

**Resisting Impunity  
and Criminalization  
of Indigenous Peoples  
Human Rights Defenders  
in the Philippines**



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# Resisting Impunity and Criminalization of Indigenous Peoples Human Rights Defenders in the Philippines



# Introduction

**I**tinatanong ninyo sa amin kung pag-aari namin ang lupa. At kinukutya kami, 'Nasaan ang inyong titulo?' Kahambugan ang pag-angkin sa lupa, sapagkat tayo ang pag-aari ng lupa. Paano natin aariin ang isang bagay na mananatiling nariyan kahit tayo'y wala na?"

("You ask us if we own the land and mock us, saying 'Where is your title?' Such arrogance to speak of owning the land when you shall be owned by it! How can you own that which will outlive you?")

These are the words of Kalinga leader Macliing Dulag who was killed in 1980 for defending their ancestral land against the Chico dam project during the Marcos dictatorship. His words ring true to this day as indigenous peoples from all over the country fight tooth and nail against the powers-that-be aiming to encroach upon their land and threatening their very existence.

This compilation of articles not only brings to life the 'development aggression' and human rights violations that come with these projects, but more importantly, it highlights the persistence, determination, bravery, and collective struggle of indigenous peoples' communities.

The report starts with an overview of the indigenous peoples' human rights situation in the Philippines, highlighting continued land grabbing, plunder of resources, and tyranny. The alarming trend of increased human rights violations against indigenous peoples defending their land is traced back to the Indigenous Peoples Centric approach of the Duterte regime's Oplan Kapayapaan. Another major article analyzes the dangerous and draconian features of the Human Security Act of 2007 and its proposed amendments, which are well on the way to being used as weapons of injustice against people who are merely asserting their

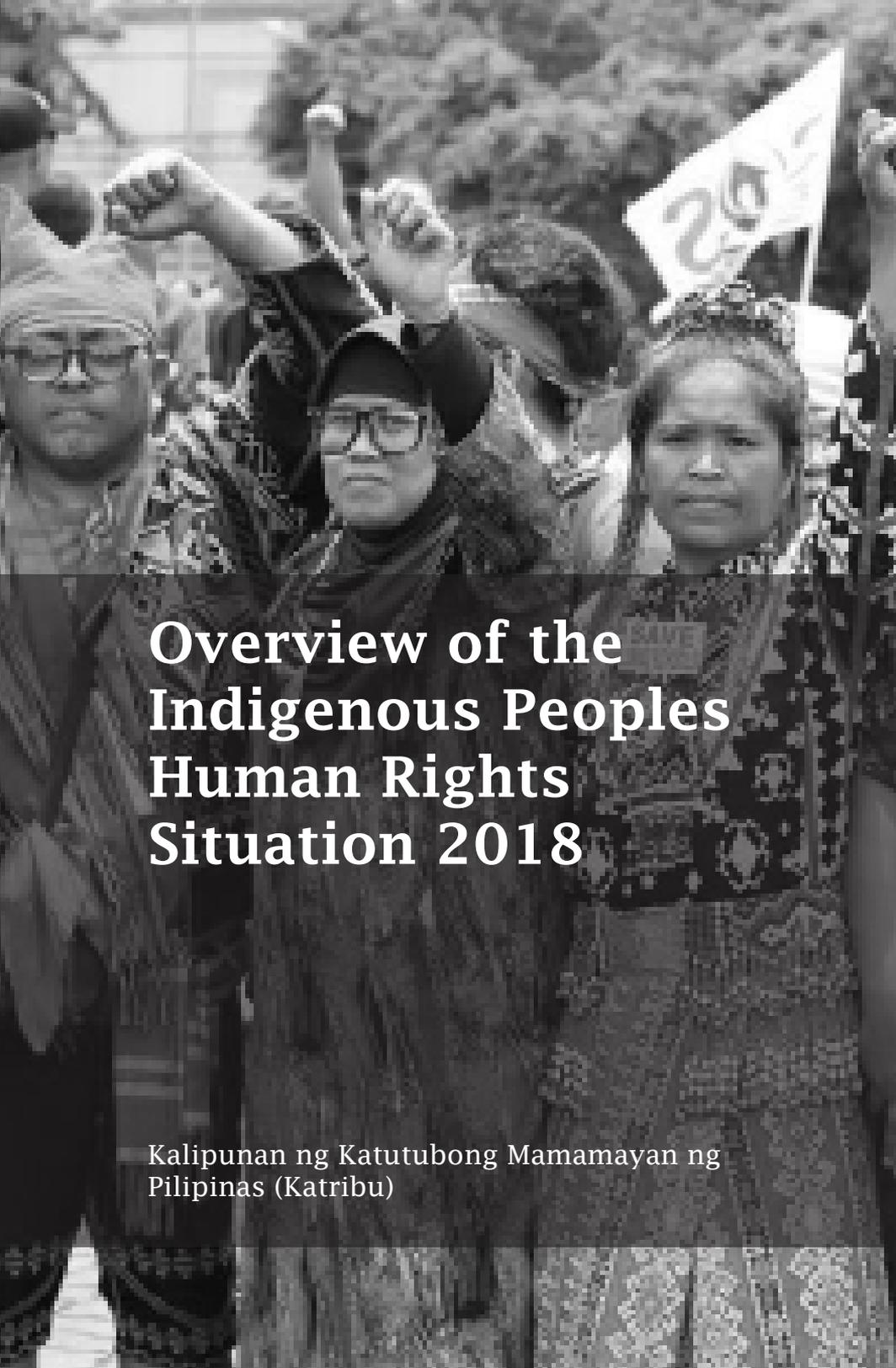
rights. A third article focuses on the situation of the Lumad in Mindanao, who so far, have borne the brunt of Duterte's counterinsurgency war under a cloud of martial law. Other articles describe how indigenous activists and leaders in different regions of the country have become victims of criminalization of dissent and how the justice system is now being used by the State to assault and harass human rights defenders.

These stories about the real struggles on the ground of the Lumad, Aytá, Pelawan, Mangyan, Igorot and other indigenous peoples were written by various indigenous peoples' organizations and advocates. These narratives are itching to be told, in spite of attempts to silence them by those with interests in extractive industries. We publish these so that the Filipino people and the international community may know that indigenous peoples in the Philippines are not afraid of the tyrant in Malacañang nor the rich companies wreaking havoc on their lives.

Read on and be inspired.

# Table of Contents

Overview of the Indigenous Peoples Human Rights Situation 2018	6
Human Security Act of 2007 and Proposed Amendments, Dangerous and Draconian	17
For defending ancestral lands, Lumad targeted by Duterte's counterinsurgency war	31
Remembering Erning Aykid, Hero of the Mangyan tribe	44
Our Rivers, Our Lives: The Ayta of Pampanga and Tarlac and their Struggle against Quarries and Destructive Dams	49
No calm waters for the Palawan Peoples: The experience of indigenous peoples on mining in South Palawan	54
Asserting Lumad children's right to education	63
Extinguishing the rays of light (Indigenous Women, Defenders of People's Rights)	68
Rachel Mariano, an Igorot woman of courage	77
Using the Justice System to Assault and Harass Human Rights Defenders	85



# Overview of the Indigenous Peoples Human Rights Situation 2018

Kalipunan ng Katutubong Mamamayan ng  
Pilipinas (Katribu)

## **Continued land grabs, plunder of resources, and tyranny against the struggling indigenous peoples**

**T**he indigenous peoples in the Philippines constitute 12 percent to 17 percent of the population. The National Commission on Indigenous Peoples (NCIP) considers 110 ethno-linguistic groups in the country as indigenous. They are able to maintain or practice their traditional life ways, which they inherited from their ancestors.

The major groupings of indigenous peoples in the Philippines are the Igorot of the Cordillera, Ayta of Central Luzon, Mangyan of Mindoro, Indigenous Groups in Palawan, Tumanduk of Panay, Dumagat of Aurora, Quezon and Rizal and Lumad of Mindanao. These groups are actually generic terms used to name the indigenous peoples of certain ethnographic regions. These groupings have smaller groups, which are based on either tribal organization or languages spoken. They are also divided according to regions and islands where they are mostly concentrated.

For indigenous peoples, land is life. Land ownership range from communal, to semi-communal, to private. Rights to land are acquired primarily through investment of labor and actual improvements on the land. Access to and control of land and resources are traditionally regulated through customary laws, which evolved in the communities through time.

This view is in contrast with the state's policies and laws where indigenous peoples' ancestral lands are generally considered part of the public domain and, therefore, at the government's disposal. For the state, land is a commodity that can be sold or leased.

From the administration of Ferdinand Marcos until the present administration of President Rodrigo Duterte, indigenous peoples have been defending their ancestral



domain against encroachment by government and big companies.

### **Under attack: Ancestral Lands and Resources**

The Duterte administration has proven to be a major threat to the very existence of indigenous peoples.

President Rodrigo Duterte has been aggressive in offering ancestral lands to foreign corporations and local big business in the pretense of ending the poverty of indigenous peoples.

On February 1, 2018, as part of an “IP Leaders Summit,” Duterte announced that he would personally choose the investors who would develop the ancestral domains of the Lumad purportedly to spur economic activity in Mindanao. He also vowed to provide P100 million to fund agricultural development in Lumad areas.

In response, the Department of Agriculture (DA) has launched its masterplan for the ancestral lands within three weeks after the summit. The DA announced that it is allocating a budget of P1.2 billion for 2018 for the

“development” of ancestral lands specifically in Mindanao that would convert an initial area of 100,000 hectares of lands for tree planting of high value crops such as cacao, coffee, timber, and also for coconut farm, dairy farm, poultry and livestock.

The Duterte administration is also continuing dam and energy projects in other ancestral territories: the Agus-Pulangi dams in Bukidnon and North Cotabato; Balog-balog dam in the Ayta lands in Tarlac, Ilaguen Dam in Isabela, Diduyon Dam, Jalaur Multi Purpose Project and Pan-ay River Basin Integrated Development Project in the Tumandok lands in Iloilo and Capiz; Alimit Hydro Complex of the SN Abotiz in Ifugao; Karayan dam in Kalinga; Dupinga dam in Nueva Ecija; Sumag River Diversion Tunnel in Quezon, and another China ODA dam of the Vialogo Olympia Power in Rizal. These dams are to displace more than 100,000 indigenous peoples from at least 106 villages.

Targeted by foreign and local big business for profit-extraction, geothermal energy will be harnessed in the projects of American company Chevron and local company Aragorn Power and Energy in Kalinga province; the PRC Magma in the provinces of Benguet, Mt. Province, and Ifugao; Vialogo Olympia Power in Rizal and another China ODA funded New Centennial Water Source-Kaliwa Dam Project in Quezon; and the Aboitiz Power Corp. in Pampanga and Zambales, and in South Cotabato.

Coal operating contracts issued by the Department of Energy are encroaching hundred thousands of hectares of ancestral lands in seven municipalities of Surigao del Sur that cover part of the sacred Andap Valley Complex, and in the provinces of Zamboanga del Norte, Zamboanga Sibugay, Sarangani, South Cotabato, Agusan del Sur, and Agusan del Norte.

Moreover, 230 of the 447 approved mining applications are in ancestral territories, encroaching over 500,000 hectares of ancestral lands, or 72 percent of the total hectares covered by all the approved mining applications.

In February 2017, the DENR came out with its Final Mining Audit Report, which ordered the closure of 23 mining operations; suspension of five mining operations; and cancellation of 75 Mineral Production Sharing Agreements (MPSA) within watershed areas. The report found that 68 percent of commercially operating big mines have various deficiencies and violations of mining and environmental regulations and warrants suspension or closure. Out of these 103 mining operations and permits up for suspension, cancellation or closure, 86 are in ancestral territories of indigenous peoples.

But none of such orders was implemented as the Commission on Appointments (CA) rejected Gina Lopez's appointment as DENR chief. Retired general Roy Cimatu, former Armed Forces of the Philippines chief of staff, who replaced Lopez created the National Task Force Mining Challenge (NTFMC) to enforce mining laws in favor of big and foreign corporations. In July 2018, Cimatu has also lifted the moratorium for the approval of applications for mining exploration.

Moreover, at least 320,000 hectares of ancestral lands are occupied and controlled by giant local and foreign corporations for different kinds of monocrop plantations. Plantations for banana, pineapple, oil palm, bioethanol, coffee and other agribusiness crops have encroached ancestral territories and/or have displaced or adversely affected indigenous communities especially in Mindanao.

New agreements of the government with Malaysian and Indonesian entities have opened up at least 120,000 hectares of land for oil palm plantation expansion in Mindanao and Palawan.

Meanwhile, the New Clark City (NCC), previously called as Clark Green City, covers more than 9,400 hectares of lands and encroaches the ancestral territories of the Ayta in Pampanga and Tarlac. Geothermal and dam energy projects would cover up to 59,000 hectares of ancestral lands, and maintaining the 17,000 hectares Crow Valley Military Complex for US military exercises.

These so-called development projects have been declared without genuine free, prior and informed consent (FPIC) of indigenous peoples. In essence, the present administration violates the indigenous peoples' inherent and prior right to ancestral land.

### **Under attack: Indigenous Peoples, defenders of the Land**

The indigenous peoples have no choice but to resist the entry of projects that threaten their very existence.

To quell or prevent resistance from indigenous peoples, the Duterte administration is using its counterinsurgency program Oplan Kapayapaan as justification. The oplan's "Whole of Nation Initiative" (WNI) includes the Indigenous Peoples Centric approach (IP Centric), identifying indigenous peoples' communities as areas of the New People's Army (NPA). The military claims that in Eastern Mindanao, 74 percent of the NPA are indigenous peoples and that 90 percent of the NPA bases are in ancestral domains.

After the all-out war and martial law were declared, military operations intensified in the entire country, directly targeting and affecting indigenous communities in Mindanao, Luzon and Visayas. According to the Mindanao Human Rights Summit 2018, 75 percent of the combat forces of the Armed Forces of the Philippines are currently deployed in Mindanao, with 43 battalions focusing on NPA.



From July 2016 to October 2018 Katribu has monitored the following human rights violations against indigenous peoples:

**51** IP victims of extra-judicial killings by state armed forces, state-sponsored paramilitary groups and security forces of landlords. Of the 51 victims, 43 are Lumad activists and indigenous peoples in Mindanao, and 26 have been accused of being members or supporters of the NPA.

**12** incidents of bombings by the military, affecting over a thousand families and 6,000 individuals

**54** incidents of forced evacuation due to military operations affecting over 6,000 families and nearly 30,000 indigenous peoples.

At least **56** Lumad community schools have been forced to close down since the implementation of martial law in Mindanao

**98** indigenous peoples have been illegally arrested, and from October 2017 up to August 2018, at least 61 indigenous peoples have been filed with trumped up criminal cases such as – illegal possession of firearms and frustrated murder.

**39** IP political prisoners still languish in jail, 21 of them were illegally arrested under the Duterte administration.

Under the Duterte administration, the formation and recruitment of indigenous peoples to paramilitary groups to protect corporate interests as “investment defense forces” (IDF) continued. To date, at least 20 paramilitary groups continue to exist, terrorizing indigenous communities in Mindanao.

Some members of these paramilitary groups have existing warrants of arrest for the extrajudicial killings of Lumad leaders including village chiefs Datu Jimmy Liguyon, Datu Bello Sinzo and activist leader Dionel Campos. They have also been sighted in several military activities, including combat operations and press conferences of the military units under the 10th Infantry Division of the Philippine Army.

In October 2017, the 10th ID started its six-month special training to at least 300 Lumad to become regular soldiers to prevent them from being recruited by the NPA.

Earlier, in February 2017, the government has launched an all-out war to crush the decades-long armed revolution launched by the Communist Party of the Philippines and NPA. In November, Duterte scrapped the GRP-NDFP peace talks just when it has moved forward in tackling the drafts of the Comprehensive Agreement on Social and Economic reforms – a major step to address the roots of social unrest and armed conflict.

On December 5, Duterte issued a proclamation declaring the CPP, NPA and NDFP as terrorist organizations. Duterte also publicly stated a crackdown against the CPP and called for the killing and arrest of NPA members. He even offered the Lumad P20,000 to P25,000 pesos for every NPA killed.

