, but they are oftentimes held hostage to the CPP-NPA-NDF agenda.

Since reaching its peak of 25,000 in 1987 fueled by the political, social, and economic conditions during the Martial Law period, the CPP-NPA-NDF membership has steadily dwindled and NPA armed regulars are estimated to be less than 3,000 by the end of 2019. Key factors behind this weakened organization and influence are:

- the violent period of internal purging in the Party in the 1980s;
- the lost political appeal of communism and the armed struggle with the restoration and strengthening of democratic institutions in the Philippines in 1986;
- the split of the armed movement into two factions - the “reaffirmist” and the “rejectionist” with the former reaffirming the party’s Maoist ideology and the centrality of the armed struggle and the latter rejecting the armed struggle;
- the steady economic growth of the Philippines and rights-based development agenda addressing poverty and promoting social inclusion; and,
- the impact of government anti-insurgency campaigns that have strong social programs in the communities affected by insurgency, including comprehensive reintegration programs for surrenderers.

A fractured and failed organization

In the last three decades and in the face of its diminished strength, the CPP-NPA-NDF has struggled to remain relevant in the fully democratic political system of the Philippines.

The end of the Marcos regime and restoration of democracy in the Philippines in 1986 led to existential conflicts within the CPP-NPA-NDF. Sison and other leaders of the CPP-NPA-NDF, along with thousands of political prisoners during the Martial Law were released in the aftermath of the People Power in 1986. The reflection on the future of the organization under the new political system split the group between those who wanted to continue the armed struggle (“reaffirmists”) and those who felt that the movement should work with the system under the new regime (“rejectionists”).

The fear and paranoia caused by the suspected presence of deep penetration agents (DPA) within the CPP-NPA-NDF ranks led to a bloody internal purging that cost the lives of thousands of its members, including leaders of the rejectionist bloc. This decimated the ranks of the group. The internal purging is well-documented, including in the book *Suffer Thy Comrades* written by Robert Francis Garcia published in 2001 which narrates an account of the CPP-NPA-NDF’s torture and killings of its members, expositions of killings fields and mass graves and torture activities, and the search for justice by its victims and their families.

The criminal cases against Sison include the murders of CPP-NPA-NDF leaders, including NPA Chief Romulo Kintanar in 2003 and Visayas Commission Arturo Tabara in 2004. The NPA has owned responsibility for the killings. Sison and other CPP-NPA-NDF leaders are also facing charges for the execution of 30 farmers in 1985, whose bodies were found in a mass grave in 2006 in Inopacan, Leyte in central Philippines. This case is docketed as Criminal Case No.08-262163 and 14-306533 to 14306546 in the Philippine courts. Among the more than 20 witnesses in this case are former NPA leaders, members and their families.

The CPP-NPA-NDF continues to struggle in deep disunity as political administrations have constructively engaged former leaders and members in social advocacy and the day-to-day business of governance. Sison and his supporters are known to publicly threaten, harass and intimidate organizations and individuals who break away from, and challenge his thinking, by accusing them of being renegades, spies, militarists and complicit with the administration’s policies. There are accounts of cadres being assassinated by NPA hit men, their deaths often being attributed to the state by Sison’s propaganda machine.
That a group driven by illegitimate and violent political objectives and labeled by the EU, US, UK, Australia, Canada, New Zealand, and the Philippines as terrorists is able to successfully function under the cover of “human rights defenders” while succeeding in generating support for their armed activities and human rights atrocities on the ground, is a failure of due diligence on the part of the international community to uphold the highest levels of objectivity and integrity in our collective work in human rights.

The representations of this group of actors should be seen in the context of their historical record of promoting false allegations against the government, without having to be accountable for them, while carrying out armed rebellion and atrocities on the ground.

It is emphasized that the government’s concerns pertain in particular to the CPP-NPA-NDF and organizations and personalities associated to it, and not to other Philippine NGOs, personalities and civic leaders whose works and representations in the international community and the UN embody the lawful, free and empowered social activism that the Philippine government and the country’s democratic institutions engender, protect and preserve.

3.2 Understanding CPP-NPA-NDF duplicity and how it blurs boundaries between social activism and terrorism

What sets the CPP apart from other communist movements particularly those in Europe is the former’s advocacy for a violent armed struggle through its armed wing - the New People’s Army (NPA). During peace negotiations with the government, the CPP has continued to refuse the dissolution of the New People’s Army and has strongly maintained that the NPA should retain arms.

A feature that makes the CPP unique among all communist movements, including a handful that are espousing armed struggle, is the invention by Sison of the so-called “dual revolutionary tactic” which involves the use of both armed and legal struggles toward undermining a sitting government and establishing communist rule, with the legal struggle being merely a cover to advance the armed movement. The armed struggle is waged similar to the Maoist guerilla-based and peasant-based revolt from the countryside while the legal struggle co-opts democratic spaces and human rights advocacies to deepen and broaden the support network for the concealed underground armed struggle to advance violent political aspirations. This “dual tactic” is deliberately designed to blur the boundaries between the Constitutionally-protected social activism and criminal acts such as armed rebellion and terrorism.

This dual tactic of duplicity of CPP-NPA-NDF is central in how it managed to sustain its operations for over five decades. As the armed component involving NPA execution of CPP brutal policy of death sentences, political assassinations, threats, killings, and extortion does not generate public support, a layer to conceal these underground armed and criminal activities is established through CPP activities in above-ground and legal fronts employing human rights issues as cover for its violent political aspirations.
Around 80% of CPP’s work uses the legal apparatus and channels to gain influence, project legitimacy, generate funding support, and broaden its sectoral and international networks, with the end of equipping the underground armed struggle. Testimonies of former leaders and workers in the grassroots-based projects of these legal fronts, funded by international donors, attest that 60-70 per cent of the funds raised go to the NPA, with the rest divided between program and administrative cost i.e. reporting, to meet minimum diligence requirements of funding agencies. A former high-ranking official of the CPP-NPA-NDF also cited that the group received at least PHP 250 million (USD 5 million) in international funds raised by its organizations for spurious programs at the height of the humanitarian response to Typhoon Haiyan in 2013. All of this went to the NPA and none benefitted the communities, the group having taken advantage of the lack of due diligence for international humanitarian donations at the height of the crisis.

As early as the 1970s, the CPP established a mechanism to mobilize groups without being identified as the originator. When Martial Law was declared in 1972, all political organizations were outlawed and thus were forced to go underground. During the Martial Law period, the CPP saw the potential of developing international alliances from governments advocating liberal ideologies in Europe. This is how its so-called **International Solidarity Work (ISW)** was developed. The ISW is led by the International Department of the CPP based in Utrecht, the Netherlands which implements quasi and proto-diplomatic actions through the **International League of People’s Struggles (ILPS)**. The ISW considers the UN and its mechanisms as a key audience of its activities to solicit sympathy and call for international pressure on the Philippine government through diplomatic offensives based on allegations of human rights violations.

CPP-NPA-NDF has historically used the ISW networks to carry out campaigns weaponizing human rights and projecting the Philippine government’s alleged “systematic human rights violations and impunity”. The intention is use to international pressure to: a) undermine and discredit the sitting government, b) to delegitimize government’s legal efforts to hold CPP-NPA-NDF elements to account, and c) to abolish mechanisms and measures that hurt the directions and interests of CPP-NPA-NDF.

What is clear in the decades of their operations is that while ceaselessly peddling allegations of gross human rights violations in the Philippines in open sources and before the international community, CPP-NPA-NDF elements have been unable to substantiate and provide more specific information on allegations often involving numbers in alarming scale (e.g. 700 extra-judicial killings during the Arroyo administration, 30,000 extra judicial killings and 400 killings of human rights defenders during the Duterte administration).

Moreover, these groups’ lack of interest and default refusal to engage with competent government institutions to address and resolve the allegations within the framework of domestic accountability mechanisms raise serious questions on their true intentions.
Meanwhile, the continued participation of CPP-NPA-NDF elements as political actors in democratic processes and civic space only indicate the breadth of the country’s democracy which is being exploited by such actors. The government upholds and fully protects the space for civic participation including the expression of critical views and opinions, this being central to a vibrant democracy.

CPP-NPA-NDF has consistently used the law when convenient to its purposes, circumventing it, and if held to account for their unlawful activities, would readily and conveniently allege government actions as “red-tagging” or crackdown against “progressives, the critical opposition, or civil society.” The same legal framework continues to accord to them the mechanisms and remedies to defend and protect their interests and the right to pursue social activism within the bounds of law.

It should be emphasized that bringing to the public’s attention the CPP-NPA-NDF modus operandi and duplicity is an act of openness and transparency on the part of the government.

It is the duty of the Philippine government to raise public awareness on these duplicitous activities that seek the destruction of democracy and the corruption of the noble concept of human rights, and to share information with the international community that could lead to cooperation on strengthening safeguards against the exploitation of democratic spaces for criminal ends and for advancing ways to better protect human rights for all.

Sectoral organizing is central to the CPP-NPA-NDF mass mobilization work in support of the policy enshrined in the CPP constitution as “uniting people to overthrow of the semi-colonial and semi-feudal system through a people’s war and for the completion of the national democratic revolution.” Human rights and social issues are used as an entry point and a vehicle for consolidating mass action. The sectors are generally divided into two categories: Red Area (guerilla base/ where military or armed struggle is applicable) and White Area (mass base/ where political struggle is applicable). The CPP-NPA-NDF’s work on building a political base from across sectors is overseen by its three political organs, as follows:

- National Peasant Commission (NPC)- for peasants, fisherfolk, indigenous peoples
- National Organization Department (NOD)- for basic sectors including labor, youth, students, women, urban poor, etc.
- National United Front Committee (NUFC)- for the middle class and professional sectors and for campaigns, alliances, and party lists.
Table 3-3 below shows how the CPP Central Committee uses its sectoral-organizing work for political manipulation and agitation, influence operations, and as a tool for launching diplomatic offensives against the state.

CPP-NPA-NDF’s organizing work functions in a manner where the underground “shadow” organizations which directly support the armed struggle are embedded and are working through the open/ front organizations which while not openly supporting the armed struggle are used as a platform for organizing, recruitment into the underground, and as conduit for funding from foreign donors in support of the armed struggle. This underscores the highly duplicitous and sophisticated nature of the CPP-NPA-NDF’s “dual tactic.”

The recent influx of CPP-NPA-NDF surrenders has translated to a number of witnesses who have attested to the relationship between CPP-NPA-NDF and their front and allied organizations.

Former ranking officers and finance officers of CPP-NPA have provided detailed accounts of the group’s numerous fund-generation schemes, diverting fund grants originally intended for social development and humanitarian efforts toward financing the NPA’s terror and criminal acts.

Table 3-4 provides a basic list of CPP-created and led underground mass organizations (UGMOs) and their corresponding above-ground/ front/ open mass organizations. It is based on publicly accessible statements from Sison himself, information from former CPP-NPA-NDF cadres, ranking operators and surrenderers, and can also be vetted with literature on CPP-NPA-NDF organizational history available in open sources.
Table 3-4  CPP-Created Underground, Front Organizations, Alliances and Networks

<table>
<thead>
<tr>
<th>SECTOR</th>
<th>CPP-CREATED AND LED UNDERGROUND MASS ORGANIZATION (DIRECTLY SUPPORTING THE ARMED STRUGGLE)</th>
<th>CPP-CREATED AND LED ABOVE-GROUND OR FRONT MASS ORGANIZATIONS AND INSTITUTIONS</th>
<th>CPP CREATED AND LED ALLIANCES/ NETWORKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indigenous Peoples</td>
<td>ROL (Rebolusyonaryong Organisasyong Lumad)</td>
<td>KALUMARAN, KALUMBAY (Kahugpong Lumad Para sa Bayan), CPA (Cordillera Peoples’ Alliance)-REGIONAL BAYAN, KAMP (Katipunan ng mga Mamayang Kalutubong Pilipino)</td>
<td></td>
</tr>
<tr>
<td>Peasant (Farmers), Agricultural Workers, Fisherfolks</td>
<td>PKM (Pambansang Katipunan ng mga Magsasaka)</td>
<td>KMP (Kilusang Magbubukid ng Pilipinas), UMA (Unyon ng mga Manggagawa sa Agrikultura), PAMALAKAYA (Pambansang Lakas ng mga Mamalakaya sa Pilipinas)</td>
<td></td>
</tr>
<tr>
<td>Basic Transport</td>
<td>PSMT – Pambansang Samahan ng Makabayan Tsuper (under recognition, on process for NDF recognition)</td>
<td>PISTON (Pinag Isang Samahan ng mga Tsuper and Operators Nationwide)</td>
<td></td>
</tr>
<tr>
<td>Industrial Workers</td>
<td>RCTU (Revolutionary Council of Trade Union)</td>
<td></td>
<td>KADAMAY (Kalipunan ng Damayang Mahirap)</td>
</tr>
<tr>
<td>Urban Poor</td>
<td>KASAMA (Kalipunan ng mga Samahang Manggagawa at Maralita)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Government Workers</td>
<td>MKP (Makabayan Kawaning Pilipino)</td>
<td>COURAGE (Confederation for Unity, Recognition and Advancement of Government Employee)</td>
<td></td>
</tr>
<tr>
<td>Teachers</td>
<td>KAGUMA (Kalipunan ng mga Gurong Makabayan)</td>
<td>ACT (Alliance of Concern Teachers)</td>
<td></td>
</tr>
<tr>
<td>Health Workers</td>
<td>MASAPA (Makabayan Samahang Pagkalusogan)</td>
<td>AHW (Alliance of Health Workers), HEAD (Health Alliance for Democracy)</td>
<td></td>
</tr>
<tr>
<td>Youth &amp; Student</td>
<td>KM (Kabataang Makabayan)</td>
<td>LFS (League of Filipino Students), SCMP (Student Christian Movement of the Philippines), SUARA Bangsamoro Youth, GABRIELA Youth ANAKBAYAN (Nagkakaisang Kabataan Para sa Bayan), KABATAAN Partylist</td>
<td></td>
</tr>
<tr>
<td>Women</td>
<td>MAKIBAKA (Malayang Kilusan Bagong Kababaihan)</td>
<td>GABRIELA, GABRIELA Women’s Party, AMIHAN (Alyansa ng mga Magsasakang Kababaihan)</td>
<td></td>
</tr>
<tr>
<td>Migrant Workers</td>
<td>COMPATRIOT (Confederation of Migrant and Patriotic Filipinos)</td>
<td>MIGRANTE-International, BAYAN International, MALAYA PILIPINAS</td>
<td></td>
</tr>
<tr>
<td>Moro</td>
<td>MRLO (Moro Resistance Liberation Organization)</td>
<td>SUARA BANGSAMORO, MPA (Moro Peoples Alliance)</td>
<td></td>
</tr>
<tr>
<td>Religious Sector</td>
<td>CNL (Christian for National Liberation)</td>
<td>PCPR (Promotion of Church People’s Response)</td>
<td></td>
</tr>
<tr>
<td>Scientists</td>
<td>LAB (Liga ng Agham Para sa Bayan)</td>
<td>AGHAM (Alyansa ng Agham para sa Mamamayan)</td>
<td></td>
</tr>
<tr>
<td>Lawyers</td>
<td>LUMABAN (Lupong ng Manananggol para sa Bayan)</td>
<td>NUPL (National Union of Peoples Lawyers), PILC (Public Interest Law Center)</td>
<td></td>
</tr>
<tr>
<td>Media</td>
<td>ARMAS (Artista at Manunulat ng Sambayanan)</td>
<td>CAP (Concerned Artist of the Philippines), KARATULA, Kalipunan ng mga Artista at Manunulat para sa Bayan, MAP (Musician and Artist of the Philippines), BULATLAT.COM, Altermidya (People’s Alternative Media Network)</td>
<td></td>
</tr>
<tr>
<td>Environment Sector</td>
<td>NDF Core Cell</td>
<td>Peoples Environmental Network KALIKASAN</td>
<td></td>
</tr>
<tr>
<td>Economic Research (Political Economy)</td>
<td>NDF Core Cell</td>
<td>IBON Foundation and IBON Philippines</td>
<td></td>
</tr>
</tbody>
</table>
Most members of the front/open mass organizations including networks and alliances are unwitting and to some extent are innocent prey to the duality of the predation and deception of the CPP-NPA-NDF. This happens because the recruitment for the CPP is being done discreetly and individually, not en masse. The recruited cadres assume leadership position within the front organizations/alliances giving them the opportunity to shape and steer the organization’s agenda toward advancing and aiding the CPP’s political agenda.

Table 3-5 below shows cases illustrating posturing and claims by political actors associated with the CPP-NPA-NDF as human rights defenders vis-à-vis facts on the ground.

<table>
<thead>
<tr>
<th>CPP-NPA-NDF CLAIMS ON SITUATIONS IN THE PHILIPPINES</th>
<th>FACTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Alleged violations by the state actors of the rights of the indigenous peoples in Mindanao, including militarization</td>
<td>Testimonies of hundreds of members of the indigenous communities in Mindanao attest to CPP-NPA-NDF coercion, deception and detention of individuals from their communities to force them to participate in the rallies.</td>
</tr>
<tr>
<td>Beginning in 2016, the CPP-NPA-NDF organized rallies and demonstrations by the indigenous peoples in Mindanao (the Lumads) in major cities in the Philippines purportedly against the alleged killings by government forces of leaders of the indigenous communities.</td>
<td>This is only the tip of the iceberg of CPP-NPA-NDF’s systematic exploitation of IP communities.</td>
</tr>
<tr>
<td>In their international activities, this group presents itself as advocates of IP rights, highlighting government violations of IP rights and securing funding for their projects.</td>
<td>Under threat of reprisal from the CPP-NPA-NDF, the Mindanao Indigenous Peoples Council of Elders and Leaders (MIPCEL) has repeatedly exposed the group’s violation of their rights, infiltration of their communities, seizure of their ancestral lands, and crimes of child trafficking, kidnapping and exploitation of IP children. They have denounced leaders of Bayan Muna and Alliance of Concerned Teachers (ACT), Rural Missionaries of the Philippines and other organizations associated with the CPP-NPA-NDF, for conducting such activities in their communities, and for blocking the implementation of government projects like roads and schools. They also asked government to take steps to stop activities by CPP-NPA-NDF affiliated organizations to raise foreign funds for projects in their name, aware that these funds are being used primarily to buy arms for the NPA and only a portion of them directly benefitting the communities. They demand the release of IP members, including young people, being held forcibly by the group in the compound of the United Council of Churches in the Philippines and trafficked across Mindanao to serve the CPP-NPA-NDF’s political ends.</td>
</tr>
<tr>
<td>The Mindanao Indigenous Peoples Council of Elders and Leaders (MIPCEL) have condemned in the most impassioned language the group’s violation of their rights, including their free prior and informed consent, the deaths of hundreds of IP leaders at the hands of the group, and violence perpetrated to usurp traditional IP leadership structures and maintain their presence. Documentation abounds on IP leaders of various IP communities across Mindanao who were isolated or harassed or executed by the NPA, often corrupting the age-old and sacred local customary justice systems.</td>
<td></td>
</tr>
</tbody>
</table>
2. Alleged witch-hunting and policies by the Securities and Exchange Commission to curb civic space

Since the end of 2018, the CPP-NPA-NDF denounced before the Philippine public and the international community Memorandum Circular No. 15 (MC 15) of the Securities and Exchange Commission (SEC) as witch-hunting measures targeted at human rights defenders, development workers, and volunteers.

The Makabayan Bloc, a group of 7 party-list members in the House of Representatives of the Congress of the Philippines, who are associated with the CPP-NPA-NDF, called for an investigation of MC 15, citing that “in the context of the increasingly dangerous situation of human rights defenders and the climate of impunity in the Philippines”, it was “an extension of the mounting repressive policies... curbing all platforms of dissent.”

The groups criticized the new guidelines as “arbitrary and invasive”.

FACTS


This issuance is part of a package of administrative and legislative reforms in the context of the Philippine government’s compliance with the Financial Action Task Force (FATF) 40 recommendations. As a member of FTAF, an inter-governmental body established in 1989 by the Ministers of its Member jurisdictions, the Philippines is obliged to effectively implement legal, regulatory and operational measures for combating money laundering, terrorist financing and other related threats to the integrity of the international financial system. The independent 2019 Mutual Evaluation Report (MER) on the Philippines, a member of the FTAF Asia Pacific Group examines the country’s level of compliance, system vulnerabilities and highlights priority actions to strengthen the system. The MER represents the monitoring and evaluation function of the FTAF, which subjects members to technical compliance assessments on the 40 FATF recommendations/work areas. This is to determine whether a country is sufficiently compliant with FATF standards and whether the anti-money-laundering system and anti-terrorist financing system is working effectively. States that are deemed non-compliant are labeled non-cooperative and blacklisted.

The Philippine government’s failure to strengthen FATF compliance could result in the imposition by the international community of due diligence measures on transactions involving Filipino individuals and Philippine financial institutions, which would in turn affect the efficiency of such transactions and increase the cost of doing business. This scenario is detrimental to the Philippine economy, including at the individual level, such as the millions of dollars of remittances being sent by Philippine migrant workers abroad to their families on a daily basis.

MC 15 applies equally to all SEC-registered non-profit organizations (NPOs), which numbered 101,843 by the end of 2017. It does not impose measures that curtail the right and freedom of the NPOs, regardless of their purpose, to engage in legitimate activities.
The basis for MC 15 is a technical compliance review that indicated that the types of NPOs most at risk of terrorist financing abuse are those that provide charitable, social development, humanitarian disaster relief or educational activities and, as well as assessments on the nature of risks of exploitation by legitimate NPOs as a conduit for terrorist financing.

The circular establishes a good governance system in a Philippine-registered NPO, to establish organizational integrity, transparency in partner relationships, financial accountability and transparency, record keeping and program-planning and monitoring. It requires more detailed information from registered non-stock corporations, compared to the previous system whereby the lack of transparency has undermined the accountability, integrity and public confidence in the administration and management of NPOs.

Previously, the weak governance of this sector has made it a conduit of money laundering and terrorist financing and susceptible to abuse by corrupt parties and other criminals. MC 15 also aids the SEC in reviewing the list of registered NPOs and classifying them according to the level of risks (i.e., low, medium, high and blacklisted) with corresponding compliance measures.

No legitimate NPO should have a problem with this new system of governance that serves both the interests of the organization and good governance.
The CPP-NPA-NDF’s agenda to use “alternative education” to promote their “revolutionary” ends has been exposed with the accounts of leaders of IP communities in Mindanao about these private schools and how they are run at the expense of the rights of the IP communities.

These accounts have established that ALCADEV, TRIPFFS, and Salugpongan schools are used by the CPP-NPA-NDF to exploit the IP communities and teach IP children revolutionary doctrine and recruit, radicalize and train them for the NPA. These accounts establish that their teaching does not follow the Department of Education (DepEd) curriculum approved for the alternative education system. The teachers extort “contributions” of food supply and school-building materials from the communities. Accounts include sexual abuse, exploitation and trafficking of minors. IP communities have condemned the demoralization of their next generation by the CPP-NPA-NDF and its partners on the ground.

The elders and leaders of IP in Mindanao have called for government’s presence in their communities, to provide basic services. They have also taken a position against any truce agreements between the military and the NPA, citing that these ceasefire agreements are abused by the latter to strengthen their hold on the community by coercive means. Those who resist the influence of the NPA and engage the government in community projects are threatened, isolated, harassed and/or murdered.

Since these expositions, the government has taken steps to strengthen the delivery of educational services to more of these remote areas and have revoked or reviewed licenses of a number of these schools following a thorough investigation process by relevant authorities. On the appeal of the IP leaders, the government has also made representations with the international community to expose the group and cut international funding for spurious alternative schools, and similar projects on the ground.

This is discussed in length in Section 6 on Indigenous Peoples.
### FACTS

The Philippines has been engaging the UN Working Group on Enforced and Involuntary Disappearances (WGEID) with respect to the clarification of 625 cases reported on the Philippines between 1975 to 2012.

The government takes each of the cases seriously. The Philippine National Police, National Bureau of Investigation as well as the Commission on Human Rights investigate every case duly reported and the National Prosecution Service of the Department of Justice conducts prosecution pursuant to complaints filed in accordance with law.

Aside from the Administrative Order no. 35 which looks at extrajudicial killings, the government has been implementing Human Rights Victims Reparation and Recognition Act of 2013 will provides reparation for the victims of human rights abuses during the Marcos regime to be sourced from a P10-billion fund until May 2018. In February 2019, President Duterte approved a bicameral measure to extend until 2019 the maintenance, availability and release of funds for victims of human rights abuses during Martial Law. Under this law, the claims of over 12,000 victims of Martial Law and their families have been recognized. **Jose Maria Sison, his wife, and other leaders of the CPP-NPA-NDF have received compensation under this law.**

In 2012 Republic Act No. 10353 or the Anti-Enforced or Involuntary Disappearance Act was enacted, making the Philippines the first country in Asia to criminalize the practice of enforced and involuntary disappearances. This is cited as a best practice by the WGEID.

In the Philippines’ private meetings with the WGEID in May and September 2019, the government presented a fully-documented and detailed submission on work on the 625 names in the list. This submission is discussed in Section 4 of this document.

It was pointed out that majority of the cases (543) were during the administrations of President Marcos (381) and President Corazon Aquino (162). The government informed the WGEID that the biggest spikes in the number of disappearances took place between 1984 and 1980, with a total of 169 cases. This **coincided with the period of internal purging within the CPP-NPA-NDF**, during which its leadership carried out tortures and killings at the height of an ideological split within the group.

The government **presented documents and testimonies from former members of the CPP-NPA-NDF and their families, attesting to this violent campaign across provinces in the Philippines, that led to the killings and disappearances of thousands of its members.**

To date, the government continues to recover graves, exhume bodies, and build and pursue cases against the CPP-NPA-NDF leadership in Philippine courts.

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**CPP-NPA-NDF CLAIMS ON SITUATIONS IN THE PHILIPPINES**

4. Allegations on enforced disappearances in the Philippines, including unresolved cases from the Martial law period

The CPP-NPA-NDF has alleged that there are thousands of enforced and involuntary disappearances in the Philippines, which they attribute to state actors.

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**III. UNDERSTANDING THE PHILIPPINES AND THE POLITICAL CONTEXT**
5. Allegations on government’s anti-poor policies

The CPP-NPA-NDF has consistently cited in its allegations that the Philippine government is failing to solve the fundamental problems of exploitation, underdevelopment and widespread poverty.

They use this argument to anchor calls for armed struggle to topple the democratically-elected administration and establish a revolutionary government.

FACTS

The government’s focus on fighting poverty in the Philippines is seen not only in the billions of public budget allocated to investments in education and human resources and strengthening social programs such as housing, health, disaster risk resilience, employment, small and medium micro enterprises, assistance to farmers and fisherfolks, women, migrants, children and persons with disabilities etc, Table 1-1 lists the legislation passed since 2016 covering the spectrum of programs and policies, including the landmark Magna Carta of the Poor (Republic Act 11291).

Republic Act 11310, An Act institutionalizing the Pantawid Pamilyang Pilipino Program (4Ps); established the basis for the sustained provision of public budget for the country’s conditional cash transfer program, to ensure that it will remain the priority of any future administration. President Duterte signed RA 11310 into law on 17 April 2019.

