



The State Department web site below is a permanent electro information released prior to January 20, 2001. Please see [y](#) material released since President George W. Bush took office. This site is not updated so external links may no longer func [us](#) with any questions about finding information.

NOTE: External links to other Internet sites should not be c endorsement of the views contained therein.



## U.S. Department of State

### Philippines Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

---

#### PHILIPPINES

The Philippines is a democratic republic with an elected president, a fully functioning political party system, a bicameral legislature, and an independent judiciary. Political corruption remains endemic, however, particularly in the electoral and judicial systems. The Government achieved significant gains in peace talks with insurgent groups.

The Department of National Defense controls the Armed Forces of the Philippines (AFP), and the Department of Interior and Local Government supervises the civilian Philippine National Police (PNP). The two forces share responsibility for fighting a declining Communist insurgency, terrorists, and Muslim separatists. Military forces, including local civilian militias and the police, committed human rights abuses.

The Government is implementing a far-reaching reform program, "Philippines 2000," to convert its agrarian-based, paternalistic economy into an industrial, market-driven one. Although "nationalist" blocs and vested interests continue to pose obstacles, the Government has succeeded in liberalizing the investment, trade, and foreign exchange regimes. This program has opened formerly restricted sectors, which had included banking, insurance, aviation, telecommunications, and oil; "reprivatized" state-controlled firms; and addressed infrastructure complaints. Long-term fiscal stability is a major concern. The Government has proposed for Congressional approval a comprehensive tax reform program. Exports and investment spurred a 5.5 percent real gross national product expansion in 1995 and 7.1 percent in 1996. Garments and electronics make up more than half of merchandise export receipts and are significantly complemented by overseas worker remittances. While the Government has accelerated

market reforms, poverty and inequitable income distribution remain. More than 40 percent of the population of 70 million are unable to meet basic nutritional and other needs, while the richest 10 percent of families receive 36 percent of aggregate personal income. Annual per capita national income is estimated at \$1,184.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. A general decline in the number of abuses was partially offset by encounters between government and insurgent forces in Mindanao that resulted in an increase in the number of civilian casualties. Members of the security forces were responsible for extrajudicial killings, disappearances, torture, and arbitrary arrest and detention. According to the Commission on Human Rights (CHR), an independent government agency, the police continued to be the leading abusers of human rights. Some abuses were committed by personnel of the police and military forces involved in illegal activities such as coerced protection, political gangsterism, kidnap-for-ransom

syndicates, and assistance to illegal loggers. The authorities rationalized other abuses as necessary shortcuts to fighting crime in a criminal justice system that is slow, cumbersome, and disposed to criminals or treating them leniently. There continued to be increased public concern for due process and equal justice, however, as personal ties undermined the commitment of some government institutions to ensuring fairness and justice.

The courts remained hobbled by backlogs, limited resources, and venality. Long delays in trials are common, and prison conditions remained poor. An estimated 4 million citizens living abroad remained disenfranchised because Congress has not yet enacted absentee voting, as required by the Constitution. Violence and discrimination against women and abuse of children continued to be serious problems. Discrimination against indigenous people and Muslims persists. Child labor is a problem. The Government often relies on the more than 5,000 local nongovernmental organizations (NGO's) to help change public attitudes and pressure local authorities to address abuses.

Communist and Muslim insurgent groups also committed human rights abuses, including extrajudicial killings, kidnappings, torture, arbitrary arrests and detentions, and the use of summary justice in informal courts.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Political and Other Extrajudicial Killing**

The CHR reported 64 incidents of extrajudicial killing during the first quarter. It reported 172 such killings for all of 1995. Task Force Detainees of the Philippines (TFDP), a prominent NGO, reported 14 people killed extrajudicially in the first 6 months of 1996, compared with 38 in 1995. The numbers given by the CHR are greater, in part because the CHR includes violations by both government and insurgent groups, including the Communist Party of the Philippines and its armed wing, the New People's Army (CPP/NPA), while the TFDP lists only offenses attributed to government authorities. In addition, the TFDP's ability to gather human rights violation statistics was adversely affected in 1995 (and to a lesser extent in 1996) by an internal organizational dispute that limited reporting from some of its provincial affiliates.

Both the CHR and the TFDP attribute the majority of human rights abuses, including extrajudicial killings, to the police and military forces, including civilian militia units. The CHR reported that in

1995, the PNP accounted for nearly half the complaints filed. According to the TFDP, the rate of PNP involvement increased during the year. This statistic conformed to a pattern dating from 1989, when the PNP overtook Communist rebels as the Philippines' main institutional violator of human rights.

As in 1995, extrajudicial killings and other security force abuses increased press and public concern for due process. However, personal ties undermined the commitment of some government institutions to ensuring due process and equal justice, resulting in impunity that absolved the entrenched and powerful.