In February 2018, the Philippine government’s latest move is to proscribe the CPP and NPA as terrorist organizations under the Republic Act 9372 or the Human Security Act of 2007.

# ATTACKS ON INDIGENOUS PEOPLES BY THE US-DUTERTE REGIME

STATE FASCISM AND REPRESSION AGAINST INDIGENOUS COMMUNITIES  
JULY 2016 - OCTOBER 2018



54

VICTIMS OF EXTRA-JUDICIAL KILLINGS



182

VICTIMS OF ILLEGAL ARREST AND  
DETENTION



67

INCIDENTS OF FORCED EVACUATION  
OF INDIGENOUS COMMUNITIES



17

INCIDENTS OF AERIAL BOMBINGS



KATRIBU

KATRIBU KALIPUNAN NG KATUTUBONG  
MAMAMAYAN NG PILIPINAS



Photo courtesy of Cordillera Human Rights Alliance

On February 21, 2018, the DOJ filed a petition at a regional court in Manila to proscribe as terrorist organizations the CPP and NPA, and added a list of 657 persons alleged to be officers and members of the two organizations.

The malicious DOJ list includes at least 30 indigenous peoples activists including the United Nations Special Rapporteur on the Rights of Indigenous Peoples Victoria Tauli-Corpuz; Cordillera Peoples Alliance Chairperson Windel Bolinget; Secretary General and Spokesperson of the TIKULPA Lumad organization Sergio Lumunday and Datu Isidro Indao; respected elders and village chieftains Datu Mandayhon and Datu Mampadayag; the awardee of the UN's 2018 Champions of the Earth Award Joan Carling; and the International Indigenous Peoples Movement for Self-determination and Liberation Global Coordinator, Beverly Longid.

It must be noted that all these IP leaders and advocates have long been active in the campaign for the defense of ancestral

lands and right to self-determination. They are all critical of the government's projects that are detrimental to IP communities.

Aside from red-baiting, the administration also files trumped-up charges against "enemies of the state" through the Inter-Agency Committee on Legal Action (IACLA). Like its predecessor, IACLA is supposedly tasked to go after perpetrators of "atrocities" against police and military personnel, but actually targets government critics. All these human rights violations are taking place in the context of the continuing violations of socio-economic and cultural rights on indigenous peoples.

Hope lies on the continuous assertion by indigenous peoples of their rights to their ancestral domain and self-determination.



# Human Security Act of 2007 and Proposed Amendments, Dangerous and Draconian

Cordillera Human Rights Alliance

## I. Legitimate Political Dissent Under Attack

“There is a disturbing trend in the use of national security arguments and counter-terrorism strategies by States as justification for blocking access by communities and civil society organizations to the United Nations. In the last year, a number of Non-Government Organizations (NGOs) and human rights defenders, activists and experts have been labeled as “terrorists” by their Governments. Reported cases include individuals or organizations being officially charged with terrorism, blamed for cooperation with foreign entities, or accused of damaging the reputation or security of the State.”

*Cooperation with the United Nations, its representatives  
and mechanisms in the field of human rights\**  
*Report of the Secretary-General António Guterres*  
*September 2018*

The Human Security Act of 2007, also known as the An Act to Secure the State and Protect our People from Terrorism was enacted purportedly to protect life, liberty, and property of Filipinos from acts of terrorism with the colatilla that in its implementation, the State shall uphold the basic rights and fundamental liberties of the people as enshrined in the Constitution.

It appears, however, that instead of protecting Filipinos from acts of terrorism, it has been utilized to criminalize dissent and used to justify the perpetration of human rights violations against all Filipino citizens in general and indigenous peoples in particular.

The Human Security Act of 2007 was passed by the 13th Philippine Congress and signed into law by former President Gloria Macapagal-Arroyo more than a decade ago. This was a response to the United States of America’s enactment of

its PATRIOT ACT<sup>1</sup> and call for allied governments within the “Coalition of the Willing”<sup>2</sup> to do the same. The enactment of the law was a precondition for the Philippine government to access military funding from the United States of America for the modernization of the Armed Forces of the Philippines (AFP) and the implementation of its then national internal security policy Oplan Bantay Laya, which was responsible for the extrajudicial killings of more than a thousand activists.

The constitutionality of the HSA has been questioned and challenged in the Supreme Court on the same year it was passed.

Among the grounds raised to challenge the law’s constitutionality are its vagueness and overbreadth. As a rule, a statute or act may be said to be vague when it lacks comprehensible standards that men “of common intelligence must necessarily guess at its meaning and differ as to its application”. It is repugnant to the Constitution in two respects: (1) it violates due process for failure to accord persons, especially the parties targeted by it, fair notice of the conduct to avoid; and (2) it leaves law enforcers unbridled discretion in carrying out its provisions and becomes an arbitrary flexing of the government muscle.<sup>3</sup> In its present formulation, the HSA defines “terrorism” with a list of crimes defined by the Revised Penal Code and adds the qualifying clause, “ that sow or create a condition of widespread and extraordinary fear and panic among the populace in order to coerce the government to give

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1 PATRIOT ACT - Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism passed in 2001

2 Coalition of the Willing - refers to countries who supported, militarily or politically, the 2003 invasion of Iraq and subsequent military presence in post-invasion Iraq. The original list released in March 2003 included 46 members.[3] In April 2003, the list was updated to include 49 countries, though it was reduced to 48 after Costa Rica objected[4] to its inclusion. Of the 48 countries on the list, three contributed troops to the invasion force (the United Kingdom, Australia and Poland). An additional 37 countries provided some number of troops to support military operations after the invasion was complete.

3 People of the Philippines vs. Nazario G.R. No. L-44143; August 31, 1988

in to an unlawful demand.” The “vague and over broadly defined provisions in criminal law violates the principle of legality of offenses and is inconsistent with Article 15 of the International Covenant on Civil and Political Rights (ICCPR).”<sup>4</sup>

The definition of terrorism is nebulous because it fails to give fair notice to citizens as to what is considered a terrorist act. Worse, it is so ambiguous that law enforcers are given extensive and arbitrary discretion in its enforcement. The arbitrary flexing of government muscle is evident in the manner the law has been enforced so far.

The Human Security Act has been used very selectively since 2008. In three out of less than ten cases it was applied, the law has been used against indigenous peoples.

HSA was first used in 2008 against Aeta peasant Edgar Candule.<sup>5</sup> He was illegally arrested by elements of the Philippine National Police without a warrant or authorization from the Anti-Terrorism Council (ATC) in Botolan, Zambales, a mining town. He was detained at Camp Conrado Yap for three days and the Philippine National Police (PNP) later charged him with terrorism under Section 3 of the HSA based on allegations of his possession of a firearm and subversive documents.

During Candule’s trial, one of his arresting officers PO3 Rex Sahagun admitted to only attending one seminar on the HSA and that he was not familiar with the provisions of the law. He and his team conducted the warrantless arrest

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4 Submission Of The International Commission Of Jurists (ICJ) On The Proposed Amendments To The Human Security Act 2007 (HSA) to the Joint Technical Working Group Committees on Public Order and Safety & National Defense and Security 17th Congress House of Representatives; 25 June 2018

5 Position Paper on the Proposed Amendments to the Human Security Act of 2007(Draft Substitute Bill to House Bills 7141 and 5507) Karapatan National Alliance for Human Rights; June 18, 2018

of Candule without authorization from the ATC based on their understanding that the possession of a firearm and subversive documents constitutes the crime of terrorism. This demonstrates how the little knowledge possessed by the arresting officers has led to the capricious application of the HSA to Candule.

The ongoing proscription case was the second time indigenous peoples were involved in the application of the anti-terror law.

In February 2018, the Department of Justice (DOJ) invoked the Human Security Act of 2007 (HSA) when it filed a petition to proscribe the Communist Party of the Philippines (CPP) and the New People's Army (NPA) as terrorists at the Regional Trial Court Branch 19 in Manila. The petition includes a list of at least 657 individuals named as supposed leaders and members of the two organizations, including 61 human rights defenders, 38 personalities involved in the peace process of the National Democratic Front of the Philippines with the Government of the Republic of the Philippines, 16 political prisoners, eight deceased persons, and two disappeared activists. The list has been recently narrowed down to eight persons in an amended DOJ petition filed on January 3 and upheld by Judge Marlo Magdoza-Malagar this February 1, 2019. That the Department of Justice amended the petition on its own motion is an indication that the department had no clear criteria for including individuals in the proscription list and merely cobbled names from unverified sources.

It, however, also demonstrates how the law can be used to target indigenous peoples who have been critical of the Philippine government.

The list named former and present Cordillera Peoples Alliance (CPA) as an attack against the organization that has been consistently fighting for the rights to ancestral

land and self-determination of the Cordillera indigenous peoples. Among the former CPA chairpersons in the proscription list are Joan Carling, past secretary general of the Asian Indigenous Peoples' Pact and former member of the UN Permanent Forum on Indigenous Issues; lawyer Jose Molintas, former member of the UN Expert Mechanism on the Rights of Indigenous Peoples; Beverly Longid, global coordinator of the International Indigenous Peoples' Movement for Self-Determination and Liberation. Current advisory council and Sandugo co-chairperson Joanna Cariño, Cordillera People's Alliance Chairperson Windel Bolinget and Tongtongan ti Umili – CPA Baguio Chapter, former chairperson Jeanette Ribaya-Cawiding are also listed.

At least 10 Lumad datus in Northern and Southern Mindanao in opposition to mining, energy, logging and agribusiness projects, militarization and Martial Law are named in the list among the 364 individuals from Mindanao.

The inclusion of Tauli Corpuz is also a clear case of reprisal from the Duterte government for the UN Special Rapporteur's expressed concern over possible cases of human rights violations against indigenous communities affected by the imposition of martial law in Mindanao.

Despite the exclusion of all but eight individuals, the danger to the security and safety of the others listed prior to the amendment remains the same. Just recently, Randy Felix Malayao, a



Photo by Dee Ayroso/Bulatlat

peace consultant for the National Democratic Front of the Philippines who was on the same proscription list was extrajudicially killed on January 28, 2019 on his way home.

The third instance the present HSA was used was in the case of Kalumbay Regional Lumad Organization of Northern Mindanao Chairperson Datu Jumorito Guaynon.

Guaynon is a Higaonon leader who holds the vice chairpersonship of Kalumaran, the alliance of indigenous peoples in Mindanao. He was arrested on January 28 together with peasant leader Ireneo Udarbe while inside a passenger jeepney at a checkpoint mounted by the 4th Infantry Division just outside the Army headquarters.

The arrest was staged as both Guaynon and Udarbe were abducted by combined elements of the Army and the Criminal Investigation and Detection Group of the Philippine National Police. The "arrest" was played out before the public along the highway a few hours later, this time with planted evidence of explosives and firearms inside their bags.

Both were on their way to a meeting to prepare for a scheduled dialogue with the Commission on Human Rights concerning abuses committed by the Army's 65th Infantry Battalion.

Trumped-up charges of illegal possession of firearms and explosives, rebellion, and violations under the Human Security Act (HSA) were filed against Guaynon and Udarbe. Their cases were recently dismissed this July 2019. Other criminal trumped-up charges have kept Guaynon in detention.

## **II. The Human Security Act of 2007, Proposed Amendments and its Impact on Indigenous Peoples**

In 2016, the US State Department Country Report on Counterterrorism cited the need to amend the law because it has rarely been used. In 2018, Representatives Amado Espino Jr., Gary C. Alejano, and Leopoldo Bataoil proposed two House Bills namely House Bill 7141 (“An Act Amending Republic Act No. 9362 entitled “An Act to Secure the State and Protect our People from Terrorism,” otherwise known as the “Human Security Act of 2007”) and House Bill 5507 (“An Act Declaring as Unlawful the Membership in any Philippine Court-Proscribed or United Nations Security Council-Designated Terrorist Organization and Providing Penalties Therefore”) to amend the law.

Local and international legal experts, including the UN Special Rapporteur on Human Rights and Counterterrorism in 2007 and the International Commission of Jurists (ICJ) found the law and the recent proposed amendments inconsistent with international human rights laws and standards.

Under HB 7141, the definition of terrorism has been expanded to include:

- Any other act intended to cause death or serious bodily injury to any person
- Or intended to cause risk to health, safety or security of the public
- Or Intended to seriously interfere with, disrupt or destroy critical infrastructure
- Or using weapons of mass destruction

When the purpose is to intimidate a population or to compel a government, an international organization or any person or entity to do or abstain from doing any act.

Furthermore, “critical infrastructure” has been defined as an asset or system which is essential for the maintenance of vital societal functions such as communications, emergency services, gas, energy, dams, finance, food, public services, industry, health, transport, radio and television, information technology, commercial facilities, chemical and nuclear sectors and water.<sup>6</sup>

Under this amendment, there is a very real danger that peaceful protest against government projects such as dams and mining maybe interpreted as interference or disruption of critical infrastructure. Defense of ancestral domain and the assertion of the right to self-determination might even be considered as “terrorism”.

It is worthwhile to look at how other countries have enacted laws in the guise of anti-terrorism to criminalize dissent.

In Chile, for example, the controversial Law No. 19.027 was first enacted in 1984 during the military dictatorship of General August Pinochet as an “anti-terrorism” measure and it treats illegal land occupations and attacks on the equipment or personnel of multinational companies as acts of terrorism and subjects those charged to both civilian and military trials.<sup>7</sup>

On Jan. 4, 2013 (<https://www.frontlinedefenders.org/en/case/criminalisation-machi-francisca-linconao>), Francisca Linconao, a Mapuche elder and spiritual leader, was arrested for her alleged role in a confrontation between Mapuche protesters and landowners in Chile and Linconao was jailed for indefinite pre-trial detention, because police and prosecutors deemed her a potential terrorist and threat to society.<sup>8</sup>

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6 House Bill 7141 (“An Act Amending Republic Act No. 9362 entitled “An Act to Secure the State and Protect our People from Terrorism,” otherwise known as the “Human Security Act of 2007”)

7 <https://minorityrights.org/2010/10/19/chile-must-repeal-anti-terror-laws-affecting-mapuche-indians/>

8 [https://www.researchgate.net/publication/322309328\\_From\\_Wallmapu\\_to\\_Nunatsiavut\\_The\\_Criminalization\\_of\\_Indigenous\\_Resistance](https://www.researchgate.net/publication/322309328_From_Wallmapu_to_Nunatsiavut_The_Criminalization_of_Indigenous_Resistance)

In the United States, meanwhile, months-long protest against the Dakota Access Pipeline in North Dakota and Iowa prompted the Iowa Senate to advance a bill which critics say could lead to the criminalization of pipeline protests, which are being cast as “terrorist activities.” This bill, carrying a criminal punishment of up to 25 years in prison and \$100,000 in fines, resembles the Critical Infrastructure Protection Act, a “model” bill recently passed by the American Legislative Exchange Council (ALEC) which penalizes citizens if their actions “willfully damage, destroy, vandalize, deface, or tamper with equipment in a critical infrastructure facility.”<sup>9</sup> One of the leading opponents of the bill, Bold Iowa, through its director Ed Fallon, said, “This is legislative extremism at its worst. The bill’s backers want you to believe this is about cracking down on arson and vandalism. But the hundreds of pipeline protesters who were peaceful, nonviolent and didn’t engage in property destruction could be accused of interrupting service under this bill and subject to insane consequences.”<sup>10</sup>

In Ecuador, Sápara leaders were charged with terrorist acts for opposing oil exploitation, and Shuar leaders have been charged with terrorism for resistance to mining and oil industries while in Peru, indigenous community leaders defending their lands from mining projects have been accused of terrorism.

A common denominator in all of these cases is the strong opposition of indigenous peoples against government projects that have intruded into their ancestral lands and domains, opposition which has been characterized as acts of terrorism.<sup>11</sup>

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9 <https://www.ecowatch.com/iowa-bill-criminalize-pipeline-protests-2530519502.html>

10 <https://www.ecowatch.com/iowa-bill-criminalize-pipeline-protests-2530519502.html>

11 <https://truthout.org/articles/anti-terrorism-laws-increasingly-used-to-target-indigenous-activists/>

HB 7141 also penalizes ‘inciting to terrorism’ and ‘glorification of terrorism’. Without clear parameters, these provisions may interfere with the right to freedom of expression. The proposed amendments penalize any person who incites another by any means or anyone who shall advertise through any medium to glorify or promote terrorist acts. Considering the expanded definition of terrorism under this bill, press releases or written materials covering protests against government projects might even be construed as glorification of terrorism. Gathering communities for discussion on the implementation of government projects might even be interpreted as inciting to terrorism.

