

APRIL 30 - MAY 7, 2006

End political repression! NOW!

STOP THE  
KILLINGS!



INTERNATIONAL  
**LABOR**  
SOLIDARITY  
MISSION  
PHILIPPINES



# I L S M DOCUMENTS

ORGANIZED BY

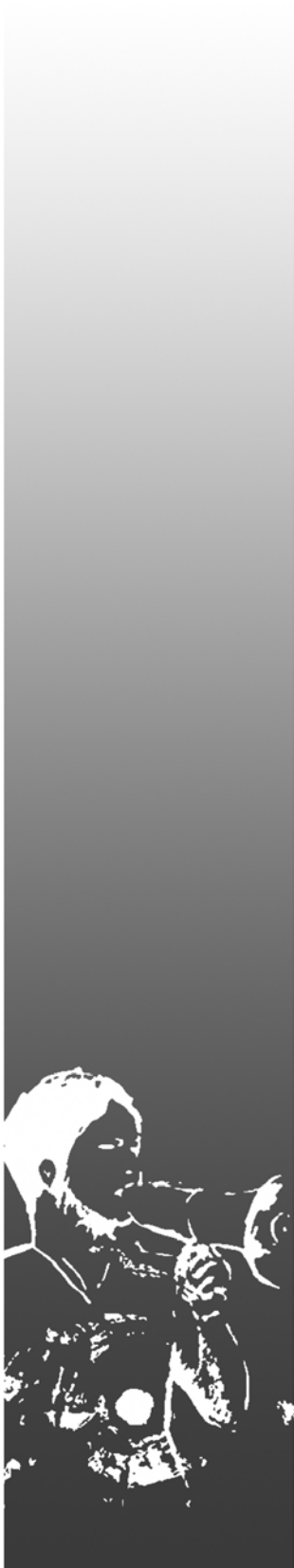


Supported by  
**UNISON**  
International  
Development  
Fund



# Table of contents

<b>Calendar of Activities</b>	<b>1</b>
<b>Welcome Remarks</b> Paul Quintos EILER, Inc.	<b>5</b>
<b>Keynote</b> Atty. Remigio Saladero, Jr. Pro-Labor Legal Assistance Center	<b>6</b>
<b>2005 Human Rights Report</b> Marie Hilao-Enriquez KARAPATAN	<b>9</b>
<b>Battered Bodies and Crushed Rights:</b> State of Filipino Workers' Trade Union and Human Rights Daisy Arago CTUHR	<b>24</b>
<b>State Repression and the "War on Terror"</b> Rey Claro Casambre Philippine Peace Center	<b>37</b>
<b>ILSM Fact Finding Mission Reports</b>	<b>44</b>
• Southern Mindanao Region	<b>45</b>
• Negros Region	<b>54</b>
• Southern Tagalog Region	<b>63</b>
• Central Luzon Region	<b>73</b>
<b>ILSM Statement of Unity</b>	<b>80</b>
<b>ILSM Assessment Summary</b>	<b>82</b>





## Calendar of Activities

April 30 – May 8, 2006  
Manila, Philippines

Date	Activity/Venue
April 29 (Saturday)	<p><b>Arrival of ILSM participants from Australia, Bangladesh, Belgium, Canada, Denmark, Hong Kong, Japan, Nepal, New Zealand, South Korea, Taiwan and US.</b></p> <p><i>Ninoy Aquino International Airport</i></p>
April 30 (Sunday)	<p><b>Formal Opening of the INTERNATIONAL LABOR SOLIDARITY MISSION PHILIPPINES</b></p> <p><i>12-6 pm Shalom Center, Malate, Manila</i></p> <p><b>12:30 pm Luncheon Press Conference</b></p> <p><b>1-6 pm ILSM Briefing</b></p>
May 1 (Monday)	<p><b>ILSM Delegation to local Labor Day Activities</b></p> <p><i>1 pm Liwasang Bonifacio</i></p>
May 2 (Tuesday)	<p><b>Departure of ILSM teams to regions:</b></p> <p><b>Central Luzon</b></p> <p><b>Southern Tagalog</b></p> <p><b>Negros Occidental</b></p> <p><b>Southern Mindanao</b></p>
May 3 to 5	<p><b>Mission Proper</b></p>



<p>May 6 (Saturday)</p>	<p><b>Morning Arrival of ILSM teams from the regions</b></p> <p><b>10:00 – 11:00 am ILSM delegates visit Ka Bel</b></p> <p><b>REPORT-BACK OF THE ILSM REGIONAL TEAMS</b></p> <p><b><i>1:30 – 5:00 pm Shalom Center, Manila</i></b></p>
<p>May 7 (Sunday)</p>	<p><b>Tribute for Victims of Political Killings</b></p> <p><b>10 am</b></p> <p><b>Bantayog ng mga Bayani, Quezon City</b></p> <p><b>PUBLIC PRESENTATION OF FINDINGS OF THE ILSM</b></p> <p><b><i>1 – 5 pm</i></b></p> <p><b><i>PETA Theater</i></b></p>
<p>May 8 (Monday)</p>	<p><b>ILSM participants dialogue with Commission on Human Rights (CHR) officials and Filing of cases</b></p> <p><b><i>2 pm CHR Office, Central Diliman, Quezon City</i></b></p>



## About the Convenors

### **Ecumenical Institute for Labor Education and Research, Inc. (EILER)**

The Ecumenical Institute for Labor Education and Research, Inc. (EILER) is a non-governmental development organization in the Philippines providing institutional support for labor research, education and workers organizing nationwide. From its early beginnings as a church labor center in 1975, EILER was formally established in 1981 as an ecumenical service institution for labor education. From the darkest years of the Marcos dictatorship through the years past a popular uprising in 1986, EILER has brought together labor groups, church people, professionals and institutions to serve the Filipino workers.

EILER's mission is to help workers in their struggle for gainful employment, for a just share of the fruits of their labour, for safe and healthful working conditions, decent and adequate housing and social services, and the effective exercise of their trade union and democratic rights.

EILER conducts seminars and trainings, organize forums and conferences, conduct action-oriented research, publish research and education materials, produce video-documentaries and other teaching aids, and conduct advocacy campaigns for the benefit of workers and their organizations.

### **Center for Trade Union and Human Rights (CTUHR)**

In the spirit of solidarity to fight state repression and to restore workers' inherent right to life and dignity, the Center for Trade and Human Rights (CTUHR) was conceived by a group of religious people, labour rights advocates and trade unionists in 1984.

The main aims and objectives of the CTUHR are to document and monitor human rights violations among workers and to publicize information and advocacy work and networking. It also provides services to workers such as trainings on HR education and paralegal training to unions and other sectors. They assist in building HR committees, correspondence and quick response teams (QRT) in unions and workers' organizations.

### **Alliance of Concerned Teachers (ACT)**

The Alliance of Concerned Teachers-Philippines is a progressive, militant and nationalist organization of teachers, academic non-teaching personnel and non-academic non-teaching personnel established in June 26, 1982. It is the largest non-traditional teachers' organization in the country which works for the economic and political well-being of teachers and all other education workers as well as for genuine social transformation. ###





## Welcome Remarks

Paul Quintos

Executive Director

Ecumenical Institute for Labor Education & Research

30 April 2006

Good afternoon to all our friends from Australia, Bangladesh, Belgium, Canada, Denmark, Hong Kong, Nepal, South Korea, Taiwan, the United States and the Philippines.

In behalf of the organizers of the International Labor Solidarity Mission, namely the Ecumenical Institute for Labor Education and Research, the Center for Trade Union and Human Rights and the Alliance of Concerned Teachers, I warmly welcome you to the Philippines.

I wish I welcome you under more auspicious circumstances. But the present conditions in our country do not allow me to do so. 151 political activists killed last year. 31 of them were labor leaders, local organizers of trade unions and urban poor communities, as well as labor advocates. This year, another 5 laborers killed by suspected military, para-military or police agents. One is fighting for his life in a hospital, five others missing.

These are the grim statistics that you have surely heard before or read about in action alerts and website postings.

But we have gathered here today from across the globe, to bear witness to the human tragedies behind these statistics. To talk to widowed spouses, orphaned children, grieving co-workers and colleagues. To hear their accounts of the brutality of hooded men who ended the lives of their loved ones. But also to hear their accounts of the principles and causes and the people which their loved ones served with vigor and passion.

It is said that human rights were written, not by the pens of lawyers or diplomats, but by the blood of those whose humanity have been violated throughout history – especially the peasants and workers and the marginalized in unjust societies.

It is up to those of us who remain standing to assert our humanity against those who wield power to exploit and to silence the majority of us who dare to resist.

I wish you all a meaningful visit and successful mission. #





## KEYNOTE ADDRESS

Atty. Remigio Saladero, Jr.  
Pro-Labor Legal Assistance Center

To the delegates, organizers, and supporters of the International Labor Solidarity Mission, we convey our warmest and heartfelt greetings!

Nobody would dispute the proposition that the advocacy for human rights is a noble and majestic endeavor. Human rights, after all, are those rights which are inherent in our nature. Without these rights, we cannot live as human beings. Their removal would deprive us of our humanity. Accordingly, what cause could be more worthy than the cause of human rights? What activity could be more noble than that which strives to assert our humanity? Certainly, there could be none.

It is said that aside from being inherent, human rights are also fundamental; inalienable; and interdependent.

Human rights are fundamental because they are basic to our existence as human beings. Without these rights, our lives would be empty and meaningless. They are also inalienable because they cannot be rightfully taken from a free individual. Neither can they be given away nor forfeited. Likewise, human rights are interdependent because the fulfillment or exercise of one cannot be made without the realization of the others. For instance, one could not fully enjoy civil and political rights, such as the right against arbitrary arrest and detention and the right to choose one's domicile, if his or her economic and social rights - like the right to social security, the right to just and humane conditions of work, and the right to form and join trade unions; are being violated. The respect for human liberty would necessarily include the realization of man's dignity.

As early as 1896, educated Filipinos were already aware of the basic rights guaranteed in the English and American Bill of Rights. The first Constitution in this country, known as the Malolos Constitution adopted in 1899, established a republican government containing several provisions on civil and political rights like the freedom to choose one's religion, the freedom from unreasonable searches and seizures, and the freedom from arbitrary arrest and detention. When the Americans came, the various civil and political rights enumerated in the Bill of Rights of the United States Constitution practically found its way in the Philippine Constitution of 1935. When the Philippine Constitution was revised in 1971 and later on in 1986, the said civil and political rights (e.g., freedom of speech, freedom of peaceful assembly, freedom of expression and opinion, freedom of suffrage, etc.) remained a conspicuous feature of our Constitution. Interestingly, our 1987 Constitution likewise guarantees certain social and economic rights; like the right of the workers to a living wage, the primacy of labor as a social and economic force, and the right of the workers to self-organization, collective bargaining, and the right to strike as may be provided by law.



Despite the above, it would be naive to say that our government has been faithful and devoted in its observance of human rights, especially for the workers and other vulnerable sectors, in this country. The records show that human rights for the poor and destitute in this nation have been honored more in breach than in observance. While the Philippine Constitution contains eloquent provisions for the protection and promotion of human rights, to the countless workers and peasants who comprise majority of our population, these rights have remained impossible dreams which continue to elude them day by day.

And the reason for this is simple. Ours is a semi-feudal, semi-colonial society. Then as now, foreign powers allied with our elites ruled our lives. The interests of the poor and the working class who are the majority in our society are not truly represented in our government. We have remained an export economy, satisfying the needs of foreigners and the rich, rather than the needs of our own people. As our economy fails to produce enough to meet the needs and wants of our people, the wealthy that control our government are put in jeopardy. To perpetuate themselves in power, they resort to the use of the state apparatus, which they control, to stifle the basic rights of our people.

Thus it is that while the Philippine Constitution guarantees a "living" wage for our workers, a vast majority of our people have to live on a budget of US\$ 2.00 a day for their existence. While our Constitution assures our workers their freedom to form unions, less than 13% of our labor force are organized into unions due to various technical constraints imposed by the government. While our Constitution speaks of the workers' right to strike, the same is rendered useless by a law authorizing the Secretary of Labor to stop any strike whenever she likes to do so.

Recent events under the administration of President Gloria Macapagal-Arroyo have further blemished the human rights situation in this country. Our Supreme Court has just validated a law which declares unlawful the conduct of public assemblies without a prior permit from local authorities, despite the fact that our Constitution guarantees the freedom of public assembly without any restriction. Our Constitution ensures the freedom against privacy, yet an order issued by Pres. Arroyo requiring citizens to obtain a national ID where private information has to be mandatorily divulged to the government has recently been declared valid. Worse, there is an on-going crack-down against political dissenters who have been vocal against foreign dominance in our affairs. We see this in the case of Mr. Crispin Beltran, a leading nationalist and pillar in the Philippine labor movement, who was arrested and detained without a valid warrant, as well as the case of five (5) members of the Philippine legislature representing the labor, peasant, women, and other marginal sectors, who have been slapped with trumped-up criminal charges by the Arroyo administration.

It is in the light of the foregoing that the relevance of the International Labor Solidarity Mission comes into play. Activities like this could focus the eyes of all human rights-loving people of the world to the sad plight of the Filipino people. The international attention that this activity would generate would serve as an effective deterrent to our government and its foreign masters from further violating our human rights. Our countrymen would likewise be more emboldened to resist encroachments on their basic rights if they know that they have the full support of the international community.

Thank you then for being with us in our struggle for human rights. Your solidarity would certainly pave our shared path to victory.

# **KARAPATAN**

## **2005 Human Rights Report**

**Marie Hilao-Enriquez**  
**KARAPATAN**

### **I. INTRODUCTION**

The Arroyo regime's war against terrorism is in support of and an imitation of the war on terror being waged by its U.S. imperialist master.

U.S. imperialism's war on terror was conceived in 1990 by ultra-rightists within the administration of George W. Bush, the father of the current U.S. president. The U.S.SR had just fallen and the Cold War had ended. Without any challenge to its political and military power, U.S. imperialism sought to assert its hegemony in order to further its interests over its economic competitors. Richard Haas, a member of the National Security Council and director of policy planning in the U.S. State Department declared that it is necessary for Americans to "reconceive their role from a traditional nation-state to an imperial power". In 1992, then Defense Secretary Dick Cheney with Paul Wolfowitz, now deputy secretary of defense, and I. Lewis Libby, now Vice-President Cheney's chief of staff came up with a top-

secret blueprint for world domination called the "Defense Policy Guideline" (DPG). The DPG envisioned a world that is dominated by the unilateral and pre-emptive Use of U.S. military power and the preservation of Pax Americana that will remain unchallenged throughout the 21<sup>st</sup> century. The plan was further elaborated with the Project for a New American Century under Bush Jr.'s administration.

In order to justify an increase in U.S. military presence around the world after the end of the Cold War, Bush Sr.'s administration came up with its "rogue states" policy. The succeeding Clinton administration followed this up with its list of "terrorist states" namely, Iraq, Iran, Syria, Sudan, Cuba, and North Korea. And Bush Jr. came up with its "axis of evil". After the supposed communist threat subsided with the end of the Cold War, U.S. imperialism creatively raised the hype about the threat of Islamic fundamentalism.

The plan was being implemented at a time when the world was reeling from a crisis of overproduction. Until March 2000, the U.S. was able to maximize its politico-military hegemony and its lead in high technology to rise above the crisis affecting Europe and Japan, the two other centers of capitalism. But in March, 2000, the "new economy" bubble of the U.S. burst and it plunged into a deep recession. The crisis impelled the U.S. to aggressively pursue its drive for world domination. The September 2001 attacks provided the pretext for the war on terror.

The war on terror is a ploy to justify U.S. wars of aggression that are being launched to:

- Pump prime the U.S. economy by providing business to the military industrial complex



- Control the sources of oil and other raw materials as well as the markets for U.S. capital and products
- Increasing U.S. military presence round the world by a new basing strategy whereby some permanent overseas bases will be replaced or downgraded in favor of small “forward operating bases” in many new locations. Added to these are the “forward operating locations” or prearranged but unmaintained staging areas which can be occupied quickly by U.S. forces in a conflict situation. Complementing these are the semi-permanent basing arrangements through continuous joint military exercises as well as training of surrogate troops.
- Break all resistance and opposition to imperialist globalization

To quote Thomas Barnett, a Professor at the U.S. Naval War College and an advisor to the Defense Department, “If we map out U.S. military responses since the end of the cold war, we find an overwhelming concentration of activity in the regions of the world that are excluded from globalization’s growing Core—namely the Caribbean Rim, virtually all of Africa, the Balkans, the Caucasus, Central Asia, the Middle East and Southwest Asia, and much of Southeast Asia. If a country is losing out to globalization or rejecting much of the content flows associated with its advance, there is a far greater chance that the U.S. will end up sending forces at some point. Conversely, if a country is largely functioning within globalization, we tend not to have to send our forces there to restore order to eradicate threats...” In sum, it is always possible to fall off this bandwagon called globalization. And when you do, bloodshed will follow. If you are lucky, so will American troops.”

The Arroyo regime’s war against terrorism is meant to support the objectives of U.S. wars of aggression in exchange for Aid, loans, and a share of the crumbs. U.S. military aid increased ten-fold in 2001 compared to 2000. By 2003, the country was the world’s 4<sup>th</sup> biggest recipient of Foreign Military

Financing (FMF) and the world’s 2<sup>nd</sup> biggest and Asia’s biggest recipient of the International Military Exercise and Training Program (IMET).

The 2003 FMF grants were in support of four mobility systems, counter-terrorist modules mainly for three Light Reaction Companies or Light Infantry Battalions, engineering spares and a regional counter-terrorism program. The IMET fund went to the U.S.-based training of over 160 AFP personnel. Excess Defense Articles transfers included: 15,000 M16 rifles, 33 ½-ton trucks, three UH-1H helicopters, Humanitarian Assistance Program/Excess Property, and a Cyclone Class Ship. In October 2004, Bush further committed U.S.\$ 25 million for army engineering spares, 20 UH-1H refurbished helicopters plus 10 refurbished airframes for Use as spare parts, and another U.S.\$ 10 million in Presidential Draw down Authority from existing U.S. military inventories.

### **The Strong Republic**

Gloria Macapagal-Arroyo inherited a weak state. It came to power by virtue of extra legal means, People Power 2, which is beyond the normal processes of administration change. The economy was plunging deeper into crisis especially after the 1997 Southeast Asian financial crisis. The economic crisis exacerbated the political crisis that was not resolved with the ouster of Estrada. In fact, the contradictions within the ruling class further intensified resulting in threats of coup d’ etat, the massive gathering of Estrada forces at Edsa that culminated in the siege of Malacanang, the Oakwood mutiny, and the ATO tower takeover. Likewise, the legal democratic movement became stronger especially after the ouster of Estrada. Eventually, the Junk GMA movement slowly gained ground. The revolutionary movement of the CPP-NPA-NDF was advancing.

Instead of reorienting the policies of liberalization, deregulation, and privatization, which plunged the country deeper into crisis, the Arroyo regime fast tracked the implementation of these policies. It showed its total puppetry to U.S. imperialism by unabashedly supporting the U.S. invasion of Iraq.

Thus., it was imperative for the Arroyo regime to “strengthen” the weak state to repress the unrest of the masses who will bear the burden of the deepening economic crisis. The strong republic was conceived in order to preemptively strike any threat to its rule, suppress dissent, and wage an all-out war against the CPP-NPA-NDF and MILF.

The grip of the Arroyo regime to power was further weakened as it had to massive corruption and fraud in order to legitimize its continued stay in Malacanang. In the end, it failed to secure a fresh mandate and its supposed “victory” further exacerbated the political crisis and created doubts on the credibility of elections as a process.

### **The Current Worsening Human Rights Situation**

The Philippine human rights situation in 2005 can be characterized by the wanton use of repression and state terror by a scandal-rocked President desperately clinging to power in the face of the people’s rejection.

The Arroyo regime suffered its worst political crisis this year as evidence of cheating and electoral fraud began to surface in May, putting Pres. Arroyo’s legitimacy on the line. While attempts to impeach the President were thwarted in the administration-dominated Congress, the charges of electoral fraud, corruption and massive human rights violations stuck, haunting Arroyo for the rest of the year.

Opposition to the Arroyo regime increased immensely in the second half of 2005 with 10 members of her cabinet resigning en masse to call for her resignation by July. The broad oust-Arroyo movement grew to include personalities and groups of such diverse backgrounds and political persuasions as former presidents Aquino and Estrada, the political opposition, the Left, various sectoral formations, Muslim organizations, Catholic, Protestant and born-again groups, the academe, big business and a host of organizations of former military officials, just to name a few. At one point, surveys indicated that 79% of the population wanted Arroyo impeached, 64% wanted her to resign, while 51% wanted her ousted via

People Power. (Social Weather Stations, 10 September 2005)

Underlying the political crisis was the deep, unabated economic crisis which hit hard on majority of Filipinos. Government’s desperate attempt to highlight some positive economic data in the later part of the year failed to conceal the reality of lost jobs, dwindling incomes and a still precarious fiscal condition.

In the face of all these, the Arroyo regime turned from weak to desperate, becoming more violent and insidious in quelling the public clamor for her removal from office and for basic economic reforms. After the killing of the impeachment complaint on a technicality by the House of Representatives, she went to attend the United Nations General Assembly in New York, seeking American support for her embattled regime. Right after her return, the Department of Justice (DOJ), the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP) went all-out in harassing the opposition, attacking the swelling protest movement, militarizing the countryside and eliminating her political opponents in the name of counter-insurgency and the US-led war on terror. Civil liberties are being blatantly constricted. Political killings and human rights violations are intensifying.

It was in this context that KARAPATAN recorded **874 cases** of human rights violations victimizing **99,011 individuals, 14,302 families** in **288 communities** for the period of **January to November 30** this year, making 2005 possibly the worst year for human rights in the post-Marcos era. (See Appendix 1)

## **II. MAJOR TRENDS IN THE HUMAN RIGHTS SITUATION**

### **Sowing terror through political killings and enforced disappearances**

On Oct. 25 this year, Ricardo Ramos, president of the striking workers at the Hacienda Luisita sugar mill in Tarlac, was assassinated at around 9:30 p.m. near his home. (See Appendix 2) A few hours after, on the morning of Oct. 26, Bayan Muna-Pampanga leader Francisco Rivera was shot dead with two of his companions, Dr. Angel David and Nemesio Maniti, while taking their morning jog. At 5:30 p.m. of the same day, Federico De Leon, provincial chairperson of Anakpawis-Bulacan, was likewise murdered as he was plying his tricycle route. (See Appendix 3)

The carnage – five persons identified with progressive parties and organizations killed in one region alone in a span of 24 hours – highlights the intensity of the political killings that occurred in 2005. Such intensity, and the broadness of its targets to include lawyers, human rights defenders, journalists, church leaders, local officials, community leaders and organizers, ordinary peasants and workers and members of progressive parties and people’s organization, surpasses that of any regime after Martial Law.

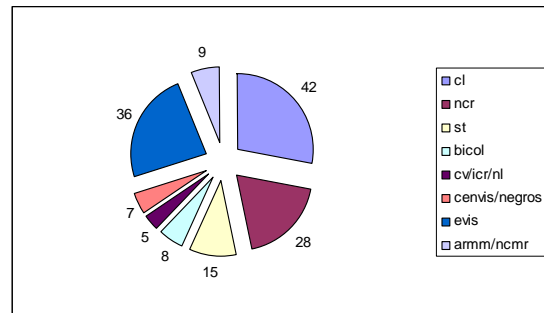
As of this writing, 150 civilians were victims of political killings, from January-November 2005. The number of cases of political killings increased by more than 100% compared to the 63 victims in 2004.

In almost all cases of political assassinations and extrajudicial killings, military elements and/or paramilitary death squads and vigilante groups were the primary suspects. To date, none of the killings under the Arroyo regime has been solved.

The Central Luzon region suffered the most number of killings with 42 dead. During the first half of the year, the killings appeared to be connected to the Hacienda Luisita strike. Tarlac City Councilor Abelardo Ladera and Iglesia Filipina Independiente (IFI) priest William Tadena, who were both killed in March, were supporters of the striking sugar workers. (See Appendices 4 and 5) But with the transfer of the notorious Maj. Gen. Jovito Palparan Jr. to Central Luzon in September, where he now heads the Army’s 7<sup>th</sup> Infantry

Division, the political killings drastically increased and spread to other provinces in the region.