Civilian militia units or Citizens Armed Forces Geographical Units (CAFGU's) also committed extrajudicial killings. Organized by the police and the AFP to secure areas cleared of insurgents, these nonprofessional units have inadequate training, poor supervision, and a propensity for violent behavior. Improved training and supervision have corrected some of these flaws, but continued fighting in Mindanao and resistance from some governors, particularly in northern Luzon, who feared a renewed Communist threat, substantially frustrated efforts to lower force levels. The TFDP attributes eight human rights violations in the first 6 months of the year to CAFGU involvement, of which two were extrajudicial killings.

With the upsurge in counterinsurgency fighting in Mindanao (see also Section 1.g.), the TFDP attributed 14 deaths from the first half of 1996 to AFP personnel. The TFDP did not include in this count the April 12 killing of three members of the League of Filipino Students in Camarines Norte who, according to military reports, were also members of the New Peoples' Army (NPA).

Problems of corruption and impunity hindered the prosecution of cases of killings from previous years (see Section 1.e.).

Private security forces maintained by local landowners, political figures, and criminal gangs also committed many killings. Despite a continuing government effort to dismantle "private armies," House of Representatives Speaker Jose de Venecia stated in June that 562 such groups remained. PNP officials estimated that approximately 24,000 persons took part in these groups; the PNP confiscated and disposed of more than 11,000 firearms.

Although the NPA insurgency was greatly reduced from its height in the 1980's, NPA insurgents committed numerous killings, including civilians in mountainous or jungle areas far from Manila, including Mindanao, Negros Island, and the Cordellera region in northern Luzon. The CHR charged 12 NPA members with

human rights violations during the year; the total number of deaths from NPA violence is not known. The NPA also extorted funds and supplies from businessmen, government officials, uncooperative nongovernmental organizations, and families in communities where it operated. Both the NPA and the breakaway Communist Alex Boncayao Brigade (ABB) targeted and killed police officials and former ("traitor") party members. The ABB claimed credit for the June 13 daytime ambush and killing of former Ilocos Norte Vice Governor Rolando Abadilla on a busy Manila street. Abadilla was the former leader of a martial law security group.

Members of the Muslim extremist Abu Sayyaf Group (ASG) were the suspected killers of two Christian clergymen in Negros Island and Northern Luzon areas. Authorities also suspected that the ASG was responsible for a series of attacks directed against teachers and schools in Basilan.

#### b. Disappearance

The CHR cited five cases of disappearance in the first nine months of the year, compared with 15 cases for all of 1995. The courts and police have failed to address complaints of families covering disappearances over the past decade. An advocacy group, Families of Victims of Involuntary Disappearance, has presented to the Government records of more than 1,500 such missing individuals.

According to Citizens Action Against Crime, an NGO that closely monitors kidnappings, there was an increase in kidnappings-for-ransom to 147 incidents during the year, involving more than 241 victims, of whom more than 30 were killed. Victims came from the middle to upper-middle class (the wealthiest members of society, being protected by hired bodyguards, were targeted less frequently). Many of the victims were members of the Chinese-Filipino community, which numbers perhaps 1 to 2 percent of the total population and is commonly perceived as wealthy. Fearing retribution, victims and their families typically refused to cooperate with the authorities or to identify their captors, when known. The most prominent victims included renowned architect Gilbert Yu and Leo Ongpin, the nephew of two former Cabinet Secretaries. Ongpin's kidnapers killed him even though they demanded a ransom. Random kidnappings also took place in some Manila neighborhoods, as criminals intercepted cars bearing one or two passengers and held them there while negotiating with their families.

While criminal elements were responsible for some kidnaping incidents, evidence (including the precision with which victims were abducted, and the high powered firearms and sophisticated communication equipment used) along with several court

convictions, supported public perceptions that kidnapers often included persons with previous police and military service, as well as active duty personnel.

### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, and evidence obtained through its use is legally inadmissible. However, members of the security forces continued to use torture and otherwise abused suspects and detainees. In July the Department of Interior and Local Government (DILG) distributed a 10-page primer to police on the rights of suspects, from the time of arrest through investigation, detention, and trial. The primer, which the DILG prepared in coordination with the CHR, reiterated standing directives to law enforcement agencies to avoid unnecessary force in all these phases. Nonetheless, abuses continued.

Four cases of torture were reported to the CHR in the first 8 months of 1996, compared with two in 1995. The TFDP cited 3 cases in the first 6 months of 1996, compared with 17 for all of 1995. The CHR maintained its program of human rights awareness training in the military and provided AFP promotion panels with "certificates of clearance" on officers' human rights performance. No comparable program exists for police and custodial officials in charge of the country's jails and prisons, where physical punishment is common. A study commissioned by the NGO LawAsia identified the most common forms of abuse during arrest and interrogation as mauling, slaps, strangulation, hitting with rifle butts or wooden clubs, poking with a gun, enclosing a victim's head in cellophane, and applying electrical current to the genitals. Police also reportedly burn or drag suspects behind cars to coerce confessions.