The process of proscribing terrorist organizations becomes more whimsical with the proposed amendments. Section 17 of the Draft Substitute Bill provides for a mere ex parte (on the request of one party) application of the DOJ proscribing alleged individual terrorist, terrorist organizations, association or group of persons. The provision allows the DOJ to apply for proscription in the absence of and without representation or notification of affected parties. This amendment denies an individual’s right to due notice and to an opportunity to be heard. Moreover, this provision will enable courts to issue a preliminary order of proscription in at least 24 hours, along with a preliminary asset preservation order. This means that a suspect, not yet convicted of a crime, loses his freedom and his material wealth, if any, as soon as one is proscribed as a terrorist.”<sup>12</sup>

The bill gives the military authority for countering terrorism. It gives them sanction to apply also ex parte for judicial warrant to surveil individuals or organizations suspected of committing any of the

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12 Position Paper on the Proposed Amendments to the Human Security Act of 2007(Draft Substitute Bill to House Bills 7141 and 5507) Karapatan National Alliance for Human Rights; June 18, 2018



Victoria Tauli Corpuz, United Nations Special Rapporteur on the rights of indigenous peoples

offenses under the HSA. The military personnel can eavesdrop on all communications, conversations and discussions without the need of informing the surveilled party.

The bill also grants the military the authority to arrest and detain persons suspected such offenses, an authority only previously granted to law enforcers.

The bill likewise extends the period of detention without judicial warrant of arrest to 30 days. We have seen how unbridled power accorded to the military has led to atrocities in the past. With this bill, we expect the perpetration of graver human rights violations. Candule for instance was held at Camp Conrado Yap for three days, where he was tied to a monobloc chair, interrogated without legal counsel, repeatedly punched, electrocuted in his hands, feet and chest, forced to admit that he owned a firearm and threatened with death every time he denied that he was a NPA member.<sup>13</sup> Imagine what law enforcement or the military could do to an individual in 30 days?

Section 26 proposes that “The Department of Education (DepEd), Commission on Higher Education (CHED), and Technical Education and Skills Development Authority (TESDA) shall promulgate rules and regulations on the operation of schools or learning centers that will ensure the latter are not being used to promote violent extremism ideology”. Educational institutions that

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13 <http://news.abs-cbn.com/-depth/12/13/10/aeta-charged-terrorism-wants-p480m-cops>

will “violate” this provision will face administrative sanctions. For Lumad schools that have long been red-tagged as “NPA schools” by the AFP and have long been under attack, this may mean a legal ban.

### **III. When Laws and the Justice System Become Weapons of Injustice, the People Need to Rise**

*“Large-scale development projects are major drivers fuelling the escalation of attacks and the criminalization of indigenous peoples. The frequent undertaking of such projects without genuine consultation or measures to seek the free, prior and informed consent of the indigenous peoples concerned must cease. Indigenous peoples are not against development, but they reject “development” models which have been imposed on them without their participation and undermine their rights to self-determination and their right to set their own priorities for the development of their lands, territories and resources.”*

#### **Report of the Special Rapporteur on the Rights of Indigenous Peoples Victoria Tauli-Corpuz 39th Session of the UN Human Rights Council**

These are challenging times. There is a growing trend worldwide of criminalizing social protest. It can run the gamut of directly filing criminal proceedings to opening criminal investigations unlikely to reach the trial stage, which can nevertheless be used to disarticulate, demoralize and discourage social protest.<sup>14</sup> The “terrorist” and “extremist” labels can be used to justify brutality and a militarized operation.<sup>15</sup> Worse, as in the case of Randy Malayao, the “terrorist label” has led to his extrajudicial killing.

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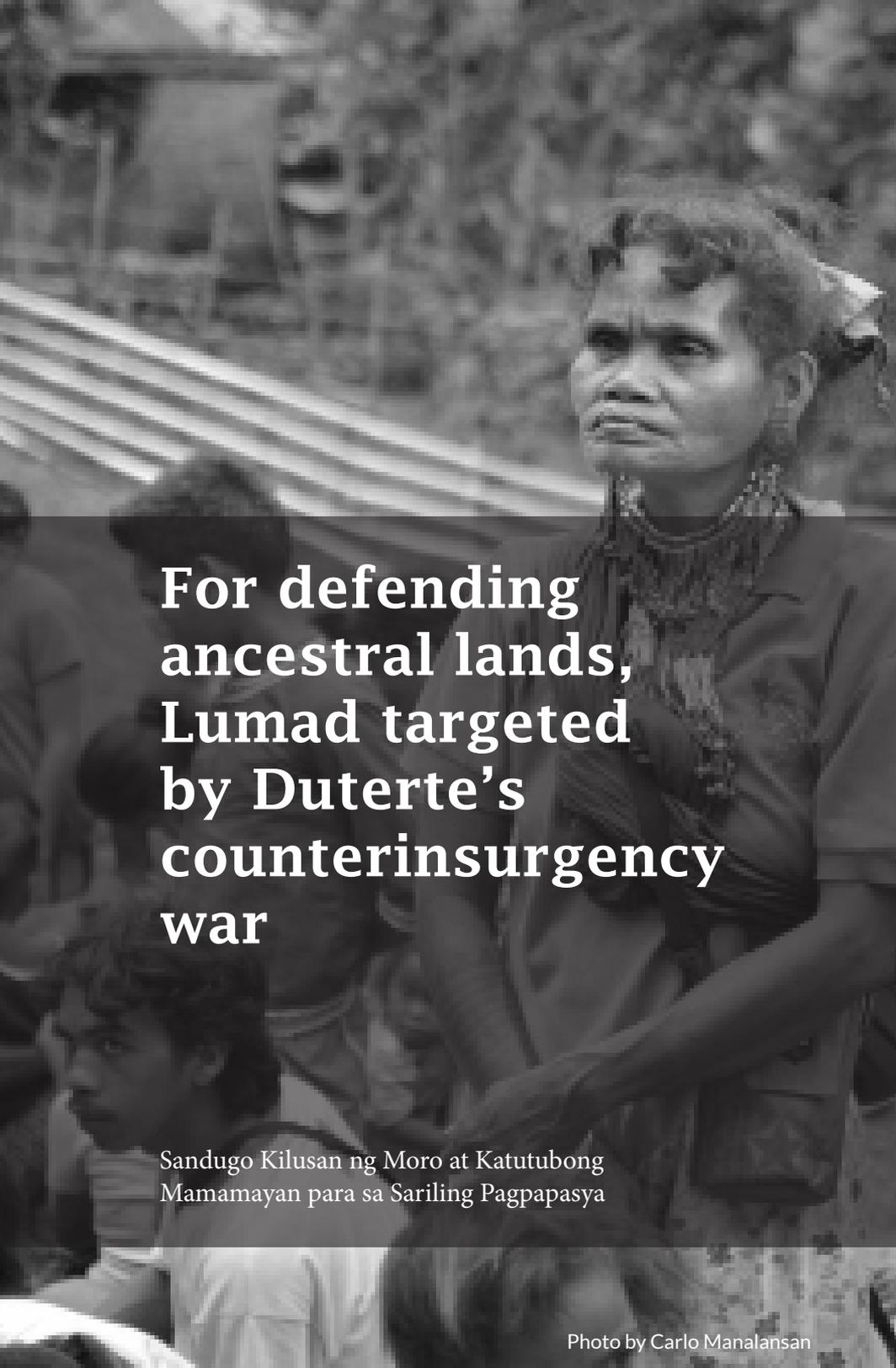
14 <file:///E:/human%20security/SSRN-id2384374.pdf>

15 <https://www.theguardian.com/environment/2018/sep/20/keystone-pipeline-protest-activism-crackdown-standing-rock>

Significant effort must be placed on community education –to widen awareness and understanding of the HSA and the proposed amendments and its implications on rights assertion and local struggles. Ultimately, this should lead to lobbying for the outright scrapping of laws like the Human Security Act and all other moves to further amend it or for any move to draft a similar law.

Human rights violations against indigenous peoples as a result of the implementation of the present HSA must be investigated and raised in government bodies and international bodies and perpetrators must be made accountable and must be penalized under existing laws.

The Philippine government should stop criminalizing dissent and stop labelling indigenous peoples as terrorists as they assert their right to self-determination. Legitimate political dissent should not be criminalized. The rule of law and the justice system should not be weaponized against the people.

A black and white photograph of a woman with a serious expression, wearing traditional jewelry, in a crowd. The background is blurred, showing other people and what appears to be a structure with diagonal lines.

# For defending ancestral lands, Lumad targeted by Duterte's counterinsurgency war

Sandugo Kilusan ng Moro at Katutubong  
Mamamayan para sa Sariling Pagpapasya

**T**he Lumad (a Visayan term “born of the earth” or “native”) is the collective name for the 18 non-Islamized indigenous groups in Mindanao, Southern Philippines. The Lumad continue to persist and maintain their lifeway and identity, defend their ancestral lands and natural resources despite the relentless attacks against them.

From the colonization era, the Lumad evaded and defended themselves from the merciless of “Cross and the sword” campaign of the Spanish invaders, then the “benevolent” yet inhumane assimilation efforts of the Americans and the same assimilation and integration programs of the succeeding U.S.-dominated Philippine administrations. Today, the Lumad, all of the 18 tribes, continue to defy the systematic attempt to wipe them out, and actively guard their lands and the natural resources.

Mindanao has been called the last frontier. But what remains of its once untouched and abundant mineral reserves, vast lands and virgin forests are mostly found in Lumad ancestral territories. These are now the targets of big foreign and local companies to exploit for profit. But the resistance of the people especially the Lumad, has impeded the entry and exploitation of these remaining lands and natural resources.

Another significant hindrance for the full exploitation of Mindanao’s natural riches is the presence of a revolutionary movement waged by the Communist Party of the Philippines-New People’s Army-National Democratic Front (CPP-NPA-NDF) and several Moro armed fronts.

Big business interests are so eager to get their hands on these riches unhampered and have the consent of previous Manila governments. Today, they have the consent of the Rodrigo Duterte regime. With this, they have the whole might of the State’s armed forces – the Armed Forces of the Philippines (AFP) and the Philippine National Police (PNP)



as their protectors and as their Investment Defense Force (IDF) and the regime’s counter-insurgency program aimed to neutralize the armed revolutionary movements in the country.

Ironically, the State’s “protectors of the people” are now trained to suppress the Lumad who are “defenders of the land, natural resources and environment” in Mindanao.

The massacre of Lumad leaders Dionel Campos, Datu Juvello Sinzo and ALCADDEV school director Emerito Samarca on September 1, 2015 in Lianga, Surigao del Sur was a focal point that put the Lumad struggle in the center stage of the State’s counter-insurgency program (then under the Benigno S. Aquino III regime) and support of big business interests. The massacre was made by the AFP-supported paramilitary groups of the Magahat-Bagani and Calpet Egua’s group.

With Mindanao as the AFP’s main theatre of war against the armed revolutionary movement of the CPP-NPA-NDF,

the Lumad communities are taking most of the blows in the Whole of Nation Initiative and indigenous people (IP)-centric approach of the State's counter-insurgency program. The Lumad are considered an "enemy of the State" and prime target of its counter-insurgency program as the AFP proclaims that in Eastern Mindanao, 74 percent of the NPA are Lumad and that 90 percent of the NPA bases are in ancestral domains.

President Duterte's counter-insurgency program Oplan Kapayapaan that started in January 2017 does not depart from the previous regimes' brutal programs. Worse, it is now being implemented under martial law in Mindanao. Even after the so-called liberation of Marawi from ISIS occupation in October 2017 – the main reason for President Duterte's declaration of martial law in the whole of Mindanao – the Lumad continue to bear the brunt of repression and fascist attacks.

The massacre of eight T'boli and Dulangan Manobo in Lake Sebu, South Cotabato on December 3, 2017 by elements of the 27th and 33rd IBPA marked the escalation of violent assaults against the Lumad under the Duterte regime.

The year 2018 is no different. The Lumad remain within the gun scope of the AFP and its barbaric paramilitary forces.

The rights of the Lumad are violated with impunity. On September 15 at around 2 o'clock, soldiers of the Army's 23rd Infantry Battalion (IB) shot and killed Rex Hangadon, a 23-year old Higaonon who was resting in a hut in Sitio Bulak, Lower Olave, Buenavista, Agusan del Norte. His father, Rex Sr. who was with him during the incident remains missing. According to his companions, Hangadon was at their tribe's communal farm to manually strip abaca fiber on the day he was killed. This refuted the claims of the 23rd IB who tagged Hangadon as NPA guerrilla and claimed that a firearm was retrieved from Hangadon's body.

This incident led about 190 individuals from 42 families to forcibly leave Sitio Bulak.

On October 5, B'laan farmer Jimmy Ambat was shot by soldiers of the 73rd IB in Sitio Mahayag, Barangay Upper Suyan, Malapatan, Sarangani province. Ambat was at home at around 7 p.m. when he heard his nephew screaming. As Ambat came out to check what was happening, soldiers instantly fired at him. Ambat's nephew was screaming because he was being beaten by the same soldiers.

Just like Hangadon, the military claimed that Ambat was an NPA member.

The killings did not spare the children. On April 21, 2018, Jhun Mark Acto, 15 years old, from the Bagobo Tagabawa tribe, was killed by soldiers of the 39th IB and 2nd Scout Rangers Battalion.

To prepare for the school opening in June, Jhun asked his mother to allow him to work in a coconut field to make copra to sell. On April 21, 2018, Jhun and his companions Larry and Jhayson heard a burst of gunfire while they were working in a farm in Sitio Bayungon, Brgy. Astorga, Sta. Cruz, Davao del Sur.

When they found out that Jhun was hit, Larry and Jhayson ran and sought help from barangay officials. They were not allowed to go back for Jhun as soldiers were still in the area. It was only the next day that they recovered Jhun's body clad in a black shirt with "New People's Army" printed in the back. An M-16 rifle and an improvised explosive device (IED) were also found near Jhun's body.

The incident triggered the evacuation of 67 families composed of 402 individuals to the Barangay Astorga gymnasium.



Photo by Carlo Manalansan

In the first two years since President Rodrigo Duterte assumed office, 35 Lumad were victims of extrajudicial killings. In 2018, ten others were killed. To date, 45 Lumad were killed.

Moreover, at least 33 Lumad became victims of frustrated killings due to indiscriminate firing or bombings during military operations or by direct yet failed assassination attempts.

Such was the incident on August 27 when the Army's 10th Infantry Division (ID) conducted aerial strikes in Sitio Malid, Brgy. Dagohoy, Talaingod, Davao del Norte. This was just 500 meters away from a Lumad school in Sitio Tibucag, endangering the children holding classes inside the rooms of Salugpungan Ta Tanu Igkanogon Community Learning Center (STTICLC) and some kids playing outside. Series of gunshots were also heard for at least 30 minutes.

The intense military operations and bombings in Lumad communities led to forcible evacuations of residents. At

least 26 incidents of forcible evacuations were documented in the first three quarters of this year alone. This sums up to more than 35,000 Lumad who fled their homes due to military operations under martial law in Mindanao.

As if these attacks are not enough, the AFP launched a campaign for the forced surrender of Lumad who they say must “return to fold of law”. But the victims of these forced or fake surrenders were never really ‘out’ of the fold. They are members of local organizations and communities who assert their legitimate rights to their ancestral lands against the incursions of big business operations coupled by unwarranted militarization of their communities. But the AFP branded them as rebels and therefore should be made to surrender. Silly and illogical it may seem but it is as horrendous and terrifying because of the threat and intimidation of the armed elements of the AFP and their paramilitary groups.

On March 5, fifteen members of the Tribal Indigenous Oppressed Group Association (TINDOGA), along with other members of the community, were called to the house of Datu Santiano Abdahan Jr. The meeting was attended by six soldiers of the 8th IBPA and 22 unnamed members of the Citizen Armed Force Geographical Unit (CAFGU). The residents were “invited” to surrender, or criminal cases would be lodged against them. Those who will “surrender” would be trained as new paramilitary members and would be enrolled in a livelihood project. The military also interviewed residents, forcing them to give names of other people they can add to their “wanted list”. The soldiers said that joining rallies was enough for any resident to be considered an NPA member.