**Graph 1. Distribution of killings per region, 2005**



Palparan’s previous assignment was head of the 8<sup>th</sup> Infantry Division in Eastern Visayas where, in his short stint from February to August 2005, a rash of assassinations also occurred with 36 civilians killed, mostly members of Bayan Muna.

The high number of political killings in the National Capital Region, numbering 28, is explained by the March 15 massacre at the high-security prison facility at Camp Bagong Diwa, Bicutan. Twenty-six inmates were killed after police Special Forces attacked suspected Abu Sayyaf members who had holed up in the facility after an alleged jail-break attempt. An independent fact finding mission revealed that only six of those killed were involved in the supposed jail-break. Eleven of the 20 innocent victims were Moro political prisoners. Cases of political killings were highest during the months of March and April. A total of 53 persons were killed during these months, or a rate of **six killings per week**.

On March 14 at around 3:00 a.m., soldiers belonging to the 34<sup>th</sup> Infantry Battalion of Philippine Army under the command of a certain Basillas approached the house of Marvin Montabon, a member of Anakbayan, a youth organization, at Brgy. Palencia, Tarangnan, Samar. The soldiers shot Montabon before burning his house. (See Appendix 6)



Marvin Montabon,  
killed and burned

On the same day, at around 6:45 p.m., Atty. Felidito Dacut, board member of the Integrated Bar of the Philippines, regional coordinator of the Eastern Visayas Bayan Muna chapter and a well-known lawyer handling human rights, labor, and agrarian cases, was killed in Tacloban City, Leyte. He came from a meeting and was about to buy milk for his child when he was shot by motorcycle-riding men. (See Appendix 7)

The number of killings decreased from June to August, the height of the political crisis that rocked the Arroyo regime, before intensifying again from September to October.

After the impeachment complaint against Pres. Arroyo was junked by the House of Representatives on September 6, a new wave of political killings began. **In that month alone, 14 persons were killed.** From September to October, the killings reached an alarming frequency of **four per week.** Notably, **19 out of the 24 victims** from September to October were **killed in Central Luzon** right after Maj. Gen. Palparan assumed command of the regional 7<sup>th</sup> Infantry Division.

Six of those killed were abducted and forcibly disappeared prior to their execution.

On October 2, 2005, Priscilla Esteban, a 15-year old, widow and resident of Brgy. Lennec, Nueva Ecija, was abducted in the presence of her 15-year old daughter while recuperating from an illness in her home. She was dragged outside and thrown into a light blue van.

That was the last time mother and daughter saw each other. Three days later, Esteban's dead body was found under a bridge of Brgy. Agcano, Guimba, Nueva Ecija. She was still in blindfold, her hands and feet were tied to her back and her face barely recognizable. According to the autopsy report, she was stabbed seven times and had a gun shot wound, her head bashed.

Prior to this, elements of the 71<sup>st</sup> Infantry Battalion had been visiting Esteban's house telling her that she was in the military's order of battle.

Such was also the case of Marivel Tablang-Supeña, a former leader of the League of Filipino Students of the Central Luzon State University, and her husband Danilo Supeña. Six armed men snatched the four-month pregnant Marivel and her husband inside their parents' house at Bgy. Sta. Rita, Quezon, Nueva Ecija on October 26. Her parents were threatened by the armed men wearing military combat boots, ski masks and black, long-sleeved shirts. Marivel's parents were fired upon when they tried to follow the group. On November 20, the couple's lifeless bodies were found inside two sacks along the road at Bgy. Palestina, San Jose City, Nueva Ecija

**Table 1. List of twin victims of abduction and summary execution**

Name	Date of Abduction	Date Body was Found
1. Eusebio Polahon	Jan. 16, 2005	Mar. 8, 2005
2. Constancio Calubid	July 16, 2005	July 28, 2005
3. Jolito Tobino	Sept. 2, 2005	Sept. 10, 2005
4. Reinier Cusio	Sept.12, 2005	Sept. 16, 2005
5. Priscilla Esteban	Oct. 2, 2005	Oct. 5, 2005
6. Marivel Supeña (4month-pregnant)	Oct. 26, 2005	Nov. 20, 2005
7. Danilo Supeña	Oct. 26, 2005	Nov. 20, 2005

In 2005, Karapatan documented **seven cases of massacre** of innocent civilians, mostly farmers belonging to progressive organizations or political parties. The most recent case was the massacre in Palo, Leyte in Eastern Visayas where 46 farmers belonging to the San Agustin Farmer Beneficiaries Multipurpose Cooperative (SAFaBeMCo) and Bayan Muna Partylist were peppered with gunfire and grenade blasts by government soldiers on the early morning of Nov. 21. The farmers were about to start tilling a 12-hectare rice land awarded to them by the Department of Agrarian Reform (DAR) when the soldiers belonging to the Army's 19<sup>th</sup> Infantry Battalion, acting on alleged intelligence report, attacked the hut where the farmers were gathered, killing nine including seven-month pregnant Alma Bertoline. The military claims that the attack was a "legitimate encounter" with members of the New People's Army (NPA). (See Appendix 8)

**Table 2. List of massacre cases and number of victims killed**

	<b>Victims</b>	<b>Date of Incident</b>	<b>Place of Incident</b>
1	4 members of the Padiwan Family	Feb. 1, 2005	Sulu
2	3 members of the Bulane Family	Feb. 8, 2005	Davao del Sur
3	26 Moro inmates	March 15, 2005	Camp Bagong Dlwa, Taguig
4	3 residents of Agdangan	April 18, 2005	Agdangan, Quezon
5	3 employees of Samar Electric Coop II	Sept. 1, 2005	Catbalogan, Samar
6	3 individuals	Oct. 26, 2005	Pampanga
7	9 individuals including a 7-month fetus	Nov. 21, 2005	Palo, Leyte

There were also 52 victims of frustrated killings who survived but suffered serious physical injuries and/or emotional and psychological trauma.

Even Justice Romeo T. Capulong, United Nations Ad Litem Judge, President of the Public Interest Law Center (PILC), and Senior Legal Counsel of the NDFP negotiating panel in the peace process between the Government of the Republic of the Philippines (GRP) and the National Democratic Front of the Philippines (NDFP) was not spared. Two attempts were made on Justice Capulong's life, on March 7 and 31, but were thwarted by his alert

companions. In the March 31 incident, a certain Rogelio C. Simbulan, was caught by Capulong's police escorts as he stalked the latter's vehicle using a motorcycle without a plate number. His identification card revealed him as an operative of the Mike Delta Force Intelligence and Communication Group, an accredited auxiliary of the PNP.

The most recent case of frustrated assassination was on a human rights worker in Cebu, Emmylou Buñi-Cruz and her husband Daniel Brylle Cruz, a Bayan-Muna organizer. They were shot by armed, motorcycle riding men from the Army's 78<sup>th</sup> Infantry Battalion on November 24 while on their way home after attending a human rights seminar in Tuburan, Cebu. (See Appendix 9)

Of the **150** victims of political killings, **80** were confirmed activists critical of the Arroyo regime. The remaining 68 were not known to be affiliated with any political party or organization but were suspected by the military to be sympathizers, supporters, friends or relatives of Communist or Muslim rebels. It also include two unborn babies who lost the chance to life when their mother were killed.

The Bayan Muna party suffered the most casualties with **28** of its leaders and members killed. Anakpawis party lost **14** members to political killings this year, while **eight** of the 150 victims were human rights workers under the banner of KARAPATAN.

Added to these are the killings of journalists. This year, the National Union of Journalists of the Philippines reports nine journalists killed, increasing the total to 35 from 2001.

With regard to enforced disappearances, KARAPATAN recorded **41** victims for 2005, raising to **151** the total number of victims under the Arroyo administration. Just like the political killings, the primary suspects in enforced disappearances are military and para-military elements.

The Eastern Visayas region registered the most number of disappearances for the year, with 33 victims, mostly occurring during the period February to August, when Maj. Gen. Palparan headed the Army in the region.

Patricio Abalos, a businessman, was taken by soldiers at Purok 2, Brgy. Guindapunan, Catbalogan, Samar on March 28. Three days later, Lt. Wilbert Basquiñas told the family of Abalos that the latter is under military custody. However, despite the petition for the writ of habeas corpus filed against the military, Abalos is still missing.

On March 31, at around 8 o'clock in the morning, two soldiers in civilian clothes came to the house of Noni Fabella in Catbalogan, Samar in the guise of inviting him to visit their barangay's chieftain. Three hours later, some more soldiers came over Noni's house and forcibly brought along Noni's wife, Rina and their four (4) children. The whole family has been missing since.

### **Systematic campaign to annihilate the Left**

KARAPATAN attributes the alarming pattern of killings and disappearances to a policy of state repression aimed not only at silencing government critics and quelling dissent, but also at annihilating the country's progressive people's movement. We particularly note the following:

1. The attacks against activists and leaders of progressive parties and organizations appear deliberate, orchestrated and national in scope. This can only be part of a centralized campaign funded and organized by the national government through its armed forces.

Part of this repressive policy is a campaign of incitement to violence against cause-oriented groups and human rights advocates. In almost all cases of extrajudicial killings and enforced disappearances, the atrocities are usually preceded by a military-instigated vilification campaign branding the victims and their

organizations as "communists," "terrorists" or "enemies of the state." The book *Trinity of War* by retired Lt. Gen. Romeo Dominguez has categorically declared that legal organizations are recruitment base of the Communist Party of the Philippines. The AFP's intelligence briefing compact disc, "Knowing the Enemy," and other briefing materials and "orders of battle" include names of those subsequently killed, incarcerated or forcibly disappeared.

2. There is a similar pattern even in the way the killings are done. Almost all assassinations were done by a team of motorcycle-riding men. Most killings are done with impunity at any given time and place.

Immediately after an attack, the military usually issues a statement denying involvement and insisting that the victims were killed or abducted either by "anti-communist vigilantes" or, ridiculously, even by NPA themselves.

3. The action or lack of action of the Arroyo regime on this issue leads to a culture of impunity that engenders the increase in human rights violations. As Commander-in-Chief of the AFP, for example, Pres. Arroyo is abetting human rights violations not only by ignoring the issue but also by promoting military officials with notorious human rights record, the most notorious of whom is Maj. Gen. Jovito Palparan, Jr.

In order to justify the brutal attacks on leaders and members of progressive parties and organizations, the military top brass, various intelligence agencies and the DOJ repeatedly insinuate that these groups are mere "front organizations" of the "communist-terrorist movement" and, therefore, legitimate targets of the military's counter-insurgency and anti-terrorist operations.

Leaflets against BAYAN MUNA and KARAPATAN

**TERORISTA KA NA RIN...  
KUNG SUPPORTER KA NG  
CPP - NPA - NDF**

**SATUR OCAMPO**

PRINOTESTA ANG PAGPATAY  
SA MGA BANDINGONG ABU SAYYAF.  
WALANG KIBO SA PAGPUGOT NG  
ULONG JEHOVAH'S WITNESS

**KARAPATAN**

ASAN NA ANG INGAY NYO? BAKIT  
HINDI IPINOPROTESTA ANG PAGSIRA  
NG KINABUKASAN NG KABATAANG

Without benefit of evidence and without filing any formal criminal or administrative charges, Justice Secretary Raul Gonzales, National Security Adviser Norberto Gonzales and various officials of the AFP have repeatedly accused legislators from Bayan Muna, Anakpawis and Gabriela Women's Party of using government resources to fund rallies and the activities of the NPA.

In October, the AFP claimed to have captured documents from an alleged NPA camp in San Luis, Aurora province, pointing to Bayan Muna Partylist representative Satur Ocampo as a financier of a planned bombing operation in Metro Manila. This was maliciously "exposed" to coincide with the eve of a big protest rally on October 21, weeks after the supposed "raid" on the NPA camp.

A month later, in November, Generals Hermogenes Esperon and Palparan presented to the media alleged video footages of Bayan Muna representative Teodoro Casiño "lecturing" at an NPA camp. The video was later revealed to be mere footages of a community meeting in Catbalogan, Northern Samar following a dialogue with military and local government officials on alleged human rights abuses in the area.

Maj. Gen. Palparan, in particular, usually gathers local officials together in areas where he is assigned, announcing the government's hard-line, militarist policy towards political dissidents. Any local official

who dares question his policy or intervenes in a military operation is branded as a terrorist or an NPA supporter.

Concepcion de Luna, Provincial Board Member of Catbalogan City, along with her colleagues in the Provincial Board of Samar, Antonio Bolastig III, Fe Arcales and Joseph Escobar know this for a fact. They are now being demonized by the military as enemies of the state and supporters of the NPA and depicted as officials people should not believe in.

### **De facto military rule**

This year saw no let-up in the heavy militarization of the countryside. Heavy military presence was monitored in areas where the AFP believed that armed revolutionary groups, such as the NPA, Moro National Liberation Front (MNLF), and Moro Islamic Liberation Front (MILF) were strong and in areas where there was a strong resistance to government-business joint ventures or businesses of multinational companies especially in mining and logging. It was no coincidence that a few months after intensive military operations in Samar, the Department of Environment and Natural Resources lifted the logging ban in the province.

Reengineered Special Operation Teams (RSOT), a salient feature of Oplan Bantay Laya (the comprehensive counter-insurgency plan of Arroyo), were deployed at the barangay level to supposedly neutralize so-called revolutionary strong-hold areas by winning the hearts and minds of the masses. However, these teams were used as surveillance and intelligence-gathering units on civilians in the villages.

The people in these areas bore the brunt of military atrocities and human rights violations. The most number of political killings and enforced disappearances were noted to happen in heavily militarized areas of the country. A virtual state of martial rule is imposed by government troops in areas with massive military operations. Local government and police forces are rendered powerless yet seldom do they complain lest they be accused of coddling "terrorists."

Sulu was turned into a garrison when the AFP conducted massive military operations against the MNLF in February and again in November. Based on the Sulu Mercy Mission Report, “it has been part of the military strategy to attack civilian communities. Airpower and artillery bombardments have been excessively used during the military operations, resulting to the unnecessary destruction of private properties, and causing casualties and injuries among civilian populations. No distinctions have been made between armed elements and non-combatants. It became more apparent when major public chattels such as water installation and public schools, instead of being protected, were deliberately destroyed to sow terror amongst the people.”

The local government of Tarlac City has not lifted a finger since the assassination of Councilor Abelardo Ladera who died taking up the cudgels for his poor constituents, including striking farm workers at the Hacienda Luisita. To date, Hacienda residents are complaining of more than 200 soldiers deployed in their villages.



Panglima Indanan Central School in Sulu was transformed into a military camp.

On September 27, more than 1,400 families from six barangays in San Luis, Aurora Province were hamletted. Residents were not allowed to tend to their farm for more than a week. They were told that elements of the 48<sup>th</sup> IBPA under the command of Col. Joselito Kakilala were to launch bombing operations. Days after, the military claimed that an NPA camp was ransacked and relevant documents and firearms were confiscated.

Constancio Calubid, 50 years old, a member of the Lupong Tagapamayapa (Peacekeeping Council) of Brgy San Andres, Villareal, Samar was taken from his home and beaten up by soldiers last on 16. Barangay Captain Ramon Taboy was manhandled and threatened when he tried to stop the soldiers from beating up Calubid and dragging him away. Calubid was later found dead.

In the wake of such “anti-terrorist” or “counter-insurgency operations,” human rights violations are committed with impunity, targeting entire communities, legal organizations and even local officials suspected of supporting rebel groups. There were 15 cases of strafing, indiscriminate firing and bombing/shelling/aerial bombardment, affecting **29,191 individuals, 5,210 families in 36 communities.**

### **Criminalizing political dissent**

The act of criminalizing political dissent has not ceased with the continued arrest and detention of activists, community organizers, peasants, workers, women and even minors. Most of the political prisoners are victims of arbitrary arrest and detention. Among them are peasants involved in land disputes, political activists, suspected NPA, MNLF, and MILF supporters, ordinary Muslims and fall guys presented and paraded before the media in the government’s campaign against “terrorism.”

To date, there are a total of **285 political prisoners** languishing in jail, 13 are women and 18 are minors.

Angelina Bisuña Ipong, being escorted by two government agents.

On June 28, Donato Continente, implicated as an accomplice in the 1989 killing of US Col. James Rowe, was released after serving his maximum sentence. He could have been released much earlier as he had been recommended several times for parole since the mid 90s if not for the intervention of the US State Department.

Angelina Bisuña Ipong, a former lay missionary and a peace advocate was abducted on March 8, 2005. She was missing for 13 days before she was surfaced

and she had suffered from sexual molestation and other forms of torture while in the custody of the military. Apart from rebellion, the military has filed various trumped-up criminal charges against her, including arson and homicide.

(See Appendix 10)

Elvis Basada, a resident of Calbiga, Samar, went to the town center on June 8 to attend a supposed mass meeting called by the elements of 62<sup>nd</sup> IBPA, which turned out to be a four-day live-in seminar on counter-insurgency. On the 3<sup>rd</sup> day, the soldiers suddenly dragged him out of the seminar. A certain Tolentino ordered Elvis to accompany him to Brgy. Panayuran where he was brought to a safe house where he was tortured and made to confess on his alleged involvement in the ambush of AFP soldiers in April 2005 in Calbiga. He was detained in the safe house for three weeks and made to injure involuntary servitude before being turned over to the Calbiga Municipal Hall on charges of multiple murder. He was detained for almost five months. The court later ruled that his constitutional rights were violated and threw out the extrajudicial confession that was forced upon him by the soldiers. He was ordered released immediately. (See Appendix 11)

Political prisoners also suffer from inhumane treatment in prison. Cebu Capitol security consultant Byron Garcia disallowed the political prisoners from mingling with other inmates, padlocked them in their cells and denied them

sunning hours. In response to the

intensifying persecution of political prisoners by the new management of the Cebu Provincial Detention and Rehabilitation Center (CPDRC), detainees launched a hunger strike on August 18, 2005. The hunger strike was downgraded to fasting on September 7 and was formally lifted on September 15. Because of the said strike, the detainees were given proper sunning time and equal treatment with other inmates. (See Appendix 12)

### **Constricting civil liberties via CPR**

The Arroyo administration rehashed repressive martial law-era decrees and issued additional measures to suppress the truth and the people's growing unrest.

Citing the Marcos-era Batas Pambansa 880, the PNP insisted on its "no permit, no rally" rule. On April 7, elements of the Western Police District violently dispersed peaceful demonstrators who were just beginning to gather in front of the Malate Catholic Church. The demonstrators wanted to bring the issue of the political killings to the attention of the Inter Parliamentary Union that had a conference nearby. In the said incident, a priest and a seminarian were mauled and arrested. (See Appendix 13)

Things were to get a lot worse by September, when Malacañang decided to discard the practice of "maximum tolerance" against demonstrators and replace it with the "calibrated preemptive response" rule. Violent dispersals of even the most benign protest actions became the order of the day. The vicinity around the presidential palace was declared a "no rally zone" to include historic Mendiola bridge, the traditional venue for airing grievances against the government.

The CPR was immediately defied by various militant and even moderate groups. A series of rallies starting on the first week of October were designed to reach Mendiola. On October 4, the "Walk for Democracy" in defense of civil liberties and in defiance of the CPR was held under the auspices of the Movement of Concerned Citizens for Civil Liberties (MCCCL). The "walk" turned



into a cat and mouse chase between police and peaceful demonstrators until some 200 people reached the foot of Mendiola Bridge. In a matter of minutes, police violently dispersed the peaceful assembly, and arrested and charged some of the participants.

On October 14, a religious procession led by three Catholic bishops and former Vice-President Teofisto Guingona, Jr. was dispersed using water cannons as they approached Mendiola.

Even the freedom of belief and religion was trampled upon when the Presidential Security Guard (PSG) refused entry to four priests and a handful of church-goers attending a “Mass for the Victims of the Hacienda Luisita Massacre and Political Killings” at the San Miguel Church near Malacañang on Nov. 15.



Bro. Benedicto Zaragosa, bloodied and helpless, being restrained by ‘Manila’s Finest’ police.

In the aftermath of the Hello Garci controversy, The DOJ emerged as an instrument to harass groups and persons opposed to the Arroyo administration. Justice Sec. Raul Gonzales threatened to file sedition cases left and right against the likes of former President Cory Aquino, Ms. Susan Roces, the widow of opposition presidential candidate Fernando Poe Jr., Ret. Gen. Fortunato Abat and other leaders of the anti-Arroyo movement.

Gonzales likewise threatened to arrest and file charges to anyone who listened to the Hello Garci tapes, including journalists covering the story and owners of mobile phones with Hello Garci ring tones, for violating the Anti-Wiretapping Act, among others.

Gonzales also threatened to file cases to stop the Citizens’ Congress for Truth and Accountability (CCTA) from proceeding with the presentation of evidences against Pres. Arroyo and determine her accountability to charges of electoral fraud, human rights violations and corruption.

The DOJ has linked Sen. Panfilo Lacson to the espionage case filed against former police officer Michael Ray Aquino in the US and threatened to have the former extradited. It revived an estafa case against former presidential candidate Bro. Eddie Villanueva and issued an arrest warrant against him. It tried to link former President Joseph Estrada to several “destabilization plots” and a supposed assassination plot against President Arroyo and former President Fidel V. Ramos.

Even the media was not spared, with Malacañang deploying an officer of the PSG inside the Malacanang Press Corps office. Death threats continued to be made on journalists like News Break’s Glenda Gloria for her exposé on the military’s role in electoral fraud. The President herself was guilty of falsely accusing TV broadcaster Julius Babao of paying for the bail of suspected terrorist Dawud Santos.

### **Gag order on government officials via EO 464**

In order to prevent the Senate from unearthing the truth about anomalous government contracts, the fertilizer scam, the Hello Garci tapes, electoral fraud and other scandals involving the Presidency, Mrs. Arroyo issued Executive Order 464 prohibiting heads and officials of government offices and even employees from testifying in congressional hearings unless approved by the President.

The EO is practically a gag order on government employees or officials and a violation of the people's right to information. It renders inutile the oversight functions of Congress and destroys the system of checks and balances between the legislative and executive branches of government.

First to be penalized for disobeying EO 464 were former Philippine Military Academy (PMA) assistant superintendent Brig. Gen. Francisco Gudani and Lt. Col. Alexander Balutan, assistant commandant of the PMA Corps of Cadet who were both relieved from their positions and court-martialed after appearing before the Senate committee hearing on the issue of electoral fraud on September 28.

### **Laying the groundwork for a police state**

Side by side with the hype about "terrorists" and "destabilizers" are the barrage of measures meant to strengthen the Arroyo regime's already draconian police and military powers, namely:

- BP 880 and its accompanying "no permit, no rally" policy and "calibrated preemptive response" rule;
- EO 464 requiring Executive officials and employees to get Presidential approval before appearing in Congressional inquiries;
- EO 420 on the implementation of a national ID system
- The anti-terrorism bill scheduled for enactment by this year
- Draft EO on emergency rule as revealed by Justice Sec. Gonzales

Taken all together, these measures would practically place the country under de-facto martial rule.

### **III. BLEAK FUTURE FOR CARHRIHL AND THE PEACE PROCESS**

The landmark Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL) signed between

the Government of the Republic of the Philippines (GRP) and the National Democratic Front of the Philippines (NDFP) in 1998 remains unimplemented till this day. While various human rights organizations, including KARAPATAN, have already filed 444 cases with the Joint Monitoring Committee (JMC) tasked to oversee the CARHRIHL's implementation, the body has yet to meet on its own to discuss and act upon these complaints. The GRP says it can do so only when the suspended formal talks are resumed, hence remedial steps that could be taken to address urgent cases have not been undertaken.

The CARHRIHL is crucial not only as the first substantive agreement between the GRP and NDFP but as a mechanism for redress for victims of human rights and International Humanitarian Law (IHL) violations. For example, in terms of IHL violations, KARAPATAN has documented 23 cases of schools being used as camps or temporary detachments by AFP troops. These affected 2,703 individuals, 484 families in four communities.

The Sulu Mercy Mission, conducted in March this year, found out that the Hadji Panglima Tingkahan Elementary School in Brgy. Kaha, and Kahuy-Sinah Elementary School in Parang have been turned into military camps. The Indanan National High School in Lampaki, Indanan was also used as a military detachment resulting to the disruption of classes. However, as long as the GRP ties the implementation of the CARHRIHL to the resumption of the formal talks itself, the people can not benefit from the agreement.