The “4Ps” benefits 4.8 million families, including 8.7 million children. 4Ps provides cash grants to poor families to ensure that children stay healthy and in school, thus reducing school dropout rates, discouraging child labor, and enabling them to complete education. The 4Ps is significantly contributing to poverty reductions in the Philippines. The World Bank had projected that the country’s poverty rate is set to dip below 20% in 2020. This would represent a 6% reduction from 2016. According to the Bank’s report, 4Ps was responsible for a 1.2-1.5% nationwide poverty reduction from 2012-2015. The World Bank hails the program for having one of the most comprehensive poverty targeting databases in the world today, covering 75% of the country’s population.

The voting record in the House of Representatives on House Bill No. 7773 (the version of RA 11310 emanating from the House of Representatives) reflect that the only negative votes on the bill came from members of the party list groups associated with the CPP-NPA-NDF: Gabriela (2 votes), Anakpawis, Kabataan, ACT Teachers and Bayan Muna.
A closer scrutiny of allegations on the Philippines readily reveals CPP-NPA-NDF’s motives and ill designs. In the case of IPs, CPP-NPA-NDF has been using indigenous lands/ancestral domains as bases for their operation. Sustaining the narrative of government oppression against IPs, driving away government presence and undermining government programs and delivery of basic services are crucial in the CPP-NPA-NDF’s continued recruitment of indigenous child warriors and fundraising from foreign donors to run fictitious “social services and educational programs” through front non-profit organizations.

3.3 Government efforts to end insurgency and negotiate a peace agreement

All political leaders in the Philippines have sought to end the insurgency in good faith, including through the negotiations of a peace agreement between the government and the CPP-NPA-NDF. None of these efforts to forge an enduring peace agreement have succeeded.

Immediately upon his assumption on 30 June 2016, President Duterte was very clear about his intention to make peace with the group, seeing an agreement with them to be fundamental to peace in the country. President Duterte appointed personalities associated with this group to senior positions in government, and released on conditional terms 21 personalities, including high-ranking officials of the CPP-NPA-NDF – on the request of the group - in preparation for peace negotiations. These had been a difficult political concession for the President that would later prove unfruitful because of the other side’s lack of sincerity and the continuing attacks on civilians, vital infrastructures and government forces.

Based on numerous reports from insurgency-affected communities, it became apparent that the peace process was being taken advantage of by the CPP-NPA-NDF to perpetrate more killings on the ground. The hidden agenda of the CPP-NPA-NDF in engaging the Philippine government in peace negotiations surfaced. These include the following: a) facilitating the release of ranking CPP-NPA leaders charged with heinous crimes; b) gaining operational time and space to consolidate NPA forces on the ground and recover from setbacks; and c) gaining maximum concessions from the government in the form of confidence-building measures.
In July 2017, President Duterte announced that the government was cancelling these talks because the NPA remained actively carrying out its violent armed activities on the ground in violation of ceasefire agreements, including attacks on police detachments. This order to cancel the peace talks would be formalized in Proclamation 360 (2018) signed by the President on 23 November 2017. Within two weeks, President Duterte issued Proclamation No. 374, declaring the CPP and NPA to be terrorist organizations.

This ended the period of goodwill between the government and the CPP-NPA-NDF, during which Sison, a former teacher of President Duterte, called the President as “someone who could bring about national unity,” with other accolades. The initial salvo of the CPP in response to cancellation of the peace talks was the holding of a Second International Conference on the Indigenous Peoples in Manila in July 2017, to project the government’s alleged violations of IP rights. This would be the beginning of a series of activities, organized in the Philippines and abroad, to discredit the Duterte administration. As in the past, UN human rights mechanisms and European Union, as well as North America, were activated as the theater of the CPP-NPA-NDF’s black propaganda against the Philippines.

Similar to the failure of previous peace initiatives, these developments affirmed that peace talks would never advance as they are not seen by the CPP-NPA-NDF as a solution to peace, but a strategy to advance their aim of national democratic revolution. Some of the group’s personalities released from government custody as a precondition for peace talks have jumped bail and are back carrying out the group’s objectives, with a number of them based in Europe orchestrating propaganda against the Philippine government.

On 4 December 2018, President Duterte signed Executive Order 70 (2018) to institutionalize the whole-of-nation approach to end the insurgency by the end of his term in 2022, by strengthening the counter-insurgency program with a comprehensive socio-economic development component. This is to restore inclusive and sustainable peace and economic vitality in hundreds of communities still vulnerable to, or under the grip of the NPA’s influence, to secure these communities, promote their economic vitality, and help them to become more resilient to conflict.
Expectedly, CPP-NDF-NPA has challenged this approach, calling for its groups to resist it, punishing members who support it, and assailing these measures as restriction of civic space and steps to authoritarianism. It actively carries out this counter-challenge in democratic platforms such as rallies and public demonstrations, and in the House of Representatives, where the party-list representatives have questioned the program. At the same time, it counters this challenge with its underground activities, including the killings of members, farmers and workers availing themselves of the government’s reintegration programs.

In published articles from Utrecht in 2019 and 2020, Sison has called the government’s comprehensive counter-insurgency efforts and whole of nation approach as a “weaponization of bureaucracy for the armed counter-revolution or military suppression of the revolutionary government and movement of the people”. At the same time, he has incited the NPA to intensify its attacks and terrorist activities, citing its “right to wage revolutionary struggle.” Sison’s call to arms upheld that the CPP “is determined to lead the NPA in bringing about the full development of the strategic defensive of the people’s war, from the middle phase to the advanced phase, through extensive and intensive guerrilla warfare.”

**Ending CPP-NPA-NDF terrorism as a national goal**

The end of the insurgency remains a determined goal for the Philippine government. The insurgency has cost at least 60,000 lives - of civilians, CPP-NPA-NDF cadres and rebels, and soldiers. Decades of this armed struggle have ruined communities and families across the country, damaged billions worth of public infrastructure, and undermined democratic and community structures in the Philippines. To date, the NPA’s armed rebellion, harassment and extortions of “revolutionary taxes” from mines, plantations, transport, telecommunications, project contractors continue to block the development of vital infrastructure in pockets of the Philippine countryside.

### 3.4 The National Task Force to End Local Communist Armed Conflict (NTF-ELCAC)

In a survey conducted in March 2017 by the Social Weather Station, the Filipino public gave poor trust ratings to the CPP/NPA and NDF with the NDF receiving a negative 10 rating and the CPP/NPA receiving a negative 27 rating. This shows the level of public distrust for the CPP-NPA-NDF on account of its decades of atrocities, terrorism, exploitation of vulnerable communities and duplicity.

There was a sharp realization early in the incumbency of the Duterte administration of a need to come up with a national peace framework that would end the five-decade-old communist insurgency by 2022. Towards this end, President Duterte signed in December 2018 Executive Order no. 70 (E.O. 70) creating the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC).

CPP-NPA-NDF leadership and affiliated organizations have denounced the NTF-ELCAC as a “militarist superbody” that imposes national military rule and which attacks human rights defenders.

Contrary to allegations, the NTF-ELCAC is pursuing a comprehensive good governance framework for addressing the socio-economic drivers of insurgency and development gaps with a view to making communities resilient. Its creation was based on the lesson from efforts of previous political administrations that a purely military engagement would not be effective, and that ending five decades of communist insurgency would require a whole-of-government/whole-of-society approach and on a comprehensive program based on good governance and human rights and development agenda.
The NTF-ELCAC membership highlights that the main actors are civilian agencies and local government units whose work comprises 11 clusters of effort. The military/Armed Forces of the Philippines, in fact, is involved in only one cluster of effort pertaining to peace and order.

The NTF-ELCAC facilitates the synergy of development efforts at the national and local levels and prioritizes the delivery of basic services and social development packages in highly disadvantaged pockets of the Philippine countryside.

The NTF-ELCAC is composed of 21 members from the 19 Heads of National Government Agencies and the 2 private sector representatives. Its 12 clusters of efforts are as follows:

<table>
<thead>
<tr>
<th>Cluster Effort</th>
<th>Lead Agencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Government Empowerment</td>
<td>Department of Interior and Local Government</td>
</tr>
<tr>
<td>International Engagement</td>
<td>Department of Foreign Affairs</td>
</tr>
<tr>
<td>Legal Cooperation</td>
<td>Office of the Solicitor General</td>
</tr>
<tr>
<td>Strategic Communication</td>
<td>Presidential Communications Operations Office</td>
</tr>
<tr>
<td>Basic Services</td>
<td>Department of Interior and Local Government (DILG)</td>
</tr>
<tr>
<td>Poverty Reduction, Livelihood and Employment</td>
<td>Technical Educational Skills Development Agency</td>
</tr>
<tr>
<td>Infrastructure and Resource Management</td>
<td>Department of Public Works and Highway, Department of Environment and Natural Resources, Department of Agrarian Reform, Department of Labor and Employment</td>
</tr>
<tr>
<td>Peace, Law Enforcement and Development Support</td>
<td>Armed Forces of the Philippines, Philippine National Police</td>
</tr>
<tr>
<td>Situational Awareness and Knowledge Management</td>
<td>National Intelligence Coordinating Agency</td>
</tr>
<tr>
<td>Localized Peace Engagement</td>
<td>DILG, Office of the Presidential Adviser on Peace, Reconciliation, and Unity (OPAPRU)</td>
</tr>
<tr>
<td>E-CLIP and Amnesty Program</td>
<td>Department of National Defense, DILG, OPAPRU</td>
</tr>
<tr>
<td>Sectoral Unification, Capacity-Building, Empowerment and Mobilization</td>
<td>Department of Labor and Employment, Department of Agriculture, Department of Education, National Commission on Indigenous Peoples, DILG, PCUP, Philippine Commission on Women, National Youth Commission, Commission on Higher Education, Bureau of Fisheries and Agriculture</td>
</tr>
</tbody>
</table>
The 12 lines of efforts are strongly oriented towards delivery of basic services, infrastructure development, engagement with various sectors of civil society, and other such programs based on good governance and human rights. These are mainstreamed into the work of all line agencies. They correspond point by point to CPP-NPA-NDF’s “grievances” (e.g. lack of government services, poor governance, etc.) which are being used as entry points by the latter for recruitment and call to arms.

With strong pillars on community engagement and socio-economic interventions in over 2,000 remotely-located villages in the countryside, the end state or post-conflict scenario envisioned under the NTF-ELCAC is where: a) the armed group ceases to exist, b) peace and security are ensured, and c) development undertakings are sustained. The programs aim for a transition point where the efforts of the 12 clusters lead to the influx of surrenderers, the dismantling of alliances and support structures of the CPP-NPA-NDF, and the isolation of CPP-NPA-NDF leaders and cadres.

3.4.1 Successes of NTF-ELCAC

Through NTF-ELCAC, national and local governments have prioritized development projects for over 1,464 vulnerable barangays (village/smallest local government unit) for 2019 to 2022 with a total budget allocation Php 21.9 billion or USD 438 million. Each barangay has been allocated PhP 15 million or USD 300,000 for projects that will respond to development issues identified on the ground such as but not limited to farm-to-market roads, water system facilities, school buildings, health centers, among others.

NTF-ELCAC’s work involves strong participation from the local governments, communities, and civil society. A number of local governments have already declared CPP-NPA as persona non grata.

Another positive indicator and vote of confidence on the sincerity of the government was the increasing number of CPP-NPA-NDF members and supporters surrendering to the government, especially with the government services and presence being more felt in previously underserved areas.

By the end of 2019 alone, some 11,969 militias, armed groups, members of underground mass organizations and supporters of the CPP-NPA-NDF have surrendered to the government under the Balik-Loob (reconciliation) program and have benefitted from the public programs for socio-economic reintegration including livelihood, housing and education support for the families. Of these returnees, 2,308 were NPA rebels, including senior commanders.

President Duterte signed Administrative Order no. 10 in April 2018 on the Enhanced Comprehensive Local Integration Program to provide assistance to qualified former CPP-NPA-NDF rebels and Militang Bayan members to facilitate the normalization of their lives and enable them to become productive members of society. The inter-agency Task Force Balik-Loob (TFBL) oversees and consolidates efforts to reintegrate and address the needs of the former rebels, their families, and communities.
3.4.2 CPP-NPA-NDF vilification of E.O. 70

The National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) or the Executive Order no. 70 (E.O. 70) has figured prominently in the allegations being levelled against the Philippine government.

In the early phase of the work of NTF-ELCAC when vulnerable villages were being identified and prioritized for socio-economic development and infrastructure programs, CPP-NPA-NDF leader Sison and the entire machinery reacted right away with allegations that NTF-ELCAC would be used to curtail freedom and democracy. In Congress, three resolutions were filed by known CPP-created party-lists, namely, Bayan Muna, Anakpawis, Gabriela, and the Alliance of Concerned Teachers (ACT) calling for the abolition of E.O. 70. It should be re-emphasized that these same party-lists in Congress cast the only negative votes during the deliberation on the government’s flagship poverty reduction program Pantawid Pamilyang Pilipino Program (4Ps) House Bill No. 7773 or R.A. 11310.

As the NTF-ELCAC comprehensively addresses the drivers of insurgency and the vulnerabilities of communities including long standing issues on agrarian reform, this measure continues to pose a major threat to the CPP-NPA-NDF’s operations and has thus been an object of a vilification campaign.

CPP-NPA-NDF’s calls for the abolition of a comprehensive framework for the delivery of development interventions to vulnerable and disadvantaged villages go against the human rights advocacy which the group purports to advance.

CPP-NPA-NDF has a known history of pushing for a UN investigation into the Philippines, on account of alleged widespread human rights violations in country, with the aim of discrediting and abolishing mechanisms that threaten their existence. A parallel can be drawn between the current vilification of EO70 (NTF-ELCAC) and related government efforts with the CPP-NPA-NDF project during the administration of President Gloria M. Arroyo to use UN and its instrumentalities to undermine the Inter-Agency Legal Action Group (IALAG).

IALAG, similar to EO70 but with a narrower scope, provided a framework for a systematic and coordinated government effort to address the threat of destabilization and other forms of atrocities related to CPP-NPA-NDF. The urban underground operations of CPP-NPA-NDF were threatened by IALAG because of the decisive and deliberate law enforcement efforts launched by the Arroyo administration against the terrorist group. To put pressure on the Philippine government, the International People’s Tribunal (IPT), a CPP device, was convened in 2002 to put President Arroyo on trial. The growing pressure precipitated the visit
to the Philippines of then Special Rapporteur on extrajudicial killings Philip Alston in 2007 which resulted in a recommendation to dismantle the Inter-Agency Legal Action Group (IALAG) following representations from CPP-NPA-NDF organizations. Then unaware of the magnitude and extent of the machinations of the CPP-NPA-NDF through the work of its International Department, the government dismantled the IALAG following the recommendations from the UN Special Rapporteur and pressure from the international community.

In September 2018, the third IPT was organized in Brussels against President Duterte to precipitate the Iceland-led Human Rights Council (HRC) resolution against the Philippines. The key actor in the third IPT was the International League for People’s Struggle (ILPS) which was headed by Sison for 11 years. The same tactic employed to dismantle IALAG was being applied to discredit NTF-ELCAC, based on ill-founded claims of “weaponizing law and bureaucracy against political freedom.”

These parallel cases illustrate the duplicitous nature of CPP-NPA-NDF and its insidious dual tactic device that weaponizes human rights and uses UN platforms and legal spaces to advance its anti-human rights and anti-democratic political agenda.

A fact that is lost to the international community is that these allegations on the Philippines form part of CPP-NPA-NDF campaign to vilify the government’s relentless legitimate efforts against its armed operations, including the legal actions to take its leadership and accountable members and organizations to answer before the Philippine courts for decades of commission of terrorism and other crimes.

Since the inception of the NTF-ELCAC and the whole of nation approach in ending insurgency, organizations known to be affiliated with the CPP-NPA-NDF such as Gabriela, Karapatan, the National Union of People’s Lawyers and the Rural Missionaries of the Philippines filed numerous cases assailing the leadership of the NTF-ELCAC. These cases were dismissed by the Philippine Court of Appeals for lack of merit and failure to present proper evidence.
There are numerous cases currently filed against the members of the CPP-NPA-NDF in different trial courts. These cases include murder, homicide, arson, illegal possession of firearms and explosives, and violation of Republic Act 9851 or the Philippine Act on Crimes Against International Law, Genocide and other Crimes Against Humanity.

Further, numerous cases were filed by parents of the children who were recruited by known front organizations of the CPP-NPA-NDF which eventually had the children join the armed wing, the New People’s Army. These cases include the proscription of child soldiers under international humanitarian law, kidnapping and serious illegal detention, child abuse and human trafficking. Furthermore, these parents as well as former rebels testified before the Senate investigation in 2019 on the prevalence of recruitment of children and youth in campuses citing the complicity of known CPP-NPA-NDF-affiliated groups and organizations like Gabriela, Kabataan party-list, Anakbayan, and the League of Filipino Students, among others, in the recruitment of children for armed combat.

It should be highlighted that it is this same small group of actors which has been assailing the government’s clear and unequivocal efforts to protect children from exploitation and trafficking for armed combat with allegations of government effort to “criminalize youth activism” and “quell dissenting voices.”

The government is determined in its efforts to put an end to five decades of communist insurgency and calls on the international community to assist national efforts to hold to account the perpetrators of atrocities and crimes and to examine in this light the motives of the sources of allegations on the Philippines.
IV
ACCOUNTABILITY
AND RULE OF LAW
The OHCHR global report on “Strengthening the rule of law and accountability for human rights violations” stated that all countries face challenges in meeting the standards of “governance systems in which all duty bearers, institutions and entities, public or private, are accountable to laws that are publicly promulgated, equally enforced, independently adjudicated, and consistent with international human rights norms and standards.”

The same OHCHR report cited persistent gaps in access to justice, especially for those subjected to discrimination, while much still needs to be done to ensure the justiciability of economic, social and cultural rights. It called for strengthening national mechanisms to provide redress to victims and accountability for human rights violations, including for economic and social rights. Furthermore, the OHCHR also calls for public access to information for accountability purposes.

Understandably, countries which are cognizant of these challenges endeavor to improve their governance systems, including the criminal justice system or the system or process in the community by which crimes are investigated, and the persons suspected thereof are taken into custody, prosecuted in court and punished, if found guilty, provisions being made for their correction and rehabilitation.

In the Philippines, rule of law and accountability are fully-functioning through its criminal justice system and through continuing efforts to improve and strengthen new and existing mechanisms.

The Philippine Development Plan (PDP) 2017-2022 outlined strategies aimed at enhancing the country’s civil, criminal, commercial, and administrative justice systems and improving efficiency and accountability of the justice sector.

Three (3) years into the implementation of the PDP, the government has undertaken significant efforts aligned with said strategies which set the stage for further improvement of the justice system’s institutional, policy and process framework.

The government is further strengthening coordination and cooperation among justice sector agencies, streamline and continually improve processes in the different pillars of the justice system. Data from 2016 to 2018 showed higher case disposition rates due to process improvements and increased number of prosecutors, public attorneys and courts.

The Philippines has a functioning and independent judiciary. This is demonstrated by, among others, in the 2018 convictions of high-ranking officials such as Major General Jovito Palparan and his co-accused in the enforced disappearances cases of two students where despite the lack of proof of direct participation, they were in a position to know and ought to have known the victims’ situation. There is also the case in 2019 of the conviction of 43 individuals including members of the powerful Ampatuan family and 25 government officials (6 local government officials and 19 police officers) for their involvement in the 2009 Maguindanao Massacre which killed 58 people, to cite only a few.

In its exercise of judicial independence, the Supreme Court en banc unanimously issued a Resolution on 2 April 2019 directing the Solicitor General to furnish two non-government organizations with copies of documents they requested in connection with petitions they filed concerning the government’s anti-illegal drugs operations. In its resolution, the Supreme Court reiterated that “the determination of whether particular evidence is relevant rests largely at the discretion of this Court.”
With the robust functioning mechanisms in place outlined in this section, there is no reasonable basis to allege impunity and lack of accountability for human rights violations in the Philippines. Allegations of impunity cannot be substantiated when the option for putting to justice every possible wrong is evidently existent.

4.1 Justice Sector Coordination Council (JSCC)

The preamble of the International Covenant on Civil and Political Rights states that “in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace.”

Recognizing that providing justice is the role of government, the Philippine Development Plan shifts the traditional institutions-based method of justice administration to a more sector-based approach highlighting coordination among the justice sector institutions, agencies and actors to ensure a swift and fair administration of justice.

Traditionally, the justice system’s five pillars of law enforcement, prosecution, courts, correction and community are fragmented and perform their respective roles independently. This has resulted in lack of coordination, procedural inconsistencies as well as lapses in policy and operational guidance.

Justice is inclusive when it is swift. While it is recognized that the institutions that comprise the justice sector are independent and have their respective mandates, the justice sector operates in an environment where there is an interdependence of functions and a wide range of shared interests crucial to the effective and efficient administration of justice. Enhancing systems and rationalizing interdependence among justice sector institutions or actors are essential developmental approaches to provide the timely delivery of justice.

To promote harmonized efforts and seamless coordination among the pillars of the justice sector, the Justice Sector Coordinating Council (JSCC) composed of the Supreme Court (SC), Department of Justice (DOJ), the Department of the Interior and Local Government (DILG) and their relevant attached agencies, was institutionalized as a collaborative mechanism with a holistic approach to justice service delivery.

The JSCC is a key initiative supported by the European Union Governance in Justice Programme (EU-GoJust) at the national level.

At the ground level also with support from EU-GoJust, JSCC has rolled-out local mechanisms for coordination in the form of Justice Zones which are areas where local justice sector agencies such as the police, the prosecutors, judges, public attorneys, and managers of detentions facilities, identify problems and arrive at common solutions to address them. Through an agreed structure and communication with the JSCC, piloting of new activities take place within the Justice Zones.

The first Justice Zone was launched in Quezon City in 2014 and continues to be an effective mechanism among justice sector agencies in the area. The Cebu City Justice Zone was launched in 2018 with Davao City and Angeles City launched as Justice Zones in 2019.

In addition, the Justice Sector Convergence Program Budget, the first of its kind, was formulated, adopted and included in the FY 2020 National Expenditure Program.

Under the PDP, at least fourteen (14) Justice Zones will be established and assessed for possible replication by 2022.
4.2 National Justice Information System

The National Justice Information System (NJIS) was launched in January 2020. It is an information and communications technology (ICT)-based tool to considerably improve criminal justice efficiency and transparency within the justice system. It aims to ensure that correct information and data promptly reach those who administer the country’s justice system for efficient dispensation of justice. NJIS likewise seeks to facilitate management and exchange of vital information across law enforcement and justice sector agencies to enhance the discharge of their functions.

The components of the NJIS are:

1. **Prosecution Case Management System (PCMS)** – An electronic registry of criminal complaints filed before DOJ prosecution offices, it is a case flow management, monitoring and reporting system.

2. **Single Carpeta System** – Completed in 2018, this is composed of application systems for management of information relating to persons deprived of liberty (PDLs) under custody, evaluation or supervision. Aside from criminal records the system can process information relating to time allowances, service of sentence, rehabilitation, health, visitors and parole evaluation and supervision, fingerprint imaging and identification of PDLs, among others.

3. **Central NJIS Information Exchange Portal** – The portal enables electronic data sharing among the Philippine National Police, National Bureau of Investigation, the National Prosecution Service (NPS), Philippine Drugs Enforcement Agency, Dangerous Drugs Board, Bureau of Immigration and penology/corrections agencies.

4. **Philippine Crime Index** – A tool developed with support from EU-GoJust, the index maps all Philippine criminal offenses with statutes, legal definitions and penalties. The Crime Index was turned over by EU-GoJust to DOJ in January 2020 and institutional arrangements for administration and online hosting/access are being explored with Department of Information and Communication Technology and the University of the Philippines Law Center. This initiative was also completed with support from the British Council and the United Nations Office for Project Services (UNOPS).
Prior to development of the Crime Index, there was no single official reference document listing, classifying and indexing all crimes in the Philippines. Thus, government agencies do not have consistent crime and case statistics, making it a challenge to integrate IT-based case management across agencies. It has also been difficult to conduct research and develop policies that require mapping and analysis of offences and corresponding penalties. The development of the Crime Index addresses these issues and allows the adoption of the United Nations International Classification of Crime for Statistical Purposes under the Philippine Standard Classification of Crimes for Statistical Purposes.

“Fair administration of justice is essential to every nation. We are confident that this project can contribute towards that and will also help facilitate greater exchanges between the justice sector agencies in the Philippines,” said UNOPS Country Director Ian Rector.

Work is ongoing towards continual updating, maintenance, enhancement and use by justice sector and other institutions.

The Philippine National Police (PNP) continually works with the Judiciary in administering the e-Subpoena system, wherein trial courts were able to electronically generate and transmit a total of 28,549 trial subpoena in 2017 and 2018, resulting in a high attendance rate of police witnesses reaching an average of 80.94 percent for the said years. Work is ongoing on the development and use of system for electronic transmittal of warrants and court orders to agencies concerned.

4.3 Higher case disposition rates due to process improvements and increased number of prosecutors, public attorneys and courts

Backlogs in preliminary investigation by DOJ prosecutors decreased from 50 percent in 2016 to 35 percent by end of 2018. Disposition rate of criminal complaints handled by prosecutors is at almost 90 percent in 2018. These improvements are due mainly to improved performance management and the EU GoJust-supported case decongestion project of the DOJ National Prosecution Service designed to expedite the resolution of long pending cases in the most highly congested prosecution offices.

\[2\] Filled positions.
In terms of human resources, the total numbers of public attorneys and prosecutors\(^2\) have increased to approximate the number of organized trial courts.

The implementation of the Revised Guidelines for Continuous Trial of Criminal Cases\(^3\) starting September 2017 has expedited the resolution of criminal cases in first and second level trial courts.

The adoption of the Plea Bargaining Framework In Drugs Cases\(^4\) largely contributed to increased court disposition rate in first level courts (55% to 62%) and second level courts (from 24% to 39%) from 2016 to 2018, conviction rate from 50 percent to 88 percent and release on probation from 420 to 12,642.

Furthermore, the threshold amount covered by small claims courts\(^5\) has been increased from PHP 200,000 (USD 4,000) in 2016 to PHP 400,000 (USD 8,000) by 2018, streamlining the settlement procedures for economic cases from a clearance rate of 83 percent to 90 percent for the said years.

4.4 Promotion of Alternative Dispute Resolution (ADR) mechanisms

Alternative dispute resolution mechanisms in all levels have been strengthened, with the Katarungang Pambarangay (Justice at the Village Level) promoted as the primary mechanism of local governments in resolving community-level disputes.

The Department of Interior and Local Government (DILG) sustained and expanded its awards program while the DOJ Office for Alternative Dispute Resolution (OADR) conducted mediation capacity building for the Lupong Tagapamayapa (mediators) in coordination with the DILG. These interventions improved the overall resolution rate from 73.6 percent in 2016 to 75.83 percent in 2018.

