



## 2008 Human Rights Report: Philippines

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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The Philippines, with a population of 89 million, is a multiparty republic with an elected president and bicameral legislature. In May 2007 approximately 73 percent of registered citizens voted in mid-term elections for both houses of congress and provincial and local governments. The election generally was free and fair but was marred by violence and allegations of vote buying and electoral fraud. Long-running Communist and Muslim insurgencies affected the country. Civilian authorities generally maintained effective control of the security forces; however, there were some instances in which elements of the security forces acted independently.

Arbitrary, unlawful, and extrajudicial killings by elements of the security services and political killings, including killings of journalists, by a variety of actors continued to be major problems. In recent years, following increased domestic and international scrutiny, reforms were undertaken and the number of killings and disappearances dropped dramatically. Concerns about impunity persisted. Members of the security services committed acts of physical and psychological abuse on suspects and detainees, and there were instances of torture. Prisoners awaiting trial and those already convicted were often held under primitive conditions. Disappearances occurred, and arbitrary or warrantless arrests and detentions were common. Trials were delayed, and procedures were prolonged. Corruption was a problem throughout the criminal justice system. Leftwing and human rights activists often were subject to harassment by local security forces. Problems such as violence against women, abuse of children, child prostitution, trafficking in persons, child labor, and ineffective enforcement of worker rights were common.

In addition to killing soldiers and police officers in armed encounters, the New People's Army (NPA)--the military wing of the Communist Party (CPP)--killed local government officials and ordinary civilians. There were reports that the Moro Islamic Liberation Front (MILF) and the terrorist groups NPA and Abu Sayyaf Group (ASG) used child soldiers in combat or auxiliary roles. Terrorist groups committed bombings that caused civilian casualties.

### RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Security forces and antigovernment insurgents committed a number of arbitrary and unlawful killings. The Commission on Human Rights (CHR), an independent government agency, investigated 173 new complaints of killings that occurred during the year; 67 of these cases were classified as politically motivated. The CHR suspected personnel from the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) in a number of the killings of leftist activists operating in rural areas. Allegations of summary executions by government security forces were referred to the nongovernmental organization (NGO) Task Force Detainees of the Philippines (TFDP). The TFDP was unable to investigate all of these allegations, but it alleged the summary execution of four individuals by government forces.

Through year's end, the PNP Task Force Usig recorded 146 cases of killings since 2001, six of which occurred during the year; 90 cases were filed in court, with one conviction during the year. At least one human rights organization, Karapatan, claimed that there have been more than 900 killings since 2001, with both state actors and nonstate actors as suspects. It recorded 69 victims of killings during the year.

During the year the PNP expanded human rights training and possessed a network of 1,636 human rights desk officers at the national, regional, provincial, and municipal levels. The chief justice noted that the writ of "amparo," which provides citizens with the court's protection, contributed to a reduction in killings.

However, human rights groups and the CHR noted little progress in implementing and enforcing some reforms. For example, cooperation and coordination between police and prosecutors continued to be a problem. Funding for the CHR and the government witness protection programs was considered inadequate.

Arbitrary and unlawful killings through August included:

- On January 23, two unidentified men shot and killed United Church of Christ Pastor Felomino Catambis in Abuyog, Leyte. The CHR was investigating the case at year's end.
- On February 4, seven civilians and an off-duty soldier were killed in an AFP raid on alleged ASG forces in Maimbung, Sulu. Following an investigation, the CHR in Western Mindanao filed a case against the soldiers with the Deputy Ombudsman for the Military, which was pending at year's end.
- On March 10, unidentified assailants shot and killed Solidarity of Cavite Workers' official Gerry Cristobal in Imus, Cavite. Cristobal was a former union president and a critic of provincial policies that were viewed by unions as limiting the right of workers to organize and strike. The case remained under investigation at year's end.
- On May 15, three unidentified suspects shot and killed the secretary general of Davao City Farmers Association, Celso Pojas. The CHR provisionally dismissed the case due to insufficient evidence.

A prosecutor dismissed the case against the suspects in the January 2007 killing of university professor and human rights advocate Jose Maria Cui for insufficient evidence. The case was re-filed on May 19.

Investigations of cases from 2006 and 2007 were ongoing.

On May 21, the AFP surrendered one of its members to the National Bureau of Investigation (NBI) in connection with the 2005 killing of union leader Ricardo Ramos. The suspect pleaded not guilty during his August 6 arraignment.