Unfortunately, the GRP-NDFP talks remain suspended mainly due to GRP's refusal to honor previous agreements, the latest of which was the undertaking of effective measures regarding the 'terror listing' of the CPP, NPA and NDFP Chief Political Consultant Prof. Jose Maria Sison, agreed by both Parties in the Oslo talks in 2004. Other agreements like the release of political prisoners and indemnification of the victims of martial law were not completely honored by the GRP.

Incidentally, the United Nations Development Program (UNDP) and the Human Development

Network (HDN) in their 2005 Philippine Human Development Report wrote: *“In fairness to the CPP-NPA’s historical record of armed struggle, it has not as a policy -and has not as a general practice – engaged in terrorism or acts of terrorism by deliberately targeting civilians.”*

The Macapagal-Arroyo government made a commitment during the peace talks to release some 49 political prisoners in 2001 and 32 more in April 2004. Of the 32, only 10 were released on recognizance, seven on the merits of their cases. No releases were made in 2005.

Part of the agreement was also the indemnification of victims of human rights violations under the Marcos regime. Being a human rights violator itself, the Arroyo regime clearly lacks the political will to indemnify the martial law victims. There are fears that a huge part of the US\$684M recovered Marcos ill-gotten assets, part of which was originally intended to indemnify the 9,539 martial law victims, bankrolled the President’s campaign during the last elections.

#### **IV. DEFENDING HUMAN RIGHTS**

Alarmed over the intensity of political killings, KARAPATAN conducted a campaign against political killings and repression.

Fact-finding missions, mass actions, pickets, delegations, and dialogues were held to put the issue of political killings in the public’s consciousness. Information and education campaigns, including paralegal trainings, are being undertaken to raise human rights awareness and enable the people to assert those rights.

Inquiries initiated in the Senate and House of Representatives were attended by KARAPATAN and victims’ families.

Urgent Action alerts are being issued to call attention to these violations and generate public pressure on the government to investigate and take positive action to stop it. Many organizations and individuals from across the globe furnished our

office copies of their letters sent to the president, the Department of National Defense (DND) secretary, CHR commissioner, and the Office of the Presidential Adviser on the Peace Process.

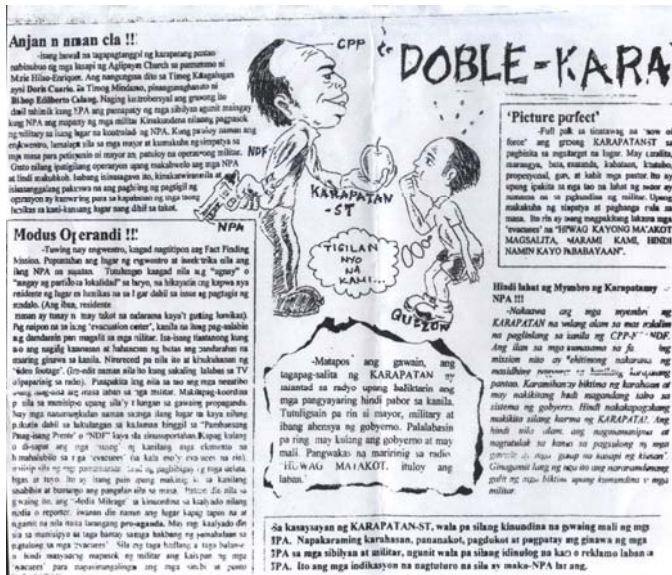
Victims and survivors were likewise assisted in filing their cases in court, with the Commission on Human Rights (CHR) and other government bodies, or providing counseling, finding temporary shelter, among others.

However, it is deplorable that stumbling blocks continue to mount, such as the increase in the already prohibitive costs of filing fees and the unceasing harassment, intimidation and demonization by the AFP and their cohorts of victims, witnesses and our organization and our colleagues.

On October 30, long-time human rights advocate Fr. Rolando de Leon, spokesperson of the human rights group ALMMA (Alyansa ng Mamamayan para sa pantaong Karapatan) in Bulacan, found three envelopes from the church collection bag, each containing a slug and a fourth envelope with a message that he will be the next one to die.

In November, government troops conducted pursuit operations in Quezon province, following an alleged encounter with the NPA. KARAPATAN-Southern Tagalog quickly responded to reports of intimidation and forcible evacuation by organizing a fact-finding and relief mission. On the way home from said mission, the human rights workers were held at a checkpoint by the military on November 21. Two days later, flyers that accused leaders and members of the human rights alliance as NPAs and the humanitarian mission as a modus operandi were distributed and posted by paramilitary elements in Candelaria, Quezon.

In Cagayan Valley, the names and photographs of KARAPATAN human rights workers were posted in a police station in what looks like a WANTED list.



Linking human rights workers with armed groups through flyers such as this to discredit them.

state terrorism occurring in the Philippines under the Arroyo administration.

The mission named, *International Solidarity Mission: In Defense of a People Fighting Repression*, was able to gather 48 foreign and 35 foreign-based Filipino delegates from 18 countries. It culminated in an International People's Tribunal, which found the Arroyo regime guilty of human rights violations.

The issue of political killings, in particular, and human rights violations, in general, became one of the bases for the amended impeachment complaint filed against President Arroyo. For the first time in Philippine history, the issue of human rights violations was used as one of the bases for an impeachment complaint.

The pertinent provision in the complaint read: *“As the Commander-in-Chief of the Armed Forces and Chief Executive with the power of control and supervision over her subordinates, she violated her duty and oath under the Constitution mandating respect for human rights when she acquiesced in and provided impunity to the killing of political dissenters, or infringed their freedoms of expression and assembly.”*

Cognizant of the need to generate international concern on the issue of political killings and human rights violations, KARAPATAN together with the International League for People's Struggles (ILPS), the Promotion of Church People's Response, Bayan, International Association of People's Lawyers (IAPL), and Bayan Muna organized an International Solidarity Mission from August 14-19. The said mission aimed to bring to the attention of the international community the gravity of human rights violations and the extent of

Marie Hilao-Enriquez, expert witness, testifying before Judges at the International People's Tribunal

The verdict of the International People's Tribunal read: *“We the COLLEGE OF JURORS of the International Peoples' Tribunal, after considering the evidence presented by the People, find the DEFENDANTS, GLORIA MACAPAGAL ARROYO, GEORGE WALKER BUSH et al. on the charges of HUMAN RIGHTS VIOLATIONS which also constitute as CRIMES AGAINST HUMANITY, as proven by ample testimonial and documentary evidence adduced during the trial and shown specifically by the following illustrative cases, GUILTY AS CHARGED.”*

The report and evidences were turned over to the prosecution team in the impeachment complaint filed in Congress. When the impeachment complaint was junked, it was turned over to the Citizen's Congress for Truth and Accountability (CCTA), that presented the cases to the public on November 15 and 23.

KARAPATAN believes that the most effective response against the intensification of state terrorism unleashed by the Arroyo regime is through an informed citizenry conscious of their rights and willing to defend and assert those rights.

At this point, the first step towards achieving justice for the victims of human rights violations and opportunities for the improvement of the human rights situation can only be opened up with the removal of President Arroyo. ✎



## **Battered Bodies and Crushed Rights:**

**State of Filipino Workers' Trade Union and Human Rights  
under Gloria Macapagal-Arroyo's five year administration  
by: Center for Trade Union and Human Rights (CTUHR)**

### **Overview:**

When Mrs. Gloria Macapagal Arroyo assumed the Presidency following People Power II in 2001, she promised that her government will focus on job creation, bringing food to every table and ensuring education for all children.

The Arroyo government's economic and political plans reduced these promises into myths.

Continuing deposed President Estrada's Medium-term Philippine Development Plan (MTPDP), the Arroyo government accelerated the desperate race to integrate the Philippines into the global market, whilst building the mechanisms that later ensured Mrs. Arroyo's presidency in 2004 elections. Hitching employment generation solely to foreign investments and overseas employment, the government's economic programs and policies were directed to attracting more foreign investments through the creation of more economic zones, further liberalizing trade thru tariff removal on imports, privatizing government-owned and controlled corporations including basic utilities and services, deregulating and re-structuring even the educational system to meet the demands of multinational companies and fill-in the shortage of cheap labour in industrialized countries.

Five years of the Arroyo government, 30% Filipinos continue to live below the poverty line (ultra poor) and the poor are left to feed their children, literally with garbage. Thirty two percent (32%) of country's 36.461 million labour force or 3 out of 10 able-bodied workers are jobless and wanting in jobs, the highest unemployment and underemployment rate since the downfall of the Marcos dictatorship two decades ago.

On the other hand, a big chunk of the so-called employed remains contractual or flexible workers earning 17-45% less than the prescribed minimum wage - i.e. less than half of the estimated cost of living-- and with extremely lower chances of becoming permanent workers or members of the trade unions.

In short, majority of the Filipinos agree that life is more difficult today than five years past. This is a condition that gives rise to dissatisfaction and dissent from the already impoverished people



particularly the workers, the urban and the rural poor. This deep dissatisfaction exacerbated by scandals involving the First family transformed into the organized and unorganized anti-Arroyo movement calling for the resignation or ouster of Mrs Arroyo.

Mrs. Arroyo, who seems hellbent to perpetuate herself in power, has treated her critics not as legitimate protesters but government destabilizers, terrorists and communists. So rallies, strikes were broken violently, strikers are dismissed en masse and slapped with charges of common crimes. Leaders, organizers and active members of the trade unions and other labour organizations particularly those that were also holding positions in the progressive partylists were abducted, forcibly disappeared or outrightly killed. Leaders and their respective progressive organizations and institutions, including bishops critical of the administration are tagged as communists or NPA supporters and their organizations as fronts. A label that in this country is tantamount to serving death warrants.

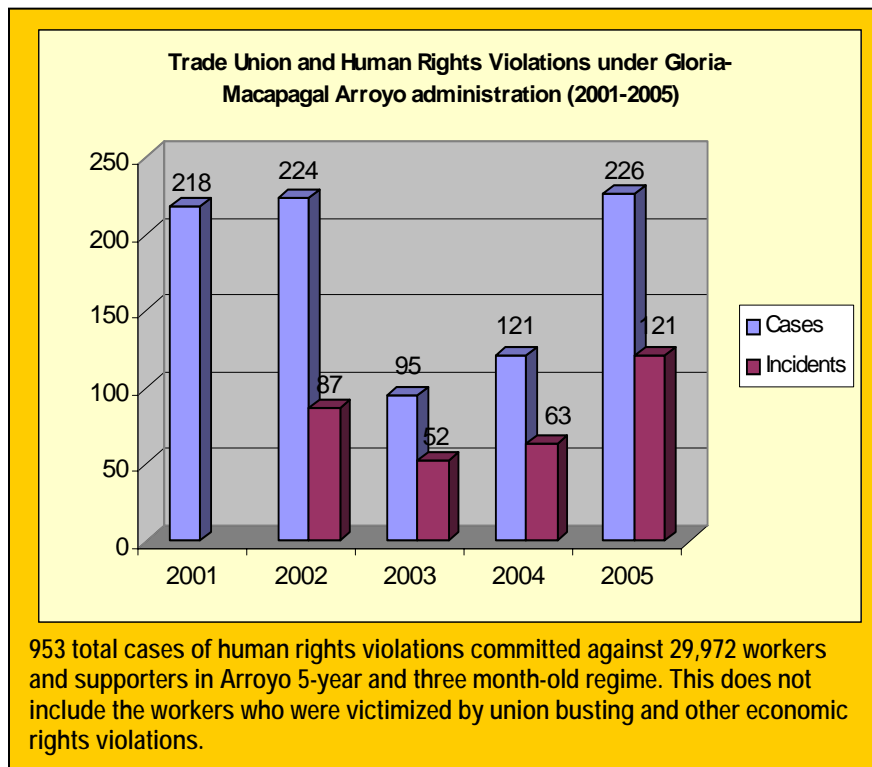
As a result, in the last five years, the trade union and human rights condition of Filipino workers were shaped and defined by the Arroyo's government economic and political policies anchored in attracting and serving foreign investments while silencing opposition through aggressive War on Terror campaign or Oplan Bantay Laya counter insurgency program. The picture this government has created is truly an ugly one.

## Trends and Patterns of the Trade Union and Human Rights

In Arroyo's 5-year and three month-old regime. CTUHR recorded 953 total cases of human rights violations committed against 29,972 workers and supporters. This figure does include the workers who were victimized by union busting and strings of economic rights violations that continue to push the workers deeper into the pit of poverty and misery.

What the Marcos regime did not accomplish in its 20 years of dictatorship, the Arroyo regime almost perfected the means of decimating unions and temporary paralyzing the workers through

sophisticated, swift and silent attacks on workers rights on one hand and naked militarist style on the other. Specifically, these are characterized by the following trends and patterns:



1. **calculated deprivation of workers basic economic rights: freezing wages at barely survival level whilst condoning capitalists who violate basic labour standards and are forcing their workers to work longer beyond their capabilities.**

Wage is the workers main if not the only source of livelihood and sustenance. Yet, amidst the skyrocketing prices and inflation rate that hit 7.7%, the workers wage trailed behind. In NCR for instance, minimum wage is pegged at P275/day - the highest in the country -- as against the government estimated P650.17 daily cost of living for a family of six in NCR or P534.80 at the national level. Workers in other regions receive much lower even if their cost of living is higher than in the NCR such as in the Autonomous Region of Mindanao. Salaries of contractual or flexible workers are worse, as they often get 17-45% lesser than the minimum wage without benefits as exemplified in CALABARZON. [CTUHR research].

In fact, there has never been an effort by the Arroyo government to minimize the gap between the cost of living and income of wage earners. Except for P25 wage increase granted last year, the Arroyo government incessantly ignores the demand for wage increase. The workers' call for P125 across the board legislated wage increase seemed to fell on deaf ears in spite of the House Committee on Labour and Employment endorsement of HB645 pertaining to that demand. Talking like the heads of different chambers of commerce, the government through the Department of Labour and Employment (DOLE) cited that wage increases will trigger factory closures and more unemployment and in the end will be anti-worker. An argument that for several times has been debunked or trashed as unemployment continues to bloat and factories close down due to inability to compete, even without rising wages.

Frozen wage is not the only worry of workers particularly in other regions. Reduction of wages alarms them most. In a move to attract more investors outside the existing economic zones where production costs are much higher, the government re-classified regions and provinces into urban areas, growth corridor area, agricultural etc. which by their definition there exist varied cost of living which should be the basis of determining minimum wage. In effect, workers in CALABARZON or Southern Tagalog for instance found themselves divided into nine minimum wage-levels, and in a more shocking discovery found their salaries reduced, instead of increased.

To augment their income and to prevent themselves from being laid-off, the workers are forced to work longer beyond their physical ability. Raymundo Aguba, 29 years old - a contractual worker in Masuda Philippines - died of exhaustion after his supervisor forced him to work continuously for 22 hours on August 3, 2004. His fate was followed by Romeo Mapacpac of Asia Brewery and Salvacion Langomez in Compostela Valley who also died due to exhaustion in May and September last year. The three were struggling to meet the production quota imposed on them while hoping that their income would be augmented through overtime work.

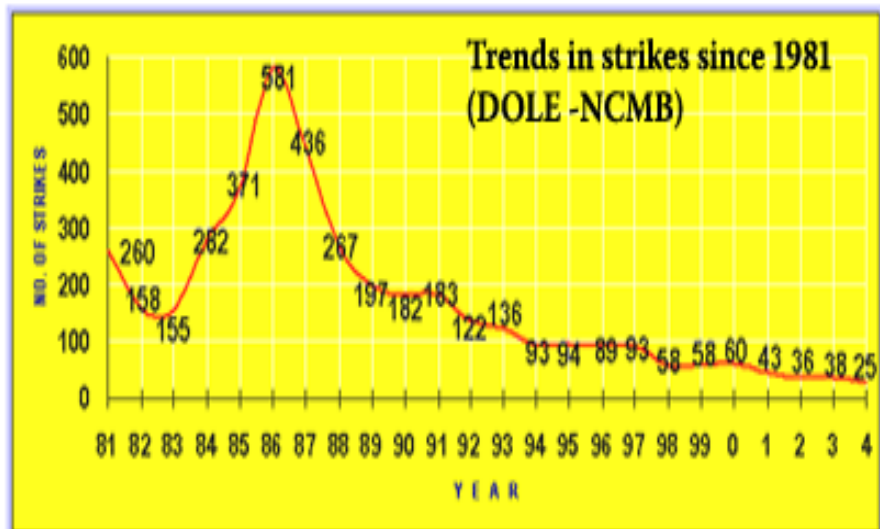
Similarly, more or less 1000 permanent contractual women workers of Fashion House Garments in Cavite and Anvil Ensembles in Taytay Rizal were drugged to keep them awake for at least 16 hours or more. In Fashion house workers took Bonamine tablets - an anti-dizziness

drug taken before traveling while in Anvil Ensembles workers took Duromine --a regulated drug belonging to the amphetamine and methamphetamine families. Anvil Ensembles is a sub-contractor of baby clothes for such First World Companies such as Sears and Roebuck [PDI-july 5/03] Fashion House Garments produces GAP and other branded clothes.

Despite the fear, workers desire to improve their conditions at work push them to organize, or launch concerted protest actions even without unions. Except that they have to face another form of whipping, which often they are not prepared for.

2. Intensified systematic union busting measures from dismissal of union officers and active members, shutting down operation where majority of union members are working, closures, so-called change of management, retrenchment to massive contractualization resulting not only in dramatic decrease of union membership and CBAs but also more exploitative and oppressive working conditions.

Since 2001, the Department of Labour and Employment took pride in showcasing the downtrend in strike statistics. DOLE Secretary Patricia Sto Tomas attributes the decline on the 'improving industrial relations in the country and the decreasing workers' interest on strikes'. 'Moderate unions call it responsible trade unionism'.



Nothing from these above perceptions is true.

Decline in strike is by no means an indicator of improving working conditions. In examining several federations' experiences, CTUHR documentation revealed that in the last five years for instance, majority of the newly organized unions are busted before they are certified. Management employs different ways such as dismissal of union officers and active members, shutdown of operations where majority of union members are working, closures, so-called change of management, retrenchment etc.

To defend itself, budding unions such as the union of Yokohoma Tires in Clark Economic zone, SunEver lights, Southtec Development Corporation in Laguna and Sackline Industries in Valenzuela city were forced to go on strike to defend themselves. Their strikes were violently dispersed and unionists were left to filing their complaints of illegal dismissal at the Department of Labor and up to the Supreme Court. The result is even more frustrating. Sackline workers who were displaced for example has since 2001, been in and out of the

National Labour Relations Commission to follow-up their case, and yet no resolution seems forthcoming.

### Cutting the lifeline

Nipping workers organizing the bud through mass dismissal is not the only potent way of busting unions. Capitalists seemed to have learned that job dismissal of identified and perceived unionists is not enough to neutralize unionism. In some cases, it (dismissal) compounded by unreasonable company regulations even encouraged persistent curiosity by remaining workers that eventually led to a new wave of attempts to unionize.

Under the guise of economic losses or bankruptcy and government protection to businesses, companies resorted to closure during CBA negotiations, or after union certification elections or when unions reached the stage of filing a notice of strike in a more decisive move to eliminate unions.

In Cavite Export Processing Zones (CEPZ) where union organizing is closer to impossible, persistent unions and workers who overcame that impossibility found themselves out of jobs and unions when companies shut down their operation. Fashion House Garments in Cavite declared closure after the 1000 unorganized workers staged a

walk-out in protest against long working hours, drugging them and non-payment of their wages. Charging workers of illegal strike, workers were dismissed without any compensation and a month later, Fashion House re-opened with a new workforce. Some workers who did not join the walkout re-applied and were admitted as newly hired employees and with wages way below the previous ones.

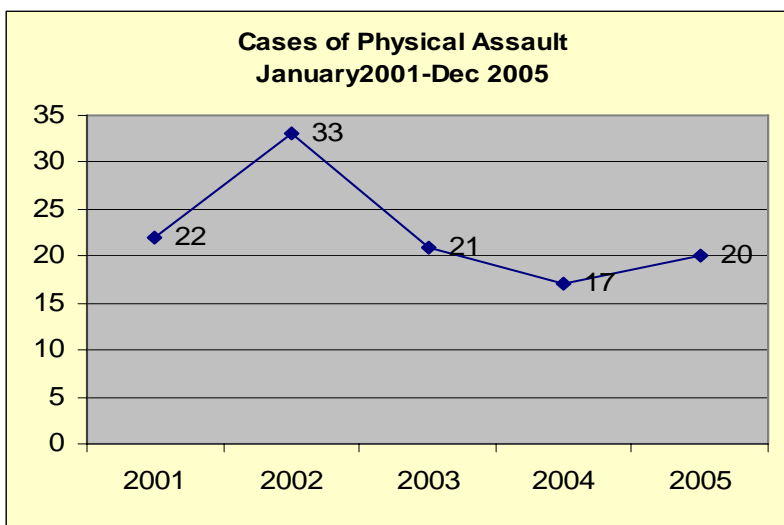
In more ways than one, the labyrinthine process of certifying trade union as bargaining agent and concluding a CBA, parallel with massive employment of contractual workers while dismissing union members trigger the decline of trade unions. DOLE-BLR's data, for instance, show that as of December 2005 union membership at the enterprise level only accounts for four (4%) percent of the total estimated 31.733 million employed workers in the country. Thus, behind the consistent drop in the strikes is also the drop in union membership. *[see table union & strike)*

Union and Strikes <i>(based on DOLE-NCMB/BLR data)</i>				
	2002 (total)	2003	2004	Dec 2005
Strikes	36	41	27	26
NOS AJ/CCA			556	465 52 or 11%
Enterprise- based Unions/Orgn	11,365	11,472	15,193	22,572
Total Union Members (UM) (000) [private sector]	3,914,000	3,923,000	1,296,373 or 4% of total employed	1,304,865 or 4% of 31.733 total employed
Number of CBAs	2,700	2,757	1,770	1,734
Workers Covered by CBA/ % (UM)	528,000 or 13% of TUM	540,000 or 14% of total UM	308,796 or 24% of union members & 1% of total employed	296,122 or 4% drop from 2004 data

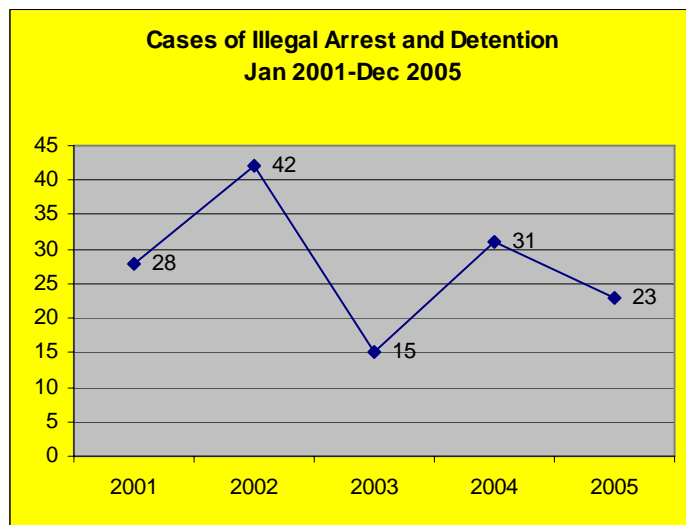
This only proves that if there are new unions who managed to withstand the attacks in its infancy stage, their numbers are not enough to replace or outweigh the rapid loss of membership of existing unions. In addition, the increase means nothing, because it did not result in the increase of membership and the number of workers covered by the CBA. To ink a CBA is the main immediate purpose of organizing union as some sort of guarantee for workers' protection and benefits and the company's commitment to adhere thereto.

3. Heightened violent attacks on strikes and protest actions by composite of police, military and company guards as war on terror rage in industrial areas and unionized workplaces resulting not only in decreasing number of unions and strikes but also multiple human rights violations .

At the outset of the War on Terror campaign, the current administration treats the strike not as a democratic expression of legitimate grievances but deterrents to foreign investment and terrorism at the factory level. So, it has always been easy and swift for the police and military to attack the workers' picketlines the way they attack wild animals or criminals on the loose.



