

**SUBMISSION OF DEFEND PANAY NETWORK
to the Office of the High Commissioner for Human Rights
for the 4th Cycle of the UNIVERSAL PERIODIC REVIEW
on the PHILIPPINES**

By:



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1. Defend Panay Network (DPN) is an alliance formed in January 2021 to promote and defend democratic and human rights and to extend support to victims of atrocities and environmental and human rights defenders under attack in Panay Island. Its members include indigenous peoples' rights advocates, priests, ministers and lay persons from different denominations, environmental organizations, members of the academe, and human rights advocates in the Philippines and abroad.
2. Even prior to its formation, most of DPN's members were engaged in human rights advocacy in the 4 provinces that make up Panay Island, namely, the provinces of Iloilo, Capiz, Antique, and Aklan. In 2018, they began working more closely in response to the significant increase in human rights violations taking place throughout the region, until the alliance was formalized in 2021 immediately following the *Tumandok* massacre. Since then, DPN has provided material aid, psycho-social intervention and legal counselling and representation

for victims of rights violations and their families.

3. DPN makes the following submissions for the 4th Cycle of the Universal Periodic Review on the Philippines:

Persecution of activists and civil society organizations

4. **In violation of the International Covenant on Civil and Political Rights (ICCPR), contrary to its commitment to combat terrorism, the drug trade and drug use, within the framework of the Constitution, the law and international human rights standards (Recommendation 133.75, Iraq), and contrary to its commitment to ensure that the fight against crime strictly respects international standards (Recommendation 133.44, Peru), the Philippine government implemented a state policy of systematic persecution of activists and civil society organizations resulting in widespread human rights violations.**
5. Under Executive Order 70,ⁱ President Rodrigo Duterte created the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) and adopted a *whole-of-nation* approach to defeat the insurgency waged by the Communist Party of the Philippines, the New People's Army, and the National Democratic Front of the Philippines (CPP-NPA-NDFP). To that end, the NTF-ELCAC, an inter-agency body, was given a wide berth in crafting and implementing its programs and policies, and all government agencies were directed to cooperate with it.
6. The government later passed the *Anti-Terrorism Act of 2020* (Republic Act 11479)ⁱⁱ which included a vague definition of "terrorism" and gave broad powers to the Anti-Terrorism Council and security forces to designate groups and individuals as "terrorists" and carry out warrantless arrests and detention based on mere suspicion. The government then designated the CPP-NPA-NDFP as terrorist organizations.
7. Even prior to the passage of Republic Act 11479, the NTF-ELCAC accused numerous progressive civil society organizations of being "fronts" of the CPP-NPA-NDFP and activists of being "members" of the said groups.
8. The government carried out a systematic and nationwide crackdown on activists that involved extrajudicial killings, enforced disappearances, arbitrary arrest and detention, torture, trumped-up charges, surveillance, red-tagging, and other rights violations. Executive Order 70 was aimed at mobilizing various agencies to

implement this state policy of persecuting activists and cloaking such persecution with the veil of legality.

9. The Philippine Army's 3rd Infantry Division visited different universities in Panay and Negros and red-tagged student organizations like the National Union of Students of the Philippines, the College Editors Guild of the Philippines, the League of Filipino Students, and *Anakbayan*. The NTF-ELCAC also facilitated the removal of "subversive" books from the Aklan State University, Kalinga State University, and Isabela State University which the government's Commission on Higher Education said "contain pervasive ideologies of the communist-terrorist groups."ⁱⁱⁱ
10. From December 2018 to March 2022, posters, streamers, and pamphlets that red-tagged local activists were repeatedly circulated across Panay. Military personnel and NTF-ELCAC agents also went on radio programs, television, and social media and publicly accused activists of being "members" of the CPP-NPA-NDFP. Other forms of attack followed.
11. In Panay, the victims of extrajudicial killings include activists, human rights and environmental defenders. For instance, on April 18, 2020 in Iloilo province, soldiers from the Philippine Army's 61st Infantry Battalion abducted, shot and killed John Farochilin, the chairperson of the local farmers' organization *Alyansa sang Mangunguma sa Miag-ao* [Alliance of Miag-ao Farmers] and council member of *PAMANGGAS*, the regional alliance of farmers.^{iv} Farochilin was a campaigner for agrarian reform, sustainable agriculture, and human rights. No one has been investigated or prosecuted for his murder.
12. Another stark example is that of the Porquia family who have been repeatedly red-tagged by the military and the NTF-ELCAC. On April 30, 2020, Jose Reynaldo "Jory" Porquia was assassinated by multiple gunmen in Iloilo City.^v Jory was an activist, environmental defender, and coordinator of *BAYAN MUNA*, a progressive political party frequently red-tagged by the government. The police admitted that they had Jory under surveillance days before his murder. Until now, no one has been prosecuted for the crime. Instead, the police and the Justice Department filed cases against Jory's entire family.
13. On May 1, 2020, the day after Jory was assassinated, the police arrested his daughter Krisma and her colleagues for trying to hold a motorcade in honor of her father. Krisma now faces criminal prosecution.^{vi} Later, the military and police filed criminal cases against Jory's wife, Josephine, and his son, Lean, both of whom are also activists. Josephine, 60 years old, is a member of *Migrante*