On March 12, 2018, a Manobo and volunteer teacher of the Mindanao Interfaith Services Foundation, Inc. (MISFI) Academy, Jocelyn Zamora, reported that she was invited to the municipal hall of Brgy. Salvacion, Trento Agusan del Sur,

along with MISFI PTCA members Jacquelyn Casilong and Jeffrey Catalino. About 100 soldiers guarded the premises, where 70 Trento residents were at the hall. The residents were asked to fill out some papers while soldiers took pictures and videos.

Soldiers then forced Zamora, Casilong and Catalino to write their personal information and to put their names in what looked like an attendance sheet. Zamora was then instructed to go outside the municipal hall, pose beside a motorcycle and a military truck and stand on the field. When Zamora refused, she, like the others, was videotaped and forced to thank the 25th IB and say that she voluntarily surrendered to the military.

Those who did not follow the soldiers' orders were not allowed to leave the hall.

Even the surrender of Datu Guibang Apoga on June 9, the legendary warrior of Salupungan Ta Tanu Igkanugon in the Pantaron Range, was fake.

The 56th IB took advantage of the ailing and elderly Datu who was then taking a rest in sitio Nasilaban, Talaingod, Davao del Norte. They conducted a siege of the community and arrested him. Datu Guibang was then deceived to attend a tribal peace gathering where he was presented by the military as a surrenderee. Brigadier General Ernesto Torres Jr., commander of 1003rd Brigade 10th ID claimed that Datu Guibang defected from the NPA to the Philippine Army, complete with an M-16 rifle as a "stage prop".

On October 9, the military arrested three Lumad leaders Junie Catapte, Enecito Catapte and Julito Delicon, in Sitio Poog, Maitom village of Tandag, Surigao del Sur. Later, the military denied the arrest of the three and instead claimed that the victims voluntarily surrendered. The three are leaders and members of Lumad group Sidlak in Tandag.

*Even the surrender of Datu Guibang Apoga on June 9, the legendary warrior of Salupungan Ta Tanu Igkanugon in the Pantaron Range, was fake.*

As early as March 2018, the AFP boasted that more than 4,000 NPA members have surrendered to the AFP. This is a big fat lie. Most of the 4,000 'surrenderees' are residents of Lumad communities who were summoned, deceived if not forced to sign a piece of paper and/or made to pose for a photograph holding a military-issued firearm.

As early as February 2018, President Rodrigo Duterte openly offered the Lumad the amount of Php20,000 for every NPA they could kill. He also offered to recruit and train the Lumad to be members of the Civilian Auxiliary Forces Geographical Unit (CAFGU). The President's offer to kill members of the NPA for money is the height of his desperation to eliminate the insurgency in Mindanao. This is an admission that his soldiers, with all their new military equipment, overflowing funds and the tacit support of the United States military, could not suppress the intensifying armed civil war and people's resistance in the country especially in Mindanao.

The existence of paramilitary groups (those sanctioned by law like the CAFGU and those unauthorized but also created, trained and armed by the AFP) is proof that the armed forces by itself cannot defeat the armed insurgency. They need force multipliers to do the dirty work for them, serve as their guides, local intelligence network and killing machine. They take advantage of the poverty of the Lumad with the promise of a meager 5,000-peso allowance, rice rations and a gun to join a paramilitary group. This results in the disunity of the Lumad and their communities as it

divides and pits the Lumad against one another especially in areas where there is strong opposition to the entry of a mining corporation, logging or agricultural plantation.

The Lumad face attacks on all fronts.

The terror of intense military operations and rights violations does not stop in the communities. The Duterte regime and the AFP also launched its propaganda offensive in mainstream and social media to vilify and red tag Lumad leaders, organizations and communities.

As part of their media campaign, the AFP funded a Lumad delegation that included known leaders of a paramilitary group and staged so-called protests in Manila to denigrate the self-help Lumad schools and organizations and to discredit the legitimate struggles of the Lumad for their ancestral land and right to self-determination.

Mocha Uson, former Assistant Secretary to the Presidential Communications Operations Office (PCOO) and a die-hard follower of President Duterte, posted on her blog concocted stories of the AFP against the Lumad.

This included the so-called account of two Lumad youth, Asinad Bago and Manuel Salangani who claimed that they learned how to handle a firearm while enrolled in a Salugpungan school. They even said that they were taught how to attack a military detachment.

In end October, Uson also tried to make news by staging a so-called protest action at the University of the Philippines Diliman, Quezon City of a Lumad group. Joining her were discredited and fake Lumad leaders, and known paramilitary leaders responsible for the killings of Lumad datu and leaders in the September 1, 2015 Lianga massacre.

The PCOO and its secretary Martin Andanar also held a press conference in November featuring discredited

and fake Lumad datus together with the top brass of the AFP including retired General Hermogenes Esperon, now National Security Adviser and PNP Chief General Oscar Albayalde. Again, they parroted the same lies against the Lumad schools and the legitimate Lumad struggles to defend their ancestral lands.

Prior to this, the AFP launched a ridiculously crafted conspiracy story they called the “Red October Plot”. This plot allegedly involves the Communist Party of the Philippines, members of the legal opposition and several sectors that aim to oust President Duterte. Indigenous peoples was among the identified sectors.

But thanks to this dubious plot, the AFP only exposed itself to be desperate in inventing reasons to impose military rule over the country. The story backfired on the AFP and PNP, as many personalities, institutions and several sectors were angered instead of being pacified or frightened. The AFP and PNP were forced to retract their story, claiming that Red October plot was foiled, or was postponed for December.

In combination with its military and propaganda/ media offensives, the Duterte regime also launched legal offensives and filed baseless and fabricated cases against alleged personalities of the armed revolutionary movement and its so-called “political infrastructure,” including leaders of legal organizations as well as critics from the opposition.

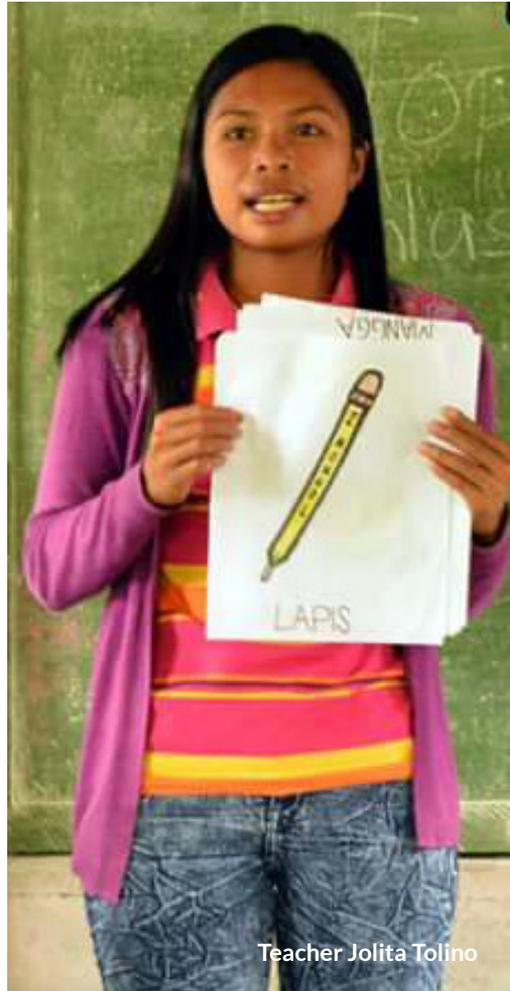
Last February, national minority leaders including several Lumad leaders were included in the list of 600 individuals in a petition filed by the Duterte government through its Department of Justice that seeks to proscribe the CPP-NPA as terrorist groups under the Human Security Act of 2007.

Even the Lumad schools are not spared.

The encampment of soldiers in Lumad schools is a regular scene. The children and their teachers are now targets of the military. Volunteer teachers are arrested and slapped with trumped-up cases to stop the schools from operating.

On February 7, Jolita Tolino, 24, an adult literacy community teacher of CLANS Lumad Community School in Sitio Tinagdanan, Brgy. Hinalaan, Kalamansig, Sultan Kudarat, was brought to the village hall, then to the Marine camp, and lastly to the Kalamansig Police station to be interrogated. She was transferred the next day to the Isulan Jail without knowing the charges against her. Later, she was informed that she is facing murder charges filed by unknown and unnamed individuals.

On October 25, 2018, STTICLC in Dulyan, Brgy. Palma Gil received a threat of closure from several Datus accompanied by the 56th IB. Soldiers coerced community members of Salugpongan to sign an attendance sheet, which was later presented as “petition” for the school’s closure. The



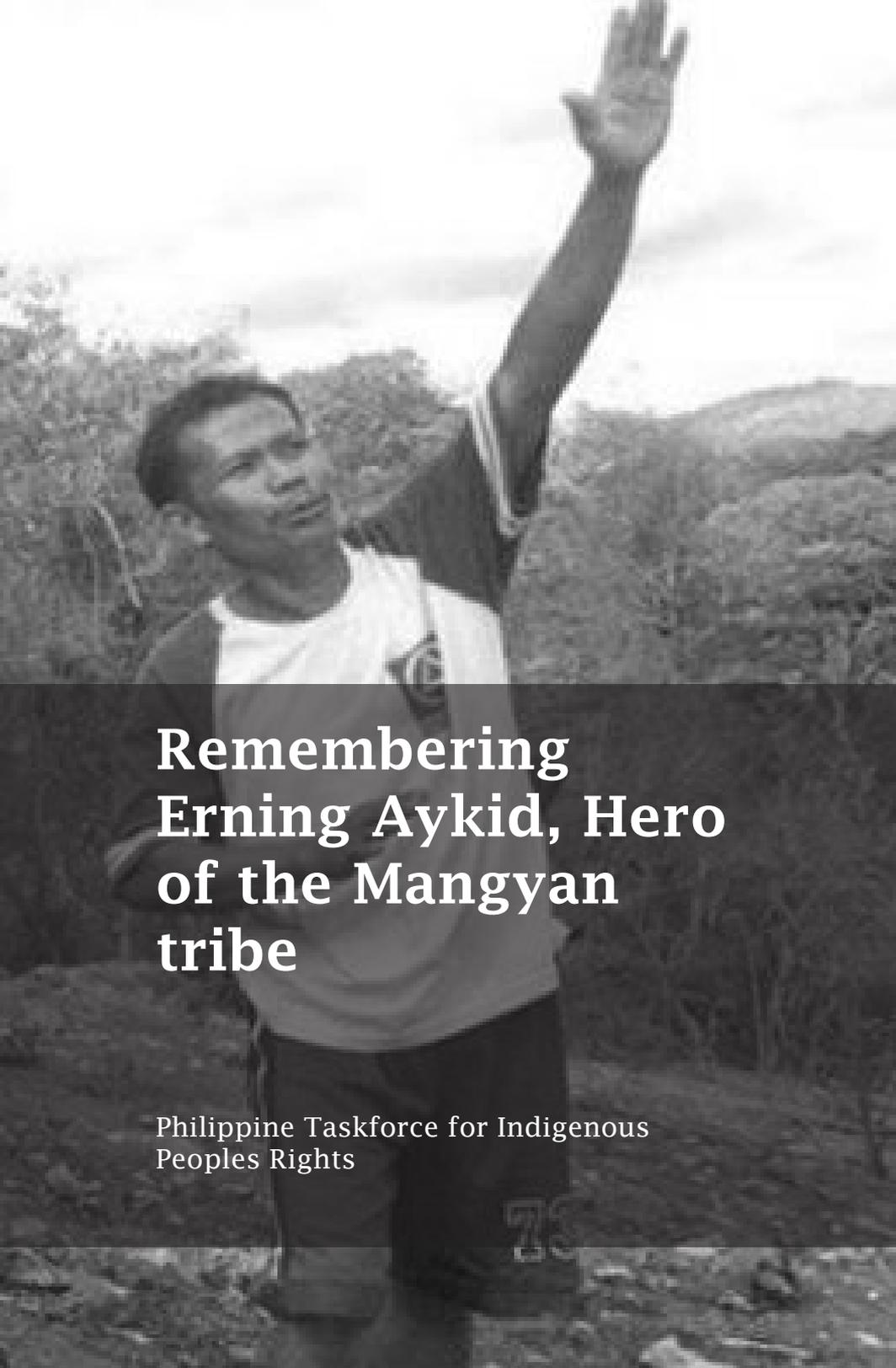
Teacher Jolita Tolino

STTICLC is accredited by the Department of Education. It has complied with all necessary requirements for its continuing operation.

In the face of unabated repression and fascist attacks by the Duterte regime, the Lumad continue to struggle. They continue to defend their ancestral lands, resources and life and they found common ground and unity with peasants, workers and other oppressed sectors. Many leaders have given up their lives. Many more might be killed. But surely, many more will Lumad would take their place.. As the attacks intensify and become more vicious, the Lumad's resolve to resist heightens.

The desperation of the Duterte regime and the AFP grows. They have failed and will surely fail in their self-imposed deadline to defeat the growing strength of the armed revolutionary movement, and to temper the rising social discontent and struggles of the Filipino people.

In the coming year, the Filipino people including the Lumad face the escalation of more vicious military attacks, worsened repression and tyranny. The only way out of this sharpening social strife is for the Duterte regime to address the roots of the ongoing armed and social conflict and work for comprehensive socio-economic and political reforms, or face the wrath of a united Filipino people and get ousted like the dictator Ferdinand Marcos and the tyrant Joseph Estrada.



# Remembering Erning Aykid, Hero of the Mangyan tribe

Philippine Taskforce for Indigenous  
Peoples Rights

To most people, all mornings seem to be the same. But for the poor indigenous farmers of Barangay Benli, Bulalacao, Oriental Mindoro, there are two significant daybreaks.

### **When a hero is born**

Like other IP communities in the Philippines, the mountainous parts of the island of Mindoro have been subjected to so-called development programs including mining, landfill, quarrying, renewable energy projects, and National Greening Program. These projects did not benefit the indigenous people, and in fact, resulted in conflicts within the tribes. The established culture, livelihood, and socio-political systems of the Mangyan peoples were disregarded altogether to give way to private companies and investors.

Among the many sons of Mindoro, Erning Aykid was called forth. He was an Iglesia Filipina Independiente (IFI) lay minister who donated parcels of his land for a chapel, cemetery, and school. He was an elected barangay official and a staunch defender of the environment. He stood firm for his faith and principles and for this, the Armed Forces of the Philippines (AFP) red tagged and harassed him continuously.

The 4th Infantry Brigade of the Philippine Army came first on December 13, 2014. At around 4 a.m., 11 soldiers barged in the Erning's house in Sitio Silad. Two of them interrogated Erning while the rest inspected the vicinity. The military claimed that a certain "Ka Insay" asked them to pick up things she left in the house. Erning and his family denied knowing anyone by that name and anything left in their house. The soldiers pushed their way in just the same. They rummaged everything, including the personal belongings of Erning's daughter. Before leaving, the men in uniform

threatened the family that “if they tell anyone about what happened that night, even their dogs would be killed.”

The second brush with the military happened on March 14, 2017. At around 5 p.m., a certain Lt. Bulosan confronted Erning near their camp in Barangay Benli. Bulosan asked if Erning was already aware that he was included in the order of battle. The military officer claimed that someone in the community reported Erning to be an active supporter of the New People’s Army (NPA). For twenty minutes or so, Erning was questioned about his involvement with the then ongoing peace talks, why he staunchly opposed the quarrying operation, among others. He was later released and went home.

Later that night, Bulosan sent approximately 30 armed men in Sitio Silad to fetch Erning for a “one-on-one talk.” Erning reasoned that he was not feeling well. The soldiers then demanded to stay in the church for the night. Erning let them stay in the Aglipay church adjacent to his house but suspected something was not right. An hour past midnight, he fled with his wife to a relative in a nearby sitio.

### **When a martyr came into being**

Six months later, in the morning of September 15, 2017, Erning and another barangay kagawad went to the barangay hall for a supposed special session. The village chairperson told them that there was no schedule and so the two decided to just take a ride to town and inquire about the rumored postponement of the barangay election in October.