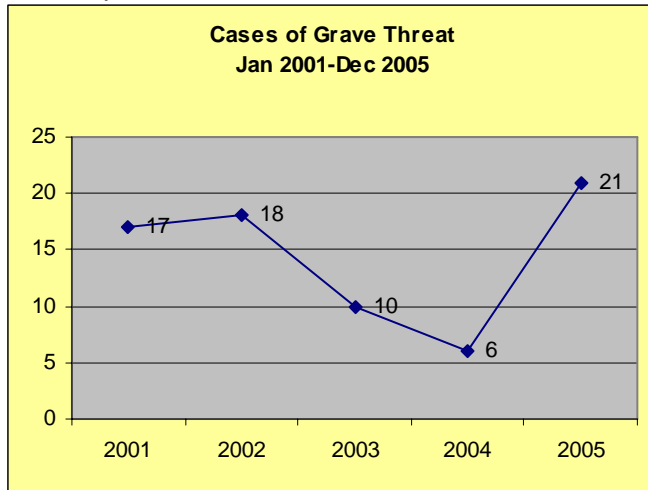
Notwithstanding the difficulties, organized workers continue to assert their rights and resist attacks. In 2004 and 2005 alone for example, 1,100 unions with 249,464 members or an average of four (4) unions per day filed their Notices of Strikes against mass dismissal, discrimination, union busting, refusal to bargain and CBA deadlock. Obviously, not all notices consummated into strike. The DOLE settled the disputes or legally pre-empt the strike in various ways, often by certifying the labour disputes or issuing Assumption of Jurisdiction orders.



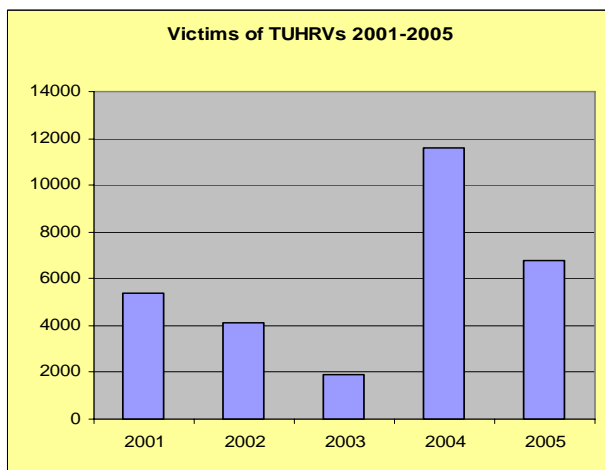
Upon certification, the intended or impending strike or lock-out is automatically prohibited even if there is motion for reconsideration of the certification order in the Office of the Secretary of Labor. (Sec5, Rule 9, NLRC

Rules as Amended). In effect, it legally bans the strike and any form of concerted actions.

The very threat to jobs and livelihoods not to mention the appalling working conditions are fire that actually emboldens the unions particularly militant unions, to assert and defy the Assumption Orders. However, the result of such assertion has always been dangerous and in various cases, deadly.



In the last five years for instance, CTUHR has documented 150 violent strike dispersals of which 69% or 103 cases are directly attributed to the enforcement of AJ. PNP (SWAT, SAF, etc) and AFP were responsible for 94% of these assault cases while the 6% were company guards. In its first year in office, these included violent assaults in the strike of Yokohama Tires, Toyota Motors, Nissan Motors, and Nestle Philippines. In 2003, workers had a temporary relief in physical assaults as the government prepared for election 2004.



Soon after Mrs. Gloria Macapagal Arroyo declared her victory in May 2004 election amidst allegations of massive fraud, dispersals, arrests, abduction, and state terrorism resumed in unprecedented manner until today. At least six major strikes were violently broken up several times, such as the Oxford International Garments, General Milling Corp, Southtech Development, Sunever lights in the second half of 2004. The police and Army assault on striking farm and sugar mill workers in Hacienda Luisita in Tarlac that resulted into multiple killings epitomized this intensified terrorism that state forces are capable of doing to quell

unrest. The Luisita massacre was the most bloodied and most brutal strike dispersal in the post Marcos era.

Thus, as Arroyo government enters its sixth year in office, CTUHR partial documentation recorded 953 total cases of human rights violations committed against 29,972 workers and urban poor. Noted cases apart from assault on the picketlines are physical assault, illegal arrests and detention, threats and intimidation, abduction and enforced disappearance, and lately, the killings.

### Harassments more vicious in strikes at MNCs and MNC sub-contracted companies

If the government's quick and war-like deployment of PNP forces including the elite counter-insurgency unit Special Action Forces (SAF) in strikes and protest actions in multinational companies is an indicator, then GMA government would need heaven and hell to

hide its rabid anti-worker and pro-MNCs policies and practices. Except that she did not even attempt to hide it, on the contrary, she has brazenly flaunted and continuously flaunts it.

Looking at the statistics, GMA openly favored Japanese companies that saw her directly intervening in the `so-called dispute settlement', that is, paralyzing the strike and shackling of unions through combined physical assault on workers and mass job dismissal of union members as provided by the Assumption of Jurisdiction order. This included her direct interference on her perceived co-ordinated strikes at Yokohama Tires Manufacturing, Toyota Motors Philippines, Nissan Motors and Honda Cars, all Japanese-owned firms.

Another MNC that clearly enjoyed full government protection is the Nestle Philippines. The strike marked its fourth year. There is no doubt that Nestle Philippines is not only liable for the numerous assaults, injuries and intimidation against protesting workers, but also guilty of violating the Supreme Court ruling on inclusion of retirement benefits as matters of Collective bargaining agreement (CBA). Several times, the court upheld its decision and with the same number of times, Nestle Philippines refused to implement them. Nothing has been done to discipline Nestle Philippines, in contrast to the repeated harassment of 800 striking workers who served the company for more than 20 years. Seventy (70) were slapped with fabricated criminal charges and are hounded like criminals.



The most brutal attack was the killing of Diosdado Fortuna, Nestle workers union president - in September 22, last year. In the FFM conducted after the killings, indications that Nestle Philippines was involved, in spite of company's denial, were patent. Fortuna was the second Nestle workers union president who was killed during the strike. The first was his predecessor, -- Meliton Roxas - who was shot dead at the picketline in 1989.

**4. intensified legalization of open and naked attacks by state forces, notably PNP (incl. Mobile Groups, RSAF, SWAT, SWAG) and AFP on workers and workers' unions through issuances of Assumption of Jurisdiction on strike and calibrated pre-emptive response**

In relation to the abovementioned cases, and examining DOLE data since 2001 for example, it is apparent that all AJ orders issued were to pre-empt strikes or to compel striking workers to return to work within 24 hours. Nothing was issued to pre-empt an impending lock-out even if such move will cause massive workers lay-off and retrenchment. No order ever forced the company to recognize and bargain with legitimate and DOLE certified unions or to compel the company to go back to negotiation. Nothing was issued to deputize the PNP or AFP to force the company's compliance, in rare cases where decision by the Secretary of Labor was favourable to the workers.

Sixty eight percent of the 150 cases of strike assaults documented by CTUHR for instance is attributed to AJ implementation. The massacre at Hacienda Luisita was its most bloodied form.

Apart from Luisita, notable case was the strike in Goodfound Cement in Albay. At the onset of their strike in October 2003, 2 APC (armed personnel carriers) barricaded the gates leading to worksite and two truckloads of Marines and Scout Rangers were deployed. The workers were not allowed to go near the company gates as soldiers drove them and pursued as far as several kilometers away from the factory site. Fearing for their lives, the workers did not attempt to go back to the site while the union officers were hunted by Scout Rangers even weeks after the strike dispersal. No one from the union was left, and the union became a thing of the past inside the factory.

Thus in the years past, AJ both provided absolute power to the Secretary of Labor—no one could question what s/he likes to think -- and legal protection for capitalists' abuses that found convenient excuse in the law provision.

Workers struggle for wages, benefits and rights went beyond the destruction of their picketlines. As they understand that these issues are only part of the economic and political policies that the government is pursuing, their protests find another venue in the streets. Together with the urban poor, peasants and students, they have combined their demand for wages and rights with the call to oust the immediate cause of their predicament that is the GMA government. As protests filled the streets and hogged the headlines, the government handed the calibrated preemptive response (CPR) that virtually bans rallies and demonstrations. Similar to strikes, this saw violent police dispersals of rallies, the last of which was on April 6, this year.

- 5. integration of industrial policies and labour relations in the governments twin campaign: Oplan Bantay Laya (literally means Freedom watch) – a counter insurgency program previously known as Oplan Makabayan – and War on Terror that saw the militarization of industrial areas and workplaces specifically in areas and companies where progressive unions exist.**

Capitalizing on the 9/11 bombings in 2001, Mrs. Arroyo declared that her government will stamp out terrorism and relentlessly pursue terrorists, destabilizers, criminals and pushers including strikers that “terrorize factories that provide jobs and livelihood.” Immediately, the presence and direct intervention of military and military-police in labour disputes became common. Elements of Regional Special Action Forces and PNP Mobile group and SWAT in full battle gear started camping out in factories where workers are considered ‘restless’ and where disputes are brewing. This saw the military maintaining operation base in Nestle Philippines from 2001 until at present, for instance.

In Sun Ever Lights, at the time when the union was heading for certification election, elements of Special Weapons Action Group (SWAG) were deployed to man the production line and kept watch on union leaders of then budding unions. In 2003, head of South Luzon Command of Philippine Army, in a forum organized at Camp Vicente Lim admitted that PAMANTIK-KMU and other allied unions together with their leaders are in their surveillance list as these unions are suspected to have links with if not breeding communists.

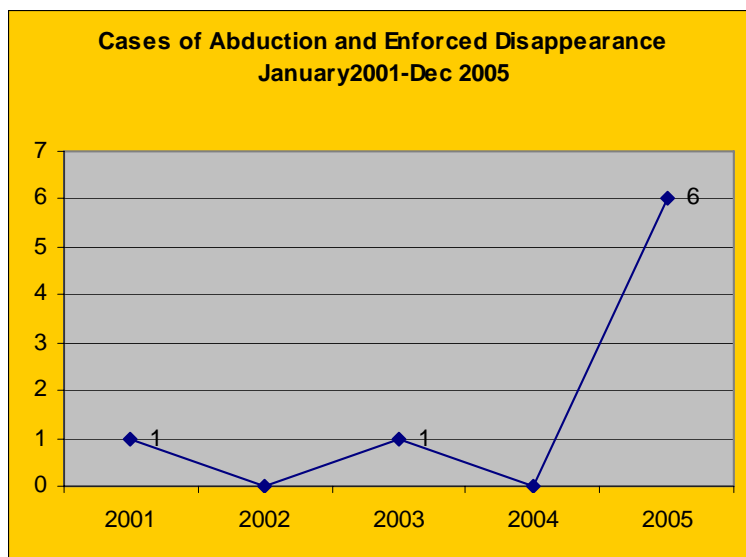
Under Oplan Bantay Laya (OBL), a more sophisticated version of Estrada's Oplan Makabayan counter-insurgency program, military's direct intervention and control of industrial relations, labour- management relations as well as conduct of community organization become more apparent and vicious. In 2004, the AFP for instance justified the combined police and Army's assault on strikers of Luisita workers and farmers that led to a massacre to the NPA's maneuver and design. The same line has been drumbeated in the subsequent killings of supporters of Luisita workers.

At the close of 2004, OBL succeeded in sowing terror and havoc in unionized workplaces particularly those affiliated to KMU. In Bulacan, Console Farm, Robina Farm—and Solid Development Corporations, where KMU affiliated local unions exist, members of 24<sup>th</sup> IB and 56<sup>th</sup> IB under the command of Gen. Jovito Palparan, camped inside the farm. They hold union meetings, call general assembly and barangay forums and consultation, warning them to dissociate themselves from KMU, Anakpawis and demanding that they report to them any suspected NPAs. Workers and residents who fail to attend the gathering are labeled as rebel supporters or communists. Union officers who were interrogated and tortured were forced to resign from their job, or abandon their unionwork due to fear. Rogelio Concepcion, acting union president of Solid development corp who wase abducted last March six remains missing.

Under OBL strategic holistic approach, a combination of military and political approach, the military expects to achieve a win-hold-win situation in suspected rebel infested areas. This means that the first step is clearing the areas of any insurgent or potential insurgents, sympathizers or supporters - which reads where progressive people's organizations exists or where Oust GMA sentiment is stronger -- by flushing them out through military clearing operations, ranging from regular military census to what Gen Palparan refers to as "neutralizing them". After clearing the area, they will maintain and consolidate such area by leaving a platoon, or at least a base of operation for political and economic work which includes as earlier said, holding forums, assemblies and periodic medical mission.

In San Ildefonso, this included the Army holding a rally at the wake of a priest previously aligned to Bagong Alyansang Makabayan on April 24 while in Towerville, San Jose del Monte Bulacan, this include cutting electricity connection to force residents who are unable to pay their bills. In short, the military shadow government operates.

OBL therefore, is not just about killing the NPAs, it is also about 'neutralizing' leaders, and members, and supporters of legal progressive organizations and partylist. It is about demonizing people's organizations in desperate attempt to weaken people's resistance to the government's policies and elite rule.



In this context, it is not surprising though that heavily militarized regions account for most numerous cases of intimidation, surveillances, abductions and killings. Southern Tagalog or CALABARZON provinces for example - host to 39 military battalions and former General Palparan's base of operation of then Oplan Makabayan

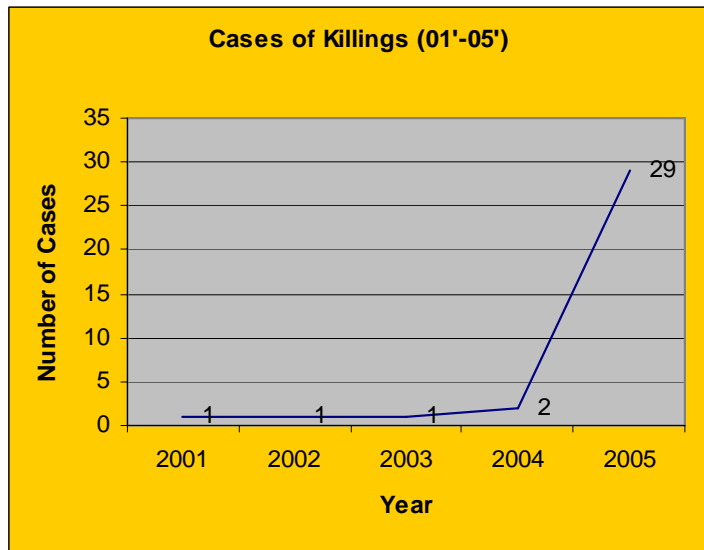
until 2003 consistently recorded the highest number of violations. Gen. Palparan - known as the butcher of Mindoro - was promoted and transferred in Eastern Visayas as head of 8<sup>th</sup> Infantry Brigade. Last year, he was again transferred to Central Luzon to head the 7<sup>th</sup> ID and the situation in Central Luzon has never been peaceful since.

Central Luzon ran second as Palparan's men seem to compete in achieving their boss' target of ending the insurgency in the region within six months. The latest was the harassments, intimidation and abduction of workers and community residents in Metal Ore Mining, in Camaching, Dona Remedios Trinidad, also in Bulacan last April 17.

**6. festival of political killings, frustrated killings, abduction, enforced disappearance and other threats to life as the pinnacle of Arroyo government's gross human rights violations**

Whilst writing this report, (April 28, 6:00AM) Gerardo Cristobal, former union officer of Yasaki EMI and leader of Solidarity of Cavite Workers was shot by police intelligence operatives. Fortunately, he escaped death. Since last year, he has been receiving death threats.

In the first quarter of this year alone, CTUHR has documented five cases of killings of workers, trade unionists and labor advocates, up from four cases in the same period last year, all of whom came from Central Luzon and Southern Tagalog. Yet, there are no indications that this festival of killings which started last year will end soon.



In 2005 alone, which the CTUHR called the Year of Living Dangerously, 31 union leaders, union & party list organizers and supporters were killed. Majority of these cases (20 cases) happened in the last four months of 2005. It started with the Luisita massacre in 2004 and subsequent killings of members and supporters of hacienda struggle. It continued with the killing of Diosdado Fortuna, in September 2005. Less than a month later, Ricardo Ramos of CATLU, De Leon of PISTON and six others were killed in less than 48 hours between October 25 & 26. This figure adds to 17 unionists and supporters killed from 2001-until March 2006 giving Mrs. Arroyo a total of 48 blood debts to the workers and semi-employed workers. This number does not include those workers who were abducted and still missing as of this writing.

Majority of these cases were carried-out by motorcycle riding men in ski masks or helmets. Initial investigations revealed that 16 or half of the cases were premeditated, i.e. victims were under surveillance by suspected AFP or PNP elements before their deaths.

Until now not a single perpetrator was apprehended in spite of strong indications that these killings, abductions and disappearances were handiwork of either police, military or

their agents. On the contrary, the perpetrators like Gen. Palparan have been promoted, thereby further strengthening the culture of impunity. The Arroyo government kept mum on the killings despite calls from various sections that she look into these cases.

#### **b. Ordinary workers were not spared**

Leaders were not the only target of these killings. Seven ordinary workers were murdered either by company guards - acting like mercenaries in what they think as protecting the capitalists' interest -- by military - allegedly because those workers were NPA couriers or gangsters.

Dante Teotino, a worker from Schneider/San Lorenzo Packaging, Kaybiga, Calookan city was shot by company guards, on order of the management, at the picketline together with six (6) other workers who sustained serious injuries on September 13, 2005. Ronald Adrada, a vendor was shot by PNCC guard last September 25 at South Luzon Expressway, allegedly simply because he violated the anti-vending policy in highways. Noel Daray, 22 years old, was shot by guard when he filed an illegal dismissal case against W.L. Foods in Valenzuela city on December 25.

Even members of rival group could be as deadly as the AFP elements and company mercenaries. Ramon Namuro, 51 years old and a PISTON member in Monumento, Caloocan city was shot dead on October 15, by Guardian member - a paramilitary group whose members are allegedly involved in gangsterism. The perpetrator is also an ADJUDOM member -- a break-away group of PISTON who want to wrest control of the jeepney terminal in the area.

### **Prospects & Conclusions**

With impending rounds of oil price hikes, the workers will be pressed again to get by with their current low wage. The situation will be more difficult for contractual workers and the unemployed who have nothing to hold onto. In the same manner, indications are rife that the killings and human rights violations will continue and even increase , as surveillances on leaders and witch-hunting intensifies.

Not even a relief from the twin problem of poverty and political repression is forthcoming. On the contrary, this condition will worsen that will make it more imperative for workers, for the trade union movement to gather their strength to bring their demands not only in the factories, but also onto the streets. It will not be easy as terror created in NCR for example by CPR and Proclamation 1017 and Oplan Bantay Laya is deep and far-reaching. However, if the broad Anti-Arroyo movement could muster enough strength to pressure Mrs. Arroyo -- immediate cause of both economic and nagging political crisis -- to resign or be ousted, this appalling situation will significantly change.

But then, it remains an uphill battle. The next few months will be very challenging, not only for the human rights or workers movement, but to the Filipino people in general. If Arroyo government will succeed in the bullet-train like process of her so-called people's initiative by July, then, we will not only see the same President until 2010, but we will

experience a president and prime minister in one person. But the worst thing that will happen, is that charter change will pave the way for complete sell-out of Philippine sovereignty and patrimony to MNCs, as 100% ownership of companies and land will be allowed as just one of the proposed provisions.

It is therefore imperative that in carrying forward the painstaking struggle for economic and social improvements and campaigns against trade union repression, political killings and human rights violations, workers consider both the economic and political causes of their predicament.

As said earlier, definitely, it won't be a walk in the park but with international support and solidarity from different sectors, the walk would be a thousand times lighter and bearable. ☺ ☺

28 April 2006

# **State Repression and the “War on Terror”**

**by Rey Claro Casambre  
Executive Director, Philippine Peace Center  
30 April 2006**

## **Introduction**

One need not look far back in time and space to view the horrific specter of rising state repression, the impunity with which the US commits atrocities, and the US hand in abetting and protecting the perpetrators of human rights and other crimes under the aegis of “war against terrorism”.

First, the US government’s refusal to turn over to Philippine authorities the US servicemen recently charged with the gang rape of a Filipina, and the Philippine government’s meek acquiescence to, if not collaboration with this assault on Philippine sovereignty clearly illustrate the overweening arrogance of the world’s sole superbully, as well as the canine obedience of its client regimes, aka “close allies”.

Second, the Philippine government is feverishly rushing to pass an anti-terrorism law as prescribed by the US, patterned after the USA PATRIOT Act, which constitutes blatant violations of basic human rights

As reported to you earlier, there has been a long string of extrajudicial killings of progressive, anti-imperialist and pro-people leaders and activists. The GMA government has not lifted a single finger to investigate these crimes, identify and punish the perpetrators. Neither has it uttered a single word to condemn these atrocities that are evidently perpetrated by military and paramilitary forces. Instead, the GMA regime has given the unmistakable and clear signal of approval by rapidly promoting the most notorious perpetrator of these killings.

Beyond doubt, the spate of killings as well as the whole gamut of repressive measures, are being undertaken in line with the US’ “war on terror”, by a regime desperately clinging onto US support to maintain its increasingly tenuous hold on power. What does the “war on terror” have to do with state repression – or state terror—here and in other parts of the world?

Let us look farther back in time and space to comprehend how this “state terror” masquerading as “war on terror”, has come about from a diabolical monster that has too long hidden behind the cloak of altruism, democracy, peace and progress.



## US Imperialism and War

“Imperialism means war.” Since it began to dominate the world at the turn of the 20<sup>th</sup> century, imperialism has caused the bloodiest and most vicious and destructive wars. The two world wars and the Cold War – which is really a series of hot local wars – were all inter-imperialist wars. In between were the numerous wars of aggression and military intervention by imperialist powers on sovereign nations and peoples, and the fascist violence inflicted on peoples by despotic regimes with the encouragement, if not instigation of their imperialist masters. Indeed, the magnitude, number and gravity of crimes committed by imperialism against humanity is unsurpassed by any other violent force in history.

But of all the imperialist powers, it is US imperialism which by far has the bloodiest record of aggression, intervention and plunder throughout the world, and has committed the most atrocious crimes against the world’s peoples.

More than 700,000 Filipinos, or a tenth of its population then, were killed in the Fil-American War of 1899-1902. This number could rise to 1.4 million counting the pacification campaign which followed and lasted until 1916. The US likewise launched bloody wars of aggression against Panama, Honduras, Guatemala and Nicaragua to expand its colonial possessions and its sphere of influence in the first half of the 20<sup>th</sup> century.

More than a quarter million Japanese were killed and two industrial cities were levelled to the ground within seconds when the US dropped atomic bombs on Hiroshima and Nagasaki in August 1945. Rather than put an end to the world war and usher in an era of peace, these bombings were a dark omen of the arrogance, ruthlessness and bestiality with which US imperialism would pursue its interest in the decades to come.

During the Cold War, the US was responsible for killing of at least 12 million people through wars of aggression and through massacres conducted by its client regimes. This includes 4.6 million Koreans in the Korean War of 1950-53; 6 to 7 million in the war of aggression against Vietnam and the rest of Indochina up to 1975; more than one million in the US-instigated anti-communist campaign in Indonesia in 1965 and one or two more million people in the Middle East, Latin America and elsewhere.

After the US-backed Shah of Iran was overthrown in 1979, the US prodded Iraq to invade Iran. When Soviet forces occupied Afghanistan in the 80s, the US funded, trained and armed Islamic fundamental groups in Afghanistan to resist Soviet occupation and fight the Soviet-supported regime.

To firm up its hold in oil-rich Middle East, the US fully encourages and backs up the fascist Zionist Israel in persecuting and oppressing the Palestinian people and waging war on the Arab states not aligned with US interests.

Millions of people in Latin America, Africa and Asia suffered from fascist state terror by US-supported client regimes, such as Chiang Kaishek in Taiwan, Ngo Dinh Diem and successive regimes up to Van Thieu in Vietnam, Suharto in Indonesia, Marcos in the Philippines, Videla in Argentina, Pinochet in Chile, Fujimori in Peru, and Mobutu in the Congo.

During the Cold War, the US had a direct hand in the successful overthrow of the government in the following: Iran (1953), Guatemala (1954), British Guiana (1953-64), Iraq (1963), Cambodia (1955-70), Laos (1958, 1959, 1960), Ecuador (1960-63), Congo (1960), Brazil (1962-64), Dominican Republic (1963), Bolivia (1964), Indonesia (1965), Ghana (1966), Chile (1964-73), Greece (1967), Bolivia (1971), Jamaica (1976-80), Chad (1981-82), Grenada (1983), Fiji (1987), Nicaragua (1981-90), Philippines (1986), Panama (1989), Bulgaria (1990), Albania (1991), Afghanistan (1980s), Yugoslavia (1999-2000), Ecuador (2000), Afghanistan (2001), Iraq (2003), and Haiti (2004).