International, an advocacy group for Filipino migrant workers. In March 2021, the military filed charges against her claiming that she ambushed government soldiers in the mountains of Iloilo province. Josephine denied the accusations but was still indicted by the Justice Department. Lean, on the other hand, is a union organizer who served as President of the labor group *BPO Industry Employees Network*. He campaigns for employees' rights and social reforms, and was among those who challenged the *Anti-Terrorism Act* before the Supreme Court. On September 3, 2021, the police and agents of the NTF-ELCAC filed criminal charges against Lean, falsely accusing him of being a communist party recruiter.^{vii}

14. Many other activists and leaders of civil society organizations were targeted for criminal prosecution. A recent example is Elmer Forro, the former spokesperson of labor group *Kilusang Mayo Uno* [May One Movement] and current Secretary-General of the Panay Chapter of progressive group *Bagong Alyansang Makabayan* [New Patriotic Alliance]. The military and police filed cases against Forro falsely claiming that he was a rebel who ambushed government forces in a remote mountain area on April 7, 2020. Forro appeared before the Justice Department to deny the accusations and presented witnesses who swore that he was elsewhere during the incident. Forro is also a well-known activist in Iloilo City who frequently engages with public officials, civic leaders, and the media, speaks during rallies, and even led aid missions in poor communities during the pandemic. Yet, the Justice Department indicted him on multiple charges of murder and attempted murder which led to his arrest on March 29, 2022.^{viii}

Summary executions through search warrants

15. The government carried out summary executions and mass arrests under the pretext of serving search warrants.
16. On December 30, 2020, police and military operatives raided 9 communities in Capiz province and Iloilo province. The operatives forced their way into dozens of homes, executed 9 unarmed civilians, and arrested 16 others. All the victims were members of an indigenous people known as the *Tumandok* who were opposing the construction of a mega-dam on their ancestral land.^{ix} After the attack, military units continued to occupy *Tumandok* communities, instilling fear among the residents and the victims' families.
17. The government's modus in the *Tumandok* massacre is similar to the deadly raids carried out in neighboring Negros island on December 27, 2018 that killed 6 farmers,^x and again on March 30, 2019 that led to the massacre of 14 more.^{xi} The

same modus was also used to execute 9 activists in the Southern Tagalog region on March 7, 2021.^{xii} Dozens more were arrested.

18. The lead agency in these operations is the Philippine National Police through its Criminal Investigation and Detection Group (CIDG). The police first secured search warrants from courts in other provinces, usually the same judges. Then the CIDG, aided by other police and military units, carried out the attacks claiming that they were “serving” these search warrants. The target homes were raided under cover of darkness, and community leaders and activists were either executed outright or arrested after evidence (firearms and explosives) were planted in their homes. To justify the massacres, the police claimed that the victims fought back (*nanlaban*) during the service of the search warrants. This “*nanlaban*” narrative was also commonly used when policemen killed suspects in anti-narcotics operations under its “war on drugs” program.