In addition to its regular functions on the provision of legal aid services, the Public Attorney’s Office (PAO) will likewise enhance its services on mediation and conciliation of disputes.

The Judiciary implemented ADR mechanisms including the Judicial Dispute Resolution, Appellate Court Mediation, Court Annexed Mediation (CAM) and Mobile CAM. Furthermore, seven (7) additional Philippine Mediation Centers (PMCs) were established. The existing PMCs rendered an average rate of 58 percent in 2017, and despite a decline in 2018 (54%), the success rate eventually increased the success rate to 56% for the first half of 2019. It is expected that the success rate will surpass the 2017 baseline.

DOJ will continue to build the prosecution-level mediation procedures as an ADR mechanism in the National Prosecution Service, a project which commenced in 2019 with support from EU GoJust, the British Council and UNOPS.

Once OADR is fully staffed and operational as an attached agency of the DOJ pursuant to Republic Act No.\(^6\) (RA 9285) known as the ADR Act of 2004 it can proceed with further work on the legal, policy and institutional framework for other forms of ADR in the public and private sector.

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\(^3\) A.M. No. 15-06-10-SC, 1 September 2017.
\(^4\) A.M. No. 18-03-16-SC, 10 April 2018.
\(^5\) A.M. No. 08-7-SC, 1 February 2016.
\(^6\) An Act to Institutionalize the Use of an Alternative Dispute Resolution System in the Philippines and to Establish the Office for Alternative Dispute Resolution, and for Other Purposes, 2 April 2004.
4.5 Access to justice of indigent litigants, the oppressed, marginalized and underprivileged.

In the Philippine criminal justice system which includes not only law enforcement but also prosecution, judiciary, penology, and the community, the Public Attorney’s Office (PAO), which is attached to the Department of Justice, is mandated to ensure access to justice, especially to indigent litigants, the oppressed, marginalized, and underprivileged members of the society. This is in consonance with the Constitutional mandate that “free access to courts shall not be denied to any person by reason of poverty” to ensure that the rule of law, truth and social justice as components of the country’s sustainable development.

In the President’s Mid-Term Report to the People (2016-2019), President Duterte reported that the Philippine Government is enhancing its efforts in providing free legal services to the poor, especially the victims of crime and human rights violations. In particular, the government increased the number of PAO lawyers from 1,688 by the end of 2016 to 2,096 by the end of 2018.

Among such cases handled by the PAO is the killing of Kian Delos Santos, which resulted in the conviction of three police officers in 2018.

As of 2018, PAO handled 50 judicial cases (administrative offenses including Grave Misconduct and Arbitrary Detention, Grave Misconduct and Unlawful Arrest, Grave Misconduct, Gross Neglect of Duty and Simple Neglect of Duty) and 1,187 non-judicial services (telephone calls, e-mail, or personal visit to PAO Offices).

4.6 Ensuring the right of persons arrested/detained or under custodial investigation to have access to court at all times

Section 11, Article III of the 1987 Constitution states that “Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty.”

In People of the Philippines vs. Ricardo Rio 7 the Supreme Court underscored that the right to have assistance of counsel for the defense is “perhaps the privilege most important to the person accused of crime.”

Sections 12 and 14, Article III, of the 1987 Constitution state:

Sec 12. (1) Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

Sec 14. (2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable.

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7 G.R. No. 90294, 24 September 1991
Section 1, Rule 115 of the Revised Rules of Criminal Procedure as Amended⁸ (Rules of Criminal Procedure) reiterates the right of the accused “To be present and defend in person and by counsel at every stage of the proceedings, from arraignment to promulgation of the judgment”.

Under Section 6, Rule 116 of the Rules of Criminal Procedure the court must assign counsel de oficio to defend the accused unless the accused is allowed to defend himself in person or has employed a counsel of his or her choice.

The court, considering the gravity of the offense and the difficulty of the questions that may arise, shall appoint as counsel de oficio only such members of the bar in good standing who, by reason of their experience and ability, can competently defend the accused. In localities where such members of the bar are not available, the court may appoint any person, resident of the province and of good repute for probity and ability, to defend the accused.

The right to counsel de oficio even continues during appeal, “such that the duty of the court to assign a counsel de oficio persists where an accused interposes an intent to appeal.”

Further operationalizing the Constitutional guarantee of free access to courts, due process and equal protection of the laws, Republic Act No. 9406 was enacted renaming the Citizens Legal Assistance Office as the Public Attorney’s Office (PAO), an independent and autonomous office attached to the DOJ.

The PAO is the principal law office of the government in extending free legal assistance to indigent persons in criminal, civil, labor, administrative and other quasi-judicial cases. It has the duty to independently discharge its mandate to render, free of charge, legal representation, assistance, and counseling to indigent persons in criminal, civil, labor, administrative and other quasi-judicial cases.

In the exigency of the service, the PAO may be called upon by proper government authorities to render such service to other persons, subject to existing laws, rules and regulations.”

RA 9406 mandates the ratio of one public attorney to an organized sala and the corresponding administrative and support staff thereto.

From 2016 to 2018, the number of public attorneys increased from 1,688 to 2,096 while the number of prosecutors increased from 1,907 to 2,283 between 2015 and 2018.

4.6.1 Night courts

Night courts address the need to provide immediate judicial action after office hours. They prioritize the handling of bail applications, lifting of warrants of arrest, urgent applications for hold departure orders, plea bargaining agreements and voluntary pleas of guilt. A night court can also conduct summary hearings that require urgent action in cases involving women and children, tourists and detainees. Each night court has an assigned prosecutor and public attorney to facilitate such procedures.

State Prosecutors are required to render inquest duties in accordance with a prescribed schedule and they are on a so-called “on call duty” even for cases that may be filed after office hours. In addition, task forces have been created with prosecutors designated to conduct inquest on cases within the task forces’ mandate. Among these are the Task Forces on Anti-Kidnapping, Cybercrime, Anti-Fraud, Counter-Intelligence, Anti-Organized Crime, and Special Cases.

4.6.2 Justice on Wheels

The Judiciary’s Enhanced Justice on Wheels (E-JOW) program where mobile court hearings are conducted for jail and docket decongestion provides information dissemination to barangay officials on relevant laws such as those related to the rights of the marginalized sectors, and on judicial procedures and processes, among others. In 2017 and 2018, a total of 4,182 barangay officials have participated in said seminars/dialogues.

The program also includes mobile court-annexed mediation, free legal aid to PDL, and medical and dental mission to bring access to justice closer to local communities.

⁸A.M. No. 00-5-03-SC. – Re: Revised Rules of Criminal Procedure (Rule 110-127, Revised Rules of Court).
4.7 Strengthening national mechanisms to provide redress to victims and accountability for human rights violations

In terms of strengthening national mechanisms to provide redress to victims and accountability for human rights violations, the Philippines continues to strengthen additional mechanisms that support the criminal justice system, such as the Administrative Order (AO 35) Inter Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons.

4.7.1 The Administrative Order no. 35 (AO 35)

On 22 November 2012, AO35 was approved and enacted as a “government machinery dedicated to the resolution of unsolved cases of political violence in the form of extra-legal killings, enforced disappearances, torture and other grave violations of the right to life, liberty and security of persons”. Under this mechanism, Special Investigation Teams (SITs) are created as composite teams of prosecutors and investigators to investigate, evaluate and supervise investigation as well as monitor progress to ensure identification and arrest of those responsible for the crime, successful prosecution and speedy resolution of cases. The AO 35 mechanism has investigated cases within its mandate from as early as 2001.

For purposes of operationalizing and implementing AO35, incidents considered Extra-Legal Killings (ELK) refer to those where at least two (2) of the following elements are present:

- The victim was targeted and killed because of his/her actual or perceived membership, advocacy, or profession;
- The person/s responsible for the killing is a state agent or non-state agent; and
- The method and circumstances of the attack reveal a deliberate intent to kill.

For purposes of AO35’s focused mandate, killings related to common criminals and/or the perpetration of their crimes shall be addressed by other appropriate mechanisms within the justice system.

Other than ELK, cases covered by AO 35 are:

- Enforced or Involuntary Disappearance (EID) - refers to the arrest, detention, abduction or any other form of deprivation of liberty committed by the agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by the refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places such person outside the protection of the law.
• Torture - refers to an act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him/her or a third person information or a confession; punishing him/her for an act he/she or a third person has committed or is suspected of having committed; or intimidating, or coercing him/her or a third person; or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a person in authority or agent of a person in authority. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions.

• Other Grave Human Rights Violations involving right to life, liberty and security of persons - refer to acts that grossly violate an individual’s right to life, liberty and security of persons and/or their physical or mental integrity and dignity.

• Cases under Republic Act No. 9851 (RA 9851) otherwise known as the “Philippine Act on Crimes against International Humanitarian Law (IHL), Genocide, and Other Crimes Against Humanity” are included under AO 35.

4.7.1.1 AO 35 Caseload

In the past seven years since the establishment of the AO35 mechanism, it has handled 385 cases spanning an 18-year period covering four administrations since 2001.

Figure 4-1 below shows the distribution of the AO35 caseload:
IV. ACCOUNTABILITY AND RULE OF LAW

The status of these cases is shown in the following graph:

**Figure 4-2 Status of AO 35 Reported Cases**

The status of these cases is shown in the following graph:

**Figure 4-3 AO 35 Reported Cases by Region**
Following are some of the highlights of the AO35 caseload:

As of 31 December 2019, there are three hundred eighty-five (385) cases under AO 35.

- The highest number of AO35 cases in a year reached a peak of 48 in 2006 during the Arroyo administration, closely followed by 47 in 2010 towards the end of the Arroyo administration and the start of the Aquino administration. During the Duterte administration, the highest number of AO 35 cases reported in a year was 22 in 2019.

- Of the total 385 cases, the highest number of cases reported to AO 35 were Extra-Legal Killings at 270, followed by Torture at 80, Enforced Disappearance at 28 and IHL violations at 7;

- The highest number of Extra-Legal Killings in a year was 41 in 2006, followed by 30 in 2005 then 27 in 2010;

- The highest number of ED cases in a year was six (6) in 2006, followed by five (5) in 2007 then four (4) in 2008;

- The highest number of Torture cases in a year was 24 in 2013, 19 in 2010 and 16 in 2011;

- The highest number of IHL-related cases was three (3) in 2012; and

- Of the 385 cases, 90 are under investigation, 25 under trial, 12 under preliminary investigation, 13 convicted and 12 acquitted. There are five cases under petition for review. One hundred and five have been dismissed by the Court, Ombudsman and Prosecution, or provisionally dismissed for insufficiency of evidence, lack of interest of the State to prosecute or lack of probable cause, while 111 have been archived in view of the lack of available information.

4.7.1.2 Partnerships to further strengthen the AO35 Mechanism

Inclusion of DOLE as observer

A number of AO 35 cases involve trade unions, their officers and members. Following the recommendation of the International Labor Organization (ILO), representatives of AO 35 met with officials from the Department of Labor and Employment (DOLE) to discuss the inclusion of DOLE as observers and resource persons during meetings of the Technical Working Group (TWG). Further discussions will be convened in 2020.

Training sessions

Areas of concern for AO 35 are lack of awareness of the mechanism, difficulty finding witnesses and insufficiency of evidence in investigating and prosecuting AO 35 cases as well as the lack of records and the need to share information between concerned agencies.

To address these concerns the AO35 Secretariat conducted case conferences in four (4) regions with the highest incidence of AO 35 cases in 2019. These were conducted to cascade the AO 35 mechanism, establish more effective coordination, cooperation and collaboration among prosecutors, law enforcers, and the Commission on Human Rights in investigating and building up AO35 cases and facilitate sharing of information.

For the period 2013-2019 the AO 35 Secretariat conducted training for a total of seven hundred sixty eight (768) participants in various regions. Participants were composed of prosecutors, investigators from the National Bureau of Investigation (NBI) and members of the Philippine National Police (PNP).
Training sessions were conducted in partnership with the University of the Philippines, the Commission on Human Rights (CHR), the Ateneo Human Rights Center (AHRC). Further trainings and case conferences in 2020 are to be done in partnership with the EU-GoJust, CHR and AHRC.

**Partnership with CHR**

To deepen collaboration between AO35 and CHR, high-level meetings have been facilitated by the Ateneo Human Rights Center with the support of EU GoJust and AECID to broaden the scope and finalize an update to the 2012 Memorandum of Understanding (MOA) on exchange of information between DOJ and CHR. This was set to be finalized in the first quarter of 2020. Also supported by AECID and EU GoJust, AO 35 and CHR have been exploring the revival of the National Monitoring Mechanism specifically to enhance the effectiveness of AO 35.

**Updating of Operational Guidelines**

On 26 November 2019, DOJ met with IAC member-agencies in attendance, such as the Presidential Human Rights Committee (PHRC), Philippine National Police (PNP), Department of Foreign Affairs (DFA), Armed Forces of the Philippines (AFP) and the Commission on Human Rights (CHR)- the National Human Rights Institution, to review the operational guidelines implementing AO No. 35, including the scope of extra-legal killings covered by the monitoring and prosecutorial mechanisms established pursuant to the A.O.

CHR provided the AO35 Secretariat and Technical Working Group (TWG) with technical assistance in updating the AO35 Operational Guidelines. AO35 business process were mapped to aid in determining choke points to be addressed; forms and templates were reviewed and recommendations made to streamline and facilitate operations. Regional case conferences were held with the CHR, prosecutors, investigators from the PNP and the National Bureau of Investigation (NBI) in Regions III, V, VI and VII from July-October 2019 to fast track resolution of cases. Discussions during the case conferences also contributed to the revision of the AO35 Operational Guidelines.

CHR assistance was funded by the European Union Governance in Justice Programme (EU GoJust) human rights component implemented by the Spanish Agency for International Development Cooperation (AECID).

The AO35 TWG finalized the revision of AO35’s Operational Guidelines from 24-26 September, 14-16 October and 4 November 2019. The proposed revisions are to be deliberated upon by the AO35 in 2020.

**Discussions on the creation of a human rights observatory**

In 2019, AO35 has initiated discussions with CHR, AHRC and EU GoJust to explore the creation of an observatory or referral mechanism for reports or cases of human rights violations that are not within A035’s mandate as well as to hold a human rights summit during the last quarter of 2020.
4.7.2 Strengthening the DOJ Victims’ Compensation Program

Republic Act No. 7309 created the Board of Claims under the Department of Justice, granting compensation for victims of unjust imprisonment or detention and victims of violent crimes.

Under this law, a claim for compensation may be filed by:

- any person who was unjustly accused, convicted and imprisoned but subsequently released by virtue of a judgment of acquittal;
- any person who was unjustly detained and released without being charged;
- any victim of arbitrary or illegal detention by the authorities as defined in the Revised Penal Code under a final judgment of the court; and
- any person who is a victim of violent crimes.

For purposes of the law, violent crimes include rape and likewise refer to offenses committed with malice which resulted in death or serious physical and/or psychological injuries, permanent incapacity or disability, insanity, abortion, serious trauma, or committed with torture, cruelty or barbarity.

For victims of unjust imprisonment or detention, compensation is based on the number of months of imprisonment or detention and every fraction thereof.

In all other cases, the maximum amount for which the Board may approve a claim shall not exceed ten thousand pesos (P10,000.00) or the amount necessary to reimburse the claimant the expenses incurred for hospitalization, medical treatment, loss of wage, loss of support or other expenses directly related to injury (whichever is lower), without prejudice to the right of the claimant to seek other remedies under existing laws.

The Board of Claims’ data from 2016 to 2019 is as follows:

<table>
<thead>
<tr>
<th>Table 4-1 Board of Claims’ Data (2016-2019)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2016</strong></td>
</tr>
<tr>
<td>Granted Applications</td>
</tr>
<tr>
<td>-Victims of violent crimes</td>
</tr>
<tr>
<td>-Unjustly accused</td>
</tr>
<tr>
<td>Total amount approved claims</td>
</tr>
</tbody>
</table>

A bill seeking to strengthen the Victims’ Compensation Program has been with the present 18th Congress as House Bill No 5347 on 6 November 2019. Among the amendments sought to strengthen the program are the inclusion of victims of homicide, murder, serious physical injuries, human trafficking, kidnapping or serious illegal detention, increase of the monthly compensation for unjust imprisonment or detention from PHP 1,000 to PHP 2,000 per month not exceeding PHP 120,000, and raising the award ceiling from PHP 10,000 to PHP 30,000. Said bill is set to be filed under the present Congress early in 2020.
4.7.3 National Preventive Mechanism under the Optional Protocol to the Convention Against torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)

Further strengthening human rights guarantees, the Constitution created the Commission on Human Rights (CHR) as an independent national human rights institution.

Among others, CHR has the power to investigate all forms of human rights violations involving civil and political rights, provide adequate legal measures for the protection of human rights of all persons within the Philippines as well as Filipinos residing abroad, provide preventive measures and legal aid services to the underprivileged whose human rights have been violated or need protection, exercise visitorial powers over jails, prisons or detention facilities, establish a continuing program of research, education and information to enhance respect for the primacy of human rights.

With the support of EU GoJust in 2019, the CHR, Department of Justice (DOJ), Presidential Human Rights Committee Secretariat (PHRCS), PNP Human Rights Affairs Office (HRAO), Philippine Drug Enforcement Agency (PDEA), Bureau of Corrections (BuCor), Bureau of Jail Management and Penology (BJMP) and the Department of Foreign Affairs (DFA) have been working together in drafting a bill to constitute CHR as the National Preventive Mechanism (NPM) in compliance with the OPCAT. The proposed measure is undergoing final drafting by CHR.

The provisions of Republic Act No. 9745 (RA 9745) otherwise known as the Anti-Torture Act of 2009 complements RA 10353 vis-à-vis the OPCAT. RA 9745 explicitly prohibits secret detention places, solitary confinement, incommunicado or other similar forms of detention where torture may be carried out with impunity.

The PNP, the Armed Forces of the Philippines (AFP) and other law enforcement agencies and their regional offices are mandated to make an updated list of all detention centers and facilities under their respective jurisdictions with corresponding data on the prisoners or detainees incarcerated or detained therein and such list shall be made available to the public at all times, periodically updated and submitted to the CHR.
4.8 Enforced and Involuntary Disappearances (EID)

Although the Philippines is not signatory to the International Convention for the Protection of All Persons from Enforced Disappearance (ICPAPED), RA 10353 mirrors and in many instances expands ICPAPED’s provisions.

The passage of this law made the Philippines the first country in Asia to criminalize the practice of enforced and involuntary disappearance and is cited as a best practice by the UN Working Group on Enforced and Involuntary Disappearance (WGEID).

Among others, RA 10353 provides restitution, compensation and rehabilitation for victims of enforced or involuntary disappearance (EID) and their families, particularly in relation to incidence or commission of torture, force, violence, threat, intimidation or any other means which vitiate the free will of persons abducted, arrested, detained, disappeared, or otherwise removed from the effective protection of the law.

The government takes each case seriously. The Philippine National Police, National Bureau of Investigation as well as the Commission on Human Rights investigate every case duly reported and the National Prosecution Service of the Department of Justice conducts prosecution pursuant to complaints filed in accordance with law.

In addition, mechanisms that support the criminal justice system to provide redress to victims and accountability for human rights violations such as the Administrative Order (AO 35) Inter Agency Committee on Extra-Legal Killings, Enforced Disappearances, Torture and Other Grave Violations of the Right to Life, Liberty and Security of Persons are continuously strengthened in partnership with the Commission on Human Rights and donor agencies.

Acknowledging the State’s moral and legal obligation to recognize and/or provide reparation to said victims and/or their families for the deaths, injuries, sufferings, deprivations and damages, RA 10368 created the Human Rights Victims’ Claims Board (HRVCB), an independent quasi-judicial body empowered to receive, evaluate, process, investigate and resolve applications for claims for human rights violations committed by state agents during the Marcos regime from September 21, 1972 to February 25, 1986.

Victims of EID who surface alive are entitled to monetary compensation, rehabilitation and restitution of honor and reputation. Such restitution of honor and reputation shall include immediate expunging or rectification of any derogatory record, information or public declaration/statement on his or her person, personal circumstances, status and/or organizational affiliation by the appropriate government or private agency or agencies concerned.

The immediate relatives of a victim of EID within the 4th civil decree of consanguinity or affinity may also claim compensation as provided under DOJ’s Board of Claims.

RA 10353 also provides for visitation/inspection of places of detention and confinement, authorizing the CHR or its duly authorized representatives are hereby mandated and authorized to conduct regular, independent, unannounced and unrestricted visits to or inspection of all places of detention and confinement.
4.8.1 Cooperation with the UN Working Group on Enforced or Involuntary Disappearances (WGEID)

In good faith and in a spirit of cooperation with the UN Special Procedures, the Philippines engaged with the UN Working Group on Enforced or Involuntary Disappearances (WGEID) on two occasions—during the Working Group’s 117th Session in Sarajevo on 14 February 2020 and the 119th Session in Geneva on 17 September 2019—to clarify the 625 reported cases of disappearances which occurred between 30 June 1975 and 3 January 2012 as referred to the Philippine government by the WGEID. Reinvestigation by the Philippine government revealed several cases where the fate of the victims were known and/or the subject was located and confronted alive.

With a desire to strengthen the WGEID mechanism on three crucial areas of (1) characterization of cases, (2) WGEID’s own requirements for considering a case and (3) integrity of sources, an analysis of the 625 transmitted case reports was done in light of WGEID’s Methods of Work.9

Examination of the transmitted 625 case reports reveals several cases where the same subject and incident appear to have been reported twice. There also appear to be cases not falling within the definition of EID.10 In addition, several cases should be considered clarified as the fate or whereabouts of the disappeared person have been clearly established, the subjects were confronted alive at their respected homes, disappearance is refuted by family or the six-month rule applies.

A number of cases are to be considered for discontinuation as families have freely and indisputably manifested their desire not to pursue the case, there appears no record of the incident and/or is not known in the community, the source may no longer be in a position to follow up the case with relatives of the disappeared or does not have the family’s explicit consent to submit the case on its behalf, the alleged place of disappearance does not appear to exist or is not known, there appears to have been no effort to resort to domestic remedies or there is no identification of forces believed responsible.

Also presented were cases deliberated under the Administrative Order No. 35 mechanism as well as those with convictions, acquittal, dismissed or pending before the court. A number of reported cases have also been compensated under Republic Act No. 10368 known as the Human Rights Victims Reparation and Recognition Act of 2013.

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10 See paragraph 7 of the MOW. Under paragraph 8, WGEID does not intervene in cases that are attributed to persons or groups not acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, such as terrorist or insurgent movements fighting the Government on its own territory.

11 Under paragraphs 24 and 25 of the MOW.

12 See paragraphs 12, 14, 19 and 28 of the MOW.
The Philippines formally submitted its analysis during WGEID’s 119th session in Geneva, Switzerland on 17 September 2019. A summary of the analysis is presented in the table below.

### Table 4-2 Summary of the 625 reported cases of disappearances referred by WGEID

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DUPLICATES TO BE RECONCILED AND REMOVED FROM THE LIST</strong></td>
<td></td>
</tr>
<tr>
<td>Different spelling, reported by different sources in different years</td>
<td>3</td>
</tr>
<tr>
<td>Same name is reported by different source in different years</td>
<td>3</td>
</tr>
<tr>
<td>Same name, different age and gender</td>
<td>1</td>
</tr>
<tr>
<td>Interchanged names</td>
<td>3</td>
</tr>
<tr>
<td><strong>CLARIFIED CASES: REPORTS THAT DO NOT FALL UNDER THE DEFINITION OF EID – NOT ATTRIBUTED TO STATE ACTORS</strong></td>
<td>2</td>
</tr>
<tr>
<td>Information provided by the source clearly established the subject’s fate or whereabouts</td>
<td>12</td>
</tr>
<tr>
<td>Sufficient information provided by the Government has been transmitted to source: subject located and confronted alive</td>
<td>9</td>
</tr>
<tr>
<td>Sufficient information provided by the Government: source informed that the father and sister located the subject’s remains</td>
<td>1</td>
</tr>
<tr>
<td>Sufficient information provided by the Government: source informed that subject’s mother refuted the disappearance</td>
<td>1</td>
</tr>
<tr>
<td>PNP reports that subject’s remains returned to the family</td>
<td>3</td>
</tr>
<tr>
<td>PNP reports that subject has been located and confronted alive</td>
<td>1</td>
</tr>
<tr>
<td><strong>CASES TO BE CONSIDERED FOR DISCONTINUATION</strong></td>
<td>12</td>
</tr>
<tr>
<td>Source informed that the families have manifested their desire not to pursue the case</td>
<td>4</td>
</tr>
<tr>
<td>No record of the subject or incident appears in the local registry, barangay and/or the incident is not known in the community</td>
<td>8</td>
</tr>
<tr>
<td><strong>VERIFICATION OF WGEID’S REQUIREMENTS FOR A CASE TO BE CONSIDERED: THE FAMILY’S CONSENT AND DESIRE TO PURSUE THE MATTER, THE SOURCE’S ABILITY TO FOLLOW UP WITH THE SUBJECT’S RELATIVES</strong></td>
<td>405</td>
</tr>
<tr>
<td>No indication of efforts to resort to domestic remedies</td>
<td>171</td>
</tr>
<tr>
<td>Full name of the disappeared not stated and/or place of deprivation of liberty does not appear to exist or be known</td>
<td>17</td>
</tr>
<tr>
<td>Forces believed responsible are not indicated and/or no updates or further information have been given</td>
<td>217</td>
</tr>
<tr>
<td><strong>CASES DELIBERATED UNDER ADMINISTRATIVE ORDER 35</strong></td>
<td>38</td>
</tr>
<tr>
<td>Convictions secured in the trial court</td>
<td>2</td>
</tr>
<tr>
<td>Cases pending in court</td>
<td>4</td>
</tr>
<tr>
<td>Accused acquitted for lack of evidence</td>
<td>1</td>
</tr>
<tr>
<td>Financial assistance has been provided to the subject’s relatives</td>
<td>2</td>
</tr>
<tr>
<td>Petitions for Writ of Amparo or Habeas Corpus filed</td>
<td>15</td>
</tr>
<tr>
<td>Updates requested</td>
<td>14</td>
</tr>
<tr>
<td><strong>CLAIMS FILED PURSUANT TO REPUBLIC ACT NO. 10368</strong></td>
<td>138</td>
</tr>
<tr>
<td>Claimants compensated by the HRVCB</td>
<td>105</td>
</tr>
<tr>
<td>Claims denied by the HRVCB</td>
<td>33</td>
</tr>
<tr>
<td><strong>GRAND TOTAL</strong></td>
<td>632</td>
</tr>
</tbody>
</table>

*There are 625 referred reports but the table shows a total of 632 as several subjects under duplicate reports and other categories are also listed under claims filed pursuant to Republic Act No. 10368*
The Chair of WGEID commended the Philippines on its engagement and for coming up with a detailed and complete set of documents.

**The Philippines’ engagement with WGEID stands as a testimony of the sincerity and openness of the government to dialogue with human rights mechanisms in a constructive manner and on the basis of cases and facts.**

The WGEID’s work is strictly of a humanitarian nature and its role includes determining and establishing the fate or whereabouts of the disappeared person as a result of investigations by the government or the family, among others, irrespective whether that person is alive or dead. Communications are sent to the concerned government/s. The clarification, closure or discontinuation of cases follows a rigorous process that involves a series of correspondence with the source. The Working Group retains cases in its files as long as the exact whereabouts of the disappeared persons have not been determined.