On the other hand, attempts (many of them repeated as in China, Cuba and Libya) were) to overthrow the government failed in the following countries: China (1949, 1950s), Albania (1949-53), East Germany (1950s), Costa Rica (mid-1950s), Syria (1956-7), Egypt 1957, Indonesia (1957-8), Cuba (1959 to present) North Vietnam (1945-73), Costa Rica (1970-71), Angola (1975, 1980s), Zaire (1975), Seychelles (1979-81), South Yemen (1982-84), Surinam (1982-84), Libya (1980s), Iraq (1991), Somalia (1993), Venezuela (2002)

It is interesting to look into one of these botched attempts to overthrow an "undesirable" regime. We recall the Bay of Pigs incident in 1961, when CIA-led, CIA-trained and CIA-financed Cuban emigres invaded Cuba but were defeated by Castro's forces. There was another plan.

"Operation Northwoods" was a military plan submitted in March 1962 to then Pres. Kennedy by no less than the US Chairman of the Joint Chiefs of Staff with the objective of stirring up anti-Castro and anti-Cuba war hysteria in the US in order to justify a US invasion and occupation of Cuba, and of course the overthrow of Fidel Castro (the euphemism "regime change" has not yet been coined yet).

The plan listed the following possible means of creating this anti-Cuba outrage:

"3. A "Remember the Maine" incident could be arranged in several forms: a. We could blow up a U.S. ship in Guantanamo Bay and blame Cuba." (Operation Northwoods, p. 8)

"5. Blow up ammunition inside [Guantanamo] base; start fires;

"6. Burn aircraft on air base (sabotage);

"7. Lob mortar shells from outside of base onto base. Some damage to installations." (Operation Northwoods, p.8)

"It is possible to create an incident which will demonstrate convincingly that a Cuban aircraft has attacked and shot down a chartered civil airliner en route from the United States to Jamaica, Guatemala, Panama or Venezuela. The destination would be chosen only to cause the flight plan route to cross Cuba. The passengers could be a group of students off on a holiday or any grouping of persons with a common interest to support chartering a non-scheduled flight." (p. 10)

"Remember the Maine" was the battlecry crafted by the Pentagon for "Operation Northwood". The Maine, we recall, is the US battleship that was sank off Havana in 189\_ on the eve of the Spanish-American War. The US quickly blamed the Spanish colonialists for torpedoing the Maine and sinking it, and used this as a pretext to declare war on Spain, invade and occupy Cuba and the Philippines, its very first colonies as an imperialist power.

"Remember the Maine" was a variation of "Remember the Alamo", the battlecry of American troops in their war of invasion and annexation of Texas, which was at the time still part of Mexico. The "Alamo" and the "Maine" are thus both symbols of US colonialism and expansionism. The Alamo involved the death of American legends Davy Crockett and Jim Bowie in the hands of Mexican troops and was the rallying cry of US forces that eventually defeated the Mexicans and won Texas for the US. The Maine explosion, though, was deliberately misrepresented as sabotage to justify the war against Spain and the seizure of its colonies in the Americas and Asia.

Sounds familiar? A century after the sinking of the Maine, and 40 years after "Northwood", we have the infamous 9-11 bombings which once again gave the US imperialists the pretext for undertaking aggressive and interventionist military actions in order to expand and consolidate US global hegemony. The "War on Terror" could easily have "Remember the Twin Towers" as a battlecry.

The US had become even more arrogant and brutal after it emerged as the sole superpower with the disintegration of the Soviet Union and the collapse of the East European regimes in the early 1990s. Contrary to the bourgeois drumbeaters' claims that the "triumph of capitalism and democracy over communism" would usher in an era of peace, prosperity and progress, imperialist "globalization" further intensified the crisis of the world capitalist system, burdened the world's peoples with more intolerable oppression and exploitation.

The end of the Cold War had been preceded by the shift of the world capitalist system from Keynesianism to neoliberalism in the light of the worsening crisis of overproduction worldwide. Neoliberalism was resorted to by the imperialist powers to destroy all national barriers to the flow of imperialist trade and investments, remove government subsidies, antitrust laws, and social regulations that protect labor, women, children, the aged and the environment, and make available public assets and funds for private profitmaking and appropriation.

### **The "War on Terror" and State Terror**

It was in this context that US imperialism moved to further expand and consolidate global hegemony through wars of aggression and intervention. The US launched successive wars of aggression against Iraq and Yugoslavia in the 1990s, flaunting the UN Charter and in the process securing a hold on strategic resources in Europe and the Middle East. Nine years before 9-11, the neoconservatives in the US had begun working on a blueprint for "maintaining U.S. preeminence, precluding the rise of a great power rival, and shaping the international security order in line with American principles and interests" The 1992 *Defense Policy Guidelines* by then Defense Secretary Richard Cheney was followed by the formation of the "Project New American Century" (PNAC). A year before 9-11, PNAC issued the document *Rebuilding America's Defenses: Strategy, Forces and Resources for a New Century*, which detailed the strategic and tactical requirements for achieving unrivalled US global power and expanding and consolidating global hegemony. As we are witnessing now, this grandiose plan involves the blatant disregard for national sovereignty and international law and wanton violations of human rights.

The 9-11 bombings became an all-too convenient excuse for implementing this diabolical plan under the pretext of waging a "war against global terrorism". Afghanistan and Iraq were invaded and occupied in clear violation of the UN Charter and accepted norms of the conduct of war, and justified by a complex web of lies and fabrications by the US

government and its "coalition of the willing". Aside from killing and injuring hundreds of thousands of innocent civilians callously tagged as necessary "collateral damage", the US has destroyed civilian structures such as power plants, dams, hospitals, nurseries, schools, factories, office buildings, churches, mass media facilities and even historical sites and relics of value to all mankind.

It is ironic that the US invaded Iraq purportedly to seek and destroy weapons of mass destruction allegedly possessed by the Saddam regime; yet, the US has the largest and most lethal stockpile of nuclear weapons with more than 10,600 nuclear warheads, 3,000 of which are ready to deploy. Moreover, the US has threatened to target "dedicated proliferators" which directly threaten US interests—not an empty threat from the only power that has dropped an atomic bomb on an entire city population. Besides, the US is engaged in developing small weapons delivery devices for biological and chemical weapons as well as biodefense research activities. In 2001, it unilaterally rejected the Biological Weapons and Toxins Convention treaty, arguing that inspections of facilities would compromise US national security.

The US is the World Merchant of Death – WMD -- itself. It amassed immense profits from selling armaments to both sides before joining the Allies in the two world wars. Its exports of weapons is bigger than the export of all other countries combined. In 2001, it exported war materiel to more than 170 countries and earned USD 13.1B, supposedly in line with the "war on terror".

Since the US declaration of Southeast Asia as the "second front", the US has maintained a continuous presence of up to 5000 combat troops deployed in Luzon, Visayas and Mindanao in the Philippines. Under the pretext of counter-terrorist joint military exercises, humanitarian operations such as civic-military actions, disaster and rescue operations, the US thereby maintains "rotational" forward positioning and deployment and paves the way for more active US participation in combat against the New People's Army and the Bangsamoro armies. It also paves the way to setting up a of permanent US military bases in southern Philippines in order to gain a stronghold at the center of Southeast Asia and control the oil and other natural resources as well as the routes of international commerce in the region. Brunei, Malaysia and Indonesia are major oil producers while rich oil reserves are also known to exist in Mindanao and Palawan in the Philippines.

The "war on terror" is also being used by US imperialism to shore up and revive its floundering economy through war production and the diversion of public funds to the military industrial complex, and to whip the US populace into submission by instilling fear and paranoia against the everpresent threat of "imminent terrorist attacks".

The US continues to tighten the screws oppressing its own people within its own borders, especially the new arrivals from Asia, Africa and Latin America and those who belong to the Islamic faith. Aside from the the fascistic USA PATRIOT Act, the US is moving to expel millions of undocumented immigrants under the guise of antiterrorism. Further, the US is pushing other countries to adopt anti-terrorist laws patterned after the USA PATRIOT Act, as well as other legislation to suppress anti-imperialist actions and formations.

Thus, the GMA regime has been pushing Congress to pass an anti-terrorist law and such measures as a national ID system. Furthermore, it is rushing to change the Philippine Constitution to remove provisions that uphold and protect basic human rights, protect the national patrimony and sovereignty from foreign interests. It has also invoked the "war on terror" to suppress mass democratic protests and actions. The summary killings and other

forms of coercion and harassment are intended to silence and neutralize opposition to the regime's policies and rule.

The US is pushing its client regimes all over the world such as the GMA regime to harass, arrest, abduct, detain and even assassinate progressive and anti-imperialist leaders and activists. No wonder the GMA government has not uttered a single word to condemn, much less lifted a single finger to identify, prosecute and punish the perpetrators of the dastardly crimes earlier reported to you by Karapatan. Instead, it has given the unmistakable sign of approval by rapidly promoting the the most notorious army officer widely suspected of carrying out these killings.

Globally, it is now not only the CIA but also the US Special Operations Forces that have been given the mission to "undertake operations which the State Department cannot acknowledge or own" such as the abduction and assassination of anti-imperialist leaders in various countries road.

In anticipation of its own numerous and widespread atrocities and crimes against humanity in expanding and consolidating its global hegemony, the US has refused to ratify the Rome Statute creating the International Criminal Court and has sought the exemption of its troops and personnel from prosecution for human rights violations, war crimes and crimes against humanity. The US has further entered into bilateral agreements with countries recognizing the ICC, using economic and political pressure and threats to secure said exemptions from these countries.

### **Peoples' Resistance**

One would think that with its seeming invincibility and overwhelming superiority, US imperialism is unstoppable and will surely have its way at least for the coming decades, if not the entire 21<sup>st</sup> century, as the US neoconservatives envision.

But going into the first six years of the century, the US plan for Pax Americana is already floundering in the reefs. This is best illustrated in the US quandary in Iraq where nearly two hundred thousand of its troops are tied down, its financial and human costs continuing to rise, and no solution in sight on how to "pacify" the Iraqis. Clearly, superior hi-tech weaponry will not suffice to defeat the Iraqi patriotic resistance.

In the US, public support for the Iraqi occupation and other military intervention is constantly waning with the piling up of US body bags and the unmasking of the lies and deception the Bush government fabricated to drum up approval and support for the invasion and occupation.

The US imperialists find themselves in contradiction, with the Pentagon calling for more funds for more troops to win the wars, while the military-industrial complex want more profits by pushing for newer and more expensive weapons systems programs. With the US economy still in the doldrums and increased military funding getting more difficult to justify, the Pentagon is being forced to accept and plan for troop cutbacks in Iraq and possibly in other theaters.

The US has also had to face a diminishing number of countries in the "coalition of the willing" as more and more cash-strapped governments are hard pressed to justify spending scant funds for maintaining troops in Iraq to keep up a war from which ultimately only the US stands to gain.

The world's imperialist powers collude with each other to exploit and oppress the world's peoples. But their conflicting interests is heightened and exacerbated by the worsening crisis of the world capitalist system and the overweening arrogance and bullying of the US in flaunting its superiority and asserting its supremacy. When Bush says that the US reserves the right to use "preemptive strikes", "regime change" and even nuclear weapons if necessary, to prevent any power from even coming close to being a peer rival or challenging US world supremacy, Germany, Japan, France and the UK understand clearly that he is referring not only to Iran, Syria, North Korea, Cuba, Russia and China, but to themselves as well.

Countries asserting national sovereignty and independence such as the Democratic People's Republic of Korea, Cuba and Venezuela have also openly defied, opposed and condemned the US-led "war on terror" and called on the world's peoples to struggle against US imperialism and not be intimidated by it.

Aside from the armed resistance movements in Iraq and Afghanistan, there are armed revolutionary movements in Nepal, India, Philippines, Turkey and elsewhere that weaken US imperialism by directly challenging the client states of the US and challenging the client states of US imperialism. Thus, in what might have been a slip of the tongue, US State Secretary Colin Powell told Nepalese King Gyandera and Prime Minister Sher Bahadur Deuba in Kathmandu in January 18, 2002:

*"You have a Maoist insurgency that's trying to overthrow the government, and this really is the kind of thing that we are fighting against throughout the world."*

The world's people have by and large remained vigilant, resolute and militant in opposing the US imperialist war on terror. Tens of millions marched in a coordinated manner, displaying unprecedented unity and solidarity, against the impending US invasion of Iraq on 15 February 2003. Opposition to the "war on terror" and to state repression and state terrorism has been mounting ever since.

As US imperialism and its client states become more exposed, more desperate and frustrated, the more they resort to violence and coercion rather than deception and cooptation. But the more they resort to violence, the more the people are united and pushed to resist and fight back in more effective ways.

This forum is one example of this unity and solidarity among the world's peoples in fighting imperialist plunder and war, which has now taken the form of increased state terror and repression masquerading as "war on terror". There are more taking place everywhere and everytime. Slowly but steadily, these become part of the giant wave that will sweep imperialism and all reaction away. The world's peoples, united, will one day defeat imperialism and all reaction!



## **Southern Mindanao Region**

**May 2-5, 2006**

**Compostela, Compostela Valley  
Philippines**

# **FACT FINDING REPORT**

**Prepared by:**

**ILSM-SMR Local Secretariat Documentation Team**

**May 5, 2006**

*(revised May 30, 2006)*

**c/o Nonoy Librado Development Foundation, Inc.**

**22b Aala Building, Anda Street**

**Davao City 8000**

**PHILIPPINES**

**nldfi@yahoo.com**

**telefax: 63 82 305 4962**

**International Labor Solidarity Mission - Philippines  
Southern Mindanao Region  
Compostela, Compostela Valley Province  
May 2 to 4, 2006  
Fact Finding Report**

**I. Objectives:**

1. To investigate the reported harassment and intimidation of union members and officers by the military in Compostela, Compostela Valley Province
2. To gather details of specific incidents for submission to national and international human rights bodies.
3. To identify the relationship and patterns between the military operations conducted on the banana plantations, the activities of the unions and workers, and company.
4. To bring to the attention of the international community the increasing human rights violations taking place under the Macapagal-Arroyo administration.
5. To show solidarity and support to targeted workers and unions.

**II. Place/ Date and Unions for FFM**

1. Purok 5, Barangay Osmeña on May 3, 2006-Nagkahiusang Mamumuo sa Osmiguel (NAMAOS)
2. Purok 4, Barangay Siocon, on May 4, 2006-Nagkahiusang Mamumuo sa Suyapa Farm (NAMASUFA)
3. Purok-6, Barangay San Jose, on May 4, 2006-Nagkahiusang Mamumuo sa San Jose (NAMASAN)

**III. Methodology Used by FFM:**

After an orientation and courtesy call to the Mayor of Davao City, the ILSM-Southern Mindanao delegation proceeded to Compostela, Compostela Valley where the office of Nagkahiusang Mamumuo sa Osmiguel (NAMAOS) served as the delegation's base.

Courtesy calls were made to the Mayor of Compostela and Captain of Barangay Osmeña before formal data gathering began. An ocular tour of one of the plantation's packing plants (PP98) and field area was also conducted so as to orient the delegation to the production process and physical surroundings.

The ILSM in Compostela Valley Province in Southern Mindanao Region relied principally on interviews with individual victims and group interviews with officers of target unions for data gathering. After one individual interview that took place near the site of the actual human rights violation (Purok-5, Barangay Osmeña), the group conducted a reenactment of the incident, combined with an ocular inspection of the site.



Other formal sharings between workers and the delegation were organized regarding the workers' experiences and situation. An unplanned visit was also paid to the headquarters of Fresh Banana Agricultural Corporation (FBAC) at the request of management.

The interviews, ocular inspection, and re-enactment were documented (through writing, audio and video recording) by the Documentation Committee of the ILSM-SMR secretariat, consisting of staff from KARAPATAN-Southern Mindanao Region and regional staff of the Center for Trade Union Human Rights (CTUHR). The interviews were then transcribed and organized into Fact Sheets.

A final session was conducted with the national and international delegates and a handful of local delegates upon return to Davao to analyze the data and findings.

#### **IV. Participants:**

A total of thirty-three (34) individuals participated in the ILSM-Southern Mindanao Region, representing unions and labor advocacy organizations, church people, NGOs, people's organizations, and media professionals. There were four (4) delegates from other countries, three (3) from Manila-based organizations, and twenty-five (25) from the local organizations.

The following individuals (with corresponding organizations) participated in the ILSM-Southern Mindanao:

##### **International Delegates:**

1. Kelti Cameron – Immigrant Workers Center (Canada)
2. Rev. Jang Changweon – APWSL (Korea)
3. Han-Wei Liao – Lai-Shaya's Community Theatre (Taiwan)
4. Holly Patterson – LHMU (Australia)

##### **National Delegates:**

5. Noel Colina – Institute for Occupational Health and Safety Development
6. Bona Dea Mendoza – Asian NGO Center
7. Lito Ustarez – Kilusang Mayo Uno National Office

##### **Local Delegates:**

###### *Church Organizations*

8. Priel E. Booc – SMDC-UCCP
9. Jerald Dabalos – UCCP
10. Rev. Ryan Magpayo – UCCP/Church Labor Solidarity Network
11. Vicente Ortiz – UCCP

###### *Institutions*

12. Lorraine Grace Gallegos – Mindanao Interfaith Peoples Conference (MIPC)
13. Rogelia Lisondra – Nonoy Librado Development Foundation (NLDF)
14. Malou Tiangco- Nonoy Librado Development Foundation
15. Jessica Tulloch – Nonoy Librado Development Foundation/Center for Trade Union & Human Rights
16. Tyrone Velez – Initiatives for Peace in Mindanao (InPeace)

###### *Human Rights Workers*

17. Erline Balinton – KARAPATAN – Southern Mindanao
18. Kelly M. Delgado – KARAPATAN – Southern Mindanao

###### *Labor Organizations*

19. Omar Bantayan – Kilusang Mayo Uno – Southern Mindanao Region

- 20. Nelson Bautista – Kilusang Mayo Uno – Southern Mindanao Region
- 21. Arman Blase – Nagkahiusamg Mamumuo sa Osmiguel
- 22. Roweno Caballes – Kilusang Mayo Uno – Southern Mindanao Region
- 23. Mayong Castillo – Kilusang Mayo Uno – Southern Mindanao Region
- 24. Danny Jacinto - Nagkahiusang Mamumuo sa Osmiguel
- 25. Ricardo Lee – Kilusang Mayo Uno – Southern Mindanao Region

*Peoples Organizations & Partylists*

- 26. Editha Duterte – Anakpawis Partylist
- 27. Jamail Lunar Macla – KARATULA
- 28. Alejandro Maldo – Samahan ng mga Ex- Detainees Laban sa Detention at Amnestiya
- 29. Guillermo Vallez

*Media*

- 30. Carlos Conde – New York Times
- 31. Cheryll Fiel – davaotoday.com
- 32. Marieta Hernani – Bidlisiw sa Katawhan/DXDC
- 33. Barry Ohaylan - davaotoday.com
- 34. Rolando Pinsoy – Philippine Daily Inquirer

## **V. Sources of Data**

Principal sources of data included the interviews conducted during the ILSM Fact Finding Mission with individual victims and the unions that are targets of military harassment. Fact sheets compiled from previous fact-finding missions investigating the harassment of workers in Compostela were an additional source of information, as well as conversations with the mayor of Compostela, Captain of Barangay Osmeña, and the management of Fresh Banana Agricultural Corporation (FBAC). Important information was also collected during an ocular inspection tour of Packing Plant 98 and the field area of the plantation. The data collection focused primarily on the military operations of the 36<sup>th</sup> IB-Philippine Army conducted from November to December 2004 and the 28<sup>th</sup> IB-Philippine Army conducted from March to November 2005.

## **VI. Summary of Findings:**

1. ***The Armed Forces of the Philippines is engaging in a disinformation and harassment campaign regarding the rights of workers.*** The military used psychological warfare, fabrication of stories, slander, and deceitful statements about NAMAOS, KMU, and genuine trade unionism during individual interrogations and community and packing plant meetings to malign the unions and discourage workers' participation through intimidation.

NAMAOS was the principal target of the operation of the 36<sup>th</sup> IB in 2004, calling individual interviews with union officers and members, while the main line of questioning regarded the union and its conduct. M/Sgt. Iscarten made the repeated accusation that NAMAOS' union dues are being used to support the NPA. During the course of interrogations, he also accused union leaders and members of being members of the NPA on the basis of their ability to reason, wearing of International Labor Day t-shirts, and other unfounded claims.

Workers that were interrogated were told that participating in rallies and asserting for higher wages are the activities of communists. Other highlighted incidents include

the instance in which Aldermen Tambalo, a NAMAOS member, was told that he has no right to ask for a higher wage because he has only completed the fourth grade. Posters were also posted around the perimeter of the NAMAOS office depicting a horned individual waving the banner of KMU and listing NAMAOS and other people's organizations as communist fronts.

During the 2004 operation of the 36<sup>th</sup> IB, community assemblies were conducted by the military in the puroks of Barangay Osmeña. Those residents who attended were told not to get involved in NAMAOS and progressive groups such as Anakpawis Partylist, and Bayan Muna PartyList. The military used the Health Center and barangay hall as their investigation area in Barangay Osmeña.

During the operation of the 28<sup>th</sup> IB in 2005, assemblies were called by packing plant during working hours. The 28<sup>th</sup> IB conducted meetings inside three packing plants (Packing Plants 95, 90, & 92) where union organizing drives led by NAMAOS—under the genuine, militant, and progressive Kilusang Mayo Uno—are ongoing. Workers were told by the military that:

- KMU is satanic, that its members are demons and rebels;
- that if they push forward with organizing their union, the company will close;
- that their children and spouses will be unable to find work because no one will hire the relative of a unionist;
- that it's okay to join a union such as those under ALU or NFL, just not KMU, which the military claimed is an "illegal" union;
- that members of the NPA have infiltrated the packing plants; and
- that the officials of their unions should gradually surrender themselves to the military.

The presence of the military with full battle gear intimidated and frightened the workers while FBAC management looked on.

The military used various fear and intimidation tactics to discourage workers' from asserting their democratic rights—such as the removal and burning of NAMASAN's streamers by the military during work hours in the presence of workers on August 19, 2005, and the presence of many soldiers during NAMASAN's picket. Workers of Packing Plant 90 were also told by Lt. Leonar of the 28<sup>th</sup> IB that the hanging of streamers is a violation of Republic Act 3000. Later investigation by the workers revealed that no such law exists.

2. ***The military is being used/employed at strategic points during organizing campaigns of the union and workers, coinciding with the expansion of NAMAOS' influence.*** In the barangays of Osmeña, San Jose, Siocon, and New Alegria, Municipality of Compostela, the elements of the 36<sup>th</sup> IB under the command of M/Sgt. Alexander Iscarten and 28<sup>th</sup> Infantry Battalion 1<sup>st</sup> Lt. Danny Palacio, Sgt. Abubakar, and 2<sup>nd</sup> Lt. Leonar, become the capitalist's direct tool to frighten and intimidate the workers from organizing genuine unions and conducting strikes and other collective actions.

While NAMAOS was the principal target of the 36<sup>th</sup> IB military operation in 2004, the 2005 operation of the 28<sup>th</sup> IB targeted those packing plants and plantations where NAMAOS is currently assisting with the organization of new unions. The military operation of the 28<sup>th</sup> IB was conducted at strategic and crucial times in the organizing campaigns. Only workers of those packing plants where organizing efforts are ongoing were subjected to meetings called by the military.

The content of the 28<sup>th</sup> IB's meetings with the workers also related directly to the particular struggle of the workers at a given plant, as was the case during the August 21, 2005 meeting at PP95. The military commented directly on the particular struggle of the union whose members had decided at the time to withdraw their capital share from the cooperative that FBAC—the company—claimed to be the workers' employer. The workers were told by the military that they should support the cooperative and not move forward with the union. The FBAC management had called a meeting with the workers regarding the withdrawal of their capital share in the cooperative a day and a half before the military met with the workers.

After the registration of NAMASUFA on August 15, 2005, the president of the union was accused in early September of being an organizer for the NPA by 2<sup>nd</sup> Lt. Leonar of the 28<sup>th</sup> IB.