After his inquiry with the local COMELEC office, Erning bought medicine for his sick grandchild and at around 10 a.m., he and his companion traveled back to the barrio. Upon reaching Sitio Cavilian, Barangay Nasukob

at around 11 a.m., a black-and-white smash motorcycle with no plate started tailing them. Both riders wore bonnet that covered their entire face. Shortly after, witnesses heard five gunshots, killing Erning and his companion. The riding in tandem fled by going back to Cavilian highway.

Autopsy reports indicated that the victims were shot at close range. Police suggested that they were blocked or were asked to stop before they were shot.

The place of the incident was only three kilometers away from Erning's barangay but it took until 5 p.m. before the victims' families were informed about the murder. Until today, despite police's promise of an in-depth

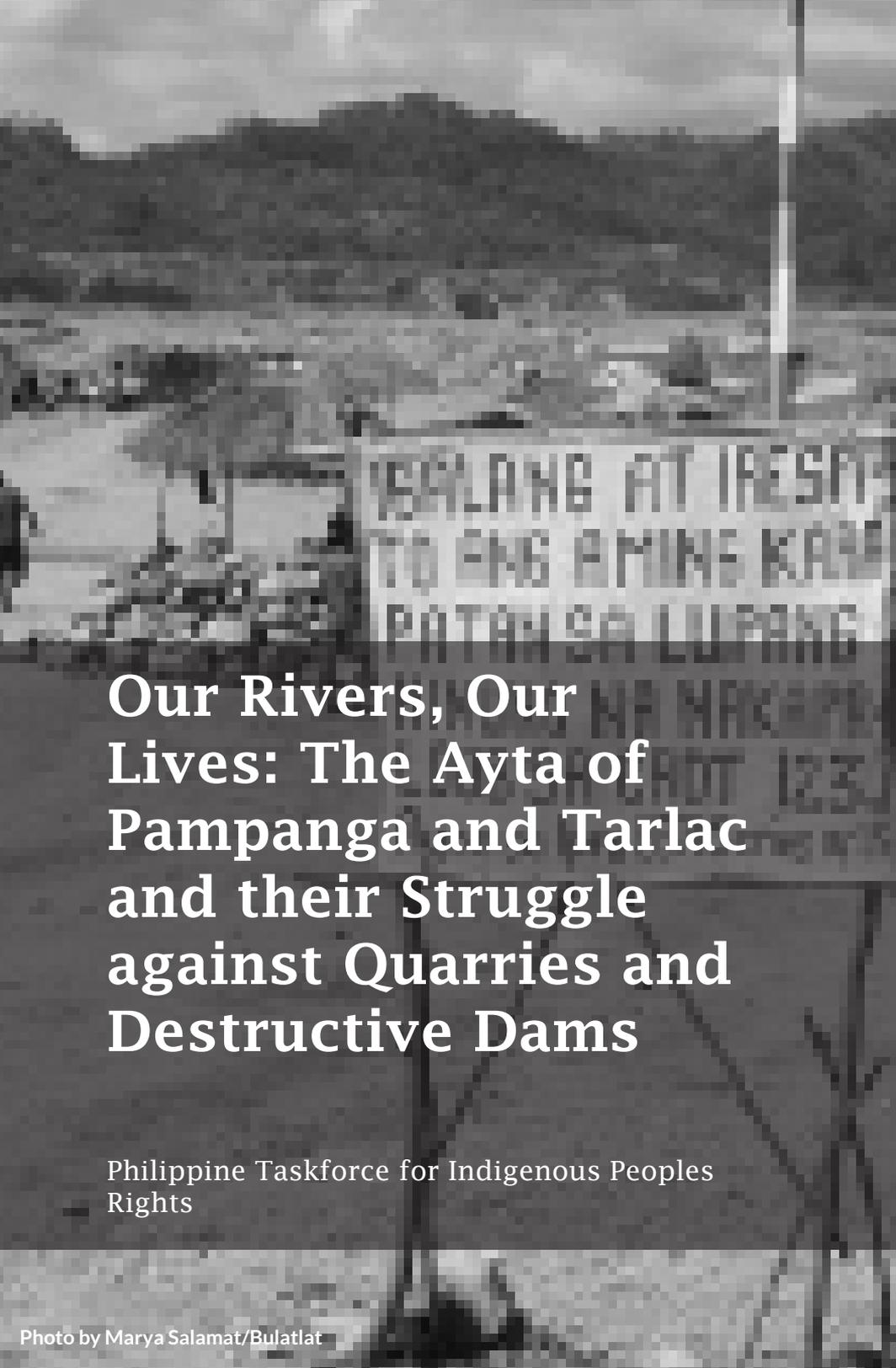
*Among the many sons of Mindoro, Erning Aykid was called forth. He was an Iglesia Filipina Independiente (IFI) lay minister who donated parcels of his land for a chapel, cemetery, and school. He was an elected barangay official and a staunch defender of the environment. He stood firm for his faith and principles and for this, the Armed Forces of the Philippines (AFP) red tagged and harassed him continuously.*

investigation, no suspects have been identified. Despite the death of Erning and other cases of grave human rights violations during the previous and current regimes, the Mangyan peoples of Mindoro firmly asserted their right to self-determination. Threats, harassments, massacres, and even community displacement failed to stop them. Instead, these attacks

on civil and political liberties have fostered a stronger commitment among the seven tribes to expose the government's continuous neglect in the administration of basic social services, commercialization of cultural heritage, and misrepresentation of indigenous socio-political systems.

The Mangyan peoples have transformed from being meek and gentle to being assertive. Leaders like Erning organized the Hanunuo, Alangan, Gubatnon, Iraya, Buhid, Bangon, and Tadyawan tribes to stand united against national oppression. His resilience amid the relentless fight for their collective rights as indigenous peoples inspired not just his fellow Mangyan but also other indigenous peoples groups and marginalized sectors in the Philippine society.

Mornings meant many things to indigenous peoples. The Mangyan peoples of Mindoro are used to many instances when warriors for human rights are killed in broad daylight. But they would not falter. Now more than ever, the crack of dawn is a call for the defense of their lands, rights, and natural resources.



**Our Rivers, Our  
Lives: The Ayta of  
Pampanga and Tarlac  
and their Struggle  
against Quarries and  
Destructive Dams**

Philippine Taskforce for Indigenous Peoples  
Rights

**E**ven with the adoption of United Nations Declaration on the Rights of the Indigenous Peoples (UNDRIP) and enactment of Indigenous Peoples' Rights Act (IPRA), indigenous peoples in the Philippines continuously experience historical discrimination, massive land grabbing, and food insecurity due to worsening climate change impact. IP communities are being constantly threatened with mining activities, energy projects, and construction of large infrastructures that do not directly benefit the people.

Such situation pushes the Ayta and other indigenous peoples to resist. The Ayta of Pampanga and Tarlac struggle to defend their ancestral domain and right to self-determination.

### **Left with no choice**

“No man ever steps in the same river twice, for it's not the same river and he's not the same man.”

What Heraclitus said eons ago holds true for Ilog Pasig Potrero in Sitio Pidpid, Barangay Sapang Uwak, Porac, Pampanga.

On January 30, 2018, the Magantsi and Magindi tribes of the Ayta indigenous peoples bravely stopped the quarrying operation of three companies namely Clarete Vibro Sand Processing Company, T.A.G. Mineral Resources Incorporated, and Powerzun Quarrying and Trading Incorporated (now known as SANDGLO). Ayta men and women blocked the trucks that were taking away sand and stones from their ancestral domain. They eventually set up a barricade to ensure that no quarry personnel or equipment could get in and out of the premises while the operation is on hold.

The Ayta community was motivated by the deliberate disrespect of their collective rights as indigenous peoples and the growing number of water-related diseases among their children. Due to massive excavation, the river got deeper, with less water flow, and has become unsafe for them to drink. Water from springs smelled diesel. They suspect that chemicals from the trucks and heavy equipment are being disposed indiscriminately on the



surface and thus flow to the underground water systems. The Ayta leaders explained that the environment is an integral part of their history, culture, and identity. They take pride in being able to share their lands and natural resources with others but the companies went beyond the areas designated for quarrying. The water systems were rerouted and as a result, they are now having trouble producing crops on their upland farms and the usual drinking water is contaminated.

## Paved paradise

Meanwhile, members of the Abeling tribe in San Jose, Tarlac who operate excavation equipment in the Balog-Balog multi-purpose dam site staged a protest concerning their lack of job contract. Despite working for Guangxi Hydro-Electric Construction Bureau Limited for eight months, they did not receive mandatory government benefits like SSS, Pag-ibig, and Philhealth. The project supervisor also deducted a P150 kickback from their meager salary. They complained of not being able to secure their post as the Chinese contractor is free to randomly fire employees anytime. This has come to the attention of indigenous peoples' support groups and the local media. However, when CLTV36, together with peoples' organizations and advocates, tried to visit and conduct interviews, they were refused entry to the dam site.

After failed negotiations with the Chinese engineers who were onsite, project engineer Eduardo Corsiga explained that they need a copy of the request letter approved by the provincial and municipal unit. He said that the process for free prior and informed consent (FPIC), human resource management, construction of the dam and relocation site for affected residents, disaster risk management, capacity-building and livelihood trainings, and several other processes are under the supervision of National Irrigation Administration (NIA).

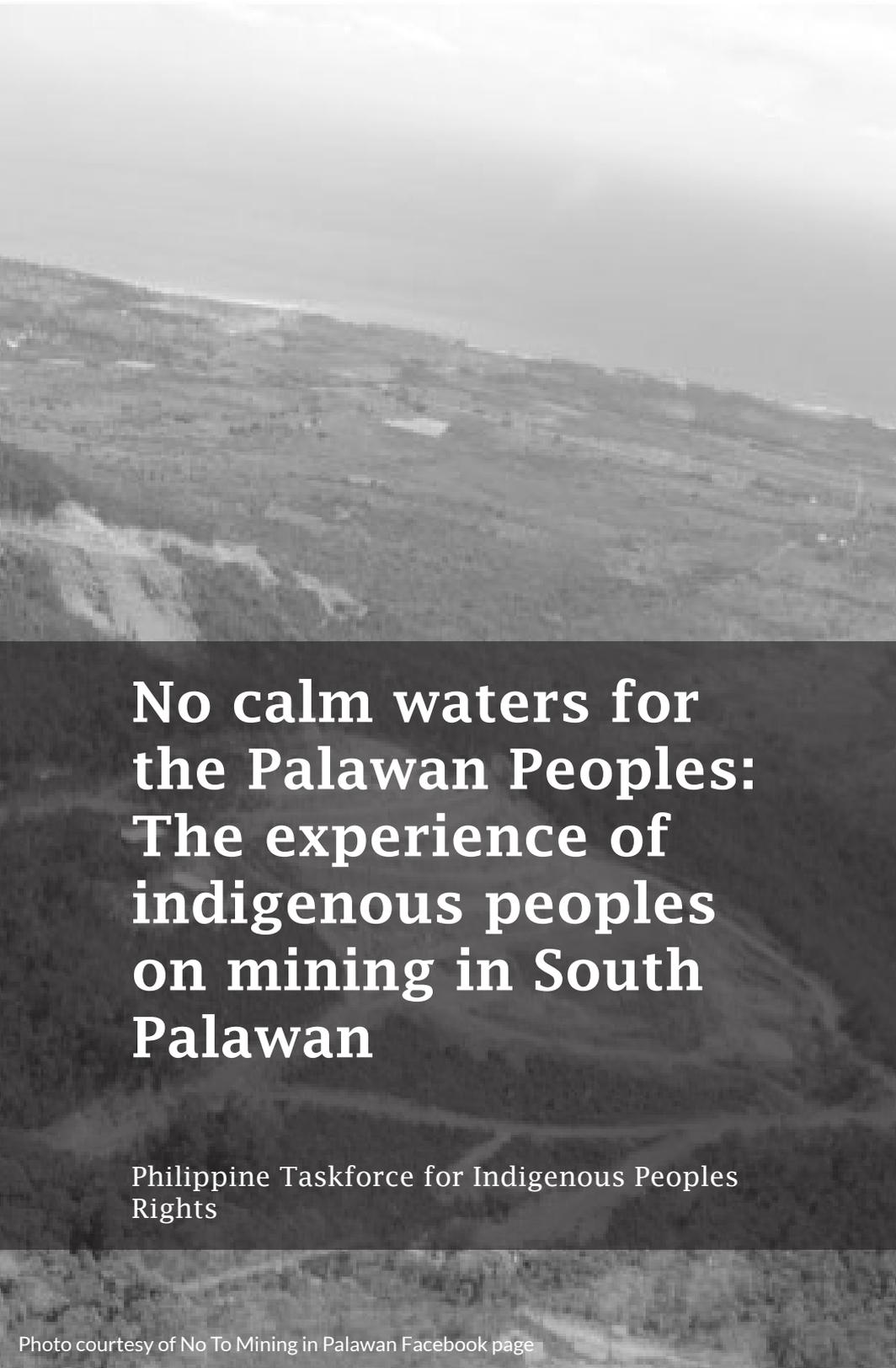
Discussions with affected non-IP community members revealed that the tenants who live and work in the supposed relocation site are being forced to leave without any relocation. There were problems with the actual payment of damages. The memorandum of agreement stated that the families would be given P300,000 as reparation for the residential lot but none of them were ever paid in full at the time of the visit. There were also

issues with how the farm lots were compensated. Most residents did not know that they are entitled to series of payment schemes depending on the size and classification of their lands, whether pastureland, irrigated, or upland farm. Some were even advised that they would only receive a fixed amount since they do not have land titles.

The presence of the 3rd Mechanized Brigade of the Philippine Army had forced some IP community members to sign the documents granting NIA access to their ancestral domain. Despite the rejection by some Abeling families, they were persuaded to live in houses that were admittedly unsafe, without water source, and have defective drainage system. After a week or so, they returned to their original dwellings.

The tribe members residing on the other side of the mountain fear that they would also be dislocated if the affected communities insist on living upland with them. There are no forests that they could go back to or share since a large portion of their ancestral land is already bulldozed. Together with tenant farmers, the Ayta of Tarlac are resisting the community displacement and the completion of the Balog-Balog mega dam project.

The Ayta communities stand with a call clear as their rivers: “These resources are ours. We should protect them.”



**No calm waters for  
the Palawan Peoples:  
The experience of  
indigenous peoples  
on mining in South  
Palawan**

Philippine Taskforce for Indigenous Peoples  
Rights

Indigenous peoples in Palawan have been very generous in sharing their vast natural resources but they have been betrayed quite a few times by the government and corporations engaged in extractive industries. When promises were broken and their environment and livelihood destroyed, they have fought back.

### **Pittance for tons of nickel**

CitiNickel Mines and Development Corporation (CMDC) is the mining unit of Oriental Resources Peninsula Group, Incorporated (ORE) who owns Pulot Mine and Toronto Mine in municipalities of Sofronio Española and Narra in Palawan. Its mining activity has five impact areas: Pulot Interior, Pulot Shore, Pulot Center, Labog, and Punang, all of which are part of Palawan Peoples' ancestral domain.

Through manipulation, CMDC had acquired a Certificate of Compliance that was originally granted to Olympic Mines and Development Corporation (OMDC) on July 13, 2003. It was also able to use a free, prior, and informed consent (FPIC) certificate issued to Platinum Group Metals Corporation (PGMC) in 2005. With these documents and an endorsement from Palawan Council for Sustainable Development (PCSD), CMDC secured a Mineral Production Sharing Agreement (MPSA) No. 229-2007 IV-B and an environmental compliance certificate (ECC) from the Department of Environment and Natural Resources (DENR). CMDC promised the chieftains who signed the memorandum of agreement (MOA) one-percent royalty share to mine 2,176 hectares of indigenous peoples' land. This covered forest reserves, river systems, and sacred sites like Mt. Gimbalen.

On March 20, 2006, PGMC applied for a coal operating contract (COC) under an operating agreement with OMDC. Through a Deed of Assignment on June 28, 2008, Resolution No. 246 series of 2008 was signed granting CMDC another

COC through PGMC. Surprisingly, the National Commission on Indigenous Peoples (NCIP) came up with another MOA even before the actual COC was released. Dated June 11-12, 2008, the new MOA included new clauses that were not explained to the people or to the tribal leaders who signed the document.