Violations of International Humanitarian Law

19. **In violation of the Geneva Conventions and their Additional Protocols, the ICCPR, and international customary law, the Philippine government committed human rights violations against civilians, non-combatants and *hors de combat* in the context of its counter-insurgency campaign against the CPP-NPA-NDFP.**
20. On August 15, 2018, a joint police-military operation in Antique province led to the killing of 7 unarmed members of the National Democratic Front of the Philippines.^{xiii} The government claimed that all 7 were killed in a firefight. However, autopsies conducted by the Philippine Commission on Human Rights on 6 of the victims revealed that 4 bodies were severely bruised – with hematomas, contusions, abrasions, and lacerations that were not caused by gunshots – and that these injuries were inflicted while the victims were still alive. Said findings are inconsistent with the government’s narrative that the victims died during a firefight. To date, no person has been charged or prosecuted for these war crimes.
21. Beginning in 2019, under the government’s Re-tooled Community Support Program (RCSP), military units were deployed to civilian communities in rural and urban areas. Armed soldiers were encamped in these communities for 3 to 6 months, during which time they sought out, red-tagged, and harassed members of civil society organizations and deterred residents from joining protests.

22. In rural areas, military units deployed under RCSP went further by entering homes and conducting searches without warrants, interrogating residents without informing them of their rights or providing counsel, and camping out in civilian structures like village centers, health facilities and schools.
23. RCSP operations took place in the towns of San Joaquin, Miag-ao, Tubungan, Igaras, Leon, Maasin, Lambunao and Calinog in Iloilo province; the towns of Tapaz and Cuartero in Capiz province; and the towns of Hamtic and Sibalom in Antique province; as well as in urban centers like Leganes, Roxas City, and Iloilo City. Red-tagging, threats and harassment were reported in these areas.
24. RCSP was also used for surveillance in communities later subjected to attacks. Military units under RCSP were deployed to *Tumandok* communities in Capiz and Iloilo province in June 2020 and stayed there for several months, building a profile of these communities. Six months later, on December 30, security forces carried out the *Tumandok* massacre. The continued military presence and threats of more attacks forced *Tumandok* families to evacuate their villages.^{xiv}
25. To this day, many members of *Tumandok* communities are detained on false accusations that they are communist rebels. The victims include Remie Diaz, Abelardo Diaz, Nelson Gimong, Gary Catamin, Ronald Leopard, and the 72-year-old Rodolfo Diaz.
26. Operations of the Philippine Army's 3rd Infantry Division and its various units often result in rights violations especially against farmers and indigenous peoples.
27. On April 18, 2020, after killing peasant activist John Farochilin, the 61st Infantry Battalion detained 11 civilians from Antique, including a group of 9 young individuals (ages 14 to 21) who were only gathering honey.^{xv} Some of the victims were tortured by the soldiers. They were forced to strip, tied down, repeatedly hit, and their heads wrapped in plastic until they almost passed out. They were also forced to march for several hours. While in their custody, the soldiers kept threatening to kill the victims and pointing firearms at them. The next day, at a military camp, policemen poured hot wax on the hands of some of the victims resulting in burns and blisters. The victims were then falsely accused of being rebels and, except for the minors, were criminally charged.
28. The planting of evidence – particularly explosives – on persons they detained is common practice among security forces since *illegal possession of explosives* is a non-bailable offense under Philippine law.

29. Most of the political prisoners currently detained in Panay Island are facing charges of *illegal possession of explosives*, such as farmers German Allesca, Roberto Elamparo, Ruperto Enar, and Ramon Enar. Even if they are later acquitted, they have already spent years in jail for trumped-up charges. Among the longest running cases is that of Elexel Sejas, a farmer who was arrested without a warrant by the 82nd Infantry Battalion on July 1, 2014 in Iloilo province. The soldiers filed charges of *illegal possession of explosives* against him. Sejas has been in prison for almost 8 years but the trial in his case is still ongoing.