3. ***Union busting is assisted by the military with the endorsement and assent of the Local Government Units.*** Workers' testimonies and the courtesy calls with barangay Osmeña captain revealed that not only was the barangay hall used as a military camp and interrogation center, but that invitations to the union officials calling them to the barangay hall came from and were signed by Barangay Captain Rogelio Econar, inviting them to meet a newly assigned military officer. Upon arrival at the barangay hall, it was the military (36<sup>th</sup> IB) that faced them and Capt. Econar was nowhere to be found.

Formal complaints were issued to the municipal government during the operation of the 36<sup>th</sup> IB regarding harassment and human rights violations. The municipal government called a meeting with the military, after which they told the workers and residents that they could not do anything with regard to the military because the military's orders came from a high office. Yet, the captain of barangay San Miguel has been repeatedly successful in preventing the military from posting in his barangay on the grounds that the residents will not agree to it.

The president of NAMASUFA shared that during the operation of the 28<sup>th</sup> IB, the Captain of Brgy. Siocon and the 1<sup>st</sup> Councilor were present while Lt. Leonar told Vicente Barrios (President of NAMASUFA) that the law indicates that hanging of streamers is prohibited unless a fee is paid through the barangay. The local government officials concurred with the statements of Lt. Leonar. This meeting took place at the house of 1<sup>st</sup> Councilor Perasol.

The Captain of Barangay New Alegria, where Packing Plant 92 is located, called workers to a meeting in February before the registration of their union to tell them that he did not want them to form a union because the union they had approached for help was led by rebels and they would be left helpless.

4. ***Unorganized workers receive very low wages, while some workers are not being paid, especially those who are on a contract basis. Different plants have varying wage levels for the same work. Working conditions are terrible. Workers are exposed to hazardous chemicals without any protection, and they work long hours of (14-16 hours/day).***

Poor working conditions, low wages, contractualization, and affronts to dignity on the job continue to push workers to organize. Having seen the concrete benefits of a properly guided union, they continue to approach NAMAOS for assistance.

5. ***The current production scheme on the plantations ("Freight on Board"/ Growership) creates a complicated web of accountability among the growers, workers, and company which hinders workers from forming unions and strategically weakens their bargaining position by obscuring the employer-employee relationship.***

In the visit with the FBAC management, the company made the claim that the growers are the employer of the workers and that FBAC remains merely a buyer of bananas and a technical support company. FBAC, they said, has nothing to do with union issues and grievances of the workers. Yet interviews with workers and growers, and an ocular visit to the plant and area revealed that FBAC controls production: employees wear aprons provided by FBAC with the FBAC name written on them; FBAC sets the price of farm inputs purchased by the growers, the buying price of bananas, oversees quality control, and markets the product.

In Packing Plant 95, the issue of employer-employee relationship was the cause of a 2-day strike launched by the union in September 2005. NAMASAN, the union, found that in the process of petitioning for a Certification Election, the Department of Labor and Employment questioned their employer-employee relationship. Union members were locked out of the packing plant after they withdrew their capital share from PAFAMUPCO (a company-organized cooperative that FBAC claims is the workers' employer) in an effort to clarify the employer-employee relationship. At the same time, FBAC began having its bananas packed at two smaller, uncertified packing plants by contractual workers. The strike ended after FBAC management negotiated with NAMASAN for a return to work. NAMASAN has yet to be certified through election.

The unclear employer-employee relationship with regard to the role of company-mandated cooperatives has made it difficult for workers to certify their unions as the collective bargaining agent through an election. It has also enabled the company to relieve itself of any responsibility to its workers.

6. ***Philippine labor laws and the International Labor Organization conventions and standards on the right to organize and form unions and the right to collective bargaining are being violated.*** Among them, violations of Article 2 and Article 11 of Freedom of Association and Protection of the Right to Organize Convention (No. 87) protecting the right of workers to establish and join organizations of their own choosing, and mandating that governments take all necessary steps to ensure the right to freely organize.

In addition, Articles 11, 16, and 21 of Convention 155 regarding Occupational Safety and Health (1981) are being violated along with provisions of the Labor Code of the Philippines regarding the minimum wage.

7. ***Articles 2 and 11 of Part III of the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law between the Government of the Republic of the Philippines and the National Democratic Front is being breached.***

Article 2 pertains to the right to gainful employment, humane working and living conditions, livelihood and job security, to work and equal pay, to form unions, to

strike and participate in the policy and decision-making processes affecting rights and interests... Article 11 pertains to respect of the basic rights guaranteed by the International Labor Convention on Freedom of Association and Protection of the Right to Organize and the standards set by the International Labor Organization (ILO).

8. ***Geneva Conventions and Protocols are being breached.*** The mission found 11 Cases of human rights violations with 670 individuals, 50 Families and 4 communities in Compostela, Compostela Valley Province were the victims of human rights abuses by the state actors of the Armed Forces of the Philippines. To wit, **threat/harassment/ intimidation, Illegal Arrest, Use of Public Places for Military Purposes and Endangerment of the Civilians, Destruction of Properties and Restriction, Denial, Prohibition of the Right to Form Union and the Right to Strike.** These were perpetrated by the elements of the 36<sup>th</sup> Infantry Battalion under the command of M/Sgt. Alexander Iscarten, and the 28<sup>th</sup> Infantry Battalion under 1 Lt. Danny Palacio of the Philippine Army (AFP), 2<sup>nd</sup> Lt. Leonar, and Sgt. Abubakar.

## **VI. Conclusions**

1. **There is a systematic effort to discredit and bust genuine and militant unions to prevent their spread and influence.** This effort relies on a sophisticated design of collusion between the capitalist and military, with the assent of the civilian authority (local government units and the national government). This collusion exists in conjunction with the plantations' production scheme which allows the capitalist to avoid direct accountability to the workers while pitting workers against small farmers or their own selves in an employer-employer relationship.
2. **The Philippine government and its respective agencies (Department of Labor and Employment and the Armed Forces of the Philippines) are not upholding and respecting human rights conventions and agreements.**
3. **Contractualization and flexibilization of labor are actively pursued as the capitalists' strategy to drive down wages and prevent organizing/bust unions.** Specifically, the Freight On Board (F.O.B.)/Growership system is part of the flexible labor scheme being employed around the world under the policies of neo-liberal globalization. It promotes the violation of workers' fundamental rights to organize and bargain collectively by blurring the employer-employee relationship while enabling the capitalist to maintain control of the production process. The outsourcing of packing operations during labor disputes to small, uncertified packing plants as well as contractualization of the workforce are other manifestation of labor flexibilization found on the plantations.
4. **Labor exploitation is rampant on the plantations and tolerated and/or facilitated by the government and its respective agencies.**

## **VII. Recommendations:**

***General Recommendations of the International Labor Solidarity Mission - Southern Mindanao delegation are as follows:***

1. Further investigate and research the relationship between growers and workers and possible degrees of cooperation to collectively confront the capitalist.
2. Revise/remove laws (eg Assumption of Jurisdiction) which allow the intervention of the armed forces in labor issues.
3. Form and strengthen a global network of labor to ensure the implementation of national and international laws and agreements, and protect workers' rights.
4. File a case in the appropriate international agencies such as the International Labor Organization and United Nations Commission on Human Rights.

***The specific recommendations of the International Labor Solidarity Mindanao Mission – Southern Mindanao delegation are as follows:***

1. Demilitarize Compostela Valley Province. Pull out 28<sup>th</sup> Infantry Battalion Philippine Army in the province.
2. The local Government Unit and all responsible government agencies, such as the Commission on Human Rights (CHR), must conduct a thorough, independent, impartial and transparent investigation on the human rights violations perpetrated by the elements of the AFP.
3. The Government of the Republic of the Philippines (GRP), as party to Comprehensive Agreement for the Respect of Human Rights and International Humanitarian Law (CARHRIHL) and International Humanitarian Law (IHL) such as the Geneva Conventions, must review and undertake the full implementation of such and change its policies which cause the emergence and increase of human rights violations and endanger civilians.
4. The military should undergo training on workers/union and human rights and the various international conventions protecting and guaranteeing these rights.
5. The Department of Labor and Employment should conduct an impartial investigation into labor flexibilization and the plantation production schemes as it pertains to the fundamental right to organize and bargain collectively. ##

**FACT-FINDING REPORT  
ON EXTRA-JUDICIAL KILLINGS  
AND OTHER HUMAN RIGHTS VIOLATIONS  
IN NEGROS OCCIDENTAL REGION  
May 2-5, 2006**

**I. PARTICIPANTS**

- Johnna Mortenson (Denmark)
- Kris Guens (Belgium)
- Sid de Guzman (Canada)
- Mark Muller (New Zealand)
- Paul Quintos (Ecumenical Institute for Labor Education and Research)
- Flon Faurillo (Mayday Productions)
- National Federation of Sugar Workers (NFSW)
- Sugar Workers Solidarity Network
- Kilusang Mayo Uno-Negros
- Bayan
- Bayan Muna
- Karapatan
- Association of Classroom Teachers Bacolod - Alliance of Concerned Teachers
- Negros Island Health Integrated Program
- Young Christian Workers

**II. OBJECTIVES**

- To raise awareness about the spate of extra-judicial killings and political repression of NFSW organizers, members and other activists and members of progressive organizations
- Investigate specifically the extra-judicial killing of Edwin Bargamento, Mario Fernandez and Manuel Batolina the abduction of Perseus Geagoni, and the continuing harassment experienced by organizers of the National Federation of Sugar Workers.
- Integrate with sugar workers and their organizations
- Express solidarity with the victims of political killings and repression in Negros Occidental
- Help pressure the government to stop the killings

**III. PLACE AND DATE OF Fact-finding Mission (FFM)**

May 2, 2006

- Orientation
- Courtesy call to the Governor
- courtesy call to CHR sub-office in Bacolod

May 3, 2006

- Visit the place of incident and interview family of Manuel Batolina in Hda Begonia, Manapla



- Visit the place of incident and interview family of Edwin Bargamento in Hda Emma, Manapla
- Interview with retrenched workers Victorias Milling Corporation

May 4, 2006

- Visit the place of incident/Interview family of Mario Fernandez in Silay
- Visit and interview family of Geagoni in Talisay
- Visit and interview Free Perseus Geagoni Movement
- Radio Interview

May 5, 2006

- Data Collation
- Evaluation of the mission
- Press Conference

#### **IV. METHODOLOGY USED BY FFM**

- interviews with family, friends, neighbors and co-workers, witnesses
- interviews with officers of the NFSW
- re-enactment
- ocular visit to crime scenes
- dialogue with concerned government agencies
- review of factsheets, investigative reports, and other legal documents pertaining to the cases
- photo-video documentation
- maximize the media to project the issue of HRVs in Negros Occidental and the Philippines (press release, press con, radio & TV interviews)

#### **V. RESULTS OF THE FACT-FINDING**

The delegates were briefed on the first day (May 2, 2006) regarding the socio-political and economic conditions in Negros island including the human rights situation in the region. This was followed by a courtesy call to Negros Occidental Governor Joseph Marañon. The Governor welcomed the group which was also joined by families of the missing NFSW organizer Perseus Geagoni. Discussion includes presentation on the objectives of the ILSM and its program of activities. Gov. Maranon indicated his willingness to help facilitate the group on their needs and presented that his office is doing all it can to provide resolution on the cases of political killings.

At around 3 pm, the ILSM team proceeded to the sub-office of the Commission of Human Rights (CHR). The team took discussion with CHR Negros Officer-In-Charge Rome Baldevarona and other CHR investigators. CHR presented that they had already come up with special reports on the killings of NFSW organizers as a response to the memorandum of the CHR national office to investigate the cases of political killings in Negros. He said that the CHR is doing everything to have the truth surface, but their work is only limited to investigation and recommendation. Baldevarona indicated that the CHR has no prosecutory power and that oftentimes cases they recommend before the court remains undecided for a long period of time. He also noted that the killings of NFSW organizers were done with impunity, and that perpetrators remain at large since witnesses are afraid to file complaint against them.

On May 3, 2006 (Wednesday) the team first visited the families/relatives of Edwin Bargamento in Hda Begonia, Barangay Tortosa, Municipality of Manapla. The team checked the scene of the crime with Vicenta (wife of Edwin) who presented the events during the incident. The team then conducted interviews with Zanito (brother of Edwin), Vicenta (widow of Edwin) and Zandro (nephew of Edwin who was with him during the incident).

*Summary of the interview:*

*Zandro (17 years old) was with Edwin when he was assassinated, he narrated that when they started walking from hacienda Guinhulayan towards their place, he noticed that at about 8 meters, somebody seems to wait for them. He then went ahead of his uncle, and when they passed a furrow beside the sugarcane field, one person got up from it and waited for Edwin who was following Zandro at that time. Another person then went towards Edwin and shot him from the back.*

*However, Edwin managed to run from his assailants but he was pursued and was shot for several times, while Zandro scampered away and took refuge to a nearby house. Zandro said that he saw the two assailants withdrew after the shooting by riding a motorcycle which he earlier noticed in crossing Cuaycong. This motorcycle was earlier hidden at the house of a certain Abner, a barangay tanod, who according to residents is a trusted person of the members of the RPA-ABB. The incident happened around 5:30 in the afternoon. Edwin sustained 11 gunshot wounds.*

*When asked about their main suspect on the killing of Edwin, Zanito indicated that witnesses are afraid to come out but point to the RPA-ABB as the culprit. Zanito said that he receive reports that the RPA-ABB even admitted responsibility on the killing because Edwin was a principled man and that he did not heed their warnings for him to stop his work with the sugarworkers under and organizing unions under the NFSW..*

*Zanito even admitted that the RPA-ABB before had confiscated his company-issued radio handset, and that he strongly suspect that somebody hired the RPA-ABB to kill Edwin due to his active involvement in pursuing labor cases of the NFSW and have it resolved in favor of the workers. Edwin is the auditor and the Regional Executive member of the National Federation of Sugar workers.*

*Zandro, Vicenta and Zanito wanted to pursue the case against the RPA-ABB but are hesitant to file it because of the risk of security on their lives. They admitted that they could not particularly identify the real name/identity of the assailants, moreover, they noted that the RPA-ABB are regularly roving in neighboring haciendas and could come anytime to threaten them, they seem to be helpless against this highly armed group. Also, the local police has not been relentless in coming up with a breaking accomplishment on this matter, including the CHR which has been limited by the lack of material witnesses, they said.*

*Vicenta said that she's sad but had already accepted it. The needs of my children would be heavier to carry now since I am alone to support them, she said. Edwin left her with five children. His eldest daughter is working as househelp in Manila, while the other able siblings are working in the sugar cane field.*

After interviewing the families of Bargamento, the ILSM team proceeded to the place of Manuel Batolina in Hda Sangay, Barangay Purisima, Municipality of Manapla. The team took lunch prior to the interview and site visit. After lunch, the team decided to go straight to the

nipa hut where Batolina was shot dead. Laura (daughter of Manuel) presented the events of the assassination of his father. She showed the team where his father was lying at that time, time of the incident and where the assailants presumably positioned themselves. The team then went back to Manuel's house and interview with Laura, Mario (youngest brother of Manuel) and Rodnel (Manuel's best friend) commenced.

*Summary of interview:*

*Manuel is a full time NFSW organizer and was the former union president of sugarworkers in Hacienda Begonia before he went fulltime. His organizing work covers three main hacienda communities (Begonia, Candelaria and Navidad totaling to about 300 farm workers) in the municipality of Manapla. He's an active person who always cater the needed services of the farm workers. He is always quoted as saying "don't be afraid because we are nothing if we won't work for our cause".*

*In January 2004, Manuel was abducted and detained for three days by elements of the RPA-ABB led by Boboy and was warned not to continue with his involvement with the NFSW. After his release, the RPA-ABB told him to report instead to DALO (rival group of NFSW), but Manuel refused and had his ordeal exposed to a local radio station. According to Rodnel, he got the ire of the RPA-ABB and was since being monitored. Manuel was even advised by his friends not to be too liberal on his security, but he continues his commitment.*

*According to Laura, days prior to Manuel's assassination on June 13, there were persons who were selling quail eggs and peanuts in their place and were asking where the house of Manuel is. They find this odd since the items are not usually being peddled in their place. They came to suspect later that the vendor's real intention was to monitor the whereabouts of Manuel.*

*In the evening of June 13, around 7:00 PM, they heard series of gunshots coming from the nipa hut of Manuel located about 300 meters from his house in Hda Sangay. Laura remembered that there was a power blackout and it was raining at that time. When they reached his hut, Manuel was already dead, sprawling on the pool of his blood.*

*There was no witnesses to the crime and no one could point the identity of the assassins, except a boy who, before dusk, had earlier seen a group of suspicious looking men coming from a river nearby and were heading at Manuel's nipa hut.*

*Rodnel said that Manuel's commitment to the cause of the labor and farm workers and his agitation and call for the freedom of the Filipino masses have been the major factor of his death.*

*Mario indicated that as much as they wanted to gain justice, they can't do anything. They don't have the resources and have no definite identity of the assailants.*

*Manuel sustained 19 gunshot wounds. He left his wife and four daughters.*

*Laura said, they will continue the works of their father until they can find justice.*

After the discussion with Bargamento's daughter and relatives, the ILSM team proceeded to Victorias Milling Company (VMC) in Victorias City for a discussion on labor issues with Victorias Supervisors Union (VSU) headed by Ulysses Sotomil and Victorias Independent Workers Union (VIWA) officers Jonathan Dequina and Ulysses Tumimbang. The ILSM team

was also joined in by Allen Mirasol, ANAK-PAWIS coordinator who helped facilitate the meeting.

After the talk with VSU and VIWA officials, VMC CEO Abelardo Bugay accommodated the team for a tour inside the VMC sugar refinery.

After VMC, the ILSM team headed straight to Hda Caridad, in Silay City. Since it was already dusk, the team decided to have the interview with victim's family done on the next morning. The team spent the night and was housed by NFSW members in the area.

On May 4, 2006 (Thursday), the interview with the family of Mario Fernandez began in the morning. Interviewed were Magdalena Fernandez (mother of Mario), Tata and Bibing (sisters of Mario) and Juvic (youngest brother of Mario). NFSW local members also gathered to share what they know about the assassination of Mario.

*Summary of the interview:*

*Mario was 21 years old. He was one of the NFSW organizers working in Silay City and was tasked to train young people and make them part of a cultural group known as Teatro Obrero.*

*He was a diligent and responsible young man from Bago City with four vocational courses on his name, but he sacrificed it and do full time organizing work with the NFSW. He was also a member of the church choir and church youth organization.*

*Nanay Magdalena said that they only knew his son's death when she was informed by NFSW and KARAPATAN. She have no idea who were the assassins of her son and the reason why he was murdered. She doesn't have any idea on threats against Mario or have known any enemies in Bago City that might have grudges on his son.*

*Sources gathered by KARAPATAN indicated that Mario was killed by a vigilante group composed of rebel returnee and criminals known as "Otso Oros" (golden eight). This group is allegedly responsible on series of criminal activities in the rural areas and is being tolerated by Regional Mobile Group (RMG) who make use of them as police assets in counter-insurgency operations. Local members of the NFSW also suspect that the Otso Oros were hired by a landlord to dissuade organizers in the area particularly the NFSW which is pushing for the workers demands.*

*There was already a case filed against the henchmen of said group as identified by a sole witness who was with Mario during the incident.*

*Nanay Magdalena said they sought the help of the police but the investigator assigned on the case seem too arrogant and took things for granted. The investigator could not even give me a proper inventory of my son's belongings which they recovered from the crime scene, Magdalena said. She said she became suspicious of a whitewash on the investigation with the way things are handled by the police. The CHR also was not persistent in addressing the case citing reasons on the lack of witnesses and manpower to follow-up the case.*

*One of the local NFSW members who responded on the incident said that there is a strong possibility that the RMG was aware of the presence of the assassins and tolerated them because one of its operating units was near the area when the*

*incident happened. They said that they already informed organizers about the presence of the RMG which is conducting an operation in the area.*

*Mario, together with a companion, were following up organizational preparation related to the incoming June 12 rally in Bacolod, when, at around 9 am while walking in an hacienda road, two armed persons blocked his way and instantaneously fired at him. Mario died on the spot, he was shot twice.*

*Tata, Bibing and Juvic said they could not fully accept the death of Mario, who act as the figurehead of the family. However, they entirely understand that his work and commitment was just and worth emulating. Tata said she will finish her studies and find some more ways to be of service to the masses.*

*Nanay Magdalena registered her call by saying that organizers and leaders of people's organizations should be given justice. Despite the suspects on her son's death were already killed by the police (in a separate encounter), there will still be no justice the cause for which my son died for remain unresolved, she said.*

After the interview with the family, the team proceeded to the scene of the incident. At the scene, a local member of the NFSW reenacted the incident. They also provided additional explanations as to how Mario got shot, where the suspect hid, and where the companion of Mario scampered away for safety.

After the conducting interviews and gathering information on Mario's case, the ISLM team proceeded to Talisay City to met the family of the missing NFSW organizer, Perseus Geagoni.

The team took lunch at Perseus' sister Babeth, with their mother Arsenia and father Teodoro. After lunch, an interview followed with Nieva (wife of Perseus), and his children Rebel and John Rey.

*Summary of the interview:*

*Babeth acted as the family's spokesperson, considering that their mother find it very emotional to relay his son's ordeal. Baeth said that Perseus went missing in the evening of December 5, 2005 when he followed up organizational matters in Bacolod City where the office of the NFSW is located. Nothing was heard from him after, she said.*

*His wife, Nieva, thought first that he was on an assignment considering that her husband, an NFSW organizer and member of the education committee would normally spend days and even weeks in wherever peasant or sugar workers communities in Negros he would have assignments to work out.*

*However, when he was contacted through his cellular phone, the unit would only rang and sometimes would indicate that his line is out of coverage. Things became suspicious when the NFSW office relayed that Geagoni went home on said date. A check on his sister and other relatives about his whereabouts turned negative, in fact the motorcycle which he borrowed was not even returned. The situation became apparently alarming since it was very abnormal for him not to relay any messages if he had an accident or pass messages just to inform his family that he's fine. All*

*efforts were then exerted and all possible persons whom he may have contact with were checked but to no avail.*

*Perseus' sister, Babeth also noted that days prior to her brother's disappearance, there were two unidentified individuals who suspiciously inquired about his brother's activities and daily routines. It is highly suspected that he was already being monitored considering of his active involvement with progressive organizations, she noted.*

*December 12, 2005 when Perseus was officially considered missing and a blotter report on missing person was filed at Police Precinct Office 6 of the Bacolod City Police. This matter was also brought to media attention through a press conference on same date the blotter was filed. His wife also presented the case to the Social Action center of the Bacolod Diocese.*

*Further search on the whereabouts of Geagoni scored points when reliable allied informants from the ranks of the military relayed to KARAPATAN that teams of intelligence operatives (composing of about 30 members some of whom are Tagalog speaking) led by the 11<sup>th</sup> Infantry Battalion was responsible on the abduction of Geagoni. He relayed that Geagoni was subjected to interrogation, and that he is allegedly being held by higher headquarters.*

*However, when the family tried to file for writ of habeas corpus in the court, the petition could not be acted upon because there was no concrete evidence or definite categorical bases to summon the alleged perpetrator.*

*Babeth also said that they made an effort to hold dialog with the military, especially Gen. Fojas who was the 303<sup>rd</sup> Brigade Commander and head of the military in Negros at that time, but their efforts were declined and Gen. Fojas refused to dialog with them. They even have the matter presented before the Governor and the NBI and the CHR, but all efforts remain without a remarkable developments.*

*Nieva and her children relayed that they are hoping to see Perseus surface someday. They always are being traumatized when they heard news of dead body being found, she said. She said that they will not stop until they find him.*

*"Free Perseus Geagoni Movement" was formed to rally the campaign of searching and looking for justice on the disappearance of Perseus. Nieva said, this movement is composed of friends and supporters of Perseus who have known him before as true and committed fighter of the people's cause.*

After the interview with Perseus family, the team met with members of the "Free Perseus Geagoni Movement" members. The FPGM members voluntary took participation in the movement because "Nonoy", as Perseus is commonly called, had been instrumental in the pursuing the cause of the sugarmill workers in Talisay and in gaining their housing benefits when the mill closed.