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When compliance documents were finally named to CMDC, the large-scale mining, technically, was approved. From 2008 to 2010, clearing operations, infrastructure building, and road and port construction started. In 2011, there were three ships recorded to have transported out minerals from Sofronio Española

In 2012, at least 700 trucks went back and forth the mining site and pier. The employees were ordered to do six round trips on a daily basis to fill in ships that have 53- to 57-ton capacity. For the entire year, they were able to complete 35 shipments of minerals from the pier.

Thirty-seven shipments were completed in 2013 and 25 in 2014. In 2015, trucks that were delivering minerals from the mining site to the pier were reported to have diminished to 500. In early 2016, CMDC laid off a lot of employees. Its operation stopped on July 22, 2016.

CMDC paid only the first three shipments in 2011. A meager P734 royalty share was given to each of the 1,570 beneficiary households in five barangays. This compelled some 1,203 people of the affected areas signed a Community Royalty Development Plan in 2015. They demanded the immediate payment of P33,896, 442.87 royalty shares for the 2012-2014 operation which was broken down to 10-percent administrative service, 10-percent CADT application, and 80-percent livelihood. CMDC never settled their debt.

Meanwhile, 3,490 families or 14,075 individuals suffered from the dire effects of mining. Mining did not just divide the communities; it imperiled them and caused irrevocable damages to their sources of food and water.

Pulot River has not recovered from water contamination yet. An Environmental Impact Mission (EIM) led by AGHAM in November 2012 ascertained that the fish kill and diminishing harvest of pait (cyprinidae) was due to laterite. People could still not bathe in the river as chronic respiratory diseases and skin infections became prevalent. The residents said that even the water source in Mt. Mantalingahan, a known protected landscape, is also contaminated by laterite.

The coastal communities also reported a depleting harvest of shellfish and saltwater fishes. Fishermen have to go far into the sea to get a good catch. People reported that CMDC's stockpile were as tall as grown coconut trees.

Laterite also covered the *basakan* near the mining site. This caused 50 percent decrease on farmers' harvest.

In defense of their ancestral domain and asserting their right to self-determination, the affected communities

formed in 2010 the Pinagtibukang Kaunda-undangan it Pelawan (PKP). Since then, they gathered thousands of signatures against mining and submitted these to local government units and the concerned government agencies.

On Oct. 11, 2013, the five affected barangays established indigenous peoples organizations to consolidate their resistance to mining. The indigenous peoples organizations initiated dialogues with local government, pushing for the payment of royalties and for a halt in mining activities.

### **Resistance against limestone mining**

Since limestone is a primary component for cement, there were attempts to extract it from Sofronio Española, Quezon, and Narra towns in South Palawan. Two waves of companies entered as early as 1990. The first was Fenway International Incorporated (FII) that targeted Sofronio Española and Quezon. Its operation was approved by PCSD on November 15, 1996 but was barred by the strong opposition of the affected communities.

The second wave was in 2000 when three companies, Pyramid Hill Mining and Industrial Corporation (PHMIC), Central Palawan Mining and Industrial Corporation (CPMIC), and Palawan Star Venture Mining Incorporated (PSVMI) were granted a Mineral Production Sharing Agreement (MPSA) covering 14,823 hectares of IP ancestral domain. Their MPSAs combined was three times larger than the then 5,000 hectares covered by existing mining operation of Rio Tuba in Bataraza, CMDC in Sofronio Española, and Atlas Mining in Quezon.

DENR and its Mines and Geosciences Bureau (MGB) renewed PHMIC's exploration permit (EP) for 5,149 hectares forest land in Sofronio Española and Narra on June 2, 2016. PSMVI also got its third EP renewal for 5,234 hectares in Sofronio Española, Quezon, and Narra. CPMIC

was also permitted to cover 4,896.10 hectares for their exploration activities.

The MOA between the three mining companies and the Tribal Chieftain Association (TCA) was facilitated by NCIP and formally signed on February 24, 2000. The NCIP deliberately created the TCA for the MOA signing since the people were openly resisting another mining proposal. The MPSA that was originally signed in 2000 is valid for 25 years and renewable for another 20 years.

*Eight Panglima (tribal elders) were given brand new Cloudfone units and P2,000 cash in exchange of their signatures. Three of them revoked their signatures upon knowing that they were used as an approval to mining. They made an affidavit clarifying that they did not concede to any mining projects and were deceived because they were illiterate.*

The MOA was signed by representatives of the mining companies namely Mister H. John Wilson, Director of Palcan Mining Corporation (PMC) and President of FII, Engineer Edgardo B. Esquerra, Director of PSVMI and legal representative of PHMIC, and Engineer Henry E. Hernandez, Director of CPMIC. The signatories from the impact areas were Tingcalan Palapa, president of Sofronio Española Municipal Federation of Tribal Chieftains and Panfilo Damalde, president of Quezon Municipal Federation of Tribal Chieftains. NCIP Chairperson, Attorney David A. Daoas signed as witness.

On August 29, 2018, Premiere Horizon Alliance Corporation (PHAC) through its infrastructure subsidiary, Redstone Construction and Development Corporation (RCDC) bought PHMIC and PSMVI with MPSAs that cover 10,384 hectares. Despite resistance from the indigenous peoples, NCIP Regional Director Velma Chollipas granted the three companies FPIC certificate on February 28, 2000. In turn, PHMIC and partners PMC and FII also secured MPSA No. APSA IV (1) – 126. Likewise, PSMVI and partners PMC and FII were given MPSA No. APSA IV (1) – 16. CPMIC and partners PMC and FII also got MPSA No. APSA – IV (1).

The people were surprised that these companies were granted renewal of exploration permit by DENR on June 2, 2018. MGB also approved their Community Development Plan (CDP) on March 20, 2018.

These companies have also used development as subterfuge. In August last year, NCIP with the local government unit (LGU) conducted a so-called public hearing in Abo-abo. The people deliberately opposed the planned exploration and went away not eating the food that the organizers prepared. And when the trucks came in hauling materials for the construction of barracks, the people barricaded the road and did not allow them entry.

The NCIP and LGU conducted another meeting in an attempt to convince the IPs. This time, they focused on royalty shares. They hosted games and gave money to individuals who delivered pro-mining testimonies. They even served lechon which was eaten by residents of non-impact areas. There were other meetings that were designed to confuse and lure people to agree on the mining activity.

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knowing that they were used as an approval to mining. They made an affidavit clarifying that they did not concede to any mining projects and were deceived because they were illiterate.

The NCIP was desperate so they made up fake Panglima and threatened the people that a case would be filed against them if they will not do as told. In a mass mobilization, a text message was passed on, intimidating the leaders and community members that the police and Marines are ready to arrest them. On other occasions, the NCIP and LGU promised work. They have asked for the names of the people (even the ones who were too old to work). They lied to their teeth by claiming that FPIC had been granted and signed by their tribal elders and was endorsed by their tribal leaders because of work opportunities, royalty share, roads, and construction of potable water system.

Some residents were driven away from their own farms. They were surprised to see employees of the mining companies had already set up tents. Residents were told they no longer have right over their lands as the mining activity is already approved.

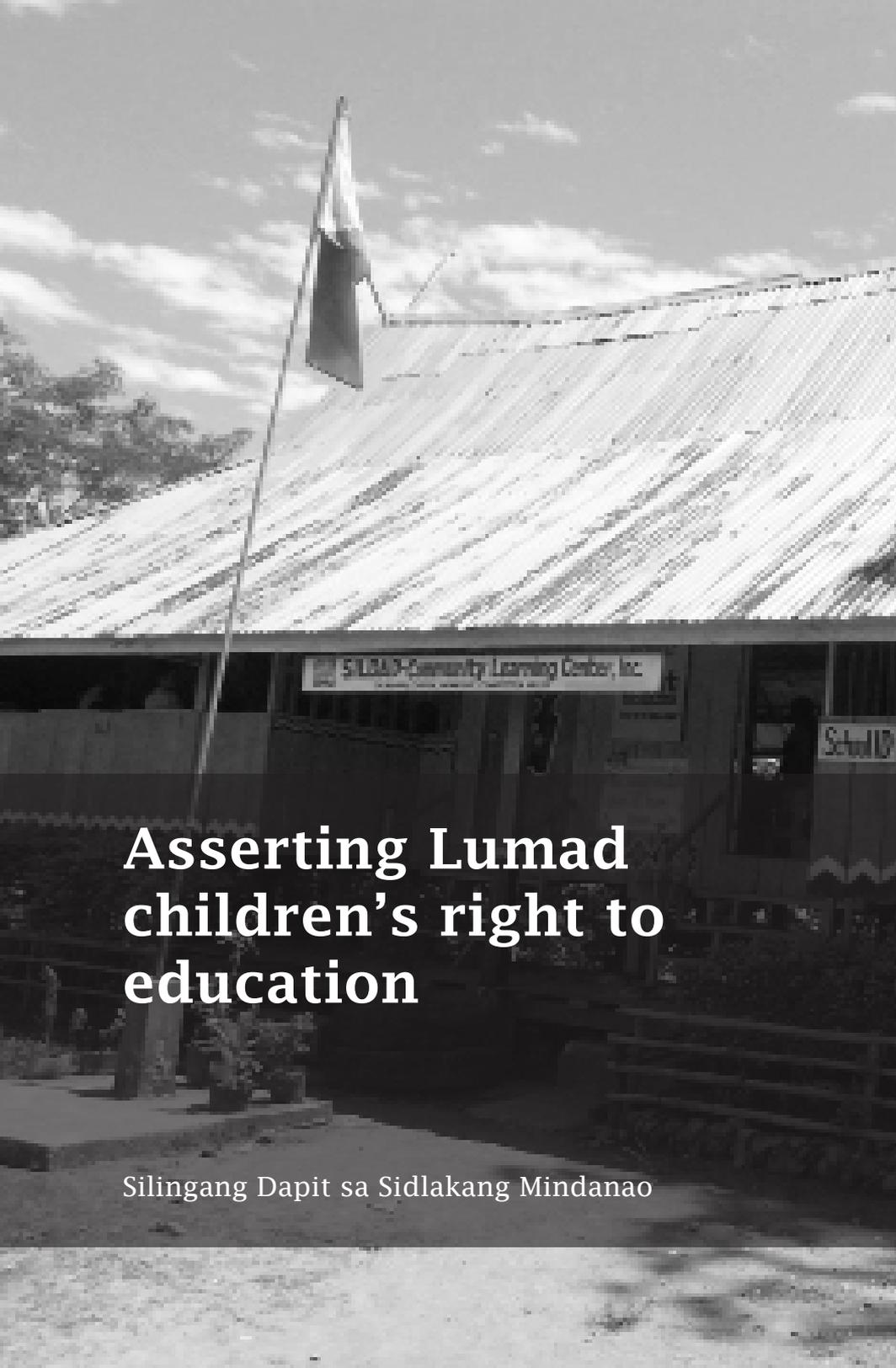
Those supporting the Palawan people's struggle against mining were harassed, intimidated and threatened by local government officials and suspected state agents.

As a response to the systematic disregard of their collective rights, the Palawan Peoples launched discussions about Mining Act of 1995, Indigenous Peoples Rights Act, and Indigenous Peoples Human Rights in September 2018. As a result, more than 200 joined the protest action in Sofronio Española the following month. In December, the IPs also did a three-day camp-out in Puerto Princesa City which were participated by more than a hundred people. They held dialogos, school and radio hopping, and picket rally which temporarily restrained the mining exploration. They also

filed a case to the Panglima who authorized the entry of mining despite the hazards and betrayal.

Leaders of people's organizations and tribal elders gatecrashed on the so-called mass meetings about mining. They launched a petition and gathered more than 2,000 signatures against mining. They did massive education campaign among themselves, held meetings and capacity development trainings, and attended conferences to nationalize their issue. Through support groups, they intend to rally wider support in the international arena.

Despite the deception and other dirty tactics by the mining companies and government agencies, the indigenous peoples of Palawan have stood up in defense of their ancestral domain and their right to self-determination. Their unity has proven to be their most effective weapon against the destruction of resource-rich Palawan.



# Asserting Lumad children's right to education

Silingang Dapit sa Sidlakang Mindanao

**S**ilangang Dapit sa Habagatang Sidlakang Mindanao (SILDAP) has been running its Community Learning Centres in the far-flung communities of indigenous peoples. Three learning centers were set up in (1) Sitio Luyong, Binondo, Baganga, Davao Oriental; (2) Sitio Calinogan, Barangay Casoon, Monkayo, Compostela Valley; and, (3) Sitio Mangkay, Barangay Gupitan, Kapalong, Davao del Norte.

For so long, these Lumad communities have been clamoring for education and other basic social services from the government. Communities adopted resolutions requesting SILDAP to operate schools. SILDAP responded to their needs and coordinated with the Department of Education, submitting all the requirements necessary to operate a school. Classes for children and even adults were soon conducted.

One of the beneficiaries, Jaguar Manginlaud, 19 years old, said, *“Dako among pasalamat sa SILDAP kay kung wala sila nag butang ug skwelahan dire sa Luyong, dili mi maka skwela kay layo man kayo ang skwelahan.”* (We are thankful for SILDAP for without their school here in Luyong, we cannot possibly go to the elementary school which is very far from here.)

Jaguar is still in Grade 6 because his family could not send him to the DepEd school in town. Their village is 20 kilometers away from the barangay proper and 24 kilometers from the municipal hall. The road is not passable by four-wheel vehicles and the only means of transportation is the “habal-habal” or single-type motorcycle.

Jaguar’s dream of finishing even basic education is hindered by military’s “counterinsurgency operations.”

It was in 2014 when the red-tagging against SILDAP started to worsen. Its officials presented documents and reports to the Department of Education (DepEd) district office but the agency claimed they did not receive any. DepEd also verified the Learning Reference Number (LRN) and other documents of students.



Officials from DepEd and the Department of Social Welfare and Development (DSWD) even conducted inspections to verify allegations of “radical and revolutionary aspects” of the school. SILDAP has integrated Indigenous Knowledge Systems and Practices in its curriculum. This facilitates faster learning among the children and deeper appreciation of their history as indigenous peoples. Also at the core of the curriculum is the protection of their ancestral domain where they have their collective rights in decision making on how to utilized, manage and protect their territories.

In 2018, SILDAP has again been tagged as a left-leaning institution and a front of the communists. The Armed Forces of the Philippines (AFP) repeatedly called for the closure of the schools without valid reasons. Not only SILDAP schools have been experiencing this type of harassment; there were reports that in other areas, teachers were harassed and the schools are forcibly closed by the AFP.

Last October 18, 2017, during the Joint Mission Caravan conducted by the Philippine Army's 67th Infantry Battalion, Municipal Local Government Unit of Baganga and other stakeholders in Barangay Binondo, Baganga, Davao Oriental, the AFP announced to the public that all IP schools operated by NGOs, including SILDAP, have until first week of November 1, 2017 to close down. This caused panic among the people in the community, as this would mean not only suspension of classes but also possible displacement.

On November 20, 2017, a dialogue was facilitated by the office of the Presidential Adviser for Peace Process (OPAPP) led by Atty. Reuben Dasay A. Lingating between the Army's 67th IB and the community. The AFP personnel claimed that all schools operated by NGOs are not submitting reports to the Department of Education. During the dialogue, SILDAP handed over copies of reports submitted on time to the division office of DepEd in Mati City.

The municipal tribal council of Talaingod also declared SILDAP as persona non grata, claiming that the presence of SILDAP and other NGOs led to Lumad killings. They later held a dialogue with Bai Pilar Libayao, municipal indigenous people mandatory representative, who allowed them entry to the communities so long as they do not enter the ancestral land. The project of SILDAP in partnership with United Nation High Commissioner for Refugees (UNHCR) was completed by 2017.

The 67th IB ordered the closure of SILDAP school in Sitio Luyong, Barangay Binondo. SILDAP wrote to different partners. The Office of the Presidential Adviser on the Peace Process (OPAPP) responded and facilitated a dialogue. But the dialogue seemed more like an interrogation of SILDAP, where SILDAP representatives were asked about their projects, funding sources, and other information.