It is regrettable that this engagement has been exploited by critics of the government as an attempt to “whitewash” and “delist” the disappearance cases, on the basis of misinformation on the mandate of the WGEID. WGEID’s methods of work provide that its declaration of a case as clarified, closed, or discontinued, does not exonerate the government from its obligations to further investigate the case, bring the perpetrators to justice, or provide adequate reparation to the family. The government’s engagement with WGEID is motivated by none other than to clarify and provide updates on the status of cases where government has information, in line with the Working Group’s methods of work, and that moving to “whitewash” the cases is an implausible allegation as it clearly falls outside the remit of WGEID.
An analysis of the 625 cases from WGEID according to year points out that majority of the reported cases (543) occurred during the administrations of President Marcos (381) and President Corazon Aquino (162), graphs and tables showing that the biggest spikes in the number of disappearances took place between 1984 and 1980, with a total of 169 cases. This coincided with the period of internal purging within the CPP-NPA-NDF, during which its leadership carried out tortures and killings at the height of the group’s “cleansing” of its ranks of suspected government sympathizers and as retaliation against surrenderers.

Published CPP-NPA-NDF Anniversary Statements (1992-2017) admit the torture and murder of more than 950 suspected military deep penetration agents “including Party comrades, Red fighters, mass activists and other people” during the CPP’s “Kampanyang Ahos”. In its website, www.ndfp.org, the NDF itself said the CPP-NPA campaign “involved the kidnapping, torture, and murder of hundreds of CPP cadres and members, NPA commanders and fighters and mass activists.
4.9 Decongestion of detention facilities

In relation to Persons Deprived of Liberty (PDLs) and criminal offenders, overall congestion of jails under the Bureau of Jail and Management Penology (BJMP) decreased from 511 percent in 2016 to 439.47 percent by the end of 2018 due to recent construction of jail facilities.

To further address congestion, a Memorandum of Agreement between DILG and the Department of Environment and Natural Resources (DENR) to facilitate lot donation for the BJMP High-Risk Facility site in Luzon is being finalized.

While there was a decrease in the congestion rate under BJMP, total congestion in national prisons under the Bureau of Corrections increased as the effective and intensified law enforcement efforts of the government.

In 2018 BuCor maintained in its custody 45,431 average daily inmate population: 41,843 males and 3,588 females. This marks an increase of 3,259 inmates from 2017, when the BuCor had a 42,172 average daily inmate population.

These inmates were distributed in its seven operating prisons and penal farms (OPPFs) throughout the country, namely: New Bilibid Prison (NBP), Correctional Institution for Women (CIW), Davao Prison and Penal Farm (DPPF), Iwahig Prison and Penal Farm (IPPF), San Ramon Prison and Penal Farm (SRPPF), Sablayan Prison and Penal Farm (SPPF), and Leyte Regional Prison (LRP).

Due to the speedy resolution of cases from different courts, the congestion rate at BuCor facilities nationwide reached 136 percent.

There were 9,052 new admissions, 5,254 inmates released from custody and 12 escapees recorded in 2018. In 2017 there were 5,674 new admissions, 5,418 released inmates and 16 escapees.

The full implementation of the Expanded Good Conduct Time Allowance Law (GCTA) under Republic Act No. 10592 (RA 10592) and its implementing rules and regulations is expected to bring down congestion to about 76 percent after the prison population is reduced by some 11 thousand. With the goal of 34,000 prisoners, conditions inside the OPPFs would be more conducive to reform measures and improve the chances of released prisoners for renewed lives in mainstream society.

Geared towards the modernization of prison facilities, decongestion and achieving zero criminality in all prisons, the NBP Transfer Plan is among the priorities of the BuCor.

Moreover, the passage of Republic Act No. 11362 (RA 11362) or the “Community Service Act” in 2019 aims to promote restorative justice and contribute to the decongestion of jails.
The BJMP strengthened its paralegal, welfare and development programs. It implemented in certain jails the e-Dalaw (visit) system that enables video conferencing of PDLs with their families. The e-Dalaw system in Quezon City was the first Justice Zone project supported by the EU.

Republic Act No. 10575 (RA 10575) otherwise known as “The Bureau of Corrections Act” was enacted to strengthen the BUCOR with a reorganized uniformed service structure. Various initiatives and reforms in the penology and corrections system were pursued.

The DOJ and DILG jointly developed and adopted the 2017 Uniform Manual on Time Allowances and Service of Sentence to standardize procedures relative to the good conduct time allowances pursuant to the GCTA.

This provided guidelines on incentivizing good behavior of PDL, participation in rehabilitation programs and documenting/applying time allowances with the intent of better preparing PDL for their return to society and facilitating their timely release.

Senate Bill no. 1100 filed in November 2019 seeks a uniform and standard set of policies and guidelines in the administration of local jails. The Bill was welcomed by the CHR which stated that the bill would address the safety of inmates, persons in custody awaiting investigation and ensuring that detention facilities meet at least the minimum standard of treatment of prisoners.

4.10 Accountability and respect for human rights in the Philippine National Police (PNP)

One of the programs under the PNP Human Rights Development Program is the establishment of Human Rights Desks in all National Operational Support Units (NOSUs), Police Regional Offices (PROs), Police Provincial and City Police Offices (PPO/CPOs), and City and Municipal Police Stations (CPS/MPS) pursuant to PNP Implementing Rules on Human Rights dated 14 February 1995 which seeks to enhance the capacities of police officers as human rights protectors to serve as conduits to the PNP Human Rights Affairs Office on various efforts involving human rights.

The designated Police Human Rights Officers serve as the focal point in all aspects of human rights promotion and protection relevant to law enforcement within their respective jurisdiction consistent with Human Rights-Based Policing.

The PNP Human Rights Desks are placed as adjunct unit in the offices of the regional directors, provincial/city police office directors, and city/municipal chiefs of police as well as directors of concerned national support units.

As of 22 April 2020, there are a total of 880 Police Human Rights Officers and 2,435 Police Non-Commissioned Officers assigned in PNP Human Rights Desks, nationwide.
In carrying out its vision to institutionalize “Respect for Human Rights as a Way of Life in the PNP”, the PNP-Human Rights Affairs Office (PNP-HRAO) has undertaken the following programs:

a) **Development of the “PNP Know Your Rights” Mobile Application.** The mobile application, which can be downloaded free of charge from the Google Play Store by android mobile device users, contains all human rights advisories and policies crafted by the PNP, including the contents of the New Miranda Warning Pocket Card with Anti-Torture provisions. Once downloaded, the mobile application can be accessed even offline by police personnel and field officers. It equips PNP personnel with the right information and materials with which to advise citizens or persons placed under police custody of their rights under the law. The public can also download the mobile application to be informed about their fundamental rights as citizens and about police operational procedures and rules of engagement.

b) **Campaign for the Mandatory Use of Visibility Enhancer Vests for Police Human Rights Officers (PHROs).** The PNP-HRAO was instrumental in the crafting and approval of the PNP Uniform and Equipment Standardization Board (UESB) Resolution No. 2017-005 which proposed standard specifications of visibility enhancer vest for Police Human Rights Officers. The vests provide citizens with clear visual markers to identify PHROs during law enforcement operations, including those conducted as part of the anti-illegal drug campaign.

c) **Formulation of Human Rights Policies and Advisories.** As part of its thrust to fully institutionalize the respect for human rights as a way of life in the police organization, the PNP-HRAO develops human rights advisories that will serve as a guide to all PNP personnel in their underlying duty to uphold human rights and the rule of law at all times.

d) **Conduct of Human Rights Deepening (Refresher) Seminars for Police Officers.** The series of Human Rights Refresher Training for Police Officers have the objective of reorienting participants on the fundamentals of human rights, investigative procedures, operational procedures, and cultural sensitivity.

e) **Conduct of the Police Human Rights Officers Course (PHROC).** The PHROC aims to create a pool of competent and eligible Police Human Rights Officers that would be empowered to lead and manage PNP Human Rights Desks; address various human rights issues and concerns by internal/external stakeholders including alleged human rights violations; conduct seminars and activities related to Human Rights-Based Policing; and establish partnerships with various sectors involved in human rights promotion and protection. From 2017 to the first quarter of 2019, five PHROC sessions were conducted with 138 Police Human Rights Officers (137 Police Commissioned Officers and 1 Officer from the Armed Forces of the Philippines).

f) **Conduct of Top Level Forum & Workshop on International Law Enforcement Standards for Senior Police Officers.** PNP-HRAO, in partnership with the International Committee of the Red Cross (ICRC), organizes annually a Top Level Forum & Workshop on International Law Enforcement Standards for Senior Police Officers which is being participated by Senior Police Commissioned Officers with the ranks of PCSUPT (Police Chief Superintendent) and PSSUPT (Police Senior Superintendent) from selected Directorates/PROs/Units. This workshop seeks to deepen the understanding of police officers on human rights and International Humanitarian Law and provides a venue for discussing actionable issues and policy recommendations in mainstreaming human rights-based approaches in policing.
g) **Conduct of the PNP-ICRC Workshop/Training on Human Rights and International Humanitarian Law.** The workshop/training, conducted with support from the ICRC, seeks to enhance understanding by members of the Special Action Force and PNP Mobile Forces of IHL and IHL issues relevant to the various PNP offices; increase awareness on the mandate and activities of the ICRC and the Red Cross and Red Crescent movements; broaden the ICRC network and its understanding of situations in areas of operational importance to it; and raise awareness of international policing standards.

h) **Continuous close coordination with the Commission on Human Rights, human rights NGOs, and with the complainants/witnesses on the referral of cases of alleged human rights violations as part of the pro-human rights efforts of the PNP.**

i) **Conduct of Torture Prevention Campaigns with the Assistance of Police Human Rights Officers (PHROs) Nationwide.** PNP-HRAO has been active in torture prevention campaigns. PNP-HRAO personnel and PHROs were at the forefront of addressing the alleged “Biñan Torture Chamber” incident in Biñan, Laguna in 2014. As a result, a major survey of existing police custodial facilities was undertaken to ensure transparency and accountability in custodial management and in upholding the rights of persons under custody. PNP-HRAO, immediately issued a policy requiring all Regional Directors of Police Regional Offices (PROs) and Directors of National Support Units to sign and submit an Affidavit of Undertaking stating primarily that all facilities are properly reported and that they are taking full responsibility for any omissions or inaccuracies in the reporting thereof. Moreover, HRAO and PHROs are active in implementing the reporting mechanisms in custodial facilities, as required under the Anti-Torture Law (Republic Act 9745). The reporting mechanism enables the Commission on Human Rights to track the status of persons under police custody. The periodic inspection of lock-up cells nationwide with the monthly reporting of data to the Commission on Human Rights regarding the condition of Persons Deprived of Liberty are being done every first week of the month.

j) **Development and Distribution of Materials on Human Rights.** In line with efforts to promote human rights and international policing standards, the New PNP Miranda Warning Pocket Cards which include provisions of RA 9745 (Anti-Torture Act of 2009) was translated in ten Philippine languages and over 20,000 copies were distributed to PNP personnel nationwide from 2016. The materials aim to equip PNP personnel with the right information to advise citizens or persons placed under police custody of their rights under the law. These materials also serve as reminders to PNP personnel to adhere to human rights standards and police operational procedures.

k) **Conduct of PNP-Civil Society Organization Forum on Rights-Based Policing.** The series of forum which were conducted by the PNP-HRAO in partnership with the Hanns Seidel Foundation of Germany had the following objectives: provide opportunities to discuss problems concerning human rights on the issues of arrest, use of force, and search seizure; person under police custody; and fatal shooting/torture/ill treatment; develop effective approaches in addressing human rights issues with the communities and civil society. From January 2019 to March 2020, a total of 31 PNP-Civil Society Organization Forum on Rights-Based Policing were conducted with a total of 1,389 attendees from the PNP, CSOs, and concerned government agencies.
l) Technical Working Group (TWG) Meetings on the Development of a Manual on International Humanitarian Law (IHL). A series of TWG Meetings which started in February 2019 is being undertaken by government agencies and NGOs for the crafting of IHL Manual which aims to serve as reference material for use in the training of judges, prosecutors, public attorneys, human rights officers and law enforcers in the proper interpretation and application of the provisions of Republic Act (RA) No. 9851 or the Philippine Act on Crimes Against IHL, Genocide, and Other Crimes Against Humanity. The project is spearheaded the Philippine Judicial Academy of the Supreme Court in partnership with the International Committee of the Red Cross.

m) Technical Working Group (TWG) Meetings of the Inter-Agency Committee on Children in Situations of Armed Conflict (IAC-CSAC) for the Enhancement of the Implementing Rules and Regulations of RA 11188. A series of Technical Working Group Meetings is undertaken by the Inter-Agency Committee on Children in Situations of Armed Conflict (IAC-CSAC), composed of representatives from the Department of Justice, Armed Forces of the Philippines, Department of Education; National Commission on Indigenous Peoples; Department of Foreign Affairs; Presidential Committee on Human Rights; Philippine National Police; and NGOs toward enhancing the Rules and Regulations Implementing Republic Act No. 11188, otherwise known, as the Special Protection of Children in Situations of Armed Conflict Act.

Discipline is one of the key factors that make the Philippine National Police credible. It ensures that all Philippine National Police personnel who are charged with human rights violations such as torture shall undergo preventive suspension and shall be entitled to a formal hearing as stated in the National Police Commission (NAPOLCOM) Memorandum Circular 2000-001. The Philippine National Police Internal Mechanism is definitely one of the Philippine National Police’s most important tool in helping the appointed Philippine National Police disciplinary authorities administer sanctions against erring Philippine National Police personnel who fail to abide by the rules and regulation of the Philippine National Police. More importantly it helps raise the competence of police pre-charge evaluators and summary hearing officers who are tasked to keep the Philippine National Police Disciplinary Mechanism running and to expedite the resolution of administrative cases involving PNP personnel.

The PNP-Human Rights Affairs Office is a member of the high level inter-agency committee (IAC), chaired by the Secretary of Justice for the resolution of cases of extra-judicial killings (EJK), enforced disappearances (ED), torture, and other grave violations of the right to life, liberty and security of persons under the Administrative Order no. 35. The Ombudsman and the Commission on Human Rights (CHR) participate as independent observers of the Committee. The AO 35 mechanism complements and enhances the regular conduct of operations and functions of government agencies. Over the past years, the role of the IAC has evolved into a mechanism not just for the inventory and monitoring of cases, but for the identification of patterns of impunity, vulnerabilities and areas for improvement, leading to important policy changes.

Efforts to further strengthen accountability of the law enforcement agency in the context of the anti-illegal drug campaign is discussed in length in section 8.6 of this document.
4.11 Accountability and respect for human rights in the Armed Forces of the Philippines (AFP)

The image being portrayed by sources of allegations of the Philippine military or the Armed Forces of the Philippines (AFP) as oppressors and human rights violators does not hold water against the wide and rising satisfaction rating by the Filipino public of the armed forces.

The December 2019 survey of the leading pollster Social Weather Station showed a net satisfaction rating of +74 for the Armed Forces of the Philippines which was classified by SWS as “excellent”. This reflected an increase by 12 points from the June 2018 survey result of +62. Public satisfaction rose in all parts of the country, particularly in the National Capital Region, Luzon, Visayas, and Mindanao.

The survey indicated that 79% have confidence that the military could defeat the CPP-NPA and terrorist groups while 62% believe that the Navy would not let any country invade the Philippine waters.

A clearance from the Commission on Human Rights (CHR)- the National Human Rights Institution- is a requirement for all promotions and foreign travels involving all military personnel. The implementation of this measure has been effective in terms of mainstreaming respect for human rights in the conduct of AFP personnel.
The increasing public trust enjoyed by the AFP results from efforts to strengthen accountability and compliance with humanitarian and human rights norms, standards and laws. With a view to effectively addressing all human rights and international humanitarian law (IHL) issues and concerns involving the AFP, the AFP Human Rights Office (AFPHRO) was created was created in February 2007, and its functions strengthened in November 2010.

with the issuance by the Chief of Staff, AFP, a Letter Directive (Strengthening of the AFP Human Rights Organization) and an AFP Staff Memorandum (General and Specific Functions and Organization of the AFP HRO) in November 2010.

Among the functions of the AFPHRO are to receive formal complaints on alleged violations of HR and IHL and cause the investigations thereof, monitor or assess incidents of alleged HR violations as reported in open sources and conduct immediate inquiry for further action, monitor the litigation of cases against the AFP, monitor violations of HR and IHL by threat groups and cause the immediate filing of cases or complaints and assist the victims’ families, and liaise with the Commission on Human Rights (CHR), the Presidential Human Rights Committee (PHRC) and other agencies, NGOs and People’s Organizations (POs) for the protection of HR and adherence to the IHL.

The AFP Human Rights Office implements programs that are anchored in the following three-pronged approach: (1) ADVOCACY leading to ADHERENCE; (2) appropriate/immediate ACTIONS to be undertaken on all incidents and/or accusations of human rights violations (HRVs); and, (3) PARTNERSHIPS with various organizations and stakeholders that are HR/IHL advocates for a better coordinative working relationship.
4.11.1 AFP Monitoring of Violations

From 2017 to present, no case for alleged human rights violations was filed in the trial courts. From the time the AFPHRO was created in 2007 and its functions strengthened in 2010, a marked decrease on the occurrence and reports of human rights violations was monitored. This is largely attributed to the expanding of the scope of this office, wherein (under the Staff Memorandum issued in 2010) the deputy commander or second in command of an AFP unit is automatically designated as the unit’s Human Rights Officer. From the battalion level all the way up to the brigade, division, and unified/area command levels, and to the major service commands, human rights officers were designated, and the conduct of education and training as well as advocacy and information dissemination was relentlessly pursued. In addition, the AFP campaign plan “Internal Peace and Security Plan (IPSP) Bayanihan” in 2010-2016, including its successor “Development Support and Security Plan Kapayapaan” for 2016-2022 put a high premium on human security and compliance to HR and IHL.

4.11.2 AFP Engagement with the Commission on Human Rights and Stakeholders

The AFPHRO has strong and continuing engagements with the Commission on Human Rights, CSOs, NGOs, and POs as it strives to promote and protect human rights.

With the Council for Welfare of Children (CWC), the AFPHRO worked for the enactment of the law entitled “An Act Providing for the Special Protection of Children in Situations of Armed Conflict” (RA 11188) in January 2019. The AFPHRO actively participated and contributed in the crafting of the law’s implementing rules and regulations (IRR) and corresponding work plan.

Before the passage of RA 11188, the AFP issued Letter Directive No. 25 in the year 2013, entitled “Guidelines in the Conduct of AFP Activities Inside or Within the Premises of a School or a Hospital”, which provided measures in the conduct of AFP activities in schools and hospitals that comply with pertinent United Nations Security Council resolutions on children in situations of armed conflict, and to prevent the commission of grave child rights violations (GCRVs). The said circular was further improved and was superseded by DND Circular No. 01 entitled “Child Protection During Armed Conflict Situations (CPDACS)” now covering the six GCRVs as well as the adoption and operationalization of the Monitoring, Reporting and Response System (MRRS) protocols, which circular was approved on 06 February 2016.
The AFPHRO proactively participated in institutionalizing existing relevant inter-agency mechanisms and protocols to address and resolve alleged human rights violations, such as the Administrative Order No. 35 issued in 2012 creating an inter-agency committee chaired by the Department of Justice which seeks to address and resolve extra-legal killings, enforced disappearances, torture and other grave violations to the right to life, liberty and security of persons. It partnered with the Commission on Human Rights through the issuance of the “La Breza Declaration on Human Rights Cooperation”, to provide and share information on human rights issues and incidents, conduct of education and training, creation of local monitoring mechanism and conduct of case conferences. The AFPHRO is also part of the National Monitoring Mechanism co-chaired by the Presidential Human Rights Committee under the Office of the President and the CHR. The AFPHRO, likewise, worked for the issuance of the government joint guidelines to protect workers’ rights and activities under the International Labor Organization of the UN Convention 87 (right to association) and Convention 98 (right to collective bargaining), which were jointly signed and adopted by the DOJ, DOLE, DILG, DND, PNP and AFP.

Further, the AFPHRO is in constant engagement with international organizations such as the International Committee of the Red Cross (ICRC) and UN resident agencies, such as the United Nation High Commissioner for Refugees (UNHCR), United Nations Children’s Fund (UNICEF), United Nations Development Program (UNDP) and International Labor Organization (ILO) in promoting human rights.

The ICRC is in full support of the AFP’s efforts in institutionalizing and integrating IHL principles in the conduct of military operations, the graduated curricula in the AFP’s professional military education, and has provided education and training to military personnel and officers annually.

With respect to the AFP’s initiatives, including those of the AFP Human Rights Office to promote human rights in the Philippines, several activities are continuously undertaken, as follows:

- Continued work on the operationalization of National/Local Monitoring Mechanisms to address human rights concerns and issues (between and among the CHR, and CSOs, on the one hand, and the PHRC, AFP, PNP, DND, DILG, DSWD, DOH, DOLE, and other government agencies. The monitoring mechanism is envisioned to complement the AO 35 mechanism

- Continuing advocacy training to individual personnel, formed units, and commanders from the company level to battalion/brigade and division levels, as well as the different Commands in the AFP, on the laws pertaining to human rights, such as: The Rules of Arrest (Rule 113 of the Rules of Court of the Philippines); Republic Act 7438 on the rights of persons arrested, detained or under custodial investigation; Republic Act 9745 or the Anti-Torture Law; Republic Act 10353 or the Anti-Enforced or Involuntary Disappearance Law; Republic Act 9851 or the Act Defining and Penalizing Crimes Against International Humanitarian Law, Genocide, and other Crimes Against Humanity; Republic Act 7055 or the Civilian Supremacy Act; and other related laws.
• Conduct of inquiry and referral for investigation on reports of human rights violations allegedly committed by military personnel preparatory to referral and conduct of court-martial and other administrative proceedings, as part of the military justice system. Pursuant to this, the AFP is part of the Administrative Order No. 35 (AO 35) mechanism which created a government inter-agency committee (IAC) that acts on reports of alleged extrajudicial killings, enforced disappearances, torture and other grave violations to the right to life, liberty and security of persons purportedly committed by state and non-state actors, for the conduct of investigation, prosecution, and trial. The AO 35 IAC activated Special Tracker Teams (STTs) to locate fugitives, Special Investigation Teams (SITs) to expedite the conduct of investigations, and Special Oversight Teams (SOTs) headed by the Department of Justice (DOJ) Senior State Prosecutors to effectively prosecute malefactors of grave violations. Officers from the AFP Human Rights Office participate in the nationwide workshops/training of AO 35 prosecutors, investigators and other relevant personnel, as part of AFPs commitment to upholding the rule of law.

• Culling of data/cases from the different AFP units/office, as well as cases pending before the courts and investigative agencies in line with developing the monitoring system within the organization with respect to the progress of complaints, from validation to investigation, prosecution, trial and judgement. The AFP is part of the AO 35 IAC which made an inventory of the aforementioned cases allegedly committed by state agents and non-state actors. The CHR is an observer to the IAC and also part of the Technical Working Group that collate and compile all the cases under the AO35.

• Pursuit of the strategic imperatives embodied in the AFP campaign known as “Development Support and Security Plan Kapayapaan” particularly on the adherence to human rights principles, international humanitarian law, and the rule of law. The AFP is in constant coordination and engagement on monitoring and case conferences with the Commission on Human Rights and stakeholders; continuing meetings and conferences with the Department of Social Welfare and Development (DSWD), Department of Justice (DOJ), Department of Foreign Affairs (DFA), Department of Trade and Industry (DTI), and the Department of National Defense (DND); conduct of the “Quarterly Humanitarian Protection Dialogues” with the International Committee of the Red Cross (ICRC); the annual seminar/workshop on Operations Law (OPLAW) jointly organized by the German foundation Friedrich Ebert Stiftung and the National Defense College of the Philippines; the conduct of the Joint Project on “the Community-Based Dialogues (CBD) on institutionalization/localization of economic-social-cultural (ECSR) rights in the AFP” with development partners such as the Hans Siedel Foundation, Commission on Human Rights, Philippine National Police, and civil society organizations; and the nationwide seminars on “Multi-Sectoral Training on IHL for judges, prosecutors, investigators and relevant personnel” with the ICRC.
• Implementation of Monitoring, Reporting and Response System (MRRS) to address, respond and cater to children in situations of armed conflict, children involved in armed conflict, and children affected by armed conflict. The AFP, together with the Council for the Welfare of Children (CWC) and other government agencies, is implementing the MRRS under the Comprehensive Program Framework for Children in Armed Conflict. Nationwide dissemination campaigns led by the CWC including the AFP are being conducted to institutionalize the MRRS protocols. The AFP actively participates in the IAC-CIAC and National Steering Committee-Child Rights Committee on Advocacy and Public Meeting.

• Conduct of information dissemination drives with the Department of Labor and Employment (DOLE), as well as officers and representatives of labor unions/federations, employers’ groups, government officials and personnel from the Department of Justice, Philippine Economic Zone Authority, and other agencies on the “Guidelines on the conduct of the DOLE, DILG, DND, DOJ, AFP, and PNP relative to the exercise of workers’ rights and activities.” The purpose is to establish a reporting system to safeguard the constitutional rights of laborers particularly on the freedom of association and freedom of collective bargaining, to operationalize the reporting system, and to involve the Regional Tripartite Monitoring Boards (RTMBs) following the tripartite system of government-labor-management.

• Conduct of Human Rights Training nationwide, which is a joint undertaking with the Commission on Human Rights, the Ninoy and Cory Aquino Foundation, civil society organizations, the Philippine National Police (PNP), the AFP, and Hans Sidel Foundation, under the project entitled “Community Based Dialogue Sessions on Human Rights Protection and Promotion between the AFP, PNP, and Civil Society Organizations and Local Communities.” The series of trainings is designed to sustain the gains of the community-based dialogues conducted in all the regions nationwide to further promote human rights in the countryside and gain more advocates to protect human rights principles. The project consortium recently conducted a series of “Economic, social and cultural rights (ECSR) seminars in the Luzon, Visayas, and Mindanao regions, by forming training teams wherein each team comprised instructors coming from the CHR, AFP, PNP and ALG to lecture on human rights laws, reporting mechanisms, the national monitoring mechanism and the AO 35 mechanism.

• Conduct of information dissemination campaign and public engagement by the Unified Command and AFP Units to ensure the protection of children from recruitment by militias, and to identify and rescue child soldiers. Stakeholders engaged include schools and universities, barangays, local government units and agencies, among others.

• Celebration of the International Humanitarian Law Day by pledging to reaffirm its commitment to and support for IHL and a host of other related activities in collaboration with the ICRC, government agencies, and civil society organizations. The AFP is in constant coordination and consultation with international organizations and the United Nations agencies such as the UNICEF, UNHCR, and ILO to further its adherence and compliance with international criminal law and international humanitarian law.
V

MEDIA FREEDOM
The Constitutionally-protected freedom of the press, as well as of speech and of expression are highly valued rights that have always been zealously guarded by the Philippines, deeply conscious that having a plurality of voices including critical ones is an essential requirement for the continued functioning of its democracy.