On June 12, a regional trial court judge sentenced a member of the AFP, Joel Flores, to 41 years' imprisonment for his involvement in the 2006 killing of community leader Jose Doton. At year's end Flores was appealing his conviction.

Government forces killed a number of civilians during clashes with armed groups. Terrorist groups killed and kidnapped NGO workers and other civilians. Communist insurgents, mainly from the NPA, continued to kill political figures, military and police officers, and civilians, including suspected military and police informers. Extortion groups associated with the ASG killed persons in bombings (see section 1.g.).

Ruben Omar Pestano Lavilla, Jr., a leader of the terrorist Rajah Solaiman Movement wanted in connection with 2004 Superferry bombing and the 2005 Valentine's Day bombings, was deported from Bahrain to the Philippines on

August 30.

Vigilante groups were suspected of conducting summary killings of adult criminals and children involved in petty crime in five major cities. The TFDP recorded 80 apparent vigilante killings in Davao City through 2007, and confirmed at least one such killing during the year. Another human rights group noted that local activists in Davao City counted more than 100 summary killings from January through November. Vigilante killings also allegedly occurred in Cebu City, Cagayan de Oro, Tagum City, and General Santos City. The victims were suspected of involvement in criminal activities, and the killings appeared to have popular support. Authorities made no arrests in these cases.

In April UN Special Rapporteur Philip Alston issued a report based on his February 2007 mission. Among other findings, the report noted that the government's counterinsurgency strategy presumed some civil society groups had ties to the CPP or the NPA and led security forces to treat leftist leaders and community organizers as legitimate targets.

#### b. Disappearance

According to local human rights NGOs, government forces were responsible for disappearances. By year's end the CHR investigated 20 new cases of enforced disappearances, abductions, and kidnappings involving 27 victims, some of whom were found to have been detained without a warrant (see section 1.d.). Of the 20 cases, one was referred to the deputy ombudsman for the military, 16 were still under investigation, and three were either dismissed or closed. The NPA was implicated in two cases, members of the military and police were implicated in nine cases, and unidentified suspects were involved in the others. The NGO Families of Victims of Involuntary Disappearances (FIND) was monitoring four reported disappearance cases, whose victims had not been found, and those investigations continued.

On September 17, indigenous rights activist and Cordillera People's Alliance (CPA) founding member James Balao was abducted while in transit between Baguio City and La Trinidad in Benguet Province. Balao's family and members of the CPA claimed he was being held captive by members of the military. At year's end a court had not yet issued a decision on the writ of amparo petition filed in October.

On October 7, the Supreme Court upheld the writ of amparo granted to Raymond and Reynaldo Manalo by a court of appeals in December 2007. The Manalo brothers testified that beginning in 2006 they were held incommunicado and at times tortured by members of the AFP until they finally escaped in August 2007. During their detention their family filed a number of habeas corpus petitions in courts, but responsible AFP officers denied any involvement in their disappearance. The Manalos further testified that at times they shared detention with other persons who had disappeared, notably University of the Philippines students Sherlyn Cadapan and Karen Empeno and their companion, Manuel Marino. Raymond Manalo testified that he witnessed the killing of Marino and the subsequent burning of his body. The Manalos' testimony implicated members of a division and battalion of the AFP, a sergeant, and a major general, among others.

On July 17, a court of appeals dismissed a petition for a writ of amparo in the April 2007 abduction of activist Jonas Burgos. During the year courts also dismissed other petitions for protective writs. On September 17, a court of appeals granted petitions for writs of amparo and habeas corpus filed against the military for the June 2006 abduction case of the University of the Philippines students and their associate.

Some victims' families complained that the courts and police failed to address adequately their complaints concerning disappearances in which security forces were suspected. Evidence of a kidnapping or killing is required to file charges. FIND and other NGOs continued to support the efforts of victims' families to press charges. In most

cases, evidence and documentation were unavailable, and convictions were rare. Out of 16 court cases related to disappearances of concern to FIND, only one case was resolved during the year. On July 18, a regional trial court in Agusan del Sur convicted AFP Corporal Rodrigo Billones for his role in the October 2000 abduction and illegal detention of six workers of Paper Industries Corporation of the Philippines. The judge sentenced the defendant to a minimum of 54 years in prison and fined him for moral damages.