## **VI. SUMMARY OF FINDINGS**

### **On the killings**

- The killings were clearly well-planned and pre-meditated murders. In each of the cases we investigated, the killings were preceded by surveillance by outsiders trying to determine the whereabouts and activities of the victims.

- Each of the victims were also reported to have received threats and warnings from elements of the revolutionary proletarian army-alex boncayao brigade (RPA-ABB).
- In one case the victim was previously abducted by the RPA and held for three (3) days. Each of the killings was in the form of ambush or assassination in isolated locations with minimum chances of having witnesses.
- In two cases where witnesses were available, they point to criminal elements linked with the military, namely the RPA-ABB and the Ocho Oros. This is further bolstered by testimonies of the community members and organizers.
- In the case of Bargamento, witnesses said that the vehicle used by suspected assailants was parked in the home of a barangay police associated with the RPA-ABB. In this case the actual witness to the shooting was and is afraid of filing a case or testifying in court for fear for his life.

### **On the Government's Response**

- Despite the efforts of the victim's families, NFSW and Karapatan-Negros to pressure the authorities and provide as much evidence available to official investigators, not a single case has been resolved, not a single perpetrator caught or brought to justice.
- The Commission on Human Rights (CHR) sub-office in Bacolod cites the absence of witnesses for its failure to identify the perpetrators. But based on our interviews, witnesses are afraid of coming out in the open because they do not trust the government's sincerity or even interest in protecting witnesses to these killings.
- The CHR admits to lacking the resources both to protect witnesses and to mount thorough investigations. But the lack of resources is no excuse for the apparent failure of governmental authorities to mount any serious investigation and to pursue all possible leads in every case.
  - According to the families of the victims, the police and the CHR visit the scene of the crime or visit the community no more than once.
  - In one case, they asked the family to provide them with whatever evidence they can come up with rather than doing their own investigation.
  - In another case the CHR never bothered to interview the family or the neighbors of the victim and merely had their certificate of appearance signed by the barangay official.
  - Suspects have been identified by family members, community members and the NFSW based on circumstantial evidence. But in no case have the suspects been investigated thoroughly.
- while the RPA-ABB has been implicated in numerous cases of human rights violations in the region, the Arroyo government and the military actively coddles the RPA-ABB, even promising a 500 million peso "social development fund" for this armed group as part of their so-called peace agreement.
- Arroyo even turned over a 2.1 million check to the RPA-ABB Foundation last April 28, 2006 despite continuing reports of HRVs committed by this group. Such actions by the government creates a culture of impunity, further emboldens human rights violators and perpetuates even more atrocities against their targeted organizations and communities.
- Since 2000 the RPA-ABB has openly proclaimed its partnership with the Armed Forces of the Philippines (AFP) in counter-insurgency campaigns.
- Since 2001 cases of extra-judicial killings of NFSW organizers, other union members and other political activists has increased exponentially (in 2005 alone, there were 8 killings).

### **Community Response to Killings**

- increased vigilance
- formation of Free Perseus Geagoni Movement
- community was not deterred from organizing
- and persevering in struggles ...

## **VII. CONCLUSIONS**

Therefore the ILSM Negros Team believes that there is an ongoing systematic campaign to liquidate NFSW organizers, terrorize its members and scare people away from the NFSW and other militant and progressive organizations.

These atrocities in Negros appear similar in pattern to atrocities suffered by the Kilusang Magbubukid ng Pilipinas, Kilusang Mayo Uno, Anakpawis partylist, Bayan Muna partylist, Bayan, Karapatan and other legal progressive organizations not only in Negros but in other regions as well. In other regions, military elements are directly implicated in the killings.

These atrocities are occurring alongside the Arroyo government's vilification campaign and constant branding of these organizations as communist fronts, therefore enemies of the state. Their leaders are falsely charged with criminal cases, threatened with arrest and in the case of Hon. Crispin Ka Bel Beltran, illegally arrested and imprisoned.

Therefore the team finds the Arroyo government culpable for human rights violations inasmuch as it deliberately creates the conditions for these political killings to occur, both by omission and by commission. We also note that rising repression characterizes the current international situation under the guise of a US-sponsored War on Terror. The US government has jacked up its material and technical support for the Philippine military, underwriting the Arroyo government's capacity for repression.

## **VIII. RECOMMENDATIONS**

- Compile the results of the ILSM in popular form (CD, publication, etc.) and disseminate these in the philippines and internationally
- write news releases or articles for mass media in our respective countries
- feed information to various HR organizations in different countries
- send letters to concerned govt officials and agencies in the Philippines, Philippine embassies or consulates in our respective countries
- assist concerned workers organizations in filing formal complaints to international agencies like the UN, ILO as a way of raising awareness and mobilizing broad support and adding international pressure on the Phil. govt
- organize piket-rallies and other protest actions in different countries
- raise support from our respective unions and organizations and individuals in different countries
- help organize speaking tours for family members of the victims and their organizations
- build a broad international alliance for the protection of workers' rights
- expand the international reach of the publications and annual report of the Center for Trade Union and Human Rights (CTUHR) regarding trade union and human rights violations (TUHRVs)
- Evaluate the HR situation in the Philippines next year and consider conducting a new ILSM

## Southern Tagalog Team

# FACT- FINDING REPORT: Southern Tagalog Team

INTERNATIONAL LABOR SOLIDARITY MISSION

### I. Objectives

1. To investigate the circumstances surrounding the killings and other trade union and human rights violations in Southern Tagalog since Pres. Gloria Macapagal-Arroyo assumed office in 2001 up to the present. The highlighted cases are the following:

1. Killing of Diosdado Fortuna, September 22, 2005 in Brgy. Paciano, Calamba, Laguna
2. Killing of Ronnie Almoete, February 5, 2005 in Purok Matahimik in Brgy. Cotta, Lucena City
3. Killing of Roberto de la Cruz, January 25, 2006 in Brgy. Bocohan, Domoit, Lucena City
4. Killing of Napoleon Fornasodoro, February 27, 2006 in Brgy. Ilayang Iyam, Lucena City
5. Frustrated Killing of Gerry Cristobal, April 28, 2006 in Brgy. Anabu, Imus, Cavite
6. Killing of Felipe Lapa, October 25, 2001 in Brgy. Pila, Nagcarlan, Laguna
7. Killing of Romeo Malabanan, December 23, 2003 in Bay, Laguna

2. To render solidarity to the families of the victims

3. To know the possible reasons or motives why they were killed and gather information on the identity of the perpetrators

### II. Place and Date

*Laguna-* Cabuyao, Bay, Calamba, Nagcarlan and Sta. Rosa (May 4, 2006)

*Quezon-* Brgy. Ilayang Iyam and Brgy. Cotta in Lucena City (May 3, 2006)

### III. Methodology

#### A. Pre-Mission Activities

Various meetings and consultations with concerned people's organizations based in Southern Tagalog were conducted prior to the mission. Another workshop was held this April 2006 to finalize the details and technical components of the mission. It was held at the All UP Workers' Union Office in UPLB, Laguna. Visits to the families of the victims of political killings were also undertaken to explain the objectives of the mission, the nature of their participation, gather more information and update the status of the cases among others. The secretariat also gathered existing fact sheets and other documents



produced by different bodies who conducted investigations and fact-finding missions before.

### ***B. Mission Proper***

Before going to the Southern Tagalog region, the team visited Gerardo Cristobal, victim of frustrated killing, in the San Juan de Dios Hospital in Baclaran. The delegates were able to talk with the victim and his family.

The team made courtesy calls to the provincial governors of Laguna and Quezon before the fact-finding was done. Visits to the homes of the victims followed where interviews to the families were conducted (except the family of Robert De la Cruz). Also, support and solidarity with the families were rendered.

In some of the cases, the group was able to visit the crime scene. A re-enactment was done to the case of Ronnie Almoete to visualize the scenario of how he was killed inside his home.

Some of the mission delegates were able to visit Toyota Motors in Laguna Technopark Inc and have dialogue with the management and the union regarding the frustrated killing of the union president Romeo Legaspi.

The team also went to the picket line of Nestle Philippines to secure and/or validate information re: Ka Fort's case and express solidarity to their struggle. Workshops after the mission proper were also utilized to further examine the data gathered for collation and which were later subjected to analysis by the mission participants.

## **IV. Participants**

A total of fifty-seven (57) participants joined the mission. Twelve (12) of them are foreign delegates from US, Canada, Japan, Australia, Denmark, Korea and Taiwan. The rest came from different organizations in the country working for human rights and welfare of the workers' sector, and some volunteer groups. Some of which are the National Coalition for the Protection of Workers' Rights- Southern Tagalog (NCPWR-ST), Pagkakaisa ng Manggagawa ng Timog Katagalugan (PAMANTIK-KMU), Alliance of Concerned Teachers (ACT), Center for Trade Union and Human Rights, KARAPATAN-ST, BAYAN-ST, Anakbayan and Torch-PNU, MPSTA, and Southern Tagalog Exposure.

## **V. Sources of Data**

Family of the victims, some witnesses, sources of secondary data such as fact sheets (PAMANTIK-KMU and KARAPATAN-ST) fact-finding mission report (CTUHR), and press release (WAC)

## **VI. Summary of cases**

### **1. Killing of Diosdado "Ka Fort" Fortuna**

Diosdado "Ka Fort" Fortuna , 51, president of United Filipino Employees (Nestle Philippines Workers' Union, affiliated to Kilusang Mayo Uno), was shot dead on September 22, 2005 at around 5:20pm in front of Sagara Factory in Brgy. Paciano Rizal

in Calamba City, Laguna, around 500 meters away from his home in Rodriguez Subdivision. He was shot twice in the back while riding his motorbike on his way home by two unidentified assailants who were also onboard a motorbike. Ka Fort sustained two gunshot wounds at the back; one bullet passed through his heart and another hit his liver.

Ka Fort was brought to Calamba Doctor's Hospital by a tricycle driver but was proclaimed dead on arrival.

Ka Fort's wife Luzviminda Fortuna confirmed the active surveillance Ka Fort went through which only started when the Nestle workers went on strike. She said that she herself witnessed several instances where men, sometimes onboard a motorbike without a plate number, are observing their home.

Mrs. Fortuna believed that the killing of his husband is directly related to the labor dispute in Nestle Cabuyao Factory.

At the time of his death, he was also the current chairperson of *Pagkakaisa ng mga Manggagawa sa Timog Katagalugan* (Solidarity of Southern Tagalog Workers, PAMANTIK-KMU), *Alyansa ng mga Manggagawa sa Probinsya ng Laguna* (Alliance of Workers in the Province of Laguna, ALMAPILA), and Anakpawis-Southern Tagalog and co-chairperson of National Coalition for the Protection of Workers Rights-Southern Tagalog (NCPWR-ST).

## **2. Killing of Ronnie Almoete**

Ronnie Almoete, 38, was shot dead inside his home in Purok Matahimik, Brgy. Cotta in Lucena City, Quezon by two unidentified men on February 5, 2005. According to Ronnie's wife Susan, one of the perpetrators called his husband Kuya Ronnie. Ronnie was standing in the kitchen inside the house when the two men shot him several times.

Ronnie's ten year old son Jake witnessed the whole incident. Susan didn't know what happened next after one of the assailants pushed her in the wall that caused her lose of consciousness.

The neighbors rushed Ronnie to Mt. Carmel Hospital but he died immediately after he was taken out of the house.

Susan can't think of any motive why her husband would be killed. But for Ronnie's sister Jane, it could be Ronnie's position as the Bayan Muna leader and his active opposition to the local government's program of demolishing the community where Ronnie's family lives.

## **3. Killing of Roberto de la Cruz**

Roberto De la Cruz, 43, a Board Member of Tritran Workers' Union was murdered on January 25, 2006 at around 6:20pm by two un identified men wearing helmets and riding a small blue motorcycle. De la Cruz was auditing the sales of their small eatery (canteen) in their residence in Brgy. Bocoohan, Domoit Lucena city Quezon, when the motor cycle riding men parked in front of the eatery. The passenger of the motorbike got off, entered the eatery and shot Dela Cruz nine times.

After the shooting, the assailant quickly fled on board the same motorcycle. De la Cruz sustained nine (9) gunshot wounds in different parts of his body – three in the chest, three in the torso, one in the back , one on his knee and one close to his genitalia.

According to Alcantara, the security guard of Philhealth, he also saw the motorcycle riding men and described that the motorcycle used by the assailants is colored blue. They immediately brought Robert to the Mt.Carmel Hospital in Lucena City. The victim was able to regain consciousness and uttered some words but eventually past away and was pronounced dead at around 9:20 p.m.

At the time De la Cruz was killed, he is the Vice-chairman of Alliance of Bus Company Workers and an active member of Anakpawis Partylist.

Prior to the incident, Dela Cruz was being pursued by the military. The military accused him as the one who rented the jeepney allegedly used by the NPAs as get away vehicle in an incident in Tiaong,Quezon on November, 2005. Due to this accusation and his desire on one hand to clear his name, Robert decided to go with two police officers who introduced themselves as Col.Manzano and Igmedio Valenzuela when he went to the office of ISAFP in Southern Luzon Command (SOLCOM) which is based in Lucena City. While in SOLCOM headquarters, he insisted and made official statements to the military that he has nothing to do with the accusations. But on his way to the office of ISAFP and during the interview, several pictures of him from different angles were taken.

#### **4. Killing of Napoleon Pornasodoro**

Napoleon Pornasodoro, 54 years old, was killed by an unidentified man who fled with a companion on board a motorcycle on February 27, 2006 at around 5:25pm at Ilayang Iyam, Lucena, Quezon. Pornasodoro was on his way home from the school where he taught when the assailant shot him six times – once on the back of the head, twice on the chest, once on the left torso, once on the right thigh and once on the groin. He died of 9 gunshot wounds.

A teenager (who refused to be named) who is a local resident witnessed the incident. He recounted that the assailant even pointed the gun at him before fleeing the scene.

Pornasodoro was a public school teacher of Quezon National High School and was a National Council member of the Alliance of Concerned Teachers. He was also a former secretary general of Karapatan-Quezon and former secretary general of Anakpawis-Quezon.

Prior to the incident, wife and co-teacher Elizabeth Pornasodoro recounted that they had been under heavy surveillance. Fearing for their lives, they once fled to another province before assuming the teaching posts at QNH.

#### **5. Frustrated Killing of Gerry Cristobal**

Labor leader Gerardo Cristobal was seriously wounded in an ambush on the morning of April 28, 2006 in Imus, Cavite by armed men later identified as operatives of police intelligence in the said town.

Cristobal and his companion was riding on a car passing a crowded street in Bgy. Anabu, Coastal in Imus when another car with three armed men wearing bonnets blocked their way. One, who was later identified as SPO1 Romeo Lara, got off and approached Cristobal and his companion and began shooting at him at close range.

Cristobal exchanged fire with Lara and his Companion, Civilian Security Unit member Larry Reyes. Lara was also hit in the head and shoulder while Cristobal was wounded in his stomach, hip and hand.

Cristobal had been carrying a licensed firearm due to the persistent threats to his life from the police and private armies of Cavite Governor Ireneo Maliksi. At the time of the incident, Cristobal was on his way to the EMI Yasaki factory in Imus. The workers was supposedly set to hold a huge action at the Provincial Capitol at 9:00 am of that day to denounce Maliksi's intervention in the Intra-union dispute at Yazaki.

In a radio interview with Col. Rodel Sermonia, head of the Imus, Cavite Intelligence operatives, Sermonia claimed that Cristobal ambushed his men. The Imus police charged Cristobal with frustrated murder. Cristobal is currently at the hospital and is under police custody.

#### **6. Killing of Felipe Lapa**

Two suspected CAFGU members shot and killed Felipe Lapa, 49 years old, on October 25, 2001 at around 11.30 am, a few meters from his home in Calumpang, Liliw, Laguna.

The assailants went to their house looking for Ka Felipe. He was then at nearby store purchasing noodles. The assailants, one of which introduced himself as Dennis, announced to his son Joefel that they will just wait for him outside.

When Lapa arrived, the men escorted him 15-20 meters away from his house where they shot him near a water tank.

The victim sustained a gun wound in his right ear, which exited his head. A .45 caliber bullet was recovered from the crime scene. According to some of the victim's neighbors that after the shooting, the assailant immediately ran towards a waiting motorcycle and red pick-up with two passengers.

Lapa was a union leader of Milagros Farms and was an active member of Karapatan – Laguna.

Lapa's wife, Nita, said that after the killing, they had often seen Dennis around their area.

#### **7. Killing of Romeo Malabanan**

On December 23, 2003, Romeo Malabanan was shot by two unidentified men in front of his house in Bay, Laguna. The victim had been partially paralyzed due to a heart attack months prior to the killing.

His wife narrated that Ka Romy was unable to run and even as he was already lying on the floor, the assailants still continued to shoot him. He died of multiple gunshot wounds, including (some) in the head.

Malabanan's wife criticized the PNP for not pursuing the assailant despite the proximity of their station to the crime scene.

### **VII. Summary of Findings**

All of the victims, prior to their deaths were active members and leaders of their respective organizations whose leadership functions have extended to issues beyond labor disputes and struggles.

Four of the victims have been active members and campaigners for the political parties such as BAYAN MUNA, and ANAKPAWIS. Their active involvement in the legitimate progressive people's movement have been named by their co-workers, family members, and friends as the most potential motive why they were summarily executed.

Aside from Gerry Cristobal who survived the attempt on his life, the rest of the victims were summarily executed. From the point of view of the members of the mission, these killings are desperate acts to silence them for being active defenders of the causes they were undertaking.

The summary executions were all done in public places, in the house, or near the residences of the victims. Prior to their deaths, the victim or their immediate relatives have reported surveillances in their place of work, and abode. The surveillance in most cases, have included their immediate family members.

The assailants/perpetrators were always in pairs and used vehicles to execute their attacks to pre-determined targets. In the case of Gerry Cristobal, one of the assailants who was brought to the hospital and eventually died of gunshot wounds, was a policeman in Imus, Cavite identified as SPO1 Romeo Lara. While in the case of Felipe Lapa, one of the perpetrators whom the victim knew personally was a recruit of CAGFU, a paramilitary unit.

The guns used by the perpetrators, .45 caliber pistols have so-called double-action feature that instantly kills victims when hit. This kind of bullet is not sold in markets. Only military men are licensed to carry such type of guns.

Notably, authorities--the Philippine National Police-- showed slow and delayed reactions on the incidents of killings, according to the family and witnesses. As reported and learned from the available documents, follow-up investigations if any are also delayed and leads were not pursued. Many leads remained unanswered but needs to be investigated. It may be due to lack of training or lack of interest on the part of investigators for unknown reasons.

## **VIII. Conclusions**

The victims' active role and leadership on labor-related issues, community issues and political issues were pinpointed as the principal (primary) motive for the killings. Involvement to progressive groups and being vocal critics of the government's policies add to the magnitude of risks to their lives. With this, it could be firmly concluded that here in the Philippines, everybody who criticizes or opposes the government's policies and programs is considered a terrorist.

Even though some of the perpetrators have been identified, investigators from the Philippine National Police did not show interest to pursue the leads. Their complacency on resolving the case is very disturbing. Until now none of the perpetrators was persecuted except for Cristobal's shooter who eventually died. Meanwhile, the local government provided no effort to secure the safety of the people. This indifference by local government units is utterly condemnable. In a sense, they must therefore be equally held responsible as the culprits. On one hand, the municipal's response (learned through the courtesy calls) that they don't have jurisdiction over the deployment of military detachments and they can't interfere in the investigating bodies is highly infuriating. But on the other hand, it also confirms that the orders are coming from the

national level, maybe from the Chief of Staff of the Armed Forces of the Philippines-- Pres. Gloria-Macapagal Arroyo-- herself.

With regards to the case of Nestle workers, the imperialist company must be held equally liable as the state that controls the Supreme Court, military and police. The disregard of Supreme Court ruling and the presence of police elements inside the factory, as directly seen by the delegates, are enough bases for us to conclude that there is connivance between the company and the state.

Given this condition, we strongly condemn the state-inflicted terror that terrify communities and trade union movements. The atrocious pattern of the summary of killings, where assailants attack in broad daylight, in public places near the victims' homes, or right at their doorsteps, creates a climate of fear and "shock" reverberating throughout the community where the crime took place. The use of a restricted type of revolver/pistol (.45 caliber); unmasking of a police (as one of the assailants in the shooting of Gerry Cristobal); involvement of paramilitary forces in the executions point out the direct and indirect involvement of military personnel.

Prior to the killings, the victims' families and colleagues had recounted that there had been many times that unknown persons would often watch and follow them, observe their homes, and were asking for the victims. In the case of Felipe Lapa, he even made written notes on the time and instances wherein he felt that he is being closely monitored. This confirms the active surveillance wherein no other agency could perform except for the Philippine National Police and the Armed Forces of the Philippines.

## **IX. Recommendations**

It is important to build international solidarity in order to intensify the campaign for justice to the victims and their families not just in the Philippines but in different countries as well, especially in the countries where the foreign delegates come from. We recommend that we conduct an "International Day of Protest" to denounce political killings of labor and community leaders here in the Philippines. We need to expose not just the killings documented but also the continuous attack to the workers and community leaders, and organizers and the rottenness of the government. To do this, education and information materials must be created and disseminated like in the form of video documentaries, data and fact-sheets gathered during the mission.

Solidarity activities, moral, material or financial support to the victim's families are truly necessary. It will be great if supporters undergo thorough immersions with the victims' families and in their communities.

A psychosocial therapy might help the families to cope with their loss. Also, it is recommended that security of families and the communities be ensured. Physical safety measures could be done in order to prevent perpetrators from entering in the communities. Happenings in the communities must be brought to media's attention. Most importantly, people should be vigilant.

It is necessary to conduct paralegal and documentation training among the workers themselves, the community leaders as well as human rights advocates so that they will be equipped with proper knowledge on how to conduct fact-finding missions and how to document human rights violations properly. Even the people in the communities need to be educated with their basic human rights.

As to the organizers, conduct of similar missions will be very useful. Fact-finding missions might yield better result if these will be conducted for a longer period.

Solidarity visits or exchange visits of union members and organizers should be conducted. Union members and organizers from the Philippines can be invited to come over to the different countries speak before the people and other union members in that country so as to bring a stronger statement and to further widen solidarity.

When we go back to our countries, the ILSM delegates can set-up tactical formations or support group or solidarity formation among supportive local unions, overseas Filipino communities and bringing the issues of the political killings, trade union repression and also to raise it in the higher level of imperialism.

We must build strike solidarity and intensify the "Boycott Nestle" campaign.

But since they lack resources, materials or equipment, like video camera for example, international delegates can help gather technical and financial support.

Cases must be filed to pressure the state to resolve the issue of killings and worsening human rights violations not just in Southern Tagalog but in the whole country as a whole. Perpetrators must be persecuted and justice be served to the victims. Political killings and state terrorism must be stopped now.

# **FACT- FINDING REPORT: Central Luzon Team**

INTERNATIONAL LABOR SOLIDARITY MISSION

## **I. Objectives:**

The team has two primary objectives in visiting the Central Luzon region.

1. to investigate and to document the political killings particularly of six cases, as well as the numerous trade union and human rights violations in the region.
2. to be in solidarity with the workers, especially with the victims

## **II. Date and Places of the FFM**

FFM was conducted from May 2 to 5, 2006 and visited two provinces in Central Luzon, namely: Tarlac and Bulacan. In Tarlac, the team visited and interviewed witnesses and victims in Barangay Mapalacsiao, Tarlac city and Brgy. Pando, Concepcion Tarlac. In Bulacan, the team visited Malolos, San Ildefonso, Brgy. Camachin, Dona Remedios Trinidad and Brgy. Sta Ines, San Miguel Bulacan.

## **III. Participants**

The Central Luzon team of the International Labor Solidarity Mission is composed of Eileen Young from Canada, Tess Tesalona (Canada), Ng Koon Kwan (Hong Kong), Danilo Reyes (Hong Kong), Michael Hughes (Australia), Aksir Chowdhury (Bangladesh), Mahendra Chalise (Nepal) and Atmeshwar Chapagain (Nepal).

From Philippines were Center for Trade Union and Human Rights (CTUHR), KARAPATAN, Workers Alliance in Region 3 (WAR – 3), CATLU, POKUS-GL, BAYAN – Bulacan & Tarlac, ACT and ALMMA. Local delegates from different workers organizations also joined in the team. In Tarlac alone, total participants was 40 while in Bulacan, there were 61 people including the international delegates.