As of 2019, at least 2,276 private media outlets (364 AM stations, 951 FM stations, 561 TV stations, and around 400 newspaper titles) excluding online media, are operating actively in the Philippines attesting to the vibrancy of the media space in the country.

The government, in contrast, operates 34 media outlets consisting of 32 radio stations and 2 TV stations, namely PTV4 and IBC13.

Notwithstanding the exercise of freedom of opinion and expression in the country and stronger government policies and measures to protect and preserve them, it has been alleged that the government has been systematically targeting journalists and waging a disinformation campaign and “propaganda war” to intimidate and silence critics of the government.

Where press freedom is Constitutionally-guaranteed and fiercely-guarded and the government only accounts for 1 percent of the country’s total media outlets, concerns on the state of media freedom are clearly misguided and allegations on the government’s ability to engage in a “propaganda war” unfounded.

It has been also alleged that the Philippines, particularly during the Duterte administration, became the most dangerous place for journalists. This distinction, in fact, has been attached to the Philippines for a decade. The country has languished as one of the most dangerous places in the world for journalists, according to the Committee to Protect Journalists (CPJ), a New-York based media watchdog. The CPJ cites that as of 31 August 2019, there were 41 unresolved cases of killing of journalists to the Philippines, 32 of which from the so-called Maguindanao or Ampatuan massacre which occurred on 23 November 2009. The CPJ report stated “its place cemented by a failure to prosecute any perpetrators behind the 2009 massacre in Maguindanao, in which 32 journalists and media workers were slain.”

Addressing this regrettable distinction and improving the protection for the freedom of opinion and expression and the safety of media workers have been a priority of the Duterte administration since it assumed office in mid-2016.

Accordingly, two of the first orders signed by President Duterte are Executive Order No. 2 of 2016 signed on 23 July 2016 on the “Freedom of Information” and Administrative Order No. 1 of 2016 signed on 11 October 2016 creating the “Presidential Task Force on Media Security.”
5.1 Protecting the Media: The Presidential Task Force on Media Security (Task Force)

The Presidential Task Force on Media Security is considered as a first in Asia, and possibly the world, with a dedicated mandate to protect the life, liberty, and security of media workers. It is co-chaired by the Department of Justice and the Presidential Communications Operations Office, with the Commission on Human Rights, the Ombudsman, and the heads of media organizations as observers.

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The Task Force gathered all case data from various agencies and media sources to map incidents and all outstanding cases of media killings in the country and facilitated investigations on all cases new and pending. A team of investigators and prosecutors is designated for the speedy probe of new cases of media killings. Another major component of the work of the Task Force is to respond to reports of threats or intimidation against media workers.

Just a year after the creation of the Task Force, whose work yielded positive impact on the security of media workers, the CPJ reported progress and made a special citation of the Philippines as one of the countries with an improved ranking in the 2018 Global Impunity Index.

In December 2018, the Reporters without Borders (RSF) delisted the Philippines from its list of the Top 5 most dangerous countries in the world for journalists.
5.2 Guilty Verdict on the Maguindanao Massacre Case

On 19 December 2019, the Philippine court convicted 43 individuals, including members of the powerful Ampatuan family in southern Philippines, for their involvement in the Maguindanao massacre which killed 58 people, 32 of which were journalists and media workers. Of the 43 convicted, 25 were government officials (6 local government officials and 19 police officers).

Quezon City Regional Trial Court Branch 221 Presiding Judge Jocelyn Solis-Reyes rendered the following judgement:

- 28 accused including Datu Andal “Unsay” Ampatuan Jr., Zaldy Ampatuan, Datu Anwar Ampatuan Sr. as guilty beyond reasonable doubt, having acted as principal. CONVICTED and sentenced to suffer the penalty of imprisonment of reclusion perpetua or life imprisonment without parole;

- 15 accused as guilty beyond reasonable doubt, having acted as accessories. CONVICTED and sentenced to suffer the indeterminate penalty of imprisonment of six years of prison correccional as minimum to 10 years and 8 months of prison mayor as maximum;

- 53 accused ACQUITTED on ground of reasonable doubt; and

- 3 accused ACQUITTED as the evidence of the prosecution has absolutely failed to prove their guilt.

This verdict was hailed as a triumph of justice. It attests to the integrity of the Philippine justice system and demonstrates the government’s commitment to remain true to its obligation to fulfill the human rights of those concerned. The dictum that every person who is charged with crime is deemed innocent until proven guilty remains an anchor of the Philippine justice system. The mechanisms have effectively worked in the victims’ favor and upheld everyone’s right to due process and fair trial as warranted by the democratic system. This further demonstrates that the government is relentless in combating impunity and in holding to account criminals, whether state or non-state actors.

Not since the post-world war Nuremberg trials of 1945-49, which saw the conviction of 18 war criminals, has the world seen this large number of persons convicted by a single court. Even the International Criminal Court, in all its 17 years in existence and after having spent more than a billion US dollars, has only convicted four personalities. Deemed as the trial of the century in the Philippine judicial system, the case heard the testimonies of 199 witnesses, as well as 58 private complainants.
5.3 The Task Force’s case data  
(As of April 20, 2020)

The records of the Task Force show that there are 22 reported cases of media worker killings that occurred under the administration of President Duterte.

Of the 22 cases, only seven have been established, upon initial investigation, to be work-related: those of Larry Que, Christopher Lozada, Dennis Denora, Joey Llana, Eduardo Dizon, Dindo Generoso, and Benjie Caballero. These cases are now pending before the trial courts, except that of Larry Que where the investigation was turned over on 5 February 2019 to the Criminal Investigation and Detection Group for the conduct of a more intensive and focused investigation.

From 2016 to present, the Task Force, in tandem with other agencies, investigated, monitored, and had acted on all 22 cases of killings involving media workers, to include the non-work-related killings.

From 1986 to present, there are a total of 251 reported cases of violence against media workers nationwide.

Out of the 251 cases from 1986 to present, 180 were killings, 65 were threats, while 6 were those who survived attempts on their lives. Of the 180 media worker killings, 69 were deemed by the Task Force as work-related, as provided for in the Operational Guidelines of Administrative Order no. 1 wherein the victim is an active media practitioner at the time of his death and the motive is related to his work as media worker.

These 69 work-related cases in the Task Force’s work file include the 32 cases of killings from the Maguindanao Massacre. With the judgment rendered on the case of the Maguindanao Massacre on 19 December 2019, only 1 case remain under investigation while 31 cases have been brought to court.

Following is the breakdown of status as of April 2020:

• 49 cases – Reached conviction of the suspects
  • 15 – Work Related
  • 3 – Not Work Related
  • 31 – Maguindanao Massacre
  • 17 cases – Filed in Court
  • 6 cases – Under Investigation
5.4 Threats and intimidation against media workers

Since its creation in 2016, the Task Force has received 65 reported cases of threats made against media workers. The 65 cases have been acted upon and investigated by police and judicial authorities and the departments which comprise the Task Force.

A Quick Response System is in place to serve as a mechanism for receiving, recording, resolving and responding to reports on complaint/grievance or requests for assistance by media workers involving threats and intimidation. After careful and thorough validation of the threats, the Task Force immediately issues a notice/letter to persons of interest, informing them that they are on the Task Force’s watchlist. This has served as an effective prevention measure.

5.5 Fight against disinformation and fake news

While providing opportunities for enhancing freedom of expression, media independence and diversity, the digital age has also brought in new challenges and threats. These include the growth of online trolls/fake accounts geared toward spreading hate in the online community which heightens the risk for media workers of actual physical attacks following online threats and harassment.

Of the 65 reported cases of threats received by the Task Force, three cases involved online threats in which the journalists were tagged as communist terrorists by certain Facebook pages in relation to their published news articles. The reposting and sharing generated comments that constituted intimidation and threats. The Task Force immediately coordinated and made representations with Facebook to take down the damaging posts. The Task Force also discussed long-term collaboration with Facebook on the implementation of measures to neutralize and counter the proliferation of dubious social media accounts or pages that continue to target journalists for the practice of their profession and other related measures to further strengthen the online protection and security of media workers.

Another challenge relating to the digital age is the proliferation of fake news. The spread of fake news and disinformation assails the foundations of a strong and vibrant democracy. The Presidential Communications Operations Office (PCOO) launched in 2019 its “Dismiss Disinformation Campaign” to stop disinformation by encouraging a culture of responsibility and discernment among the public, including media practitioners, highlighting the civic responsibility of every citizen to share only the correct, right and truthful information.
5.6 Alleged restrictions on Philippine media and press freedom

Recently, it has been alleged that critical voices are being silenced and that media space is being assaulted. Such voices primarily cite the case of Rappler, an online news outlet, which is facing legal battles in Philippine courts. The case of Rappler has been misused to carelessly generalize and unfairly portray the media situation in the Philippines.

Concerns and allegations discount the primacy of the rule of law as well as the vibrancy and pluralism of the media space in a country where government only represents one percent of the total media outlets that are actively operating in the country.

Contrary to allegations, media space in the Philippines continues to expand as the government strengthens the operationalization of the guarantees for the protection of freedom of expression and opinion.

5.6.1 Rappler

The Philippine government has emphasized that the cases faced by Rappler concern its accountability under the rule of law and has nothing to do with press freedom. Notwithstanding the cases, there has not been any restriction to the work of Rappler or its journalists, including its Chief Executive Officer Maria Ressa, evidenced by Rappler’s continued operation and presence online, and Maria Ressa’s freedom of movement. Following are the facts about Rappler’s cases:

1. Revocation by the Securities and Exchange Commission of the certificate of incorporation on Rappler - The SEC is duly empowered and has competence in determining the legality of corporations in the country. SEC conducted its investigation upon the request of the Office of the Solicitor General in December 2016. During its investigation, the SEC found that that Rappler Holdings Corp. issued Philippine Depository Receipts covering shares of Rappler to foreign juridical entities, namely Omdiyar Network Fund LLC and NBM Rappler L.P. which was founded and co-owned by North Base Media Ltd., a foreign juridical entity.

In January 2018, SEC rendered its decision to revoke Rappler’s certificate of incorporation for violating the foreign equity restriction in the Constitution and the Securities Regulation Code which provide that the ownership and management of mass media shall be limited to citizens of the Philippines, or to corporations or associations wholly owned and managed by such citizens.
2. **Complaint filed by the Bureau of Internal Revenue** – In a complaint filed by the Bureau of Internal Revenue (BIR) against Rappler Holdings Corp. (RHC), its President Maria Ressa and its independent Certified Public Accountant (CPA) Noel Baladlang for violation of the tax code, the National Prosecution Service (NPS) of the Department of Justice found probable cause to indict them for wilful attempt to evade or defeat tax and wilful failure to supply correct and accurate information under Sections 254 and 255 of the National Internal Revenue Code or the Philippine Tax Code. BIR alleged that they and one other, their treasurer, did not reflect in the 2015 tax returns the total gain of almost P162.5M which it realized from its issuance of Philippine Depositary Receipts to NBM Rappler LP and Omidyar Network Find LLC.

A PDR is a security which grants the holder the right to the delivery or sale of the underlying shares of stock. RHC bought 119,434,438 common shares from Rappler Inc at P1 per share. Rappler issued PDRSs against most of the shares it held to NBM Rappler and Omidyar at the subscription price of P181.6M - a gain of almost P162M which it didn’t declare. RHC’s CPA certified its financial statements despite its failure to disclose its purchase of RI shares. NPS ruled that in buying RI shares for the purpose of underwriting PDRs for resale to interested buyers, RHC acted as a middleman whose profits were taxable under the tax code. The tax code makes a corporate president, among officers, personally liable for such infractions by the corporations.

By not declaring such profits in its returns, Rappler Holdings Corp. also violated Section 253 of the Tax Code which makes a corporate president, among other officers, personally liable for such infraction by the corporation. RHC’s president Maria Ressa raised the defense of criminal intent which NPS ruled is better ventilated during trial.

3. **Cyber-libel case filed by private complainant Wilfredo Keng** – The Constitutionally-protected freedom of the press, as well as of speech and of expression are rights zealously guarded by the Philippines whose courts have consistently ruled that libel – whether made in print or online – is speech that does not enjoy protection under the Constitution. Rappler and its CEO are accused of having committed this crime by a private individual.

In October 2017, A complaint was filed by Wilfredo Keng against Rappler, its CEO Ressa, and former researcher-writer Reynaldo Santos Jr, asking the National Bureau of Investigation (NBI) to investigate and take appropriate action in connection with an on-line article posted in Rappler dated May 2012 entitled “CJ using SUVs of controversial businessman”, referring to then Chief Justice Renato Corona and businessman Keng. Rappler reported Keng as being under investigation for illegal activities. In 2012, Keng requested that the article be taken down but the request was apparently turned down as the article continued to be available online.

In March 2018, NBI recommended indicting Rappler and Ressa on cyberlibel charges under Section 4(c)(4) of the Cybercrime Prevention Act of 2012. While Ressa argued, among others, that she could not be accused of cyber libel for an article published on 29 May 2012 as the Cybercrime Law only took effect on 3 October 2012, the NPS resolved that “While we agree with respondents that the first publication of the article on 29 May 2012 is not covered by the Cybercrime Act of 2012, considering that the law was promulgated only in September 2012, we cannot share the same view with respect to the 19 February 2014 publication. Under the ‘multiple publication rule,’ a single defamatory statement, if published several times, gives rise to as many offenses as there are publications. Accordingly we hold that the republication of the article as may have been
modified or revised is a distinct and separate offense, for which the author, respondent Santos, should be prosecuted. Respondent Ressa, being the editor, should be included in the indictment (Art. 360, Revised Penal Code). Rappler, Inc. should also be included pursuant to Section 9 of R.A. No. 10175."

The case has already gone to trial and is now submitted for decision. It was reported that the case was set for promulgation of judgment on 3 April 2020 pursuant to the order of Judge Rainelda Estacio-Montesa, presiding judge of Branch 46. However, due to the on-going pandemic, the promulgation of the decision was postponed.

It is not correct to claim that press freedom is being curtailed because Ms. Ressa was arrested and prosecuted for libel. She has had the full opportunity to disprove the accusations against her and present her arguments in court. Philippine laws and courts guarantee this, in addition to other rights granted an accused, including the right to bail which she posted.

The cases involving Rappler firmly establish that the government upholds the rule of law and that no one is above the law. The conclusion that mass media should be exempted from judicial process undermines the rule of law, constitutes a blanket attack on press freedom in the Philippines, and contradicts the principle of equality before the law which is the foundation of the justice system in any strong democracy across the world.

In perspective, not a few journalists in the country have faced, or are facing, private libel charges for articles they have written and caused to be published. The resort to judicial process is well within the right of the aggrieved individual to prosecute his claim, and the accused are afforded the exercise of their right to present evidence that will exonerate them from the charges when the case proceeds to trial.

The National Press Club of the Philippines, a professional and social organization incorporated in 1952 and now with membership comprising of over 800 journalists, in its statement in early 2018, reminded Ms. Ressa and Rappler to follow and observe the rule of law that exempts no one. In its statements of 16 February 2019 and 13 November 2019, NPC said that “filing a libel case is a legal remedy available to everyone and should not be politized” and “while the NPC upholds and recognize the importance of a free-flow of ideas and opinions in a democracy…We have to put our foot down over this statement (Ressa’s) because clearly, this is a slander to our country and to all peace-loving, law-abiding Filipinos, those in the media included. Insofar as the NPC and other professional media organizations here in the country are concerned, Ms. Ressa’s fantastic claims bordering on slandering the country are her way of skirting discussions on her serious violations of the law…Thru the strong partnership today between the government and the various national media organizations, threats to the life, liberty and safety of all journalists are now being attended to, compared to previous administrations.

5.6.2 ABS-CBN

The grant of a franchise is an exercise of sovereign power vested in Congress under the 1987 Constitution of the Republic of the Philippines.

Section 1 of Act No. 3846 provides that “No person, firm, company, association or corporation shall construct, install, establish, or operate a radio transmitting station, or a radio receiving station used for commercial purposes, or a radio broadcasting station, without having first obtained a franchise therefor from the Congress of the Philippines”. Furthermore, Section 16 of Republic Act No. 7925 provides that “no person shall commence or conduct the business of being a public telecommunications entity without first obtaining a franchise” and thereafter a license to operate from the National Telecommunications Commission (NTC).

As said by the Supreme Court in Radio Communications Philippines Inc. v. National Telecommunications Commission, the grant of a franchise is “merely a privilege emanating from the sovereign power of the state and owing its existence to a grant, is subject to regulation
by the state itself by virtue of its police power through its administrative agencies."

ABS-CBN Broadcasting Corporation (ABS-CBN) was last granted a 25-year franchise under Republic Act No. 7966. The franchise expired on 4 May 2020.\(^\text{13}\)

A bill for the renewal of ABS-CBN’s franchise was first filed under the 16th Congress on 11 September 2014 as House Bill 4997. Several such bills were thereafter filed with the House of Representatives but none progressed beyond the House Committee on Legislative Franchises.

On 10 February 2020 a *quo warranto* petition was filed by the Office of the Solicitor General (OSG) before the Supreme Court against ABS-CBN Corp. and its subsidiary, ABS-CBN Convergence Inc. This represents a regular exercise of the OSG’s mandate and authority, in relation to the operation of media corporations in the Philippines under the 1987 Constitution and various regulatory issuances. The purely legal issues raised in the *quo warranto* petition on ABS-CBN’s alleged violations of pertinent laws and regulations on the constitutional restrictions on foreign ownership, the operation of services and transfer of franchise without necessary authority – are all valid questions that the Supreme Court can deliberate and decide upon, for or against the OSG.

On 26 February 2020 the Speaker of the House of Representatives and the Chair of the House Committee on Legislative Franchises informed NTC that deliberations on ABS-CBN’s application for franchise renewal had been initiated.

On 5 May 2020, the National Telecommunications Commission (NTC), in the exercise of its regulatory authority and *absent a valid franchise from the legislative body as required by law*, disallowed the continued operation of ABS-CBN. NTC’s order covers only platforms using government-issued frequencies such as TV and radio. Online platforms are not affected.

The National Telecommunications Commission is bound by law to decide on and execute policies and programs that are in accordance with the Philippine Constitution.

On 8 May 2020 the Speaker of the House of Representatives issued a statement that while NTC’s action “unnecessarily complicates the issue, it does not change the fact that the exclusive Constitutional authority to grant, deny, extend, revoke, or modify broadcast franchises, including having the primary jurisdiction to make an initial determination whether an application for a legislative franchise should be granted or denied – still resides in Congress, and Congress alone.”

Explaining that Congress had to make adjustments to its calendar due to various events, particularly the eruption of Taal Volcano which was aggravated by the coronavirus pandemic, the Speaker of the House stated that “It is in this context that the leadership of the House tried to gain a consensus with the Executive Department, through the DOJ and the NTC, to allow us time to properly address the ABS-CBN issue in the midst of all the other more important problems facing the country.”

The Speaker of the House has assured that the Committee on Legislative Franchises will remedy the situation and conduct hearings in a fair, impartial, thorough and comprehensive manner. Public hearings have already been convened amidst the constraints posed by the Covid-19 pandemic.

The Philippine government highlights that the ABS-CBN franchise renewal is *not an issue of press freedom but a procedural issue regarding legislative franchise*. The decision regarding this matter falls within the purview and wisdom of Congress and there are no impediments to ABS-CBN’s right to pursue any and exhaust all legal remedies necessary to resolve the matter.

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\(^{13}\)Sec 15 of RA 7966 provides that it becomes effective 15 days from date of publication in at least 2 newspapers of general circulation. As franchise was published on April 19, 1995, the expiration of the franchise was 4 May 2020.

This provides for full public disclosure of all government records involving public interest and upholds the constitutional right of people to information on matters of public concern. Covering all government offices under the Executive Branch, it requires all executive departments, agencies, bureaus, and offices to disclose public records, contracts, transactions, and any information requested by a member of the public, except for matters affecting national security and other exceptions.

The landmark issuance established the agenda for good governance and transparency by the administration, facilitating public access to public records of public interest. At the same time, the government is working with members of Congress on the enactment of the Freedom of Information Act that will have a broader scope beyond executive agencies.

The Philippine government is determined to put in place measures to improve the media industry, enhance safeguards for media space, and advance the welfare of all Filipino media workers.

To enhance the enabling environment for press freedom in the Philippines, President Duterte signed on 25 September 2019 Republic Act No. 114581 which expands the coverage of exemptions from revealing the source of published news or information obtained in confidence to include journalists from broadcast and online news agencies. This exemption used to apply exclusively to print journalism.

The law provides that “any publisher, owner, or duly recognized or accredited journalist, writer, reporter, contributor, opinion writer, editor, columnist, manager, media practitioner involved in the writing, editing, production and dissemination of news for mass circulation, of any print, broadcast, wire service organization or electronic mass media, including cable TV and its variants cannot be compelled to reveal their sources.” The law also guarantees the protection of the right of the person transmitting confidential information to media practitioners to exercise his freedom of speech and opinion on condition of anonymity.

The Philippine government also recognizes that strengthening the protection of the rights of media workers requires addressing the root causes of their vulnerabilities. The vulnerabilities in the media profession in the Philippine setting arise from, among others, rivalries and infighting among various media groups and practitioners, low wages and non-standardized benefits and correlation between media ownership and local politics.

To address these vulnerabilities, the Task Force and Anti-Crime and Terrorism Community Involvement and Support (ACT-CIS) Party-list forged a Memorandum of Agreement on 17 July 2019 to collaborate on the enactment of a Media Workers Welfare Act, which is now enrolled as House Bill No. 2476. The House Bill seeks to provide quality compensation and security of tenure for media workers. It seeks to improve the conditions of work and living wages for media workers, and establish a professional media environment that is conducive to an empowered, free, and productive media work.

This bill seeks among others to grant to media workers mandatory additional insurance benefits by the Social Security System and the Government Service Insurance System including death benefits, disability benefits, and reimbursement of medical expenses, and further provides for a matrix for the hazard pays of employees dispatched to war-torn areas for coverage as there is none yet existing today.

The bill also proposes the creation of a Commission on Press Freedom and Media Security that will serve as the media workers’ shield from all forms of attacks and as a development center for journalism. Under the bill, the Commission shall promulgate the Code of Ethics of media workers within six months from the effectivity of the act and shall also hold activities aimed at strengthening the journalism profession.
VI
PROTECTION
OF THE RIGHTS
OF INDIGENOUS
PEOPLES (IPs)
The Philippines as a Leader in Indigenous Peoples’ Rights Protection

The Philippines is the first country in Asia and is one of the few countries in the world to legally recognize the rights of indigenous peoples. The country’s Indigenous Peoples Right Act (IPRA) of 1997, an exemplary law focused on social justice, became the model for what ten years later was to become the UN Declaration on Indigenous Peoples. With the award of a Certificate of Ancestral Domain Title in 1998 to the Tagbanua of Coron Island, covering more than 22,000 hectares of land and sea, the Philippines was the first country to recognize the indigenous people’s right not only to ancestral land but also to ancestral waters.

The passage of the law, considered as “revolutionary”, signified victory for the Philippine government’s advocacy of IP rights and to correct a grave historical injustice that centuries of colonialism rendered to the IPs including dispossession of ancestral lands and massive exploitation of natural resources. It is deemed revolutionary as it recognizes ancestral domains as private community property to be owned, controlled, and managed by the IPs and do not belong to the state, going against the traditional and prevailing application of Regalian Doctrine which establishes that all lands of the public domain and other natural resources are owned by the State.

IPRA caters to the protection of the rights of over 14 million indigenous peoples, comprising around 13 percent of the country’s total population. The National Commission on Indigenous Peoples (NCIP), the primary government agency responsible for policies and programs on the rights of IPs and the recognition of their ancestral domains, has been steadfast in advancing its mandate.
Around one-third of Philippine land is recognized as ancestral domains and considered privately owned by indigenous peoples. To-date, more than 5.7 million hectares, or about one-sixth of the country have been duly titled in the name of indigenous peoples, and the government is processing the further titling of about the same number of land area.

Deeply conscious of the contribution of indigenous peoples in nation-building, the Philippine government continues to pursue a strong agenda on IP empowerment. The law requires an indigenous peoples’ representative, chosen by the indigenous peoples themselves, in every local legislative council, from the smallest political unit, the barangay, to the municipal, provincial, and city legislative councils. Such representation is also mandatory in policy-making bodies.

To date, there are around 4,294 Indigenous Peoples Mandatory Representatives in political structures nationwide.

The NCIP, in the exercise of its quasi-judicial powers and acting through the Commission En Banc, have attended to and acted upon at least 192 cases for the year 2019 alone. At present, there are 111 cases in the active docket of the Commission En Banc, of which 52 cases are already ripe for resolution while the remaining 59 cases are still undergoing the requisite proceedings under the NCIP Rules of Procedure.

The NCIP continues to ensure the full implementation of the Free and Prior Informed Consent (FPIC) process as a means to protect IP interests and give them a voice in all business activities and matters affecting them, from the conduct of a humble academic research to the operation of large scale projects including extractive industries.

The Philippine government emphasizes that it has the abundance of political will to persevere with the implementation of the IPRA amid challenges and constraints and continues to welcome the cooperation and assistance of partners and stakeholders in implementing the law.
6.1 Ancestral domain and land titles

NCIP’s Ancestral Domains Office identifies, delineates, and recognizes ancestral lands and domains. It assists indigenous cultural communities/ indigenous peoples (ICCs/IPs) in protecting the integrity of all ancestral domains through the issuance, upon the free, prior and informed consent of the ICCs/IPs, of certification prior to the grant of any license, lease or permit for the projects involving natural resources.

Under the IPRA law, Certificate of Ancestral Domain Titles (CADTs) are issued to formally recognize the rights of possession and ownership of the ICCs/IPs over their ancestral domains as identified and delineated in accordance with the law, while the Certificate of Ancestral Land Titles (CALTs) formally recognize their rights over their ancestral lands. As of December 2019, NCIP’s Ancestral Domains Office has accomplished the following:

- Issued 247 CADTs with an equivalent area of 5.74 million hectares (land and water) covering over 1.3 million IP rights holders, and 249 CALTs equivalent to 16,000 hectares covering 7,156 IP rights holders.

6.1.1 Ancestral Domains Sustainable Development and Protection (ADSDP) Plan

The Ancestral Domains Sustainable Development and Protection (ADSDP) Plan embodies the goals and strategies as well as programs and projects of ICCs/IPs for the sustainable development and management of their ancestral domain and all its resources including human and cultural resources such as their Indigenous Knowledge Systems and practices (IKSPs).

NCIP provides technical and financial assistance to the ICCs/IPs in the formulation of their ADSDPP. By end of 2019, NCIP has assisted in the formulation of at least 171 ADSDPPs.
6.2 Certificate of Precondition: A working mechanism

IPRA provides that no concession, license, lease or agreement shall be issued by any government agency without a certificate of precondition (CP) from the NCIP, in line with the latter’s mandate to promote and protect the well-being of indigenous cultural communities/indigenous peoples with due regard to their beliefs, customs and institutions.