Judicial inaction on the vast majority of disappearances contributed to a climate of impunity and undermined public confidence in the justice system.

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

The constitution prohibits torture, and evidence obtained through its use is inadmissible in court; however, members of the security forces and police were alleged to have routinely abused and sometimes tortured suspects and detainees. The CHR provided the police with mandatory human rights training. The CHR noted that senior PNP officials appeared receptive to respecting the human rights of detainees, but rank-and-file awareness of the rights of detainees remained inadequate.

Human rights groups, including the CHR, noted that excessive force and torture remained an ingrained part of the arrest and detention process. Common forms of abuse during arrest and interrogation reportedly included electric shock, cigarette burns, or suffocation.

Through year's end the TFDP documented 12 cases of torture involving 16 victims. For the same period, the CHR investigated 23 cases of alleged torture. Most of the suspects in these cases were members of the AFP.

The CHR continued to observe greater sensitivity within the AFP to the need to prevent human rights violations. The CHR is required to determine whether an AFP officer or a PNP officer at the senior superintendent level being considered for promotion had a history of human rights violations; however, a negative CHR finding does not preclude promotion. In some instances promotions were withheld indefinitely when the CHR uncovered a record of human rights abuses. The AFP stated that it withheld some promotions on human rights grounds during the year.

On May 2, members of the military allegedly harassed and tortured four indigenous farmers, including one minor, in Compostella Valley Province. The case remained under investigation by the CHR.

On August 31, provincial police and the Regional Special Operations Group allegedly abducted, harassed, and tortured nine members of the Cavite Farmers' Confederation. The farmers were charged with illegal possession of firearms but were released on September 2 for lack of evidence.

There were reports that prison guards physically abused inmates. The CHR and TFDP reported that abuse by prison guards and other inmates was common, but prisoners, fearing retaliation, refused to lodge formal complaints. Women in police custody were particularly vulnerable to sexual and physical assault by police and prison officials. Human rights activists believed suspected ASG and NPA members in captivity were particular targets for abuse.

#### Prison and Detention Center Conditions

Prison conditions were rudimentary and sometimes harsh. Provincial jails and prisons were overcrowded, lacked basic infrastructure, and provided prisoners with an inadequate diet. Jails managed by the Bureau of Jail Management and Penology (BJMP) operated at an average of 191 percent of designed capacity, an improvement over the previous year owing to prison decongestion efforts. Prison administrators allotted a daily subsistence allowance of 50 pesos (approximately \$1.12) per prisoner. Lack of potable water, poor sanitation, and poor

ventilation continued to cause health problems. Some prisoners, including women and children, were abused by other prisoners and prison personnel. The slow judicial process exacerbated overcrowding.

There were reports of widespread corruption among prison guards and, to some extent, at higher levels of authority within the prison system.

According to BJMP regulations, male and female inmates are to be held in separate facilities and, in national prisons, overseen by guards of the same sex. Anecdotal reports suggested that these regulations were not uniformly enforced. In provincial and municipal prisons, male guards sometimes supervised female prisoners directly or indirectly. Although prison authorities attempted to segregate children or to place them in youth detention centers, in some instances children were held in facilities not fully segregated from adult male inmates. Girls were sometimes held in the same cells as boys. During the year as part of reform and budget reduction efforts, the government consolidated women and minors into fewer jails, including some that contained separate facilities for those groups. Out of 1,075 jails managed by the BJMP and PNP, 205 had separate cells for minors, while 353 jails had separate cells for adult females. Lack of adequate food for minors in prisons was a concern (see section 5, children).

In July 2007 President Gloria Macapagal-Arroyo directed the immediate release of all minor prisoners who were age 15 years and below at the time they committed the crime. From January to November, the BJMP released 298 minor inmates, usually in response to a court order following a petition by the public attorney's office or the inmate's private lawyer or through the appeals of NGOs.

International monitoring groups, including the International Committee of the Red Cross, were allowed free access to jails and prisons. However, a local NGO reported difficulty accessing jails or detentions centers where children were held.

#### d. Arbitrary Arrest or Detention

The law requires a judicial determination of probable cause before issuance of an arrest warrant and prohibits holding prisoners incommunicado or in secret places of detention; however, in a number of cases, police and the AFP arrested and detained citizens arbitrarily. From January to December, the TFDP documented 55 cases of illegal arrest and detention involving 93 victims. The CHR tracked one case of abduction during the year that resulted in the release of the victim. During the year, the NGO FIND counted 16 abduction victims who were later found alive.