Newspaper editorials and the CHR questioned the March appointment to an elite National Bureau of Investigation (NBI) unit of an officer implicated in a well-publicized 1995 incident in which NBI agents "interrogated" an 18-year-old university student who had intervened to help a jeepney driver being mauled on a Manila street. The assailant was an NBI agent who, along with several companion agents, beat the student severely, then handcuffed, blindfolded, and locked him in a small cell for more than 24 hours. The matter provoked a Senate inquiry and led to the NBI commanding officer's reassignment in a

provincial post. Notwithstanding the public record, the Ombudsman dismissed charges of misbehavior for lack of evidence, paving the way for NBI superiors to restore the questioned officer to his position.

Prison conditions are poor. Jails and prisons are overcrowded, have limited exercise and sanitary facilities, and provide prisoners with unhygienic and unpalatable food rations. Guards routinely abuse prisoners; female prisoners are at particular risk of sexual assault. A CHR report on jail facilities throughout the country indicated that of 613 jails visited, only 64 had adequate facilities and were in good condition. Some prominent prisoners and celebrities, however, are treated far better. In June newspapers reported that a detained "drug lord" received not only food but drugs inside his Manila jail cell. Popular movie star Robin Padilla, jailed in 1995 for illegal possession of high-powered firearms, acted in a film and was married in a celebrity wedding ceremony conducted on prison grounds. The May recapture of Rolito Go, a convicted murderer who escaped from jail 3 years earlier, highlighted the fact that prisoners with wealth and connections not only are able to get special privileges but on occasion can bribe their way out of detention.

International monitoring groups, the International Committee of the Red Cross, and foreign embassy officials are allowed free access to jails and prisons.

#### d. Arbitrary Arrest, Detention, or Exile

Although the Constitution requires a judicial determination of probable cause before issuance of an arrest warrant and prohibits holding prisoners incommunicado or in secret places of detention, authorities continue to arrest arbitrarily and detain citizens.

Detainees have the right to a judicial review of the legality of their detention and, except for offenses punishable by a life sentence or death (when evidence of guilt is strong), the right to bail. Authorities are required to file charges within 12 to 36 hours of a warrantless arrest, depending upon the seriousness of the alleged crime. The CHR listed 54 cases of illegal arrest and detention for the first quarter of 1996, compared with 129 for all of 1995. The TFDP found that 60 persons were arrested illegally in the first 6 months of 1996, compared with 272 such arrests in the previous year.

The decline in arbitrary arrests and detentions is attributable in part to the Government's domestic peace process, involving talks with Communist, Muslim, and military rebels. The Government in 1995 offered amnesty to former rebels and members of government security forces up to a June 1, 1995, deadline. In the case of rebels, crimes covered by the amnesty must have been committed in pursuit of political beliefs; for members of government forces, the crimes covered had to be those committed in the performance of duty. Members of government security forces who committed serious human rights violations (arson,

torture, extrajudicial killings, massacres, rape, torture, and robbery) were excluded from the program. A quasijudicial National Amnesty Commission (NAC), whose decisions are subject to review only by the Court of Appeals, was established to process amnesty applications. The TFDP reported that the NAC processed and oversaw the release of 14 political prisoners during the year. Communist groups rejected the amnesty offer, arguing that it should have stemmed from peace negotiations and not arbitrary action of the Government.

A 1995 LawAsia Human Rights Committee study on administrative detention determined that a majority of interviewed detainees had been arrested without warrant; they were merely "invited" in for police questioning, but subsequently held. The law provides, however, that anyone under custodial investigation, whether or not "invited," is entitled to counsel. The LawAsia study cited numerous

violations of constitutional and human rights, such as lack of access to counsel during investigation and interrogation, as well as physical mistreatment during detention.

Several well-publicized incidents illustrated the frequency with which police ignored proper arrest procedure and the complications this posed for other parts of the criminal justice system. In February police responding to a Manila bank robbery arrested a sloppily dressed suspect who, in reality, was a photojournalist who had arrived at the crime scene before the police. Manila's press and the National Union of Journalists provided detailed reporting of police violation of detention laws in arresting and manhandling the "suspect," leading senior police authorities to discipline the officers involved. The June murder of former Ilocos Norte Vice Governor Rolando Abadilla (see Section 1.a.) led to the arrest of several suspects who, the CHR subsequently determined, had been denied counsel and visitorial rights. The CHR was unable to determine if the evidence was sufficient to sustain claims of torture and warrantless arrests, leaving these issues for courts to decide. Police mishandling of the Abadilla case also led the authorities to discipline the officers involved. In August a regional trial court judge acquitted for lack of sufficient evidence five suspects in a murder and rape trial; prosecutors had relied on extrajudicial confessions made without the presence of counsel, which were not admissible in court. DILG Secretary Robert Barbers publicly acknowledged that the trial court judge was observing provisions of the Constitution and advis