As of 2019 the government has issued 405 CPs as determinant that the projects have actively involved the participation of indigenous communities in the process. Following is the breakdown of the CPs by industry: 182 on mining operation/exploration; 79 on renewable energy; 5 on industrial sand and gravel; 17 on research/processing plant; 30 on transmission line; and 34 on priority rights to natural resources.

The Free, Prior, and Informed Consent (FPIC) process is strictly adhered to and issuance of certificates is put on hold or cancelled if projects are not in compliance with the process. One of the country’s biggest water supply and electricity program is currently on hold pending the result of an FPIC process. Similarly, the application by one of the projected biggest nickel mine in the world has been put on hold for ten years now as it has not yet secured the consent of the indigenous peoples. In early November, NCIP cancelled five certifications issued for forest management agreements covering tens of thousands of hectares for failure to secure the consent of affected indigenous communities.

The NCIP continues to actively engage in partnerships and has dialogue and coordination mechanisms with communities and CSOs, NGOs, and POs to facilitate reporting and action on reported cases of human rights violations in indigenous communities.

Because of the sustained and enhanced implementation of open government programs at the country level, the Philippines became the first country to meet all the requirements of the Extractive Industries Transparency Initiative (EITI), and given its pioneering efforts in promoting transparency in the extractives sector, the Philippines has been nominated to receive the 2019 EITI International Chair Award, three years after accepting the same award in 2016.
6.3 Social justice programs for the indigenous peoples

The measures enumerated below are not exhaustive but are just some of the work of the NCIP through which it seeks to protect, promote, respect, and recognize the rights of the indigenous peoples.

6.3.1 Socio-economic services and special concerns

• Launching of the Disaster Preparedness and Management Program in 2016 with the aim of strengthening traditional knowledge systems and practices on disaster among vulnerable ancestral domains nationwide;

• Assistance to displaced ICCs/IPs as a result of natural hazards emergencies, and man-made calamities; and

• Allotment of USD 451,000 for livelihood assistance programs for ICCs/IPs.

6.3.2 Education, culture, and health

• Training of 448 public school teachers, 110 development management officers and health personnel, 116 IP leaders/elders, and 32 IP youth on cultural sensitivity and ethnography participatory research;

• Educational assistance for 16,798 IP beneficiaries (1,214 in elementary level, 3,501 in high school, and 11,813 in college) from 2017 to 2019;

• Merit-based scholarships for 219 IP college students with a budget of Php 10.9 million (USD 215,300) from 2017 to 2019;

• Financial assistance for 716 IPs for Licensure Exam for Teachers (LET) and other Professional Board Examination Review for the period 2017 to 2018;

• Assistance for 29,792 IP students from 2017 to 2018 for school supplies and materials;

• Medical and dental health services for 6,969 IP beneficiaries in 2019 with a budget allotment of Php 3.4 million (USD 67,176); and


6.3.3 Empowerment and human rights

• Implementation of 447 human rights programs (consisting of 327 socio-economic and ecology development programs and 120 IP human rights programs) from 2018 to 2019 benefiting 93,515 IPs; and

• Stronger ICC/IP representation in policy and decision making bodies through facilitating the development of Administrative Order no. 3 in 2019 or the Revised National Guidelines for the Mandatory Representation of IPs in Local Legislative Councils and Policy-Making Bodies.

6.3.4 Legal affairs

• Legal assistance for 76 ICCs/IPs and issued 46 legal opinions, 101 legal advisories, and 12 memoranda in 2019 for the consideration and guidance of the Commission regarding the draft En Banc resolutions; and

• Paralegal training to educate and inform ICCs/IPs of their rights, the various applicable remedies, and the different jurisdictions (courts, prosecution offices, quasi-judicial and administrative bodies, and other government agencies) where they may lodge their complaints for violations of the rights.

6.3.5 Policy, planning, and research

• Launching of the 2020-2024 IP Master Plan (IPMP) in November 2019 with participants from national government agencies, international funding partners, civil society organizations, legislators, diplomatic corps, academe, and IP representatives. The implementation of the IPMP will be supported by a Php 1 billion (USD 19.8 million) funding allocation;

• Improved data collection and disaggregation on vulnerable sectors through the Philippine Indigenous Peoples Ethnography (PIPE) program which would develop a comprehensive ethnography of all ICCs/IPs; and

• Inclusion in the Philippine Statistics Authority’s 2020 Census of Population and Housing of ethnicity variable in order to establish more robust baseline information on IPs in the Philippines.
6.4 Allegations in the context of the IP empowerment agenda

Violations against the rights of indigenous peoples have been levelled against the State across political administrations, with the rhetoric of State benefiting from the underdevelopment of IPs in an effort to advance business interests especially in the extractive sector.

Where the State has duly recognized the vulnerabilities of IPs, including to impacts of business activities and has, through IPRA, strongly pursued an IP empowerment agenda that grants effective control of ancestral domains to IP—this being the most important measure to truly operationalize the promotion and protection of their rights—such allegations only appear grossly inconsistent with State agenda and interests.

On the other hand, the government’s pursuit of the full implementation of IPRA including ensuring the IPs control of their ancestral domains has been inimical to the interests of a particular group, notably the CPP-NPA-NDF.

The reality on the ground is that the CPP-NPA-NDF has been responsible for countering government efforts to implement the IPRA and committing widespread human rights violations against IP communities.

The following puts in perspective the interests of the CPP-NPA-NDF in pursuing this malicious agenda against the Philippine government and the IP communities:

- Ancestral domains/ IP territories are central to CPP-NPA-NDF operations on the ground. Against the will of the IPs/ICCs, the CPP-NPA-NDF have entrenched themselves and have been using indigenous territories/ ancestral domains for: “mass base building”; as guerilla base, guerilla zone, command bases; recruitment of children combatants; extortion of so-called “revolutionary taxes” from industries, local populace and businesses, among other crimes and atrocities.

- The passage of IPRA, which grants control of ancestral domains to IPs, weakens the already tenuous control and claim of CPP-NPA-NDF over such territories and renders them illegal occupants or encroachers.

- One of the demands of the CPP-NPA-NDF in their proposed peace agreements is to remove recognition of indigenous peoples as such and to instead consider them “national minorities” effectively removing the indigenous peoples’ historical claim to land title, self-governance, and right to self-determination provided in local and international laws, agreements, and norms.

- In peace negotiations with the government, the CPP-NPA-NDF explicitly demand the distribution of ancestral domains to the “general public” instead of the particular indigenous peoples communities owning those lands. The Philippine government has consistently opposed such demand.

- CPP-NPA-NDF have been obstructing government delivery of services and programs and have killed and threatened to kill many IP leaders for supporting government programs. CPP-NPA-NDF continues to pursue the narrative of a brutal, ineffective, and apathetic government in order to preserve and promote its propaganda of a “cause-oriented” armed struggle.

- Gaps in government service delivery and programs in IP communities are exploited to serve as justifications for front organizations of CPP-NPA-NDF to pursue their purported IP-focused charitable works through funding support from unsuspecting foreign donors. Investigations including attestations from IPs themselves have revealed a gross and complex pattern of malversation and misdirection of funds to support the CPP-NPA-NDF’s violent armed struggle, including the commission of systematic atrocities against IPs such as recruitment of children combatants, abduction, sexual exploitation, trafficking, among other crimes.
The Philippine government’s pursuit of IPRA and IP empowerment agenda is a fundamental threat to the CPP-NPA-NDF. As a result of their defeat in cities and most parts of the country, the NPA’s shrinking operational viability draws heavily from their illegal entrenchment in IP domains. This explains the CPP-NPA-NDF’s rigorous activities to prevent, sabotage, discredit and attack relevant government programs with false allegations of violations and abuse.

Notwithstanding the challenges posed by CPP-NPA-NDF, the government perseveres in its efforts to ensure the delivery of government programs and in addressing the decades-long systematic atrocities being committed by CPP-NPA-NDF against the IPs.

6.4.1 On the alleged use of “paramilitaries”

Allegations against the government include the alleged use of IP “paramilitaries” by the Armed Forces of the Philippines. The term “paramilitary” or IP paramilitary is a misguided and a politicized term being employed by CPP-NPA-NDF to tactically convey, on the one hand, the military’s “rogue” nature with its use of non-accountable private armed groups that are not formally part of the armed forces and, on the other hand, that IP warriors are mere rogue military conscripts. It should be highlighted that the Philippine government has no policy that allows such “paramilitaries”.

The Citizen Armed Force Geographical Unit (CAFGU), created by law in 1987, provides for civilian reservists who are called for active duty for 15 days to render service within their respective communities. The CAFGU system supports the Functional Integrated Territorial Defense System or Community Safety System which enables community involvement and participation on peace and order and security matters affecting them. CAFGU reservists undergo rigorous training in military courtesies, discipline, human rights and international humanitarian law. CAFGU abide by military rules and regulations and are under the administrative supervision of military non-commissioned officers.
Indigenous Warriors: Duly Recognized under Philippine Law

With due respect to customary laws, IPRA provides for the full recognition of and respect for indigenous institutions of self-governance and defense of ancestral domains. Together with the elders and the religious leaders, tribal warriors or guards are a recognized group in most indigenous communities. These tribal warriors or guards (also known as “Bagani” or “Alamara”—different tribes have different terms) are tasked by their communities to defend against external aggressors, in line with customary laws. Conflicts are resolved through their existing indigenous political, religious, cultural and judicial processes and structures. Thus, tribal guards as directed by their political leaders known as “datus” and collectively through their tribal council, protect their territory from aggression and atrocities by entities external to their tribe.

The IP communities coordinate and seek assistance from the AFP, PNP and the local government units to ensure peace and order in their ancestral lands and domain.

Systematic atrocities committed by the CPP-NPA-NDF against IPs have prompted many tribal leaders, through their Bagani or tribal warriors, to engage in combat with the CPP-NPA-NDF who have been illegally occupying their ancestral domains. CPP-NPA-NDF continue to brand tribal warriors as “paramilitaries” in order to undermine the legitimacy of the IPs’ resistance and defense of ancestral domain against CPP-NPA-NDF.

Moreover, the branding of IPs as “paramilitaries” mocks and disrespects customary laws which duly recognize the important role of tribal warriors in the defense of ancestral domains. It assaults the IP’s identity and culture and has the effect of weakening indigenous political structures.

CPP-NPA-NDF corruption of the indigenous defense system

On the other hand, the CPP-NPA-NDF has used this existing indigenous defense system “Bagani”, which is duly recognized and protected under Philippine law, as a convenient asset and corrupted and converted it to “Pulang Bagani” or Red Army/Warriors Command, suited to their political purposes. CPP-NPA-NDF has supplanted tribal leaders and usurped command of the Bagani system. In Mindanao there are five such “Pulang Bagani” commands consisting of platoon to company sizes with more than 500 tribal warriors. It would be noted that a lot of the surrenderers/returnees are indigenous peoples.

It is in CPP-NPA-NDF interest to keep IPs undereducated and in the dark about the IPRA law and government programs as empowered IPs translates to the further diminishment of what remains of CPP-NPA-NDF operational and political base. Conversely, it is in the government’s every interest to aggressively pursue the full implementation of IPRA and a comprehensive and responsive program that would address the needs, vulnerabilities and strengthen the resilience of indigenous communities against exploitation by CPP-NPA-NDF elements.
6.4.2 On the alleged “militarization” of ancestral domains and displacement of IPs

Allegations of “militarization” of ancestral domains, which conote an act of preparing the society for war, conflict or other emergencies, have been hurled against the Philippine government by the CPP-NPA-NDF across administrations.

The term “militarization” has been deliberately misapplied to refer to the legitimate conduct of operations by State armed forces against organized armed groups or to suppress lawless violence committed by non-state actors. These operations include Armed Forces of the Philippines (AFP) patrols in areas where there have been reported sightings of NPA armed groups.

The AFP patrols, prompted by reports from and always conducted in coordination with the IP communities, are warranted to respond to reports of NPA attacks, harassment, or extortion of so-called “revolutionary taxes” from the local populations and businesses.

**CPP-NPA-NDF’s Taktikang Bakwit (Evacuation Tactic)**

It has been alleged that “militarization” has caused massive displacement of indigenous peoples. The CPP-NPA-NDF has been known to use the device called “Taktikang Bakwit” (Evacuation Tactic) which involves the infiltration of IP communities to sow discord and cause disorder that could trigger mass evacuation among IPs especially in Mindanao. Under this strategy, the CPP-NPA-NDF has been using “military operations” or “militarization” as a reason to convince residents of the need to urgently evacuate.

This tactic continues to be employed by the CPP-NPA-NDF to, among others, prevent the local government from delivering basic services and goods to the communities and to hamper the legitimate operations by state security sector in response to reports by IP leaders of presence of and atrocities being committed by CPP-NPA-NDF. Sowing instability and keeping the IP communities in a state of unrest and deprivation enable the CPP-NPA-NDF to strengthen their hold on ancestral domains and maintain their presence.
The case of Oceana Gold Company in Nueva Vizcaya illustrates an example of allegations against the State on “protecting business interest”, “militarization”, “harassment of human rights defenders and community leaders” and generalized accusations of rights abuses in the context of business operations where there are IP communities.

The Philippine government takes all allegations of human rights violations seriously and undertakes thorough investigations on complaints brought against Oceana Gold on its activities.

The Philippine government shares that as a result of its investigation involving the concerned community in Dipidio, it was found out that the community itself, consisting of the residents of the host community of the mining project and other adjacent barangays, belied the allegations of human rights violations, including of reported burning of houses and forced eviction of residents. The community also referred to outsider individuals and groups that have personal vested interests and agendas in capitalizing on their silence.

Facts on the ground are contrary to the allegations made on militarization, and they indicate that military presence was in response increased NPA activities in the locality.

Consistent with government’s accounts denying allegations of “militarization” and establishing the fact about NPA presence and activities in IP communities, Oceana Gold, in its April 2019 response to a joint communication by Special Rapporteurs, attested to the following:

• Para 27: As far as we are aware, the Armed Forces of the Philippines (AFP) were not involved in any of the enforcement processes, and the Philippine National Police (PNP) were present at one of the 2008 entries, as set out in the paragraph below.

• Para 28: We understand that members of the PNP were present on 22 March 2008. No members of the AFP were present. We understand that the PNP were present to ensure peace and order during the dismantling process, and were not involved in any dismantling of structures themselves.

• Para 63: Neither the AFP nor the PNP provide any special assistance to OGPI as regards “protecting the company” or preventing protest.

• Para 65: In relation to page 5 of the Joint Communication, there has been an increased AFP presence in Didipio since 2017. This is due to an increase in activity by the Philippine New People’s Army and is not at the request of OceanaGold.
The United Church of Christ in the Philippines (UCCP) Haran Compound operations in Davao City have long been used by the CPP-NPA-NDF for propaganda on alleged violations by the government on the rights of IPs including “militarization.” The compound is presented as a shelter and sanctuary of IPs in order to be able to raise funds from unwitting donors but in fact is used for the trafficking and detention of IPs who are forced to raise anti-government placards to project the government’s alleged neglect of the rights of IPs.

NPA commanders would arrange the travel of IPs from respective communities to the UCCP’s Haran Compound in Davao City with the promise that they would have an audience with the Mayor, the President, and the boxing champion Manny Pacquiao and that they would be given a stipend of Php 500 (USD 10) per day.

Upon their arrival, the IPs would be held in the compound for over 3 months with promises unfulfilled and would be forced to raise anti-government placards. Their photographs would be used to portray a grim picture of massive evacuation on account of the military and other allegations of human rights violations against IPs. IP leaders have been condemning the UCCP for violating the rights of and exploiting IPs with the Haran operations and have called for the closure of the compound. Recent data from January 2020 shows that there were around 400 IP trafficking victims encamped in the Haran, around half of which are children.

In January 2020, Davao Regional Peace and Order Council (RPOC-11) approved a resolution seeking the immediate closure of the United Church of Christ in the Philippines (UCCP) Haran Center. The local government units and the Department of Social Welfare of Development have immediately provided assistance to the IP victims including facilitation of long-term interventions such as livelihood on their return to their communities.

Groups decrying the closure of UCCP-Haran are CPP-NPA-NDF entities such as Bayan Muna party list, Karapatan, among others. These groups allege that said closure was a “witch hunt” against the indigenous peoples and an attack against so-called IP human rights defenders. This illustrates yet again a case where government effort to uphold human rights, hold perpetrators to account and bring redress to victims would be challenged by CPP-NPA-NDF as an act of reprisal against them as “human rights defenders.” This reveals the reality in Philippine setting that CPP-NPA-NDF elements have been misappropriating the hallowed “human rights defender” badge to get sympathy from the international community with the intent of raising international pressure to counter government action holding them accountable for the commission of atrocities and human rights abuses.
6.4.3 CPP-NPA-NDF’s use of IP schools to train child combatants

Since early 2000 when the UN reported global concerns on the recruitment of child warriors, the Philippines immediately developed the *Protocol in Handling and Treatment of Children Involved in Armed Conflict*. In the past years, this was enhanced with the establishment of localized comprehensive monitoring system to prevent the occurrence of grave child rights violations in armed conflict situations and ensure the provision of appropriate and timely response.

The government is determined to address this challenge by reinforcing protection mechanisms for children in situations that make them especially vulnerable to violations of their rights and the recruitment by terrorists and other criminal elements. The Philippines enacted a law in January 2020 on the “Special Protection of Children in Situations of Armed Conflict”, in addition to a 2016 law on “Children’s Emergency Relief and Protection” during calamities and disasters, and other policy measures.

The Office of the Special Representative of the Secretary-General (SRSG) for Children and Armed Conflict, in her press statement on 18 June 2019, lauded the Philippine government for the adoption of the Children in Armed Conflict Law and welcomed the signing of the Implementing Rules and Regulations of the Law. This SRSG acknowledges the Philippines serious efforts to strengthen mechanisms for enhanced protection of children from grave violations. The Philippines is supportive of the call of SRSG for States to prevent this exploitation by non-State armed groups, hold perpetrators accountable, and ensure rehabilitation and reintegration of exploited children.

The continued recruitment and use of children for combat is widely documented including in the report of the UN Secretary-General’s Special Representative for Children and Armed Conflict.

Reports and complaints from IP communities in the Philippines on the recruitment of children through private “tribal schools” prompted government investigations. Members of IP communities themselves executed affidavits asserting that these learning centers/programs such as the Tribal Filipino Program of Surigao del Sur (TRIFPSS), Alternative Learning Center for Agricultural Development (ALCADEV), and Salugpongan, including programs such as Save Our Schools Network, were being used to teach indigenous children/ students to dismantle and assemble firearms and as recruitment grounds for children to become NPA combatants.
Tribal leaders themselves strongly urged the government to shut down such schools on account of countless violations of human rights including abduction, rape, slavery, and trafficking, among others.

The House of Representatives-Committee on Indigenous Cultural Communities and Indigenous Peoples (HOR-CICCIP) was prompted to conduct an inquiry on ALCADEV and TRIFPSS following significant data and information on their alleged involvement in IP human rights violations.

In April 2019, the inspection team composed of the Office of the Presidential Adviser on the Peace Process, House of Representatives, Department of Education, Department of Interior and Local Government and the NCIP visited Km16, Sitio Han-ayan, Brgy. Diatagon, Lianga, Surigao del Sur to validate reports. The inspection team’s field reports confirmed the complaints. Following were among the main findings:

- Graduates of ALCADEV become members of the NPA. As ALCADEV curriculum does not comply with standards, graduates cannot proceed to higher education.
- Funds to run the schools/program are diverted to the armed movement, to cover day-to-day expenses, the cost of mobilizing people to attend rallies or stage public demonstrations, and to feed the NPA troops;
- Department of Education projects are obstructed by constant attacks and harassment from CPP-NPA-NDF elements.

In October 2019, a resolution creating a Technical Working Group to facilitate the closure of ALCADEV and TRIFPSS was passed by the Caraga Regional Task Force to End Local Communists Armed Conflict.

### 6.4.4 Closure of 55 Salugpongan schools in Davao del Norte

Similar to allegations attendant to the investigation and closure of ALCADEV and TRIFPSS, the closure of operations of the Salugpungan Ta’Tanu Igkanogon Community Learning Center, Inc. (Salugpongan) was alleged to be part of the government’s “systematic attack targeting IPs and IP human rights defenders.”

The issuance by the Department of Education (DepEd) on 20 September 2019 of a Notice of Resolution ordering the closure of all Salugpongan schools was a result of an exhaustive investigation prompted by numerous complaints from affected indigenous communities including formal complaints and recommendations for closure issued by 14 Municipal/Local Tribal Council of Elders in affected ICCs together with four (4) Local and Provincial Governments. The indigenous peoples themselves initiated the closing down of Salugpongan schools and also forwarded resolutions demanding the closure of the schools.

Among the key findings of DepEd’s Fact-Finding Committee which became the bases for the decision on the operations of 55 Salugpongan schools were:

- Failure to comply with DepEd’s curriculum standards;
- The schools brought students away from their homes without the consent of their parents and used them to generate funds by making them perform in various events, a violation of DepEd’s Child Protection Policy; and
- The schools have been operating within the ancestral domain of indigenous cultural communities without obtaining the mandatory Free and Prior Informed Consent (FPIC) and the subsequent certification precondition from the National Commission on Indigenous Peoples (NCIP).
Through perusal of testimonies of resource persons and documents and records, the Fact-Finding Committee gathered substantial evidence proving that the Salugpongan is detrimental to the safety and well-being of the students. “The Salugpongan is being operated more like a camp than a school for basic education,” stated the Fact-Finding Committee in its reports. It was also found out that parents were made to sign an undertaking that a child could not go home without the permission of the teachers, parents were not informed of their children’s whereabouts, children were mandated to participate in CPP-NPA-NDF organized political rallies/demonstrations, additional subjects promoting violence and attack against the government were being taught, and some students were already taught to dismantle and assemble firearms and were set to be transported to Compostela Valley Province for a test mission.

In the case of the 1,142 former students of Salugpongan schools, 1,000 are already enrolled in nearby DepEd schools. Parents of affected IP learners who have yet to enroll in DepEd schools are encouraged to bring their children to school. The government has considered as an urgent priority the building of government schools in affected areas and in IP communities in general.

The Philippine government, through its National Indigenous Peoples Education (IPEd) Program, continues to respond to further enhance the right of IP communities to basic education that is sensitive to their context, respects their identities, and promotes the value of their indigenous knowledge, competencies, and other aspects of their cultural heritage. As of 2019 there are over 2.5 million IP learners in the entire public school system.

The IPEd program’s initiatives include the establishment of dialogue mechanisms with IP communities, personnel hiring and capacity development, and responding to access concerns. Curriculum contextualization and Mother Tongue-based Multilingual Education (MTB-MLE) implementation have been prioritized in support of the development of culturally appropriate learning resources and environment.

Currently, there are more than 90,000 IP learners directly being served through contextualized lesson plans and 112 IP languages are used in developing MTB-MLE prerequisites. Sixteen regional offices of the Department of Education including the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) and 117 divisions have been provided IPEd Program Support Fund (PSF) and technical assistance.
6.5 Lakbay-Hukay Program and the CPP-NPA-NDF’s “kangaroo courts”

The IP leaders in Mindanao prepared a document called the 17 major atrocities of the CPP-NPA-NDF against the Indigenous Peoples. The document represents the consolidated output of a workshop convened in mid-2018 where 120 IP leaders and council elders representing different ethnographic tribes from the 6 regions in Mindanao gathered to discuss human rights issues. The document identifies systematic atrocities committed by the CPP-NPA-NDF that are in violation of their human rights, customary laws, way of life, and the Indigenous People Rights Act (IPRA). This document also cites the execution of at least 316 IP elders and leaders which were put together from the personal knowledge of the IP participants. The document has been submitted to the Commission on Human Rights (CHR), NCIP, and the Office of the President, among others.

Gravely alarmed about the reports from the IP leaders, President Duterte personally met with the IP leaders in Malacanan in mid-2018 in order to discuss their human rights concerns. The President assured that IPs that the government would address their concerns and grievances and look into the cases of the reported killings.

The government launched the Lakbay Hukay Program or “travel to the grave” in October 2018 in response to the demands of the families and relatives of the IPs victimized by the CPP-NPA-NDF. Joint efforts are conducted to locate, exhume the bodies of indigenous peoples, and conduct forensic analysis, with a view assisting the families in providing decent burial to the victims of CPP-NPA-NDF’s summary execution and to facilitate the filing of cases.

The Program, involving the Philippine National Police the Armed Forces of the Philippines, the National Bureau of Investigation, was pursued in partnership with the IPs. In the course of the program, graves of executed IPs had been discovered, providing further evidence for CPP-NPA-NDF’s routine violation of the International Humanitarian Law and the Republic Act 9851 on Crimes Against International Humanitarian Law, Genocide and Other Crimes Against Humanity.

This and countless testimonies from IP communities confirm the existence of a CPP-NPA-NDF program of liquidating IP leaders that do not embrace the CPP-NPA-NDF ideologies including the armed struggle.

In order to preserve its control of the IP communities, CPP-NPA-NDF has been supplanting traditional IP leaders with leaders from the ranks of CPP-NPA-NDF. It has been imposing its so-called “revolutionary justice system” including the use of kangaroo courts in indigenous communities, as stipulated in the CPP laws, rules, and guidance.

Most often, the decision or judgement to execute an IP leader is the expected outcome of the kangaroo court, with a relative of the IP leader being tasked to execute the judgement. CPP-NPA-NDF imposes a criminal and perverse “justice” system that forces the killing among relatives of IP leadership. This vile system is not only in conflict with the IP customary laws but also systematically destroys indigenous political and social structures.
VII
AGRARIAN REFORM
AND THE PROTECTION
OF THE RIGHTS OF
FARMERS/ PEASANTS
Agriculture plays an important role in the Philippine economy with nearly half of the country’s total land area of 300,000 square kilometers being classified as agricultural. The equitable and sustainable development of this sector is one of the pillars of the government’s development agenda.

Fundamental to this is the completion of the Philippines’ Comprehensive Agrarian Reform Program (CARP), a radical and encompassing program redistributing land ownership to landless peasants and farmers. The Duterte administration has aggressively pursued this program and is fully committed to hastening the allocation of lands in the remaining years of the administration.

This program is key to realizing inclusive development and economic empowerment of tens of millions of Filipino farmers and their families, but also in addressing agrarian issues and landlessness, the last remaining drivers of insurgency in the Philippines.

This context is useful in examining allegations presented against the Philippines, particularly on reported killings of farmers/peasants and environmental human rights defenders, purportedly in protection of the interests of the landed. Such allegations merit proper examination taking into account the political motivation of the sources, the country’s long agrarian reform history, and the centrality of the Philippine peasantry and the countryside in the CPP-NPA-NDF’s armed struggle.

It must be emphasized that consistent with its ideology, the CPP-NPA maintains the role of the peasantry in the CPP’s armed revolution, with its leader Jose Maria Sison convinced that the revolution must be waged from the countryside, owing to the agricultural nature of the Philippines.