Arbitrary detentions through August included the January 25 abduction of Flaviano Arante, a council member of the peasant group United Farmers of Santa Catalina in Negros Oriental. Two weeks later, a military officer reportedly said that Arante was in the custody of the AFP's 61st battalion. In February his family petitioned for a writ of amparo, but a court of appeals dismissed the petition on April 30. A petition for review of that decision was filed in the Supreme Court.

On March 15, Mel Abesamis, a United Methodist Church pastor and former secretary general of the provincial Karapatan office, was abducted in Mindoro Occidental. Abesamis was missing for two days and then was found to be in a provincial jail. The government linked Abesamis to a May 2007 encounter between the PNP and the NPA and filed four counts of murder and theft against him.

On May 15, Randy Felix Malayao, a consultant for the peace process of the CPP-affiliated National Democratic Front of the Philippines, was abducted in Metro Manila. Malayao was missing for five days before he was found in the Cagayan provincial jail facing murder charges.

On May 18, three unidentified men abducted peasant leader Bernadith Dignos. Dignos was missing for four days before she appeared in police custody. She was charged with multiple counts of murder in a regional trial court in Misamis Occidental.

There were also reports that many children detained in jails were arrested without warrants.

#### Role of the Police and Security Apparatus

The Department of National Defense directs the AFP, which shares responsibility for counterterrorism and counterinsurgency operations with the PNP. The Department of Interior and Local Government directs the PNP, which is responsible for enforcement of law and order and urban counterterrorism; however, governors, mayors, and other local officials have considerable influence. The 115,000-member PNP has deep-rooted institutional deficiencies and suffered from a widely held and accurate public perception that corruption remained a problem. PNP's Internal Affairs Service remained largely ineffective. Members of the PNP were regularly accused of torture, soliciting bribes, and other illegal acts. Efforts were underway to reform the institution in part to counter a widespread impression of official impunity. By year's end the PNP dismissed 84 members of the police force, including administrative officials and police officers, for various reasons that may have involved corruption. Of the 2,786 administrative cases filed against PNP officers and personnel, 589 were resolved, 349 were dropped and closed, 157 remained under preliminary investigation, and 1,691 underwent summary proceedings. The deputy ombudsman for the military received 2,205 cases for the period January through August, of which 8 percent were cases filed against high ranking police and military officials.

As of August the AFP Human Rights Office monitored no new cases of killings, disappearances, or torture during the year. In August 2007 the AFP created five general courts-martial to hear administrative cases of officers and soldiers accused of human rights violations. As of December, two members of the army who were allegedly involved in killings were undergoing court martial proceedings, and one was on trial for murder in a civilian criminal court.

Government-armed civilian militias supplemented the AFP and the PNP.

#### Arrest and Detention

Citizens are apprehended openly with warrants based on sufficient evidence and issued by a duly authorized official and are brought before an independent judiciary. However, there were some reports during the year of citizens picked up by security forces without a warrant and detained arbitrarily. Detainees have the right to a judicial review of the legality of their detention and, except for offenses punishable by a life sentence, the right to bail. During the year a greater number of offenses were made eligible for bail and, according to government figures, 12,328 or 22 percent of detainees were able to post bail, compared with the 2 percent of detainees who posted bail in 2007. The law provides that an accused or detained person has the right to a lawyer of his choice and that the state must provide one when the accused cannot afford one. Authorities are required to file charges within 12 to 36 hours of arrests made without warrants, with the time given to file charges increasing with the seriousness of the crime. Lengthy pretrial detention remained a problem. The BJMP did not provide data about the number of detainees released during the year as part of jail decongestion programs, including the number of detainees who were released because they had been jailed for periods equal to or longer than the maximum prison terms they would have served if convicted. However, the BJMP acknowledged that 19,063 detainees were released from jail because they were acquitted or because their cases were dismissed for lack of witnesses or evidence.

Human rights and labor groups expressed concern about criminal charges filed in September against 72 labor activists, some of whom were arrested, including labor attorney Remigio Saladero, in connection with a 2006 NPA

ambush on military forces.

The NPA, as well as some Islamic separatist groups, were responsible for a number of arbitrary detentions.