Ineffective institutional safeguards

30. **In violation of the ICCPR, contrary to its commitment to improve access to justice (Recommendation 133.134, Azerbaijan), and contrary to its commitment to strengthen criminal justice reform efforts in order to ensure a speedy and fair trial for all accused (Recommendation 133.132, United States of America), the Philippine government undermined institutional safeguards that would ensure speedy, fair, impartial, and independent justice system.**
31. Court proceedings in the Philippines are slow and marred by the frequent cancellation of hearings. Trials and even bail proceedings can last years, to the prejudice of the accused especially those suffering pre-conviction detention under poor conditions in overcrowded jails.
32. Activists and victims of rights violations also contend with the lack of fairness, impartiality, and independence in the justice system, primarily because the government's investigative agencies now form part of the NTF-ELCAC.
33. The Philippine National Police (PNP) is the main investigative agency in criminal matters, yet, it is the same agency implicated in grave human rights violations. Unsurprisingly, after the *Tumandok* massacre, the PNP's internal affairs service cleared its own operatives of wrongdoing.
34. On the other hand, the Justice Department is the government's lead prosecutorial agency. It also performs the critical tasks of preliminary investigations and inquest, which are supposed to shield innocent persons from indictments for serious crimes, especially non-bailable offenses. However, the Justice Department, is a member-agency of the NTF-ELCAC which, in turn, already red-tagged and concluded that progressive civil society organizations and activists are "fronts" of the CPP-NPA-NDFP, thereby judging them "guilty by association".

35. Remedies like the writs of *amparo*, *habeas data*, and *habeas corpus* are ineffective because the government opposes such applications for relief filed by victims.
36. For example, during a security briefing on June 19, 2020 before government officials and the media, the 61st Infantry Battalion red-tagged activist Siegfred Deduro, Vice President of *BAYAN MUNA* party.^{xvi} Deduro was the subject of earlier red-tagging and surveillance, and his colleague Jory Porquia – who was also red-tagged – had been assassinated. Deduro sought judicial protection through an *amparo* petition, but the court immediately dismissed it without a single hearing. He appealed to the Supreme Court but the Solicitor General opposed it and sought the immediate dismissal of the appeal.
37. Human rights lawyers also found themselves targets of red-tagging and attacks. On December 11, 2018 and March 16, 2019, posters red-tagging 9 lawyers and 2 paralegals of the National Union of Peoples' Lawyers (NUPL) were circulated in Iloilo City. The NUPL's office in Panay was also under surveillance.
38. On March 3, 2021, Angelo Guillen, NUPL Secretary-General for Panay, was stabbed in the head by multiple assailants but, fortunately, he managed to survive. Guillen handled mainly human rights cases, including serving as counsel for Siegfred Deduro in the *amparo* case, co-counsel for some of the *Tumandok* victims, co-counsel in the petition challenging the *Anti-Terrorism Act*, and joined fact-finding missions into state-perpetrated killings in Negros. He also worked with the NUPL Secretary-General for Negros, Benjamin Ramos, who was assassinated on November 6, 2018, and human rights worker Zara Alvarez, who was assassinated on August 17, 2020.^{xvii}
39. DPN respectfully recommends that the international community call on the Philippine government to:

RECOMMENDATIONS

40. Stop extrajudicial killings and other human rights violations;
41. Disband the NTF-ELCAC, end red-tagging, and stop persecuting activists and civil society organizations;
42. Dismiss trumped-up charges and release all political prisoners;
43. Withdraw military and paramilitary units from civilian communities and end the RCSP and other similar programs;

44. Allow the entry of Special Procedures Mandate Holders into the country;
45. Cooperate with the International Criminal Court in its investigation into crimes committed during the “war on drugs”; and
46. Support impartial and independent investigations into violations of human rights and international humanitarian law committed against civilians, non-combatants, and *hors de combat*.

ⁱ A copy of Executive Order 70 s. 2018 may be viewed here:

<https://www.officialgazette.gov.ph/downloads/2018/12dec/20181204-EO-70-RRD.pdf>. [Last accessed on March 20, 2022]

ⁱⁱ A copy of Republic Act 11479 or the *Anti-Terrorism Act of 2020* may be viewed here:

<https://www.officialgazette.gov.ph/2020/07/03/republic-act-no-11479/>. [Last accessed on March 20, 2022]

ⁱⁱⁱ *CHED memo on purging of ‘subversive’ books an ‘attack on academic freedom’ – groups*, PHILIPPINE DAILY INQUIRER (Quitansol, Kimberly), October 28, 2021, <https://newsinfo.inquirer.net/1507405/ched-memo-on-purging-of-subversive-books-hit>. [Last accessed on March 20, 2022]