On February 18, 2018, elements 67th IB forced residents of Sitio Luyong, Barangay Binondo to sign forms indicating they

*“The Department of Education’s order to suspend the operations of 55 lumad schools, mostly in Davao del Norte, is the latest challenge in the Mindanao indigenous people’s struggle to keep running their own schools as an expression of their cultural autonomy and identity.*

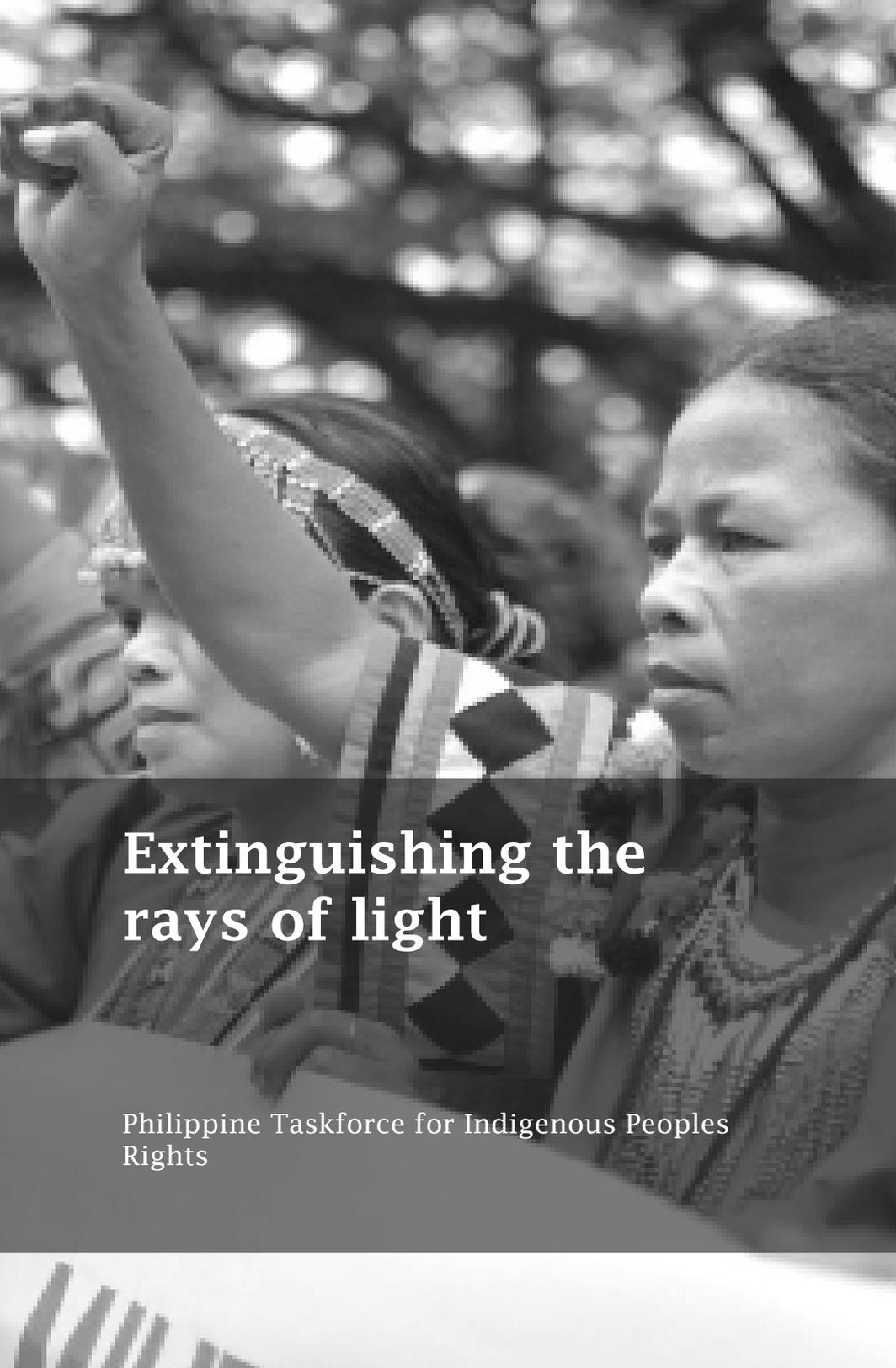
*Should the DepEd order lead to the total shutdown of the schools – as scores of them have already been closed in the last few years, “forcibly” as averred by school administrators and IP community leaders – it would mean a loss not only to the lumad but to everyone else involved in this issue.” - Satur Ocampo, At Ground Level, Philippine Star, July 21, 2019*

supported the NPA and that they were surrendering voluntarily to the authorities. Photos were taken of solar lamp distribution, but the lamps were only given to the AFP.

Angelina Ortiz, a SILDAP staff member, was threatened and prevented from entering Sitio Mangkay, Barangay Gupitan, Kapalong by paramilitary group ALAMARA. She was accused by a member of the paramilitary of bringing money to the NPA. SILDAP held a dialogue with p Alamara, who denied releasing such statement. They assured Ortiz that she would be allowed safe entry in the community, as long as she informed them of her coming. ALAMARA was formed by the military. Their members are residents of Sitio Patel, Barangay Gupitan.

Indigenous peoples and their children are the victims of deprivation of their rights to education by these incidents. NGO schools are there to deliver services but they were tagged as fronts of the Left, threatened and harassed by state security agents.

Children should not suffer and be deprived of the right to education, safe environment, freedom from discrimination and other basic rights.



# Extinguishing the rays of light

Philippine Taskforce for Indigenous Peoples  
Rights

Indigenous women human rights defenders (IWHRDs) hail from diverse ethnic backgrounds but are all resisting national oppression, upholding the rights and dignity of women and contributing to curing the social cancer of the Philippine society. They break their silence, dare to challenge and smash oppressive systems. They are the rays of light amid the seemingly endless darkness surrounding the future not only of indigenous communities but of the people and the planet.

National oppression comes in several ways including the systemic plunder of ancestral lands with the government opening it wide for corporate interests. There is an ethnocidal attack against indigenous communities who dare to defend their ancestral lands. Historically, the government has been remiss in delivering basic social services to indigenous communities which are found in the geographically isolated and disadvantaged areas (GIDA). These are even worsened by the commercialization and vulgarization of indigenous cultures, treating dances, rituals, and indigenous ways of life as source of profit and presenting these as bizarre, exotic or backwards.

IWHRDs are contributing to curing the social cancer of the Philippines which is diagnosed as a semi-feudal and semi-colonial society. This cancer has made the economy, politics, and culture of the country serving the interest of multinational corporations and the few local elites. It has pushed the basic sectors of the population to live in the quagmire of poverty especially the most neglected indigenous peoples.

Like most Filipino women, IWHRDs share the same dissent caused by the entrenched patriarchal culture relegating women to their traditional roles and muting their voices in all arenas. This situation did not waver

IWHRDs' courage to take part in defending their homeland and securing the future of the next generation. They are rising above social constructs of what women should be doing and are proudly carrying out the struggle for a self-determined development alongside their male counterpart.

### **A surviving and growing forest of IWHRDs**

Who cannot be awed by the brave and defiant Bai Bibyaon Ligkayan Bigkay, the tribal chieftain of the Manobo tribe in Davao del Norte who waged a pangayaw (tribal war) to defend her people's source of life that is their ancestral land from a logging concession? Bai Bibyaon continues to lead her tribe in defending the mineral-rich Pantaron range from plunder and militarization.

In the Cordillera, the late Ina Petra Macliing of Bontoc of Mtn Province led various barricades and protest actions to drive away mining and geothermal power prospectors from their ancestral territory.

Leticia Bula-at of Kalinga, a peace pact holder, has been staunch in defending their homeland since the anti-Chico River dam struggle. They and many other IWHRDs, young and old, are our hope to carve a society where indigenous peoples including women and children can truly thrive and prosper. With a national network of indigenous women's

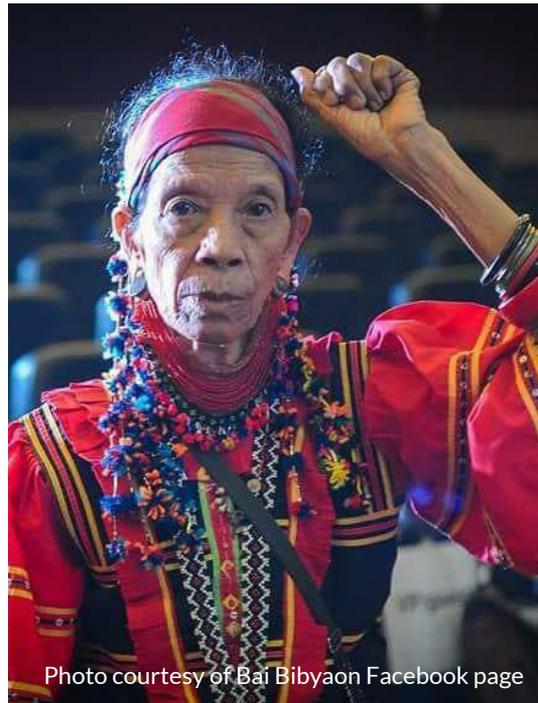


Photo courtesy of Bai Bibyaon Facebook page

organizations linking with the peoples' movements from local to international levels, a forest of IWHRDs is taking root. The said forest is growing as the government uses fascist attacks to pursue its sell out of ancestral lands.

*Sarah Abellon-Alikes was illegally arrested while on her way to Baguio last February 9, 2017 and was detained for two days without any charges. The police later filed charges of arson and robbery against her.*

President Rodrigo Duterte in February this year made a pronouncement that he will be opening the ancestral lands of the Lumad in Mindanao for foreign investments. He also recently signed a loan from Chinese official development assistance (ODA) which include the funding of large dams in the ancestral territories of the Dumagat in Rizal and the Tumanduk in Tapaz, Capiz; and the Chico River pumped irrigation project in Kalinga. These are only additions to many other pending mines, energy, and plantations projects that the government is hell bent in pursuing.

### **Silenced and violently driven underground**

The government sees the IWHRDs as threats to their plans of plunder in the country's last frontiers, which are found in the indigenous people's territories.

In the past two years, escalating and incessant attacks against women human rights defenders (WHRDs) including indigenous women are recorded. Lumad women were killed. From north to south, indigenous

women activists are slapped with trumped-up criminal charges. IWHRDs are becoming easy targets of extra-judicial killings, red baiting, threats, harassment and intimidation. Advocates who amplify the voices of IWHRDs are equally attacked.

Under the Duterte regime, 20 WHRDs

have been extrajudicially killed. Four of the 20 were indigenous women. They were killed in the guise of the state's anti-insurgency operations. One them is Beverly Geronimo, a Lumad who is an active member of Tabing Guangan Farmers Association (TAGUAFA) and the Parents-Teachers' Community Association (PTCA) of the Mindanao Interfaith Services Foundation Inc. (MISFI) Academy. She and her eight-year old daughter were on their way home after buying school supplies when the suspected agents of 25th Infantry Battalion of the Philippine Army fired at them, killing her on the spot. Her daughter survived but was hit on the arm.

Prior to her killing, Beverly had been harassed by soldiers because of her active involvement in the struggles against large-scale mining companies such as OZ Metals and Agusan Petroleum.



*“We intertwine with other national minorities in weaving our identities as women, and as indigenous peoples. We organize our ranks, educate ourselves, and take part in the wider struggles of national minorities to secure the future of our children and communities.”*

## **Branded**

In the Cordillera region, five IWHRDs were filed with trumped-up cases of frustrated murder and multiple attempted murder in relation to an alleged armed encounter between the New Peoples Army (NPA) and the Philippine Army in Ilocos Sur.

One of them, Rachel Mariano, a health worker from the Community Health, Education, Services and Training in the Cordillera (CHESTCORE), was implicated in another “murder” complaint filed by the military and is now in detention. Meanwhile, Sarah Abellon-Alikes was illegally arrested while on her way to Baguio last February 9, 2017 and was detained for two days without any charges. The police later filed charges of arson and robbery against her.

In Iloilo, the local government unit (LGU) of Calinog declared Remia Castor, a Tumanduk woman, “persona non-grata” because of her active involvement in the campaign against the construction of a dam in Jalaur river.

In Mindanao, Jolita Tolino and Amelia Pond, volunteer teachers and human rights advocates for the

Lumad, were illegally arrested and detained by the military because of their opposition to the closure of Lumad schools, the plunder of ancestral lands and militarization of Lumad communities.

The Philippine Department of Justice (DOJ) implicated IWHRDs in the proscription list of alleged members of the Communist Party of the Philippines-New Peoples Army (CPP-NPA). Of the 657 individuals in the list, 80 are human rights defenders and 18 are WHRDs.

Among the 18 are five indigenous women leaders from the Cordillera namely, Victoria Tauli-Corpuz, UN Special Rapporteur on the Rights of Indigenous Peoples; Joan Carling, expert member on the UN Permanent Forum on Indigenous Issues; Joanna Cariño, Cordillera Peoples Alliance Advisory Council Member; Beverly Longid, global coordinator of the Indigenous Peoples Movement for Self-Determination and Liberation (IPMSDL); and, Jeannette Cawiding, member of the Cordillera Peoples Alliance.

### **Hunted to the ground**

IWHRDs continue to speak out in the face of bombardment of their communities, forced evacuation, and food blockades orchestrated by the government in its all-out war and Martial Law in Mindanao. KATRIBU reported 32 incidents of forced evacuation from July 2016 to December 2018, affecting 24,562 indigenous peoples.

Even the Lumad schools that were set up by the indigenous people themselves are being targeted and crushed to the ground. From June 2016 to February 2018, the Save our Schools Network (SOS) documented 58 cases of attacks on schools that affected more than 800 Lumad students and 56 educators. In 2017,

President Duterte threatened to bomb Lumad schools and accused the teachers of teaching children to “rebel against the government.” His statements emboldened more vicious military operations against civilians with the help of Department of Education, Department of Social Welfare and Development, National Commission on Indigenous Peoples and local government units. In November 2018, IWHRDs and other members of a national solidarity mission bound to rescue the Lumad students and teachers from paramilitary group Alamara and soldiers in Talaingod, Davao del Norte were illegally arrested, detained and charged with trumped-up case of human trafficking.

### **Advancing, gaining ground**

At the National Indigenous Women’s Summit on Land, Peace, and Development organized by Bai Indigenous Women’s Network in the Philippines on October 26-29, 2018, IWHRDs vowed to continue facing the raging storm under the misogynist, sexist, and macho-fascist Duterte government. They also agreed to persevere in finding more meaningful and creative ways to fight and resist this anti-women regime.

In their outcome document it said: “We intertwine with other national minorities in weaving our identities as women, and as indigenous peoples. We organize our ranks, educate ourselves, and take part in the wider struggles of national minorities to secure the future of our children and communities.”

Already, the newly established Dumagat women’s organization IMASET, and the newly formed provincial chapter of Innabuyog in Benguet are proofs of an advancing network of IWHRDs. It is also a proof that indigenous women are stepping out of their households to weave unities to be stronger in the painstaking struggle to defend

ancestral land and pursue a self-determined development. In the song written by Judy Cariño of Salidummay entitled “Underground,” it mirrors how vicious state attacks can breed resistance. This time, IWHRDs are gaining ground. The tyrannical regime will not extinguish the rays of light. Instead, it will turn them into molten rocks raging. As the song goes:

*“Forest is taking root, taking root to the ground  
Shaking, earthquaking, a pyramid to the ground  
Molten rocks raging, advancing, gaining ground”*



**Rachel Mariano,  
an Igorot woman  
of courage**

Cordillera Human Rights Alliance

**C**ommunity health worker and activist Rachel Mariano has been detained since September 18, 2018 for trumped-up charges of murder, frustrated murder and attempted murder.

Since her detention in the provincial jail at Bantay, Ilocos Sur, at least 10 court hearings were conducted, with several soldiers stating clearly perjured accounts on Rachel's alleged participation in an armed encounter between New People's Army and 81st Infantry Battalion of the 7th Infantry Division of the Armed Forces of the Philippines (AFP) on October 15, 2017 in Patiacan, Quirino, Ilocos Sur.