#### e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, the judicial system suffered from corruption and inefficiency. Personal ties and sometimes bribery resulted in impunity for some wealthy or influential offenders and contributed to widespread skepticism that the judicial process could ensure due process and equal justice. The Supreme Court continued efforts to ensure speedier trials, sanction judicial malfeasance, increase judicial branch efficiency, and raise public confidence in the judiciary. In September the Supreme Court dismissed one justice at a court of appeals and disciplined four others for their roles in a bribery scandal. In October the high court denied the motions for reconsideration filed by these justices.

The national court system consists of four levels: local and regional trial courts, a national court of appeals divided into 17 divisions, a 15-member Supreme Court, and an informal local system for arbitrating or mediating certain disputes outside the formal court system. The Sandiganbayan, the government's anticorruption court, hears criminal cases brought against senior officials. A Shari'a (Islamic law) court system, with jurisdiction over domestic and contractual relations among Muslim citizens, operated in some Mindanao provinces. The courts-martial, each composed of at least five active-duty military officers, hear cases against military personnel accused of violating the Philippine Articles of War. The president, the chief of staff of the armed forces, or a military unit commander may appoint the members of a court-martial. Military or security tribunals cannot try civilians.

On January 14, Judge Roberto Navidad was shot and killed in Calbayog City, Samar. The police arrested a suspect, and the case was under investigation at year's end.

A decision was pending in the trial for the January 2007 killing of Judge Nathaniel Pattugalan. The police identified a suspect in the July 2007 killing of Judge Orlando Velasco, and a case against him was filed in court.

#### Trial Procedures

The law provides that all persons accused of crimes be informed of the charges against them, have the right to counsel, and be provided a speedy and public trial before a judge. Defendants are presumed innocent and have the right to confront witnesses against them, to present evidence, and to appeal convictions. The authorities respected the right of defendants to be represented by a lawyer, but poverty often inhibited a defendant's access to effective legal representation. Skilled defense lawyers staffed the Public Attorney's Office (PAO), but their workload was large and resources were scarce. The PAO provided legal representation for all indigent litigants at trial; however, during arraignment, courts may at their option appoint any lawyer present in the courtroom to provide counsel to the accused.

The law provides that cases should be resolved within set time limits once submitted for decision: 24 months for the Supreme Court; 12 months for a court of appeals; and three months for lower courts. However, these time limits were not mandatory, and, in effect, there were no time limits for trials.

Lengthy pretrial detention remained a problem. Anecdotal evidence suggested that, in practice, trials can take six years or more. Trials take place in short sessions over time and as witnesses become available; these noncontinuous sessions created lengthy delays. Furthermore, there was a widely recognized need for more prosecutors, judges, and courtrooms. Judgeship vacancy rates were high; of the total 2,182 trial court judgeships (including Shari'a courts), 509 (23 percent) were vacant. Courts in Mindanao and poorer provinces had higher

vacancy rates than the national average. Shari'a court positions were particularly difficult to fill because of the requirement that applicants be members of both the Shari'a Bar and the Integrated Bar. All five Shari'a district court judgeships and 36 percent of circuit court judgeships remained vacant. Shari'a courts do not have criminal jurisdiction.

#### Political Prisoners and Detainees

Various human rights NGOs maintained lists of incarcerated persons they considered to be political prisoners. From January to June, the TFDP reported that there were 231 political prisoners. Typically, there was no distinction in these lists between detainees and prisoners, and the majority of persons listed had not been convicted. Some NGOs asserted that it was frequent practice to make politically motivated arrests of persons for common crimes and to continue to detain them after their sentences expired. The government used NGO lists as one source of information in the conduct of its pardon, parole, and amnesty programs, but it did not consider the persons listed to be political detainees or prisoners.

From January to June, the government released 22 persons whom NGOs claimed were political prisoners. The TFDP recorded 41 new political prisoners incarcerated through June.

The government permitted access to alleged political prisoners by international humanitarian organizations.

#### Civil Judicial Procedures and Remedies

The judiciary is independent and impartial in civil matters. There are administrative remedies as well as judicial remedies for alleged wrongs; however, corruption was widespread in the judiciary, and cases often were dismissed. Complainants have access to local trial courts to seek damages for, or cessation of, human rights abuses.

From January to December, human rights lawyers filed 13 writ of amparo petitions, all against the military, of which nine were resolved and four were pending hearings. Five of the resolved cases were dismissed, closed, or terminated; two were pending review by the Supreme Court; one was pending motion for reconsideration by the petitioners; and one was settled.