^{iv} *Army in Iloilo told: You killed a peasant leader, not rebel*, PHILIPPINE DAILY INQUIRER (Burgos, Nestor), April 20, 2020, <https://newsinfo.inquirer.net/1261738/army-in-iloilo-told-you-killed-a-peasant-leader-not-rebel>. [Last accessed on March 20, 2022]

^v *A year later, justice remains elusive for killed activist Jory Porquia*, RAPPLER (Bolledo, Jairo), April 30, 2021, <https://www.rappler.com/nation/justice-remains-elusive-killed-activist-jory-porquia-2021/>. [Last accessed on March 20, 2022]

^{vi} *Daughter of slain Iloilo activist, 41 others nabbed for quarantine violations*, PHILIPPINE DAILY INQUIRER (Burgos, Nestor), May 1, 2020, <https://newsinfo.inquirer.net/1267945/daughter-of-slain-iloilo-activist-41-others-nabbed-for-quarantine-violations>. [Last accessed on March 20, 2022]

^{vii} *CIDG files more raps vs Joma*, THE PHILIPPINE STAR (Tupas, Emmanuel), September 5, 2021, <https://www.philstar.com/nation/2021/09/05/2124901/cidg-files-more-raps-vs-joma>. [Last accessed on March 20, 2022]

^{viii} *Red-tagged leader of Bayan nabbed in Iloilo*, PHILIPPINE DAILY INQUIRER (Burgos, Nestor), March 29, 2022, <https://newsinfo.inquirer.net/1575348/red-tagged-leader-of-bayan-nabbed-in-iloilo>. [Last accessed on March 29, 2022]

^{ix} *Justice sought for 9 slain in Panay raids*, PHILIPPINE DAILY INQUIRER (Burgos, Nestor), January 1, 2021, <https://newsinfo.inquirer.net/1378106/justice-sought-for-9-slain-in-panay-raids>. [Last accessed on March 20, 2022]

^x *6 killed in Negros Oriental police operations*, RAPPLER (Espina, Marchel), December 27, 2018, <https://www.rappler.com/nation/219767-negros-oriental-police-operations-december-27-2018/>. [Last accessed on March 20, 2022]

^{xi} *14 killed in police operations in Negros Oriental*, RAPPLER (Espina, Marchel), March 30, 2019, <https://www.rappler.com/nation/227048-dead-wounded-negros-oriental-police-operations-march-2019/>. [Last accessed on March 20, 2022]

^{xii} *Bloody Sunday: 9 dead, 6 arrested in Calabarzon crackdown on activists*, RAPPLER (Talabong, Rambo), March 7, 2021, <https://www.rappler.com/nation/dead-arrested-calabarzon-crackdown-progressives-march-7-2021/>. [Last accessed on March 20, 2022]

^{xiii} *Soldiers, cops massacred 7 alleged NPA rebels in Antique, families say*, PHILIPPINE DAILY INQUIRER (Burgos, Nestor), August 17, 2018, <https://newsinfo.inquirer.net/1022373/army-troops-police-massacred-7-alleged-npa-members-in-antique-families-say>. [Last accessed on March 20, 2022]

^{xiv} *Tumandok in Capiz flee homes after killings*, PHILIPPINE DAILY INQUIRER (Burgos, Nestor), January 2, 2021, <https://newsinfo.inquirer.net/1378437/tumandok-in-capiz-flee-homes>. [Last accessed on March 20, 2022]

^{xv} *Id.* at No. 3.

^{xvi} *Activist tagged by Army as terrorist fears for life*, PANAY NEWS (Cordero, Ian Paul), June 27, 2020, <https://www.panaynews.net/activist-tagged-by-army-as-terrorist-fears-for-life/>. [Last accessed on March 20, 2022]

^{xvii} *Record number of Filipino lawyers killed under Duterte's watch*, AL JAZEERA (Regencia, Ted), April 1, 2021, <https://www.aljazeera.com/news/2021/4/1/record-number-of-filipino-lawyers-killed-under-dutertes-reign>. [Last accessed on March 20, 2022]