This section explains the salience of the agrarian sector in the armed struggle and the vulnerability of Filipino farmers in remote and disadvantaged communities in the Philippines to the exploitation and machinations by the CPP-NPA-NDF in pursuit of its violent political agenda.

Above all, it highlights the duty of the State to complete the unfinished business of the agrarian reform to better anchor the future of tens of millions of Filipino farmers and their families, to uphold enduring social justice in the countryside, and to meet the challenge of ensuring the resilience of these communities to conflict.
7.1 History of the Philippine agrarian reform

Agrarian reform spans a long history extending back to the Spanish colonial period (1521 to 1898) where the feudal-like political system “encomienda” gave rise to class struggles, rural unrests, and stark inequalities particularly in the Philippine countryside. Under the system, vast tracts of lands were distributed as rewards to conquerors and friars, among others, who were further entitled to extract labor and tribute from the indigenous/local population. The American colonial period (1898 to 1946) introduced legislations on the homestead system and the registration of land titles under the Torrens system.

From the commonwealth period to the new Philippine republic, efforts to redistribute land ownership to landless peasants and agricultural workers were consistently pursued across political administration. Recognizing the necessity of agrarian reform for rural development and poverty alleviation, measures and programs were pursued in the areas of addressing social justice issues attendant to land reform, land tenure improvement, support services for farmers (e.g. credit assistance), infrastructure projects, agrarian justice, among others.

In 1988, the Comprehensive Agrarian Reform Program (CARP) was created through Republic Act no. 6657 as a national program for poverty alleviation, ensuring food security, and empowering people. It provides for the just and equitable distribution of agricultural lands, paying due regard to the welfare of the landless farmers and farmworkers. Under CARP, measures were pursued with a view to ending long-standing conflicts regarding land ownership, including: Land Tenure Improvement, Land Acquisition and Distribution, Leasehold Operations, Program Beneficiaries Development, Agrarian Justice Delivery, Agrarian Legal Assistance, Adjudication of Cases, among others.

CARP, which has subjected all private and public agricultural lands to agrarian reform with very few exemptions, is considered as the most radical and comprehensive agrarian reform measure in the Philippines to-date. Under the agrarian reform program, the government is mandated to distribute to landless farmers 5.33 million hectares of agrarian land. From 1972 to June 2016, the government distributed 4.72 million hectares under the Land Acquisition and Distribution program to 2.79 million agrarian reform beneficiaries. As of July 2016, 613,327 hectares remained for distribution.

The implementation of CARP across the years has benefited a significant portion of the rural population. Studies on the impact of CARP which had been undertaken with support from the UNDP, Asian Development Bank, Food and Agriculture Organization, and the European Union, among others cited positive findings including: significant increase in owner cultivatorship, significant decline in share tenancy leaseholding, improvement in the economic and social conditions of beneficiaries, improvement in the living conditions of rural households, increase in per capita incomes, and decline in poverty incidence. Various studies also affirmed the contribution of the agrarian reform to the reduction of social conflicts and promotion of peace and order in the areas studied.

Programs on agrarian reform are also pursued with international partners including under the Italian Assistance to the Agrarian Reform Community Development Support Program (IARCDSP) and Japan’s Mindanao Sustainable Agrarian and Agriculture Development Project (MINSAAD), among others.
7.2 Accelerated agrarian reform under the Duterte administration

The administration of President Duterte is deeply conscious that much of the administration’s success in ending the 51-year communist insurgency rests on the government’s ability to address persistent issues on agrarian reform based on a social justice agenda.

In this context, allegations of State-sponsored killings of farmers do not provide any credible motive to State in whose every interest has it been to provide redress to agrarian reform grievance.

In his Mid-Term Report, the President highlighted his administration’s political will to fully implement CARP notwithstanding the interests of the landed elite. CPP-NPA-NDF has seen the government’s distribution of lands and delivery of services, including the aggressive grant of land ownership certificates to rebel surrenderers/returnees particularly in insurgency hotspots, as a threat that would render insignificant their call to arms in the countryside.

Upon his assumption of office, the President directed the launch the second phase of agrarian reform where landless farmers would be awarded with undistributed lands under CARP. To strengthen accountability, an anti-corruption task force was created to investigate and handle reports on alleged anomalous activities by government officials with jurisdiction over the agrarian reform program. With a firm directive from the President, the Department of Agrarian Reform ensures the implementation of a zero-backlog policy in the resolution of cases in relation to agrarian justice delivery to fast-track the implementation of CARP.

Following are some of the accomplishments of the administration in the last three years in the area of agrarian reform:

- Executive Order no. 75 (February 2019)-mandated all government agencies to identify government-owned lands suitable for agriculture, including sugar and coconut lands, for distribution to qualified beneficiaries under the agrarian reform program.

- Distribution of 120,889 hectares to 77,275 agrarian reform beneficiaries

- Training of 1.71 million agrarian reform beneficiaries

- Facilitated access to credit and microfinance services of 551,061 beneficiaries

- Assisted 494 agrarian reform beneficiary organizations with the distribution of agricultural machinery equipment and facilities for production, postharvest, irrigation, seedlings/planting materials, farm animals, etc.

Under the Philippine Development Plan (PDP) 2017-2022, the agrarian reform agenda features as a priority in the pursuit of inequality-reducing transformation or pagbabago. The PDP provides for the fast-tracking of resolution of agrarian-related cases and ensuring and protecting the land tenure security of agrarian reform beneficiaries.
7.3 Terrorist challenge to advancing social justice in the countryside

In the past couple of years, allegations were made about the administration’s “new war” against farmers and activists in Negros citing varying and unsubstantiated figures of casualties from 80 to 400 and even thousands. Sources of allegations include groups comprising of Karapatan, Kilusang Magbubukid ng Pilipinas (KMP), Unyon ng Manggagawa sa Agrikultura (UMA), Rural Missionaries of the Philippines (RMP), National Union of People’s Lawyers (NUPL), Promotion for Church People’s Response (PCPR), GABRIELA, Kabataan Party-list, among others. The role of these groups in the organizational history of the CPP is well-known, easily verifiable from the wealth of literature in open sources and is common knowledge among locals on the ground.

Where social justice serves as the government’s key strategy in eliminating the scourge of insurgency and all relevant institutions of government strongly directed to address grievances of farmers on the ground, such allegation of state-sanctioned killing of farmers is unfounded if not implausible.

The situation in Negros Island reveals the deeply-vested interest of the CPP-NPA-NDF in preserving, if not creating, causes for public grievance. CPP-NPA-NDF armed operations rely on the continuous recruitment of members from the peasant sector. Land conflicts and agrarian issues are the remaining drivers of recruitment and the armed revolution of the CPP-NPA-NDF in pockets of the Philippine countryside.

To sow and perpetuate local conflicts and land disputes especially in the disadvantaged and remote communities is crucial to the existence of the CPP-NPA-NDF, especially with the progress in the successful and transformative implementation of the government’s comprehensive agrarian reform and related programs.
The 2019 Global Terrorism Index where the Philippines was ranked among the top ten countries most impacted by terrorism, establishes the provinces of Negros Oriental and Negros Occidental as the hotspots of attacks and atrocities of the NPA. The Index cited:

“In 2018, the NPA conducted attacks across 39 provinces. The group was most active in the provinces of Negros Oriental and Negros Occidental, causing 36 deaths collectively. NPA attacks on the island of Negros increased by 111 per cent since 2017, with a surge in violence attributed to land rights issues. Approximately 53 per cent of NPA attacks on the island of Negros were against police, military and government targets... Attacks on government targets increased by 45 per cent between 2017 and 2018, causing 139 deaths. This was primarily driven by an 83 per cent increase in NPA attacks on government targets, mainly in Negros Oriental.”

CPP-NPA-NDF’s main activities in the rural communities is the implementation of its program called Agrarian Revolution or AGREV which is pursued mainly by the armed units of the NPA. AGREV encompasses a range of activities from land confiscation to forcible land occupation of both public and privately-owned land tracks.

Bungkalan and Okupasyon or “till and occupy” is the illegal and forced occupation of lands under AGREV. This is a nationwide campaign of the CPP-NPA-NDF among the farmers which put the farmers and farm workers in harm’s way as they are forced to commit illegal acts and are put in direct confrontation with landowners.

Consistent with the government’s determination to address the land-related drivers of insurgency, President Duterte had been visiting many areas affected by CPP-NPA-NDF terrorist influence in recent years in order to distribute Certificates of Land Ownership Awards (CLOAs). In March 2019 in Sagay City, Negros Occidental, the President led the distribution of 3,423 CLOAS to 2,495 beneficiaries. The administration distributed over 1,600 hectares of private agricultural land in 8 cities and 11 municipalities in Negros Occidental. Negros Occidental is one of the provinces nationwide that covers vast private agricultural lands.

With social justice underpinning the administration’s framework for ending communist insurgency, the Duterte administration is fully committed to hastening the allocation of lands in the remaining years of the administration.

While preliminary investigation on specific cases of killings involving farmers are ongoing, the Philippine government wishes to highlight that the broader and deeper political and historical context of agrarian reform and CPP-NPA-NDF entrenchment in Negros and other provinces should be taken into consideration in assessing sweeping allegations of human rights violations involving farmers and environmental defenders. There are attempts of the CPP-NPA-NDF to attribute to State the killings of farmers, but this does not reconcile with government actions of aggressive distribution of lands to address agrarian justice issues which in turn are delivering a blow on CPP-NPA-NDF’s operations. The motivations of the sources of allegations should be properly examined in this light.
7.3.1 Recruitment of minors for armed conflict: Qualified cases of human trafficking vs. CPP-NPA-NDF personalities in Negros

The cities of Bacolod, La Carlota, and Bago, in Negros Occidental and Miagao in Iloilo, among others, have been registering significant number of reports/complaints from parents over the recruitment of their minor children for armed combat by the CPP-NPA-NDF. The rescued minors recounted how they were made to pledge to a red flag, a red book, and a gun as they underwent rigorous training on the CPP-NPA-NDF ideologies and to become organizers to recruit out-of-school youth to join the armed movement. Testaments of the victims referred to the complicity of the National Federation of Sugar Workers, Anakbayan, Bayan Muna, Kilusang Mangbubukid ng Pilipinas, among others, in the recruitment of minors for armed conflict.

Testimonies state that these groups recruited, harboured and transported the minor/children victims by way of deception, taking advantage of the vulnerability of the latter and by promising benefits for the exploitative purpose of using them for armed conflict. In February 2020, the Office of the City Prosecutor in Bacolod City, after judicious examination and assiduous evaluation of the evidence on record, found probable cause to indict six personalities for the crime of Qualified Trafficking in Persons, pursuant to Republic Act no. 10364, while dismissing the charge against four personalities for lack of probable cause.

A component of the CPP-NPA-NDF’s youth-organizing curriculum teaches about inciting youth to hate the government toward gradually leading them to join combat. The long history of extortionism, deception, atrocities and terrorism by the CPP-NPA-NDF in Negros has already led many cities in the province to pass resolutions condemning and declaring the CPP-NPA as persona non grata. Among these cities are Escalante, San Carlos, La Carlota, and Bacolod City. Vigorous awareness-raising campaigns are being undertaken by many local governments and civil society organizations to prevent the recruitment of children and minors by the CPP-NPA-NDF for armed combat.
VIII

ANTI-ILLEGAL DRUGS (AID) CAMPAIGN
In his 2018 State of the Nation Address (SONA), President Duterte clearly stated that **human rights mean giving Filipinos, especially those at the society’s fringes, a decent and dignified future through the social and physical infrastructures necessary to better their lives.** The President vowed to protect the lives and freedoms and the hard-earned property of every Filipino whose condition “we wish to improve from criminals, terrorists, corrupt officials, and traffickers [of] contrabands.”

Guided by the realities on the ground, the Philippine government under President Duterte is duty-bound to spare no effort and take all measures that it deems necessary to combat the menace that is illegal drugs, within the bounds of our own laws and our country’s international obligations.

As a sovereign state, the Philippines has the inherent responsibility to protect its current and future generations from the scourge of illegal drugs and is guided by the rule of law embodied in the Constitution, statutes and our long-standing human rights tradition. The campaign is being implemented to provide peace, security and development to the Filipino people, firmly anchored on the country’s respect for human rights.

**It has been alleged that the government’s anti-illegal drug campaign has claimed over 27,000 lives.** This misguided and misinformed figure, propagated and exploited by interest groups to mischaracterize the campaign and imply a climate of impunity, has received wide media attention causing concern among the international community.

**The Philippine government has repeatedly clarified that the sweeping figure of 27,000 for drug-related deaths is a grave and baseless imputation which, in fact, encompasses all homicide cases in the country which were estimated to be at 28,518 from mid-2016 to 2018 to include those that have resulted from personal disputes and rivalries.**
It should be noted that this figure is lower than the homicide cases registered from 2014 to 2016 at 29,711 incidents.

The Philippines has welcomed High Commissioner Michelle Bachelet’s strong and principled guidance for her Office on balanced, fair, and factual reporting and has, in this regard, acknowledged as a positive step OHCHR’s use of government data with respect to drug campaign-related deaths, rectifying the sweeping figure of 27,000 previously cited.

The Philippine government strongly adheres to and implements its zero-tolerance policy for abuses and human rights violations committed by state actors including in the context of the anti-illegal drug campaign. The indictment this January of Philippine National Police Chief Oscar Albayalde by the Department of Justice for violation of Republic Act 3019 on Anti-Graft and Corruption Practices due to his non-implementation of an order penalizing the police officers involved in the 2013 anti-drug operation in Pampanga, together with the indictment of 13 Pampanga police officials allegedly involved in the recycling of seized illegal drugs, serves as clear evidence of a well-functioning justice system that does not exempt even top officials from the legal process. The conduct of Senate inquiry into the drug-recycling case of the Pampanga police officers and related irregularities in October 2019 further serves as clear evidence of a healthy democracy with a working system for checks and balances among the branches of government.

With respect to Vice President Leni Robredo’s Report as Co-Chairperson of the Inter-agency Committee on Anti-Illegal Drugs (ICAD) from 6 to 24 November 2019, it should be highlighted that the President did not give a hostile comment or reaction following its release. While the government refutes the basis for the unfair assessment that only 1% of the total estimated illegal drug supply has been seized, the Philippine government has been constructive in appreciating and addressing the Co-Chairperson’s recommendations particularly relating to strengthening data collection toward a comprehensive and uniform database that would enable tracking subsequent actions and interventions. These recommendations have been discussed in ICAD meetings and have been immediately acted on, strongly demonstrating the government’s openness to constructive and grounded recommendations to further strengthen the anti-illegal drug campaign.
8.1 Results and gains

The strong campaign against illegal drugs has contributed to a significant improvement in the peace and order situation in the country, as shown by the 30% drop in the total crime volume from 2015 to 2018, notably a drop in incidents from 675,816 in 2015 to 473,068 by yearend of 2018.

While for January to August 2019, the Philippine National Police (PNP) recorded 307,091 cases, which is lower than the crime volume recorded for the same period in 2016 (393,150), 2017 (365,716), and 2018 (326,572).

The intense campaign by the Philippine government has also garnered strong public support. In the survey of Social Weather Stations (SWS) conducted in September 2019 and released on 22 December 2019, 79 percent of adult Filipinos are ‘satisfied’ with the government’s anti-drug campaign; only 15 percent are dissatisfied and 6 percent are undecided. Net satisfaction with the anti-illegal drugs campaign is at +64 or “Very Good”. Most respondents who are ‘satisfied’ cited that the number drug suspects have decreased and more have been arrested.

Meanwhile, the Executive Director of the Philippines’ Dangerous Drugs Board (DDB) was elected as the Chair of the Heads of National Drug Law Enforcement Agencies (HONLEA) in Asia and the Pacific Region. The HONLEA is a subsidiary body of the United Nations Office on Drugs and Crime (UNODC) which aims to enhance cooperation in drug law enforcement activities at the Asia and the Pacific Region. It is composed of twenty-five member-states with additional countries sitting as observers. This was an affirmation of confidence in the Philippines and its drug policies in the region.

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8.2 The drug situation before 2016

The trade and use of illegal drugs has long been a serious problem in the Philippines. In 2011, the Dangerous Drugs Board (DDB), the policy-making body of anti-drugs system in the government which was established in 1971, announced that 80 percent of heinous crimes committed are drug-related. From 2012-2014, the Philippines, which registered as having the highest rate of shabu use in East Asia, witnessed the rapid and alarming increase of index crimes against persons and properties. Incidents of the serious crimes of murder, homicide, rape, robbery, and theft rose by 300% from 129,000 crimes in 2012 to 458,000 in 2013 and 493,000 in 2014.

Prior to 2016, national surveys have indicated that the drugs issue was a pressing public concern for the Filipino people, next only to unemployment and food prices.

The extent of the drug problem alarmed even the Catholic Bishops’ Conference of the Philippines (CBCP) that it released a pastoral letter in July 2015, which stated: “Thus drugs feed the evil in a person and present an alternate reality that further isolates him or her from life. Those of who manufacture and peddle drugs destroy persons and communities, in a much worse way than natural calamities.”

8.3 PH Anti-Ilegal Drug Policy – Rehabinasyon

Since assuming the presidency, President Duterte’s marching order has been to stop illegal drugs by all means that the law allows. With drugs as a social illness that breeds corruption at the highest levels, tears apart the fabric of our society, and debases human dignity, President Duterte vowed that the campaign against illegal drugs will be determined as it will be comprehensive – encompassing suppression, prosecution, and rehabilitation.

The overall objective of the anti-illegal drugs campaign is to achieve 100 percent drug-free communities by 2022. Other objectives of the campaign are: 1) to develop a comprehensive and balanced anti-drug strategy based on drug supply and drug demand reduction; 2) ensure alignment to current international and national plans, policies, thrusts and priorities; and 3) incorporate available principles and tools provided by prevention sciences and evidence-based modalities. The anti-illegal drugs campaign will be intersectoral, participatory, and culturally-appropriate, and will be aligned with the Philippine Development Plan (PDP) (2017-2022), the Social Development Agenda, and the National Security Policy (NSP) (2017-2022).

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The Philippine government’s fervent campaign against illegal drugs led by the Philippine Drug Enforcement Agency (PDEA) resulted in many significant developments. The campaign has seen the stronger collaboration between the law enforcement agencies and other government agencies. This is evidenced by the creation of the Inter-Agency Committee on Anti-Ilgal Drugs (ICAD) by virtue of Executive Order No. 15, s. 2016. Composed of 41 government agencies, the ICAD implements the Philippine government’s all-encompassing campaign against illegal drugs: Rehabinasyon. A portmanteau of ‘rehabilitation’ and ‘nation’, Rehabinasyon outlines strategies that are clustered into supply reduction, advocacy, justice, and rehabilitation and reintegration.

The blueprint of the government’s strategies and programs in addressing the drug use problem which is aligned with the Philippine Development Plan 2017-2022, the President’s Socio-economic Agenda, and the National Security Policy, the Philippine Anti-Ilgal Drugs Strategy (PADS) was also institutionalized in 2018. The PADS provides an extensive framework for law enforcement and penalties for violations and, at the same time, adopts a compassionate approach to the victims of drug use by encouraging voluntary treatment and rehabilitation, under an overarching framework which emphasizes respect for the dignity of the human person.

The Philippine government’s anti-drug policies and regulations are firmly anchored on the following legislations related to drug criminal offenses:

- Republic Act No 9165, An Act Instituting The Comprehensive Dangerous Drugs Act Of 2002, Repealing Republic Act No. 6425, Otherwise Known As The Dangerous Drugs Act Of 1972, As Amended, Providing Funds Therefor, And For Other Purposes
- Republic Act No. 10640, An Act To Further Strengthen The Anti-Drug Campaign Of The Government, Amending For The Purpose Section 21 Of Republic Act No. 9165, Otherwise Known As The “Comprehensive Dangerous Drugs Act Of 2002”
- Republic Act No. 10586, An Act Penalizing Persons Driving Under The Influence Of Alcohol, Dangerous Drugs, And Similar Substances, And For Other Purposes
- Republic Act No. 9160, An Act Defining the Crime of Money Laundering, Providing Penalties Therefore And For Other Purposes, Also Known as the Anti-Money Laundering Act of 2001”
- Republic Act No. 10365, An Act Further Strengthening the Anti-Money Laundering Law, Amending for the Purpose Republic Act No. 9160, Otherwise Known as the “Anti-Money Laundering Act of 2001”, as Amended
- Presidential Decree No. 1619, s.1979, Penalizing the Use Or Possession Or The Unauthorized Sale to Minors Of Volatile Substances For The Purpose Of Inducing Intoxication Or In Any Manner Changing, Distorting Or Disturbing The Auditory, Visual Or Mental Process

8.4 #RealNumbersPH

The #RealNumbersPH was launched on 2 May 2017 to promote transparency, accountability, and to provide the Filipinos with timely, accurate, and consolidated data on the anti-illegal drugs campaign. The #RealNumbers are updated monthly, posted on its official social media page, and disseminated to different Philippine government news outlets and media partners after the conduct of briefings.

#RealNumbersPH data show that from July 2016 to 31 January 2020:

- Anti-drug operations conducted – 157,275
- Drug personalities arrested – 228,678
- Drug Personalities who died in anti-drug operations – 5,601
- Total value of seized drugs, controlled precursors and essential chemicals (CPECs) and laboratory equipment – Php 42.13 billion (approx. USD 828.7 million)
- Total value of shabu (methamphetamine) seized – Php 32.92 billion (approx. USD 647.5 million)
- Total number of drug dens and clandestine laboratories dismantled – 522
- Children involved in illegal drug activities rescued during anti-drug operations – 2,915

Underscoring that the anti-illegal drug campaign does not target the poor, #RealNumbersPH data indicates that from July 2016 to 31 January 2020, 8,811 high value targets (HVT) have been arrested. HVTs are defined as “drug personalities in the following classification: priority drug groups; government officials, either elected, government employee or law enforces; foreign nationals; target-listed personalities; wanted listed personalities; celebrities and other well-known personalities; and members of armed groups.”

Included in the HVTs are 742 government workers arrested in the anti-drug operations, including 350 government employees, 306 elected officials and 86 uniformed personnel; demonstrating the Philippine government’s commitment to ensure accountability among its officials and personnel.

Harmonizing data from various agencies on the drug campaign is a challenging work in progress. To improve the collection and analysis of data, the Anti-Illegal Drugs Information System (AIDIS), a web-based centralized information system that will store relevant information and figures on the illegal drugs problem from the different drug agencies, was launched in November 2019. The harmonized and verified data collected by AIDIS feeds into the #RealNumbersPH through the Presidential Communications Operations Office (PCOO).

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22Official Facebook page of #RealNumbersPH: https://www.facebook.com/realnumbersph
23https://www.facebook.com/pg/realnumbersph/photos/?tab=album&album_id=1489147827933417&ref=page_internal
24Philippine Peso Per Dollar Rate – Average for January 2020 – 50.84 (Bangko Sentral ng Pilipinas)
8.5 Holistic approach to the drug problem

The government’s anti-illegal drugs campaign employs a holistic approach that includes supply reduction strategy through the conduct of anti-drug operations and arrest of drug personalities; demand reduction strategy through advocacy and education; and harm reduction strategy to include rehabilitation and reintegration.

8.5.1 Supply reduction

Since the start of the term of President Duterte in 2016, the Philippine Drug Enforcement Agency (PDEA) has intensified its anti-drug operations, resulting in the arrest of more persons involved in illegal drugs:

Table 8-1 Number of Operations Conducted and Persons Arrested for Violation of Republic Act 9165 or the Comprehensive Dangerous Drugs Act of 2002 (2011-2018)\textsuperscript{27}

<table>
<thead>
<tr>
<th>YEAR</th>
<th>Operations Conducted</th>
<th>Persons Arrested</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>11,163</td>
<td>8,259</td>
</tr>
<tr>
<td>2011</td>
<td>12,269</td>
<td>10,636</td>
</tr>
<tr>
<td>2012</td>
<td>15,613</td>
<td>10,159</td>
</tr>
<tr>
<td>2013</td>
<td>11,474</td>
<td>9,162</td>
</tr>
<tr>
<td>2014</td>
<td>16,939</td>
<td>13,792</td>
</tr>
<tr>
<td>2015</td>
<td>25,041</td>
<td>19,432</td>
</tr>
<tr>
<td>2016</td>
<td>54,340</td>
<td>53,674</td>
</tr>
<tr>
<td>2017</td>
<td>38,830</td>
<td>75,008</td>
</tr>
<tr>
<td>2018</td>
<td>36,643</td>
<td>48,077</td>
</tr>
</tbody>
</table>

Source: Philippine Drug Enforcement Agency

Participation and support by local communities is crucial to the success of anti-drug operations. This is why the Philippine government has also put in place the Barangay Anti-Drug Abuse Council (BADAC) which assist law enforcement agencies, not in the conduct of anti-illegal drug operations per se, but in validating data on drug personalities in a certain locality, before being submitted to higher authorities. Barangay authorities can also assist in serving as witnesses whenever search warrants are issued during police operations. The Department of Interior and Local Government (DILG) and DDB have issued guidelines to ensure that the powers of the BADACs are strictly implemented, adequate control measures are adopted, and monitoring and reporting mechanisms are systematized to promote accountability and importantly, to avoid unsubstantiated reports.  

But equally crucial is the role of BADACs in implementing programs and projects such as information campaigns to discourage citizens, particularly the youth, from engaging in illegal drugs. The BADAC program thus promotes accountability on the part of the local government units in clearing their respective barangays from illegal drugs, while at the same time, encourages citizens to become more willing to participate in government’s efforts by reporting drug activities in their barangays. In 2018, 99.95 percent or 42,024 of the 42,045 barangays nationwide had organized their BADACs.

The successful collaboration between law enforcement agencies and the local communities have resulted in having 18,284 barangays nationwide declared as drug cleared as of 31 January 2020.  

To ensure the continuity of this program beyond the changing of the administration in 2022, the DILG is pushing for the passage of a law that would institutionalize anti-drug abuse councils (ADACs) in all provinces, cities, municipalities, and barangays nationwide.  

The campaign against drugs, however, has also come at the cost of the lives of police personnel and law enforcers as many drug suspects are armed with high-powered weapons. From 2016 to 2018, a total of 133 police personnel were killed during anti-illegal drug operations, while 397 were also wounded, while performing their duties to serve and protect the people.

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28 Letter of DDB for PHRCS, 6 April 2020.
29 #RealNumbersPH as of 31 January 2020
8.5.2 Demand reduction, rehabilitation and reintegration

One of the successes of the Philippine government’s anti-illegal drug campaign is the mass surrender of drug personalities, which is the first in the country’s history. There are over 1,308,078 individuals who have personally surrendered as part of the campaign.

To assist them, different government agencies have put in place programs that would help in reducing demand for drugs and other substances, in addition to other forms of support provided by non-governmental organizations, religious organizations, private sector, and by families of former drug dependents themselves.

Among the government programs are:

- Department of Health (DOH)’s Drug Abuse Treatment and Rehabilitation Center. Republic Act 9165 or the Comprehensive Dangerous Drugs Act of 2002 prescribes procedures for both compulsory and voluntary admissions in rehabilitation centers. DDB Board Regulation No. 7, s 2019 also provides for the procedures for referral to all intervention levels.