During the year the warden of the Davao Penal Colony reportedly refused to release journalist Alexander Adonis despite his having been paroled by the Department of Justice (DOJ) Board of Pardon and Paroles in a libel case. Adonis was released from prison in December.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law provides that a judge may issue search warrants on a finding of probable cause; however, while the government generally respected restrictions on search and seizure within private homes, searches without warrants occurred. Judges declared evidence obtained illegally to be inadmissible.

The government generally respected the privacy of its citizens; however, leaders of communist organizations and rural-based NGOs complained of what they described as a pattern of surveillance and harassment. The Human Security Act of 2007 allows law enforcement authorities, with a written order from a court of appeals, to intercept and record conversations and any other form of communication between members of terrorist organizations or any person charged with or suspected of the crime of terrorism or conspiracy to commit terrorism.

Forced resettlement of urban squatters, who made up at least 30 percent of the urban population, continued during the year. The law provides certain protections for squatters; eviction was often difficult, especially because

politicians recognized squatters' voting power. Government relocation efforts were constrained by budget problems, and the issuance of land titles to squatters was limited.

#### g. Use of Excessive Force and Other Abuses in Internal Conflicts

The government was engaged in combat with antigovernment forces and terrorists who actively sought to destabilize the country. Government forces killed a number of civilians during clashes with antigovernment forces. Some citizens' groups complained that the AFP, in confronting the ASG and NPA, illegally detained citizens, destroyed houses, displaced residents, and shelled villages. In August after the Supreme Court issued a temporary restraining order that halted the August 5 signing of a government-MILF territorial agreement, some MILF military commanders, allegedly acting without MILF authorization, attacked villages in central Mindanao, killing civilians.

#### Killings

Government forces acknowledged the deaths of civilians in the course of military operations against the MILF. A National Disaster Coordinating Council report indicated that 163 persons were confirmed killed in the Mindanao conflict by either government or rebel MILF forces between August 10 and September 1, including 78 civilians, six law enforcement officials, and two MILF rebels. Unconfirmed numbers of AFP soldiers and other MILF rebels also were killed in the conflict.

Communist insurgents, mainly from the NPA, continued to kill political figures, military and police officers, and civilians, including suspected military and police informers. The NPA and other extortion groups also harassed businesses and burned buses and private communication facilities to enforce the collection of "revolutionary taxes."

At year's end, according to military and police sources, 209 members of the AFP were killed in action during encounters with rebel and terrorist groups: 140 by the NPA, 56 by the ASG, and 13 by the MILF. During the same period, AFP operations resulted in 340 insurgents killed: 166 NPA, 27 ASG, 146 MILF, and one from the Moro National Liberation Front. The PNP recorded 82 of its personnel killed from January to November and claimed 91 insurgents killed in operations around the country, including 67 NPA, two ASG, and 22 MILF.

On April 4, NPA forces in Tineg, Abra, fired at a truck carrying 14 civilians, killing four. On June 28, NPA forces killed four government forces members in two attacks on Siargao Island, Surigao del Norte; two civilians were killed in the crossfire. On August 5 and 13, NPA rebels killed two rebel returnees. On August 17, MILF rebels killed 28 civilians and 14 soldiers in attacks in Mulondo, Lanao del Sur. On August 18, MILF rebels killed 14 civilians in an attack on a passenger bus in Lanao del Norte.

On January 15, gunmen believed to be members of the ASG abducted a Catholic priest, Father Roda, and a teacher in Tawi-tawi. They subsequently killed Father Roda.

The police believed that extortion groups allegedly linked with the ASG and the Jemaah Islamiyah were responsible for a series of bomb attacks against three bus companies in Mindanao. On May 28, suspected terrorists killed three civilians in a bomb attack outside an airbase in Zamboanga City. On July 24, a bomb inside a bus in Digos, Davao del Sur, killed three passengers. A September 1 bomb also in Digos killed seven persons. No group claimed responsibility for the attacks.

#### Abductions

There were numerous kidnappings throughout the year in Mindanao and the Sulu Archipelago by various armed groups, including the ASG. Victims often were released in exchange for payments.

On April 30, MILF rebels took over a village in Kalamansig, Sultan Kudarat, and held the residents hostage. On August 11, MILF forces took two civilians hostage in Pigcawayan, North Cotabato. On August 18, dozens of civilians in Kolambugan and Kauswagan, Lanao del Norte, reportedly were used as human shields by retreating MILF fighters. Some of the hostages later were reported killed.