Various legal remedies were exhausted to challenge the case and save Rachel from incarceration. Her petition to post bail was denied. In February 2018, a petition for reconsideration was filed at the Provincial Prosecutor's Office. In June, a petition to review the documents with a plea to defer the issuance of warrant of arrest was filed at the Department of Justice in Manila then elevated at the Office of the President. Both the DOJ and the Office of the President did not act on these petitions within the maximum 60-day period. By mid-June, the warrant of arrest was signed by the Judge. On the second week of July, another petition was filed to defer the release of the warrant of arrest with respect to previous motions filed. This was acted on positively. Since the 60-day deferment of warrant of arrest was about to end,, Rachel then voluntarily submitted herself under the jurisdiction of the Branch 25 of the Regional Trial Court in September.

### **Other Trumped Up Cases**

Earlier, the 81st IB also implicated Rachel and four other women human rights defenders in two other trumped-up charges: one case covers four counts of attempted and frustrated homicide related to an alleged armed clash in Sigay, Ilocos Sur on August 4, 2017 and the other case with

10 counts of attempted homicide related to a fire fight that occurred in Salcedo, Ilocos Sur on July 22, 2017.

On February 9, 2018, Rachel and her four colleagues voluntarily submitted themselves and posted bail for the two cases, granting them their temporary freedom. A motion to transfer the venue of hearing of the Sigay cases was filed at the Supreme Court so that both cases will be heard in one court. The motion was made because of security considerations for both lawyer and clients and because the hilly and rough road is difficult to traverse during heavy rains making it vulnerable to postponements of hearings. Besides, there is only one judge hearing both cases with different venues.



Photo courtesy of Takder Facebook page

After several postponements for various reasons, the arraignment for the Salcedo case took place on May 25, 2018. Similarly, two pre-trial hearings were re-scheduled. The pre-trial and two trial hearings were conducted but no prosecution witnesses were presented in the trial sessions. It was only on the third trial session that a soldier testified in court.

Meanwhile, until the Supreme Court acts on the motion to transfer the venue of hearing, trial for the Sigay cases are pending.

Rachel's co-accused in the Sigay and Salcedo fabricated charges are women activists Sarah Alikes-Abellon, Sherry Mae Soledad, Joanne Villanueva and Asia Gepte. Sarah is a pioneer of the Cordillera Peoples Alliance (CPA). Sherry Mae was a staff of the NGO Katinnulong Dagiti Umili ti Amianan (KADUAMI-NL). Joanne is with the Cordillera Women's Education Action and Research Center (CWEARC), and Asia is with the Binnadang, an advocacy organisation for the recognition of Cordillera indigenous peoples' rights in Manila.

Before being charged of these Sigay and Salcedo cases, Sarah was arrested and detained for three days for a case of arson and robbery (of firearms) connected to the burning of two trucks of Philex Mining Corporation by alleged members of the NPA in Itogon, Benguet on February 9, 2017. She posted bail for her temporarily liberty.

The case was dismissed for lack of evidence. A related case of illegal possession of ammunition was filed against her but was also junked by the Baguio City Fiscal for lack of merit.

### **In prison**

Detention has been tough for Rachel. It has been a period of stress, sadness, and anxiety to be away from her family, her work and the community she serves.

Jail conditions make Rachel at risk of thyroid storm, a potentially life-threatening complication of hyperthyroidism.



She is now living with at least 30 women inmates, mostly facing charges related to prohibited drugs. For the first months, she joined inmates in a common cooking team where they contribute for food expenses and organize kitchen schedules. In December, her team mates were discharged from prison leaving her alone in her daily cooking and expenses.

As a health activist, she helps inmates who are sick get first responder's treatment they can have, and advises women inmates on health and sanitation. As a woman activist, she dialogues with the warden and jail guards to prevent the harassment of women in jail.

The long hours in jail are tormenting for her but she tries to rise above this. To make herself productive, Rachel has undergone training in Swedish massage. She also participates in prison livelihood projects of bead craft making (bonsai trees and purses) and marketing of organic vegetables grown by inmates. In the past months, she also has written poems from detention.

### **A health activist**

Rachel has been working with the Community Health, Education, Services and Training in the Cordillera Region (CHESTCORE) based in Baguio City, the health program of the Center for Development Programs in the Cordillera (CDPC) -a network of NGOs advocating for the right to self-determined development of the Cordillera people.

As a community health worker, Rachel organized and trained community-based health committees (CBHP). The CBHPs work for health care programs suited for the community and launch campaign related to the right to health services for indigenous communities. She also supports them in defending their own territory from development aggression projects like dams and other

energy projects and in opposing the use of schools, rural health buildings and barangay halls for military purposes.

As health program desk coordinator, Rachel supervised the Community Health Workers Trainings in different provinces in the Cordillera region. The trained community health workers serve as the medical focal persons who are in the front line in safeguarding the health care system of their respective communities. The main goal of these health workers is to develop community-based health programs (CBHP) in areas that do not have access to health services otherwise.

Rachel also led medical missions spearheaded by CHESTCORE in partnership with non-government organizations and institutions like the Medical Outreach Mission Foundation, Inc., Saint Louis University, Benguet State University and University of Baguio, and municipal health offices in the Cordillera region. Under the Medical Services Desk Program, Rachel related and consulted with the Friends of CHESTCORE (FOC) network composed of dentists, psychiatrists, medical doctors and psychologists who are helping the patients referred by the community health workers through CHESTCORE's office.

Since 1981, CHESTCORE has supported the right to health, the right to the highest attainable standard of physical and mental health which includes access to all medical services, sanitation, adequate food, decent housing, healthy working conditions, and a clean environment.

CHESTCORE's services include medical missions, herbal medicine production, acupuncture and vents, a clinic and pharmacy for common illnesses and a special program on mental health. These services are provided in far-flung communities, especially those disaster-affected, epidemic-stricken and militarized. Since 1981, some 37,000 individuals have benefited from these services.

CHESTCORE also spearheaded the campaign against the privatization of the Baguio General Hospital (BGH) and for the increase of nurses' salaries and an end to contractualisation in health services.

Rachel was also part of the Save the Abra River Movement (STARM) campaign to save the river from further environmental destruction and decay and in organizing the people to assert their right to their ancestral land. The toxic mine wastes being dumped in the river by Lepanto Consolidated Mining Company had caused irreparable damage to the river that provides agricultural production and other economic activities for the people living along the Abra river.

### **Free Rachel Mariano, stop political persecution**

A campaign for Rachel's release was launched in July 2018. Information dissemination, education and protest actions/ mobilization were held since to generate support from the general public. Visits, provision of welfare support and monitoring of the trial also form part of the campaign.



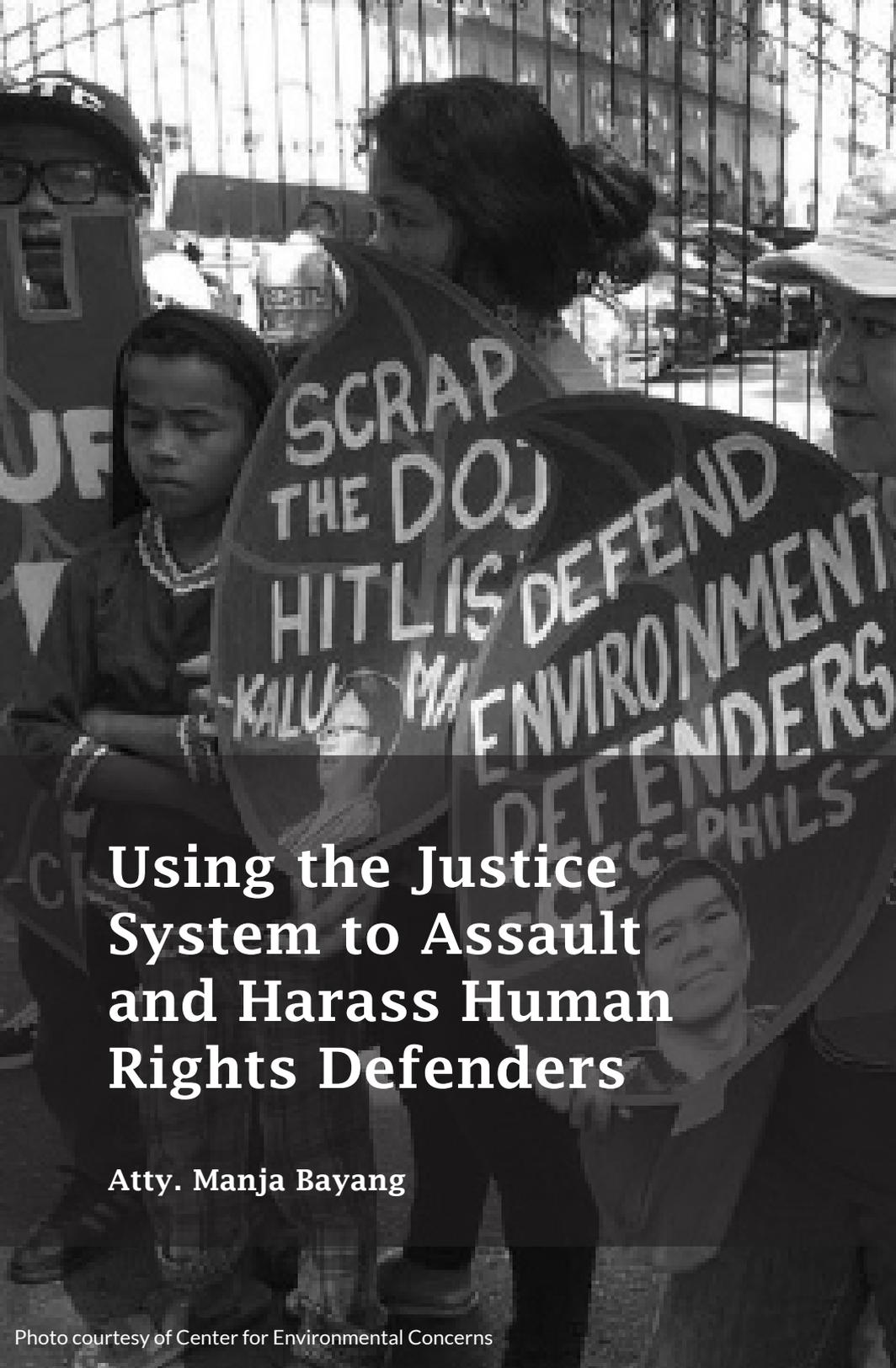
Photo courtesy of Takder Facebook page

Together with CPA and CDPC networks are several national and international organizations including State and inter-State organizations who shared their voices and resources for the campaign and welfare support to Rachel and her family.

The CDPC, CPA, CHESTCORE and Cordillera Human Rights Alliance with the people's movement in the Cordillera stand with Rachel Mariano and her family against political persecution of human rights defenders in the context of tyranny in the country.

Activists are not terrorists. Development workers are not terrorists. Neither are they criminals. Imprisoning development workers does not only violate civil and political rights but also denies services to government-neglected communities in the Cordillera.

*\*\*\* Rhoda Dalang/Center for Development Programs in the Cordillera*



# Using the Justice System to Assault and Harass Human Rights Defenders

Atty. Manja Bayang

Indigenous Peoples in the Philippines are not spared from the various forms of attacks and harassments that human rights defenders are being subjected to, mostly by the State and its agents. One of the forms of harassment is the use of the justice system to file trumped-up charges against human rights defenders and the criminalization of legitimate actions. Most false charges filed against indigenous peoples include illegal possession of firearms and explosives, murder, rebellion, destruction of properties, extortion and kidnapping. Most of these cases arise out of the context of indigenous peoples' defense of their land, territories and resources. As documented by the UN Special Rapporteur on the Rights of Indigenous Peoples, instances of criminalization and violence arise, in most cases, when indigenous leaders and community members voice opposition to large projects relating to extractive industries, agribusiness, infrastructure, hydroelectric dams and logging. In other instances, indigenous peoples' ways of life and subsistence are deemed illegal or incompatible with conservation policies, leading to the prohibition of indigenous traditional livelihoods and the arrest, detention, forced eviction and violations of other human rights of indigenous peoples. This topic was explored in the special rapporteur's report to the General Assembly (A/71/229). Under the Duterte administration, trumped-up charges



were filed against indigenous peoples' rights defenders all over the country. The State has consistently used the judicial system as to harass or attack rights defenders in general. As a result, indigenous peoples rights defenders languish in jail over false charges and many are threatened with criminal charges due to their activism and advocacy. This has been aggravated by the Duterte administration's declaration to intensify its war against the Communist Party of the Philippines/New Peoples Army (CPP/NPA). Such declaration has seen increased attacks against persons and organizations even on mere suspicions of their connections or support to the CPP/NPA.

### **The Proscription Case**

In February 2018, the Department of Justice (DOJ) filed a case before the Regional Trial Court (RTC) of Manila to declare the Communist Party of the Philippines and the New People's Army (CPP/NPA) a terrorist organization. The Petition was based on Republic Act 9372 otherwise known as the Human Security Act (HSA), which provides:

***SEC. 17. Proscription of Terrorist Organizations, Association, or Group of Persons.*** - Any organization, association, or group of persons organized for the purpose of engaging in terrorism, or which, although not organized for that purpose, actually uses the acts to terrorize mentioned in this Act or to sow and create a condition of widespread and extraordinary fear and panic among the populace in order to coerce the government to give in to an unlawful demand shall, upon application of the Department of Justice before a competent Regional Trial Court, with due notice and opportunity to be heard given to the organization, association, or group of persons concerned, be declared as a terrorist and outlawed organization, association, or group of persons by the said Regional Trial Court.

In paragraphs 6 and 7 of the Petition, names of individuals, aliases, Jane Does and John Does were listed as “known officers and members” of the CPP/NPA. There were 657 names and aliases, not including the Jane and John Does. These names however, include human rights defenders from across the country. It included at least 56 indigenous peoples human rights defenders. On the list were prominent indigenous peoples human rights activists – Victoria Tauli Corpuz who is the current UN Special Rapporteur on the Rights of Indigenous Peoples; Joan Carling, international convenor of the Indigenous Peoples Major Group on Sustainable Development Goals (IPMG-SDG), former Asia Indigenous Peoples Pact (AIPP) secretary general and former member of the UN Permanent Forum on Indigenous Issues; Jose Mencio Molintas, an active practicing lawyer and former member of the UN’s Expert Mechanism on the Rights of Indigenous Peoples; Beverly Longid, global coordinator of International Indigenous Peoples Movement for Self-determination and Liberation (IPMSDL) and co-chair of the CSO Partnership for Development Effectiveness (CPDE). The list also includes officers of legal organizations from across the country whose advocacies are on indigenous peoples rights.

Tauli Corpuz and Molintas were among the few named who filed their respective motions to clarify the inclusion of their names in the list, and for the removal of their names from it because of factual and legal bases. Acting on these motions, RTC Branch 19 of Manila issued a resolution dated July 27, 2018 declaring, among others, that Tauli Corpuz and Molintas were non-parties and should therefore be removed from the Petition.

Other rights defenders filed their respective motions following the July 27, 2018 Court Resolution asking also that their names be removed from the list in the Petition. Before the Court could act on these motions, the DOJ filed an amended Petition on January 3, 2019

removing most of the 657 names, including all the 56 indigenous peoples human rights defenders.

### Harassment continues

While the developments in the Proscription case were positive, indigenous peoples human rights defenders and indigenous communities remain in fear for their lives and security because the blatant filing of trumped-up charges against them and attacks against their communities continue with impunity.



Photo courtesy of Katribu

Being tagged as a communist is dangerous in the Philippines. In many instances, red tagging, threats and surveillance preceded arrest and detention or worse, extrajudicial killings.

A report released by Katribu, a national network of indigenous peoples organizations in the Philippines, shows that it has monitored the following cases from July 2016 until February 2018:

- 98 indigenous peoples have been illegally arrested and over a hundred facing trumped-up criminal cases;
- 39 IP political prisoners still languish in jail, 22 of them were detained under the Duterte administration;

- 39 IP victims of extra-judicial killings by state armed forces, state-sponsored paramilitary groups and security forces of landlords. Of the 39 victims, 36 are Lumad activists and indigenous peoples in Mindanao, and 26 have been accused of being members or supporters of the NPA.
- 12 incidents of bombings by the military, affecting 1168 families and 6354 individuals, and 34 incidents of forced evacuation due to military operations affecting 6979 families and 24,766 individuals ■