## **IV. Methodology and Sources of Data**

Prior to the Mission proper, the team was given preliminary data on the region and some cases of trade union and human rights violations. In the actual conduct of the fact-finding mission, the team interviewed government officials (city and municipal mayors of cities and towns visited as well as the governors of two provinces. In Bulacan, the team also met the head of the Provincial committee on Human rights. Apart from this, the team conducted on-site inspections in places where the killings and harassments occurred, and conducted interviews on victims and witnesses of the cases of trade union and human rights violations.



## V. Scope and Limitations

The team originally intended to specifically look into the six cases of political killings but during the actual mission, the team discovered multiple cases of trade union and human rights violations in the region. But due to time limitation, the team was unable to conduct more interviews, although these cases are mentioned in the reports. Information as well as finding is organized according to cases and/or nature of offenses.

## VI. Summary of Cases and Findings

1. Political Killing and Massacre- The team was able to investigate six cases of killings of trade unionists such as:

- 1.1 Tirso Cruz, a member of the Board of Directors of United Luisita Workers Union (ULWU) and barangay councilor of Barangay Pando, Concepcion Tarlac. Killed on March 17, 2006

On March 17 2006, around 12:30 AM, Tirso Cruz was shot nine times by two bonnet wearing men aboard a motorcycle. According to his father who was with him at the time, they were going home from brgy plaza when a motorcycle sped by and started shooting Tirso from the back.. Tirso sustained nine gunshot wounds which all enter on his back. The perpetrators sped on their motorcycle and passed in front of the military detachment, more or less 100 meters away from the scene of the crime unhindered. *(A detailed report is written on a separate factsheet. Federico Cruz, the victim's father and witness to the crime executed his affidavit).*

- 1.2 Ricardo Ramos, president of Central Azucarera de Tarlac Labor Union (CATLU), barangay captain of Barangay Mapalacsio, Tarlac city. Killed on October 25, 2005

Ricardo Ramos, president of Central de Azucarera de Tarlac and barangay captain of Mapalacsiao, was slain on October 25 2005 between nine and 10 in the evening. This was the day after members of CATLU received the back wages amounting to more than eight million pesos.

Ramos was then celebrating with his fellow workers and constituents when unidentified snipers shot him twice. He sustained two gunshot wounds to his head and shoulders. The case is currently in the courts, but the family fears that it will be dismissed due to their lack of funds, making it hard for them to hire a lawyer to pursue the case. The suspects were already identified but remain at large. Police however, considered his case, solved.

As explained by Tarlac city deputy police chief, RAzalan, the PNP considers a case solved when a suspect is identified, even if the suspect has not been apprehended or remain at large.

- 1.3 Florante Collantes, a former labor leader, union organizer and local chair of Bayan Muna in Camiling Tarlac. Killed on October 15,2005, inside their sari-sari store in Tuec, Camiling, Tarlac

On October 15 2006, around 11 am, two men on a motorcycle shot Florante Collantes in his home. Collantes sustained a gunshot wound and died on the spot.

According to the victim's wife Adelia, they were then in their home in Barangay Tuec, Camiling Tarlac when the incident happened. They were doing their housework when a motorcycle stopped in front of their home. Thinking it was a customer, Flor went to their store. He was shot by an unidentified man at the back of his head and before collapsing, he was able to push his wife Adelia. The perpetrator also attempted to kill Adelia, but was scared off by the people who responded to Adelia's cries. He rode away with another unidentified man aboard a motorcycle.

- 1.4 Tarlac City Councilor Abelardo Ladera, an active supporter of the workers of Hacienda Luisita in Tarlac.

On March 3, 2005, around 1 pm Abelardo Ladera was shot dead by still unidentified men. Ladera, a Tarlac City councilor, Bayan Muna member and known supporter of the Hacienda Luisita workers, was shot while buying parts for his jeepney at an auto supply store in Barangay Paraiso, Tarlac City. He died from a bullet wound in the chest while being rushed to the Central Luzon Doctors Hospital.

- 1.5 Leodegario Punzal, a member of Anakpawis party-list in Poblacion, Malolos, Bulacan. Killed on September 13,2005 inside his house

On September 13 2005, around 3-3:30 pm, Leodegario Punzal was shot dead in his printing shop by two unidentified men aboard a motorcycle. According to the victim's mother Maxima, two men wearing ski masks stopped in front of the printing shop and started shooting at the left side of his head. Punzal died on the spot.

- 1.6 Crisanto Teodoro, a labor organizer and member of Bayan- Malolos. Killed on March 9,2006 in the boundary of Brgy Sto.Nino, Plaridel and Brgy. Barihan, Malolos city.

On March 9 2006, around 8 pm, two unidentified men aboard a motorcycle shot dead Crisanto Teodoro who was driving a car with his wife near the boundary of Plaridel and Malolos City in Bulacan. Teodoro was brought to Bulacan Provincial Hospital but doctors were unable to revive Crisanto.

- 1.7 partial data on the deaths of Fr. William Tadena, another supporter of workers of HLI and Frederico de Leon of transport group Piston was also gathered but was unable to conduct interviews with the witness and families due to time constraints.

(Note: Complete Factsheets are attached to this report).

## 2. Enforced Disappearance

- 2.1 The team investigated the enforced disappearances of Metal Ore workers Virgilio Calilap and his wife Teresa, Bernabe Mendiola and Oscar Leuterio who were reported abducted and gone missing since April 17,2006. Except for Oscar Leuterio, the three are all residents of Brgy. Camachin, Dona Remedios Trinidad, Bulacan. The team was able to talk to a barangay official, due to fear for his life, the team decided not to mention his name and specific position in this report.

On April 17 2006, members of the 56<sup>th</sup> Infantry Battalion of the Armed Forces of the Philippines entered a site near Metal Ore Mining Company, and took around 20 workers and detained them inside the mining site and forced them to watch government video attacking progressive groups and the New People's Army. They were released the in the morning of April 18, after the barangay captain filed a police blotter and negotiated their release. Out of the twenty victims, four are still missing. They are Virgilio and Teresita Calilap, Oscar :Leuterio and Bernabe Mendiola. Among the things missing is the salary of workers brought by Mendiola, who is the operations manager of Metal Ore Mining.

- 2.2 The team was also able to interview the wife of Ronald Intal, a resident of Brgy. Asturias, Tarlac city but living in neighbouring Brgy. Balete with his wife at the time of his abduction on April 3,2006. Until at present, he remains missing.
- 2.3 The team was able to gather partial data on the enforced disappearance of Solid Development Workers Corp. Association officer-in-charge Rogelio Concepcion who was abducted on March 6,2006 but was unable to interview witnesses and the victim's wife due to security concerns..

### 3. Harassment of Labor Leaders and Unions

- 3.1 The team focused on the cases of harassments and threat to life of Angie Ladera chairperson, (WAR – 3), and Romy Zarate (CATLU)

Angie Ladera and Romy Zarate, two labor leaders in the area of Tarlac, recounted their experiences on harassment and threats caused by the military. Angie and Romy are under surveillance by the military and were advised by their friends and relatives not to go home as military frequented in the community where their houses are located. Both have been issued threats against their lives. Angie is in the order of battle of the military and she was specified in the Armed Forces manual "Trinity of War." She was forced into early retirement because of military harassment in International Wiring Services which was the result of her leadership in the union. Because of his active involvement in the struggle of the workers in Hacienda Luisita, Romy fears for his life. He left his job as a nurse in the hospital because of the threats that he received. Both are tagged by the military as members of the New People's Army who are organizing workers and peasants.

#### **3.2 International Wiring Services (Luisita Industrial Park, Tarlac City, Tarlac)**

In 2001, the International Wiring Services Workers Union (IWSWU) won majority of their demands in their Collective Bargaining Agreement with the management. This was also the time when the union had their elections.

The management refused to accept the elected officers and conducted a mock general assembly in the company auditorium. When some workers felt that something was amiss, they left. However, some workers stayed and in eight minutes, the officers of the union (IWSWU) were impeached and a new set of officers was elected. The legitimate officers filed a complaint at the Department of Labor and Employment, but their case was dismissed. They then filed an appeal in the Bureau of Labor Relations, and it ruled in favor of the union officials. One week later, because of the maneuverings of Peping Cojuangco, the BLR revoked its decision. According to Cojuangco, the decision would discourage foreign investors, and that he had a say in the decision since it was a free trade zone within the Luisita Industrial Park.

According to the BLR, the situation is confusing, so it offered two solutions. One is to conduct a special elections and the other is to file a case in the Supreme Court. The legitimate union officers fielded 50 candidates. All 50 candidates won the election, and they won their case at the Supreme Court.

However, from 2002 to the present, military are roaming the area and were preventing workers from attending meetings and other union activities. Smear campaign was also employed to malign the workers. Leaflets featuring Kilusang Mayo Uno and the union, as well as then president Angie Ladera, accusing them of being supporters of NPAs were scattered in the tables in the cafeteria. During a general assembly, the soldiers surrounded the workers. Norli Albarillo union president was threatened that if he continued his union work, something bad will happen to him.

In Bulacan, the team interviewed eight workers from Console Farm, which included union president Reynaldo Pison, and three workers from Robina Farms.

### **3.3 Console Farm and Robina Farms (San Miguel, Bulacan)**

Early November 2005, the 24<sup>th</sup> Infantry Battalion of Philippine Army set up its detachment barangay hall near the factory of Console Farms. The military was supposedly investigating the connection between the union and the New People's Army. On the basis of Oust GMA slogans written on farm walls with the union as signatory.

It was then when the military harassment in the area began. Surveillance operations under the guise of a "military census" began. Soldiers roamed the area in full battle gear asking the workers and residents for the identity of the union officials, labor organizers and human rights workers that visit them. They also "invite" workers to their detachment for questioning, which is a grueling four to six hours of mental torture. The military focused on then union president Rico Estarez, who was unable to visit his home and forced to take his retirement because of the harassment and threat to his life. Francis Paraon was brought to the detachment by a management official to the detachment for questioning, where the military issued threats and questioned him for eight hours. The harassment continues up to now, sowing fear to workers.

Another similar case is that of the workers of Robina Farms. Around March of this year, the military came to Robina farms and set up a detachment within the factory. Employing the same tactics used against the workers of Console Farms, the military conducted military census, roamed the area in full battle gear and is harassing the union members and asking them to Kilusang Mayo Uno, the union's center. Workers fear for their lives, and union officials are afraid to even go home.

### **4. Other Trade Union and Human Rights Violations**

Besides the cases mentioned above the team was able to discover several cases of human rights violations in the area. Particularly striking was the attack against Lorenzana family in San Ildefonso, Bulacan, whose house was burned by military elements, the massacre at CV Tamayo Farms, low wages and unfair labor practices in companies such as Blooming Garments and Golden Dragon. Another striking case of human rights violation is the denial of safe and clean water as well as pollution due to industrial waste coming from Central Azucarera de Tarlac in Had Luisita, in Barangay Mapalacsiao, Tarlac city, resulting to diseases.

Barangay Mapalacsiao has never been the same since the death of CATLU president and barangay chairman Ricardo Ramos. Besides the fear that is prevalent in the area, the community now suffers the effects of the waste disposed in the area by the Central Azucarera de Tarlac. Clean water is unavailable in the area, despite two water tanks which provide stagnant water. The community is forced to buy clean water for P25 per 20 gallons, considering that it is the dead season and the residents in the community are unemployed.

Sweatshops: The existence of sweatshops particularly in Tarlac is notable. In garments factories such as Golden Dragon and Blooming Garments, workers receive as low as P100 per day or 30 centavos per piece when they are in a piece rate system. Despite working in the company for more than two years, the workers who are either casuals or contractuels are considered as "permanent contractuels". Other unfair labor practices include the lack of safe working equipment and conditions as well as lack of other benefits.

Military harassment has reached new heights in different barangays in San Idefonso, Bulacan. Besides the cases abovementioned, the team discovered the involvement of the military in the attacks against the Lorenzana family, whose house was razed. There is also the case of the massacre at CV Tamayo farms, where three people were summarily executed and at least two people are missing.

## **VI. Conclusion**

Looking into the patterns, surveillances and threats prior to the occurrences of the violations, notably the killings, the team concludes that the military and the government are the primary perpetrators of trade union and human rights violations in those provinces.

Several times, during the interviews with government officials, they are unanimous in saying that the deployment of military in their areas is beyond their control as it is a national policy under the counter-insurgency programs. These local officials have admitted that they have not been consulted before the military was deployed in their areas of responsibility, a reality that they themselves admitted, they cannot do anything about despite indications that the military is involved in those cases. In Bulacan, a local official (which we are not mentioning the name for security reason) lamented that by and large, the military is the government, ignoring the law on the supremacy of the civilians in the government.

The team also believes that the purpose of these trade union and human rights violations continuously committed is to totally and systematically eliminate the resistance and dissent over government policies and projects that adversely affect the people. Extreme fear is sown to the people, preventing them from exercising their basic and constitutional rights. This is aggravated by the lack or absence of government protection on the families of the victims or witnesses, inhibiting them to testify or even talk about the incidents. In addition, even if perpetrators were identified, such as the case of Ramos and Cruz, the family is burdened to pursue the case because of lack of finances to support legal expenses or even transportation from their barangays to the town or city center to follow-up the investigations that police has promised to do. The effects of these strings of harassments and political killings do not stop with the victims and their families but extended in the entire community.

The team also agrees that resistance is justifiable under the current social conditions. Even if there is the atmosphere of fear, it is remarkable that there are people who continue to struggle for better living and working conditions despite the threats to their and their families' lives.

## **VII Recommendations**

- Disseminate the situation of Philippines in our countries
- Submit the report to international human rights commission in Geneva and other international bodies
- Conduct protest actions in their countries, unite different labor organizations and human rights groups, labor advocates and personalities in putting pressure to the Phil. Gov. to stop the political killings, end the rampant human rights violations and attacks against the people, especially the workers.
- Propagate awareness in the Filipino migrant workers community and mobilize them in the campaign in pursuit of justice for victims of trade union and human rights violations#

*Note: This is a partial report of the ILSM Central Luzon team. The International Labor Solidarity Mission (ILSM) is organized by the Center for Trade Union and Human Rights (CTUHR), Ecumenical Institute for Labor Education and Research (EILER) and Alliance of Concerned Teachers (ACT) from April 29 to May 7 to look into and document specifically the cases of political killings of workers, trade unionists and their supporters and to come up with recommendations or actions to put pressure on the government to stop the killings, end the political repression and to seek justice for the victims.# 07 May 2007*

## **UNITY STATEMENT**

---

### **STOP THE KILLINGS AND REPRESSION IN THE PHILIPPINES. DEFEND HUMAN RIGHTS AND CIVIL LIBERTIES**

We, the delegates of the International Labor Solidarity Mission, express alarm and condemnation at the intensifying violation of labor rights and human rights in the Philippines.

Our investigation of the various cases from May 2-5, 2006 has established – from the testimonies of victims, their families, members of the communities where the incidents happened, and from the accounts of trade union leaders and members, teachers, church people, and concerned government officials, among others – that:

**1. *The violation of labor rights and human rights in the Philippines is systematic and nationwide in scope.***

The violations include massacres, assassinations, torture, death threats and intimidation, abductions, forced disappearances, assaults on striking workers in the picket lines, and others. The victims are common workers, militant trade union leaders, farmers, human rights advocates and other political activists including church people, teachers and lawyers supporting the Filipino workers' just demand to a living wage and respect of labor rights.

**2. *The rampant attacks on workers are meant to create an environment of fear with the malefactors acting with impunity as they sow terror.***

The attacks happened inside or near their homes, workplaces, in the workers' communities, and some happened near police stations and military detachments. Most of these cases happened in broad daylight. Witnesses are reluctant to come forward to offer assistance out of fear and distrust of the authorities. The military, police and/ or their agents are implicated in these killings. In a most recent case, the hooded assailant was unmasked as a senior police officer.

Not a single perpetrator has been caught or brought to justice. And the government and their agencies have proven not merely inutile but complicit in these atrocities.

**3. *The US-Arroyo Regime and international capital are the architects of these attacks.***

While systematic violation of labor rights and human rights has been perpetrated under past governments, this intensified under the Arroyo



government. Thousands of workers have been victimized since President Arroyo assumed power in 2001. The Arroyo government has not spared even the Filipino workers' elected representatives in Congress including Crispin "Ka Bel" Beltran, Satur Ocampo, Rafael Mariano, Liza Masa, Teddy Casino and Joel Virador. "Ka Bel" is presently suffering in detention as the government maliciously resurrected the old case of rebellion filed against him by the Marcos dictatorship in 1985.

The most heinous attacks including massacres and assassinations, however, escalated after President Arroyo, in a virtual declaration of war against militant workers, branded the workers' assertion of their rights as acts of terrorism, and warned militant unions against "*terrorizing factories that create jobs*" in August 2002. The Arroyo regime's vilification campaign and constant branding of these organizations as communist fronts - - therefore enemies of the state - is a virtual directive to liquidate leaders and members of these organizations. Concrete evidences including sworn statements of the victims and their families and corroborated by third party eyewitness accounts point to the Armed Forces of the Philippines, the Philippine National Police and/or their agents as perpetrators of the crimes.

The repression of workers in the Philippines brazenly violates their rights guaranteed by Philippine laws and international labor conventions. It aims to intimidate them from resisting their intensified exploitation; and thereby, pave the way for the Philippine government's unhindered promotion of neo-liberal economic policies that benefit foreign monopoly capital and local big businesses. It also forms part of the pattern of intensified repression of workers throughout the world resisting the "globalization" scheme of international monopoly capital that has pushed the lives of workers and other oppressed peoples into the depths of poverty.

As brothers and sisters of the Filipino workers and people, we deplore the government of President Gloria Arroyo's for its blanket violation of workers rights and human rights in the Philippines. We likewise condemn the government of the United States for sponsoring the Arroyo government's repressive apparatus and turning the Philippines into a second front of its odious "*war on terror*" which its subservient collaborator President Gloria Macapagal Arroyo now uses to justify its wanton attacks on the Filipino working class. We urge workers and all freedom-loving citizens of the world to exert pressure on their respective governments to oblige President Gloria Macapagal Arroyo to stop her war against the Filipino people.

We express our deepest solidarity with the families of the victims and their communities. We salute the working people and the progressive people's movement in the Philippines for being undaunted in the face of state terror and for persevering in their struggle for justice and freedom for the people.

**STOP THE KILLINGS OF WORKERS AND ACTIVISTS IN THE PHILIPPINES!**

**UNITE TO DEFEND HUMAN RIGHTS AND CIVIL LIBERTIES!**

**FIGHT POLITICAL REPRESSION AND ALL FORMS OF OPPRESSION OF WORKERS AND PEOPLES OF THE WORLD!**

*7 May 2006*



## **Summary of the Assessment of the International Labor Solidarity Mission (ILSM)**

**30 May 2006**

**The recently concluded International Labor Solidarity Mission held from April 30 to May 8, 2006 in the Philippines was a major contribution to the ongoing campaign to Stop the Killings of Unionists and Activists in the Philippines.**

### **Major Gains**

The activity served to draw public attention to the spate of extra-judicial killings and human rights violations targeting unionists and activists associated with the political left. The ILSM was featured everyday in the mass media (national and regional newspapers, TV, radio and worldwide web) from April 29 to May 9, 2006. Until today, the ILSM is still cited in media commentary on the killings of activists in the country. The ILSM also helped facilitate the formation of the Educators for Civil Liberties.

It also prompted the government to respond to the issue with the Department of Labor and Employment asking the Philippine National Police to conduct an impartial investigation of the killings highlighted by the ILSM; the Department of Agrarian Reform forming a Task Force to investigate the killings in the Negros region (one of the areas visited by the ILSM); and the Commission on Human Rights (CHR) promising to conduct a public hearing on the killings as a result of our dialogue. Although we have yet to see whether these actions will lead to any arrest or prosecution, these are small victories resulting from increased public pressure on the government to stop these killings.

Even before the actual ILSM, the website set-up to promote the activity registered 6,865 hits from 375 unique visitors from April to May 2006, mostly from Australia and the U.S. It was also picked up as a top story twice in Labourstart and Labornet Australia during the preparatory stage and immediately after its formal launch, not to mention the innumerable others reached by the ILSM background materials through various listserves and mail forwarding. Hence the ILSM was able to reach a much wider audience apart from the 30 international delegates who participated directly in the fact-finding missions.

All the international participants in the ILSM expressed positive feedback for the activity. For them, the ILSM was an eye-opener on the real situation of workers in the Philippines. All of them were outraged at the gravity of the repression faced by workers and activists in the Philippines under the present regime. All expressed firm commitment to popularize the results of the ILSM and their personal reflections on the deplorable state of human rights in the Philippines today. Moreover, the bonds of international solidarity were strengthened through the exchanges of international and local participants. All the participants



saw connections between their own respective struggles against human rights violations, trade union repression, and imperialist globalization and that of participants from other countries.

The organizations and families of the victims also expressed positive feedback for the activity. Many of them felt reinvigorated after the ILSM fact-finding mission because they felt reassured that people from all over the world were concerned about what happened to their loved ones and fellow workers, and that public pressure may help open new avenues in their quest for justice.

### **Some Shortcomings**

On the other hand, some weaknesses and shortcomings were also noted in our assessment. Among the principal shortcomings were: our inability to mobilize more labor organizations from other countries (especially the larger ones), to mobilize more local participants from government, law groups, faith-based organizations, professionals and other sectors outside labor; invite participation from the ILO and/or other UN agencies to participate; and to mobilize international media. We also encountered a number of technical problems (e.g. incomplete briefing kits for the participants, delays during the fact-finding, insufficient time for report-writing given to participants and documentors, etc.).

Among the principal factors for these shortcomings were: the lack of resources, overstretched machinery, security concerns and short preparation time. For instance, a good number of organizations wrote us expressing interest in participating in the ILSM but didn't have the resources for international travel. The staff of the lead organizations were also overstretched because the ILSM preparations overlapped with build-up activities for Labor Day. Moreover, all the organizations involved in the ILSM were also active in the Free Ka Bel Movement which was launched after his arrest last February 25, 2006.

In addition, the machinery at the ILSM mission areas in particular were also severely constrained by ever-present threats to their security. This adversely affected the coordination between persons involved in the ILSM, especially between the mission areas and the regional and national organizations. The preparatory time between the approval of the proposal submitted to UNISON (February 8, 2006) and the actual date of the ILSM (April 29-May 8, 2006) turned out to be quite short given the numerous activities lined up for the ILSM and their dispersed nature.

Nevertheless, these shortcomings do not detract from the definite success of the ILSM overall. Indeed, the full impact of the ILSM has yet to be realized as the participants and their networks initiate other actions in support of the ongoing Stop the Killings Campaign.

### **Sustaining the Campaign**

An International Day of Action against Political Killings in the Philippines was suggested by the participants and is tentatively set for November 16, 2006 to mark the 2<sup>nd</sup> anniversary of the Hacienda Luisita Massacre. The Kilusang Mayo Uno labor center is set to file a case with the International Labour Organisation. The ILSM Secretariat is also following-up on the public hearing to be conducted by the CHR. We shall also be conducting paralegal and other capacity-building trainings for unions and workers organization in the various hotspots in the country.

In the U.S., the International Labor Rights Fund (ILRF) is exploring the possibility of setting-up educational meetings with members of the U.S. Congress, networking with other labor

unions, NGOs and Foundations in North America to create a broader-based coalition, and exploring options for grant funding for human rights investigations and research in the Philippines. In Europe, the International Forum (IF) is networking with human rights organizations like Amnesty International to draw more attention to the extra-judicial killings in the Philippines. In Australia, the union participants proposed to gather funds and other forms of support for education, strike action and family support for unions targeted by repression in the Philippines.

The ILSM secretariat is currently finalizing the reports of the ILSM teams for publication. We shall also be producing a video-documentary On the Killings of Unionists and Activists in the Philippines based on the ILSM documentation. These materials are intended to serve as campaign materials both inside and outside the Philippines. They should be released on or before September 2006. In the meantime, the revised ILSM website, <http://ilsm.eilerinc.org/> serves as repository of the ILSM findings and other background material on the human rights situation in the country. The ILSM listserve [ilsmphils@yahogroups.com](mailto:ilsmphils@yahogroups.com) is also intended to maintain links among the participants and other interested individuals and groups for updates on the human rights situation in the Philippines and actions in support of the Stop the Killings Campaign. #

*Ref: Paul Quintos, ILSM Secretariat*