#### Child Soldiers

During the year the NPA and the ASG targeted children for recruitment as combatants and noncombatants. The NPA claimed that it assigned persons 15 to 18 years of age to self defense and noncombatant duties; however, there were reports that the NPA continued to use minors in combat. A local NGO reported that 100 children were used as NPA soldiers in Eastern Samar.

The ASG recruited teenagers to fight and participate in its activities. The two purported ASG suspects in the June 8 kidnapping of Filipino newscaster Ces Drilon were reported to be minors. The AFP stated that some Islamic schools in Mindanao served as fronts to indoctrinate children. The AFP also alleged that the ASG used children as couriers and spies, but NGOs were unable to verify that claim.

A 2007 study commissioned by the UN Children's Fund (UNICEF) found that children as young as 10 years were used as soldiers or recruited by the MILF. Most of the children were volunteers often with the support of their families, serving in noncombat roles. In December during the visit of the Special Representative of the UN Secretary General, the MILF agreed to stop the recruitment and use of children in its ranks. At year's end a plan to implement this was not yet in place.

A human rights group documented one case of an indigenous child in Luzon being recruited by a paramilitary organization in 2007. The NGO also reported three cases of child soldiers being rescued by or surrendered to the government, while government sources reported one case. Government reporting mechanisms for children in armed conflict were inconsistent between agencies and regions, making it difficult to evaluate the scope of the problem.

#### Other Conflict-related Abuses

MILF attacks and subsequent clashes with the AFP increased the number of internally displaced persons (IDPs). Most IDPs were in the central Mindanao provinces of Lanao del Norte, North Cotabato, and Maguindanao (see section 2.d.).

The NPA continued to subject military personnel, police, local politicians, and other persons to its so-called courts for "crimes against the people." The NPA executed some of these "defendants." The MILF also maintained similar "people's courts."

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice.

The government owned several television and radio stations; however, most print and electronic media were privately owned. The media were active and expressed a wide variety of views without restriction. Broadcast and print media were freewheeling and often criticized for lacking rigorous journalistic ethics. They tended to reflect the

particular political or economic orientations of owners, publishers, or patrons, some of whom were close associates of present or past high-level officials. Special interests often used bribes and other inducements to solicit one-sided and erroneous reports and commentaries that supported their positions. Journalists continued to face harassment and threats of violence from individuals critical of their reporting.

Journalists continued to be killed. The Center for Media Freedom and Responsibility reported six journalists killed during the year. The Task Force Usig classified four of these cases as work-related killings. There was also one reported abduction of a journalist.

On April 7, an unidentified assailant killed Benefredo Acabal, a publisher and writer for a local Cavite newspaper, The Filipino Newsmen. The case remained under investigation.

On April 27, two men killed former Iglesia ni Cristo religious sect minister and Pampanga television host Marcos Mataro at a North Luzon Expressway toll gate in San Simon, Pampanga. A case was filed against suspects in a local trial court.

Task Force Usig considered the Acabal and Mataro cases not work related.

On June 7, alleged ASG rebels abducted television reporter and anchorwoman Ces Drilon and two of her colleagues on the island of Sulu. The group was later released, and a Jolo mayor was implicated in the abduction and detained. A case was pending against the mayor.

On June 30, unidentified assailants killed Fausto Bert Sison, a local radio program host and columnist of a weekly regional bulletin in Sariaya, Quezon. Three suspects were apprehended and the case was under preliminary investigation by the DOJ. The motive for the killing was unknown.

On August 4, unidentified assailants shot radio journalist Dennis Cuesta, a program director and anchor of a local radio station in General Santos City, affiliated with the Radio Mindanao Network. Cuesta's reporting covered local political issues. He later died from the injuries he sustained. The NBI filed a case against a police officer suspect, and the case was under preliminary investigation by the DOJ.

On August 7, Martin Roxas, an anchorman for a Radio Mindanao Network affiliate who covered local political issues, was killed in Roxas City, Capiz, by persons who were apprehended following the attack. A case was filed against the suspects, who remained in police custody.

On November 17, two men killed radio host and columnist Aresio Padrigao. At year's end the suspects remained at large, and the case was under investigation.