From 2016 to 2019, a total of 25,392 have been treated in the over 60 DOH Treatment and Rehabilitation Centers in cooperation with DDB, LGUs and private partners. The treatment is either voluntary or mandatory upon order of the court. According to the DDB, only three (3) percent of total drug surrenderers are in need of inpatient drug rehabilitation services; most of the surrenderers have low and moderate drug affectation and instead avail community-based, church-based, or LGU-managed and outpatient rehabilitation and treatment.

- Balay Silangan Reformation Program.
  
The national drug reformation program offers temporary refuge with the objective of reforming drug offenders into self-sufficient and law-abiding members of the society. The Balay Silangan provides general interventions including continuing education and health awareness, counseling, moral recovery, values formation, and livelihood and skills training programs. Launched in April 2018, there are 59 Balay Silangan Reformation Centers that were inaugurated with 965 former drug dependents having already completed the program.

\(^{31}\)Dangerous Drugs Board inputs for DFA dated 14 February 2020.
\(^{32}\)#RealNumbersPH as of 31 January 2020
• **Tahanang Pangkabuhayan.** The Dangerous Drugs Board (DDB) and the Technical Education and Skills Development Authority (TESDA) jointly established this program that aims to provide skills training to former marijuana cultivators as well as recovering drug dependents in urban areas, as part of the community-based treatment and rehabilitation programs. As of September 2019, TESDA has already provided skills development programs for over 11,000 surrenderers.33 In addition, as of September 2019, the DDB has been able to implement 28 anti-drug abuse advocacy programs and train 5,015 individuals.34

• **Project Sagip Batang Solvent Program Center.** The program is being run by the Philippine Drug Enforcement (PDEA) towards providing reformative care and reintegrated interventions like education, counselling, values formation, talent and skills development, livelihood and entrepreneurship training to youth hooked on inhaling solvents.35 Reformation centers have been opened by PDEA to cater to the clients ranging from 11 to 16 years old.

• **Yakap Bayan Program.** The Department of Social Welfare and Development (DSWD) leads the program for former illegal drug users and their families. Services being offered include: financial assistance such as educational, medical, and burial assistance; cash for work and for work; livelihood assistance; referral to skills training under TESDA family counselling and moral recovery or enhancement; and enrolment to the Family Drug Abuse Prevention Program and Special Drug Education Center. From July 2016 to March 2019, the Yakap Bayan Program catered to 28,979 recovering drug personalities. Meanwhile, 9,732 former illegal drug users were also given orientation and training to help them reintegrate into their families and communities towards becoming productive citizens.

• **Philippine National Police’s Recovery and Wellness Program.** The Philippine National Police (PNP) also implements its own program to help rehabilitate low-risk drug surrenderers. This includes health and wellness activities and exercises. In total, as of 31 January 2020, **508,364 individuals** have undergone reformation programs either through PNP-initiated RWPs, Balay Silangan Reformation Centers, and other supported community centers.36

The well-balanced approach integrates promotion of public health and safety which covers prevention programs, education and awareness, early detection and opportune interventions, voluntary treatment and rehabilitation. The health and clinical components and community-based approach of the national anti-drug campaign have also been developed with the support of the World Health Organization (WHO), with assistance from the European Union, and the UN Office on Drugs and Crimes (UNODC) respectively. The programs are likewise anchored on the UNODC’s 12 principles of community-based treatment (2016) and WHO’s Behavior Continuum Model Public Health Components: promotion, prevention, and treatment.

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36 #RealNumbersPH as of 31 January 2020.
8.5.3 Access to and dispensation of justice in the Anti-illegal Drug Campaign

With access to justice an integral part of the anti-illegal drug campaign, the Philippine government has endeavored to improve the disposition of cases related to anti-illegal drugs. Data from the Philippine Drug Enforcement Agency (PDEA) show that for the period of July 2016 to September 2019, a total of 157,742 criminal cases related to illegal drugs were filed in courts, 20,779 of which were resolved (with 83.49% resulted in convictions) and 136,963 are still pending, as follows:

![Table 8-2 Resolved Criminal Cases related to Illegal Drugs](image)

<table>
<thead>
<tr>
<th>Status of Case</th>
<th>Total</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conviction</td>
<td>17,349</td>
<td>83.49%</td>
</tr>
<tr>
<td>Dismissal</td>
<td>1,253</td>
<td>6.03%</td>
</tr>
<tr>
<td>Acquittal</td>
<td>2,177</td>
<td>10.48%</td>
</tr>
<tr>
<td>Total</td>
<td>20,779</td>
<td>100.00%</td>
</tr>
</tbody>
</table>

The Philippine government is committed to streamlining and improving criminal investigation, including evidence management and procedures on filing of illegal drugs cases, aimed at reducing case resolution time, increasing legal certainty of conviction for perpetrators, and reducing pre-sentence detentions resulting in acquittal or case dismissal. The government underscores that the rights of the arrested person are protected by the constitution and the revised rules of criminal procedure, which provides for the inquest proceedings in case of warrantless arrests, and for preliminary investigation.

In keeping with the AID campaign, the judiciary created drug courts in order to address the influx of drug-related cases, and implemented the Continuous Trial Monitoring System (CTMS) whereby trial shall continue from day to day as far as practicable until terminated, to ensure speedy trial. To pave way for the immediate resolution of drug-related cases involving small amounts of illegal drugs, the plea-bargaining system was introduced in 2017.

The Philippine government, through the Public Attorney’s Office (PAO) is also increasing the number of lawyers that provide free legal services to the poor. From 1,688 by the end of 2016 to 2,096 by the end of 2018. The PAO handled the killing of Kian Delos Santos, which resulted in the conviction of three police officers in 2018.

The PNP has improved its clearance of crime incidents and crime solution efficiency by over 20% from 2015 to 2018. Measures are being taken to further enhance crime information and case management. The PNP has benefitted from the capacity-building assistance in investigation and case review through the European Union-Philippines Justice Support Program.

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37 A case shall be considered cleared when at least one of the offenders has been identified, there is sufficient evidence to charge him and he has been charged before the prosecutor’s office or any other court of appropriate jurisdiction. Included in this category are solved cases (PNP).

38 Percentage of solved cases out of the total number of crime incidents handled by law enforcement agencies for a given period of time. Solved cases when: offender has been identified, there is sufficient evidence to charge him, the offender has been taken into custody, and the offender has been charged before the prosecutor’s office or court of appropriate jurisdiction.
8.6 Accountability in the Anti-illegal Drugs Campaign

Contrary to allegations being hurled against the Philippine government, there is no culture of impunity in the Philippines. There are existing mechanisms to investigate alleged human rights violations and the country remains a vibrant democracy with a robust civil society, independent media and an independent national human rights institution to look into how the country is implementing its human rights obligations.

The Philippine government underscores that there is an automatic process of investigation, or motu proprio investigation, within the law enforcement agencies. Within the PNP in particular, the Internal Affairs Service (IAS) conducts, motu proprio, automatic investigation of the following cases: a) incidents where a police personnel discharges a firearm; b) incidents where death, serious physical injury, or any violation of human rights occurred in the conduct of a police operation; c) incidents where evidence was compromised, tampered with, obliterated, or lost while in the custody of police personnel; d) incidents where a suspect in the custody of the police was seriously injured; and, e) incidents where the established rules of engagement have been violated.

According to the data of the PNP, of the 9,172 personnel that were charged with administrative cases for involvement in criminal activities, 4,721 personnel or 51 percent were suspended, comprising the huge chunk of PNP’s resolved cases, while 2,806 or 31 percent were dismissed from the service. In addition 762 PNP personnel were reprimanded, 535 were demoted, 208 experienced salary forfeiture; 80 PNP personnel’s privileges were withheld, and 60 are currently restricted. Of the 2,806 dismissed police officers, 454 were due to their involvement in illegal drug activities; 352 were found positive for using illegal drugs while 102 were involved in drug-related cases such as being a protector, user and alike.

The PNP is serious in its running after rogue police officers and personnel.

As part of the Philippine government’s commitment to weed out erring government officials involved in the illegal drug trade, as of 31 January 2020, 742 government workers have been arrested in anti-drug operations – notably, 86 uniformed personnel, 350 government employees and 306 elected officials.

Following is the breakdown of government officials, government employees and uniformed personnel arrested for violation of the Dangerous Drugs Act of 2002, for the period of July 2016 to December 2019:

Table 8-3 Summary of Elected Officials, Government Employees and Uniformed Personnel Arrested Covering the Period July 2016 to December 2019

<table>
<thead>
<tr>
<th>Particulars</th>
<th>Pusher</th>
<th>Possessor</th>
<th>Drug Den Maintainer</th>
<th>Drug Den Visitor</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Elected Officials</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Board Member</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Mayor</td>
<td>-</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>Vice-Mayor</td>
<td>-</td>
<td>3</td>
<td>-</td>
<td>-</td>
<td>3</td>
</tr>
<tr>
<td>City Councilor</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Municipal Councilor</td>
<td>2</td>
<td>7</td>
<td>1</td>
<td>-</td>
<td>10</td>
</tr>
<tr>
<td>Barangay Chairman</td>
<td>38</td>
<td>47</td>
<td>2</td>
<td>1</td>
<td>88</td>
</tr>
<tr>
<td>Barangay Kagawad</td>
<td>116</td>
<td>72</td>
<td>1</td>
<td>2</td>
<td>191</td>
</tr>
<tr>
<td>SK Chairman</td>
<td>4</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td>SK Kagawad</td>
<td>3</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>163</td>
<td>133</td>
<td>4</td>
<td>3</td>
<td>303</td>
</tr>
<tr>
<td><strong>Government Employees</strong></td>
<td>279</td>
<td>57</td>
<td>3</td>
<td>8</td>
<td>347</td>
</tr>
<tr>
<td><strong>Uniformed Personnel</strong></td>
<td>64</td>
<td>16</td>
<td>0</td>
<td>5</td>
<td>85</td>
</tr>
<tr>
<td>AFP</td>
<td>7</td>
<td>2</td>
<td>-</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>BFP</td>
<td>4</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>BJMP</td>
<td>5</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>7</td>
</tr>
<tr>
<td>CAFGU</td>
<td>8</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>8</td>
</tr>
<tr>
<td>PA</td>
<td>9</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>10</td>
</tr>
<tr>
<td>PNP</td>
<td>31</td>
<td>11</td>
<td>-</td>
<td>3</td>
<td>45</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>506</td>
<td>206</td>
<td>7</td>
<td>16</td>
<td>735</td>
</tr>
</tbody>
</table>

42 Armed Forces of the Philippines (AFP), Bureau of Fire Protection (BFP), Bureau of Jail Management and Penology (BJMP), Citizens Armed Force Geographical Unit (CAFGU) (an auxiliary force of the AFP), Philippine Army (PA), Philippine National Police (PNP).
8.7 Strengthening accountability within law enforcement agencies

To ensure the integrity and the incorporation of respect for human rights in the conduct of anti-drug operations, the following measures have been undertaken:

• Wearing of body cameras by PDEA Drug Enforcement Officers (DEOs) during anti-drug operations;

• Strengthening the standard operations procedure (SOP), including requiring all other law enforcement agencies to coordinate with PDEA prior to the conduct of their planned anti-drug operations; revising and updating the PDEA Manual on Anti-Illlegal Drug Operations;

• Requirement for barangay elected officials, the media, and Department of Justice-National Prosecution Service (DOJ-NPS) representatives to witness the conduct of inventory of seized evidence in the anti-drug operations;

• Immediate conduct of investigation on alleged human rights violations by PDEA DEOs and personnel;

• Institutionalization of the PDEA Human Rights Desk; and

• Institutionalization of Children and Women Involved in Illegal Drugs (CWIIDS) Desk to ensure proper handling of them.

On the part of the PNP, it has also strengthened its units dedicated to human rights education and training; investigation of misconduct; and public and media engagement. The PNP is further intensifying measures to institute discipline and enforce existing disciplinary mechanisms to police its own ranks. These measures include a legal offensive strategy against erring personnel; strengthening of case build up and law enforcement operations against rogue personnel; and institution of mandatory drug test and conduct of random drug tests on personnel. The PNP leadership is serious in ensuring zero tolerance for abuses and human rights violations by state actors. The PNP is intensifying its efforts to cleanse its ranks of erring personnel.

In addition, judges, prosecutors, and law enforcers undergo capacity building activities to coordinate and integrate the overall efforts of the criminal justice system particularly on the prosecution and investigation of drug cases.

In October 2019, the Supreme Court and the Philippine Judicial Academy convened the National Summit on the Dangerous Drugs Law in towards enhancing the implementation of Republic Act 9165 or the Comprehensive Dangerous Drugs Act of 2002, particularly on the conduct of law enforcement activities and the handling of drug dependents who voluntarily surrender.43
IX
ALLEGATIONS OF REPRISAL
Contrary to the realities of the vitality of Philippine democratic institutions, the freedom of the press, and the vibrance of the civil society in the country, a number of “emblematic” cases have been cited to allege that the Philippine government has been systematically silencing its critics through acts of reprisal.

These cases include those of the Former Chief Justice Maria Lourdes Sereno, Senator Leila de Lima, the Commission on Human Rights, and Karapatan et. al. Some of these cases had been submitted by groups to the UN Secretary-General for his 2019 report on reprisals.

In the spirit of transparency and constructive dialogue, the government has provided substantive responses to the Office of the UN Secretary-General through the Office of the High Commissioner to address the allegations.

9.1 Alleged reprisal against Former Chief Justice Maria Lourdes Sereno

It has been alleged that the removal of former Chief Justice Maria Lourdes Sereno in May 2018 was an attack against judicial independence and an effort to silence critics. The Philippine highlights that the ouster of Ms. Sereno, decided by Ms. Sereno’s peers sitting en banc in the Supreme Court, was an act by the Supreme Court in the exercise of its independence as a co-equal branch of government.

Ms. Sereno was given the opportunity by her peers in the Supreme Court to defend her position both through written submissions and oral arguments where she was represented by counsel of her own choosing, pursuant to the dictates of the fundamental right of due process. Private citizens including leaders of civil society groups were also allowed to file motions for intervention echoing Ms. Sereno’s own position.

Ruling, among others, that the matter was of paramount importance to the public in the sense that the qualification, eligibility and appointment of an incumbent Chief Justice, the highest official of the Judiciary, was being scrutinized by an action for quo warranto, the Supreme Court ruled that Ms. Sereno failed to, on multiple occasions, file her Statements of Assets, Liabilities and Networth (SALNs) which are critical requirements for appointment to position of public officials. This, along with other instances of deliberate acts and omissions caused her own peers to believe that she did not have the critical qualification of proven integrity which is an essential criterion even as early as during the nomination stage for a seat in the Supreme Court.

Voting 8-6 after exhaustive deliberations painstakingly borne by the records, the Supreme Court granted on 11 May 2018 the quo warranto petition filed by Solicitor General Jose Calida against Ms. Sereno. The facts, evidence and arguments painstakingly laid out in the full text of the decision and Justices’ separation opinions demonstrate that this was an exercise of judicial independence.
9.2 Alleged reprisal against Special Rapporteur on Indigenous Peoples Victoria Tauli-Corpuz

It has been alleged, that the filing of a petition by the Department of Justice proscribing the Communist Party of the Philippines and the New People’s Army (CPP-NPA) as “terrorist” organizations, along with the inclusion in the petition of the names of renowned UN personalities such as Victoria Tauli-Corpuz defining them de facto as “terrorists” is a reprisal for their engagement with UN human rights mechanisms.

The petition for proscription filed by the Department of Justice is a civil case that seeks to declare the CPP-NPA as a terrorist organization for its continuing terrorist activities in the Philippines. This action is in accordance with Republic Act 9372 or the Human Security Act of 2007 of the Philippines and is intended to protect the Filipino people.

While the petition mentioned 649 identified CPP-NPA personalities and upon motion of these personalities, the trial court in its resolution in July 2018 directed the DOJ to amend the petition dropping 641 names of movant-respondents in the case, including Ms. Tauli-Corpuz.

Thus, on 3 January 2019, the DOJ filed the amended petition before the Regional Trial Court in Manila with only eight names including that of Jose Maria Sison, the founding chairperson of the CPP-NPA.

There has never been any restriction to the work and freedom of opinion and expression of Ms. Tauli-Corpuz or any other personalities.

9.3 Alleged reprisal against Senator de Leila de Lima

It has been alleged that the detention of Senator Leila de Lima has been arbitrary and constitutes a case of state “persecution” of critics. The Philippine government maintains that Senator de Lima is lawfully detained pending trial. She has the full opportunity to be heard, disprove the accusations against her and present her arguments in court as part of her right to due process guaranteed under Section 1, Article of the 1987 Philippine Constitution. As ruled by the Supreme Court, the mere fact “That the petitioner is a senator of the republic does not also merit a special treatment of her case. The right to equal treatment before the law accorded to every Filipino also forbids the elevation of petitioner’s cause on account of her position and status in government.” (Senator Leila M. De Lima v. Hon. Juanita Guerrero in her capacity as Presiding Judge, Regional Trial Court of Muntinlupa City, Branch 204, et.al, G.R, No. 229781, 10 October 2017).

In July 2016, the 17th Congress of the House of Representatives issued House Resolution No. 105 Calling for an Investigation, In Aid of Legislation, On the Proliferation of Drug Syndicates at the National Bilibid Prison (NBP)44.

In October 2016, the House of Representatives Committee on Justice submitted Committee Report No. 14 informing the House of its findings and recommendations45 based on House Resolution No.105.

Subsequently, four (4) complaints with the Department of Justice, three of which are from private complainants:

- **Volunteers against Crime and Corruption (VACC) vs. Senator Leila M. De Lima, et. al.**
- **Reynaldo Esmeralda and Ruel Lasala vs. Senator Leila De Lima, et. al.**
- **Jaybee Niño Sebastian, represented by his wife Roxanne Sebastian vs. Senator Leila De Lima, t. al., and**
- **National Bureau of Investigation vs. Leila De Lima, et. al.**

The four (4) cases were consolidated pursuant to Department of Justice Department Order No. 790 and a panel of prosecutors constituted under Department Order No. 414 conducted preliminary investigation.

Senator Leila de Lima’s detention on 24 February 2017 was made pursuant to a Warrant of Arrest issued against her and her co-accused by Branch 204 of the Regional Trial Court of Muntinlupa City in connection with Criminal Case No. 17-165 for violation of Section 5 in relation to Sections 3 (jj), 26 (b) and 28 of Republic Act No. 9165 (RA 9165) or the Comprehensive Dangerous Drugs Act of 2002 which was filed on 17 February 2017.

On 17 February 2017, two (2) other criminal cases were filed against Senator de Lima and her co-accused for violations of RA 9165, docketed as Criminal Case No. 17-166 where a Warrant of Arrest was also issued and Criminal Case No. 17-167 where the judge also found probable cause for the issuance of a Warrant of Arrest. These cases are pending before Branch 205 and 206 of the Regional Trial Court of Muntinlupa City, respectively.

Under Sec. 1, Article VIII of the Philippine Constitution, judicial power is vested in one Supreme Court and in such lower courts as may be established by law. The judiciary has jurisdiction over all issues of a judicial nature and respect for the rule of law requires that the judicial process be free from interference, improper influence, inducement or pressure, whether direct or indirect, from any quarter or for any reason.

The three (3) cases against Senator de Lima are sub judice and thus, it would be improper for any person, including the Philippine government, to make statements which would prejudice, influence or interfere with the court’s proper, independent handling of the proceeding.

It is improper to intervene with regard to her detention—and more so with regard to the prosecution of said cases—in light of concerns for the independence and impartiality of the judicial process which applies to all citizens.

### 9.4 Alleged reprisal against the Commission on Human Rights

It has been alleged that the government has been attacking and undermining the efforts of the Commission on Human Rights (CHR) including by cutting its budget to twenty US dollars.

Contrary to the allegation that the government is hostile to the CHR, the government has in fact been strongly supportive of the CHR’s mandate, as seen in up to the **threefold increase in CHR budget, the highest allocation for the CHR under any presidential administration.** Information on the CHR and the unprecedented budget increase (double and triple) is provided in Section 1.

The Philippine government has never ceased to constructively cooperate and engage with CHR. The government’s institutional engagement with CHR covers the implementation and follow-up to the 2030 Agenda for Sustainable Development, preparation of State Compliance Reports to the Human Rights Treaty Bodies, and various accountability mechanisms including the Administrative Order no. 35. Section 4 of this document on cites the robust engagements between government agencies and the CHR.

On matters relating to cases handled by accountability mechanisms such as AO 35 where CHR is an observer and resource person, CHR regional offices have conveyed the CHR leadership’s
standing order not to share any information, constraining them from providing full cooperation that may lead to successful prosecution of cases despite the existence of a 2012 Memorandum of Agreement (MOA) between the Department of Justice (DOJ) and the CHR.

To address this gap, the DOJ with support from the European Union Governance in Justice Programme and the Ateneo de Manila University Human Rights Center initiated high-level meetings with the CHR to update and broaden the scope of the existing MOA and enter into a data-sharing agreement. The agreements were tentatively set for signing by DOJ and CHR in April 2020, with the common objective of bringing perpetrators to justice. Pending signature of the agreements, CHR and DOJ organized joint training activities concerning investigation and prosecution of cases of human rights violations. These initiatives are currently on hold due to the COVID-19 health emergency.

9.5 Alleged reprisal against Karapatan et. al.

In their statements and representations in the 43rd Human Rights Council session (HRC43) in March 2020, Karapatan and fellow participants have alleged acts of reprisal and intimidation by the government on the basis of the following: 1) the Philippine statements delivered at HRC43 which cited the exploitation of the human rights defender badge by certain actors in the Philippines for terrorism purposes, and 2) the alleged revival of a perjury case in relation to Karapatan’s participation in HRC43.

The allegations made by Karapatan et.al that reprisals and acts of intimidation were made against them because of their participation in HRC43 are untrue. As a background, three organizations namely Karapatan, Rural Missionaries of the Philippines, and Gabriela filed in May 2019 Petitions for Writ of Amparo and Writ of Habeas Data against the President, the National Security Adviser (NSA) and other officials. The Court of Appeals denied the Petitions in June 2019 because the allegations “did not fulfill the evidentiary standard to establish that the petitioners’ right to life, liberty, security and privacy were violated or threatened by the respondents”.

The complainants, after losing the petitions, elevated it to the Supreme Court while providing allegedly untruthful statements in reference to RMP’s registration status. A case of perjury was filed by the NSA against the complainants in July and December 2019. The issuance of a Decision by the Prosecutor on 24 February 2020 granting the inclusion of the respondents in the perjury case is happenstance and had nothing to do with civil society participation in the HRC. The case is now awaiting trial before a Philippine Court.

The allegations of reprisal by Karapatan et. al. were framed in a way that obscures the fact that they have free and unhindered access and use of legal means to petition the government for redress of grievances, and that the subject case of perjury concerned their accountability for claims they make before the court of law. It should be noted that Karapatan’s co-petitioner in the May 2019 case, Rural Missionaries of the Philippines, is subject of investigations in relation to probable cause for the violation of terrorism financing law under Republic Act No. 10168 or the Terrorism Financing Prevention and Suppression Act of 2012.

On Philippine statements at HRC43 that cite the abuse by terrorist groups of the “human rights defender” title as cover to carry out atrocities on the ground, this is a matter based on facts, a grave issue that the government has addressed lengthily in this document and in briefings to the UN and foreign governments.

In its national statements in the HRC43, the Philippines has consistently affirmed the government’s openness to engage all parties in good faith to address all claims of human rights violations, case by case, on the basis of facts. The Philippines has drawn the Council’s attention to the failure of a particular group of non-state actors to substantiate their claims and their consistent rejection of the government’s call for cooperation to bring alleged cases towards their resolution within the country’s domestic mechanisms.

The Philippines has urged the Council to exercise prudence and objectivity in assessing representations and claims made by such parties, emphasizing the view that the exercise of due diligence in assessing claims as a basis for discussion and decisions is a requisite for the Council to preserve its integrity and credibility.
This exploitation of the human rights space and “defender” image is the expression of the unique “dual revolutionary tactic” of the CPP-NPA-NDF which uses both legal fronts and underground organizations to advance the armed struggle, manifesting in terrorism and violence in the communities in the Philippines. These tactics are known and openly professed by the leaders of the CPP-NPA-NDF, and they have been used through five decades of the group’s existence, consistently against all democratically-elected governments of the Philippines.

It behoves the Philippines to alert the public and the international community about the work of parties that exploit the noble mantle of human rights defenders, by deliberately blurring the lines between social activism and armed struggle and terrorism. The Council must be vigilant against such abuse of the honor and mantle of NGOs as bringers of light to dark corners of the world as human rights defenders.

The government continues to safeguard and expand the space for the empowered participation of civil society. The presence of 101,843 registered non-profit organizations in the Philippines attest to the vast civic space and the government’s respect for the role of civic actors in national development.

Politically-motivated allegations from a few do not represent the sentiments of thousands of civil society organizations in the Philippines, including community-based groups, whose roles in the Philippine public life are established, unhindered, constructive, peaceful, well-recognized and highly-valued.

Karapatan as a source of allegations vs. the Philippines

Karapatan has been a regular source of allegations on reprisals. In June 2019 the Philippines responded to a communication from the office of the UN Secretary General on the basis of a complaint from Karapatan on the government’s alleged continuous intimidation, harassment, and threat against the organization, constituting a systematic and widescale crackdown against civil society.

In its note sent to the UN Secretary-General in June 2019, the Philippines cited that Karapatan was one of the NGOs that were unlawfully operating in the country, with data from the Philippine government’s Securities and Exchange Commission (SEC) as of 15 April 2019 showing that its corporate existence and registration had long been ordered revoked more than ten (10) years ago, since 25 October 2005, for non-filing of reports.

The Philippines also cited that across different political administrations including the current one, Karapatan had a long track record of peddling questionable facts and bloated figures concerning cases of deaths and human rights violations in the Philippines.

The Philippines referred to a case in 2006 where Karapatan called international attention to and raised concerns on alleged 724 extra-judicial killings from the period 2001 to 2006 during the Arroyo administration, where official sources indicated a figure of only 111. An independent domestic body, the Melo Commission, was created to look into the allegations, verify the cases, and establish the facts. Karapatan failed to substantiate its figures and present evidence for its claims before this independent domestic body.

The Melo Commission Report of 22 January 2007 deplored the refusal of Karapatan and its allied groups to come forward and cooperate. The Melo Commission was the independent commission to address media and activist killings created under Administrative Order no. 157 of 2006. The Melo Commission Report stated:

“Quite deplorable is the refusal of the activist groups such as Karapatan, Bayan Muna, etc., to present their evidence before the commission. If these activist groups were indeed legitimate and not merely NPA fronts, as they have been scornfully tagged, it would have been to their best interest to display the evidence upon which they rely for their conclusion that the military is behind the killings. In fact, this refusal irresistibly lends itself to the interpretation that they do not have the necessary evidence to prove their allegations against the military. It would not even be unreasonable to say that their recalcitrance only benefits the military’s position that they are indeed mere fronts for the CPP-NPA and thus, enemies of the state.”
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