The April 2007 case of Carmelo Palacios, a police-beat reporter for a government-run radio station, remained under investigation.

On May 28, a suspect in the December 2007 killing of radio broadcaster Fernando Lintuan voluntarily surrendered and was detained by authorities in Davao City.

On February 19, a regional trial court sentenced Roberto Cabal Lopez to life in prison for the 2006 slaying of photojournalist Prudencio Melendres in Metro Manila.

On October 20, charges were filed against the alleged planners of the 2005 killing of journalist Marlene Esperat; the gunmen and other parties to the killing were convicted in 2006.

On March 21, the Cebu Regional Trial Court sentenced John Lloyd Ortiz to up to 12 years' imprisonment for the 2004 attempted murder of journalist Cirse Torralba.

On March 5, a suspect in the 2004 killing of broadcaster Herson Hinolan surrendered to the court, although this occurred after a key witness withdrew his testimony.

On May 9, a trial began in the 2001 killing of radio journalist Rolando Ureta.

Human rights NGOs frequently criticized the government for failing to protect journalists. The National Union of Journalists of the Philippines accused the police and the government of failing adequately to investigate these killings and of subjecting journalists to harassment and surveillance. In some situations it was difficult to discern if violence against journalists was carried out in retribution for their profession or if these journalists were the victims of random crime.

On January 25, the Supreme Court chief justice advised judges to fine rather than imprison journalists found guilty of criminal defamation, although the judge's circular did not preclude imprisonment, and judges retained discretion in sentencing.

On June 5, a Makati City court judge found the publisher of The Daily Tribune newspaper guilty of libel in a 2003 series of articles criticizing a law firm over alleged irregularities in the contract for the new international terminal at Ninoy Aquino International Airport. The judge sentenced the publisher to six months to two years in prison and ordered her to pay a fine for moral damages.

On June 27, a Makati City court dismissed the charges filed by journalists and media organizations against government officials and the police over the arrests of media professionals during the November 2007 attempted takeover by rebel soldiers at the Manila Peninsula Hotel. On September 1, the CHR issued a resolution that the government violated the journalists' liberty, personal security, and freedom from arbitrary arrest. The CHR referred the case to the PNP, the DOJ, and the Department of Interior and Local Government for further investigation.

On August 28, a court of appeals reversed its March 18 decision that upheld a verdict of libel against staff members of a defunct newspaper.

#### Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in peaceful expressions of views via the Internet, including by e-mail. Internet access was available widely.

#### Academic Freedom and Cultural Events

In his April report on extrajudicial killings, UN Special Rapporteur Philip Alston noted the existence of the AFP intelligence service's 2005 presentation, "Know Your Enemy," which listed some press unions and student organizations as "enemies of the state" or communist fronts. There were no reports that the military used the presentation in its training curriculum during the year.

The government did not otherwise interfere with academic freedom. There were no government restrictions on academic freedom or cultural events.

#### b. Freedom of Peaceful Assembly and Association

#### Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice. Although the law requires that groups request a permit to hold a rally, the government at times followed an unwritten policy of allowing rallies to occur without the filing of a request. The police exhibited professionalism and restraint in dealing with demonstrators, with few exceptions. An NGO reported that 37 protesters were injured by police in March during the dispersal of a protest outside the Department of Labor and Employment (DOLE) offices in central Manila.

#### Freedom of Association

The law provides for freedom of association, and the government generally respected this right in practice.

#### c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

The government's campaign against terrorist groups led some human rights NGOs to accuse the police and military of acting with bias in their treatment of Muslims.

Intermittent government efforts to integrate Muslims into political and economic society achieved only limited success. Many Muslims claimed that they continued to be underrepresented in senior civilian and military positions and cited the lack of proportional Muslim representation in national government institutions. Predominantly Muslim provinces in Mindanao lagged far behind the rest of the country in most aspects of socioeconomic development. The percentage of the population under the poverty level in the Autonomous Region of Muslim Mindanao (ARMM) was almost twice as high as the national average, with per capita income of 15,760 pesos (approximately \$354) per year.

#### Societal Abuses and Discrimination

Historically, the Christian majority has marginalized Muslims. The national culture, with its emphasis on familial, tribal, and regional loyalties, created informal barriers whereby access to jobs or resources is provided first to those of one's own family or group network. Muslims reported difficulty renting rooms or being hired for retail work if they used their real names or wore distinctive Muslim dress. As a result, some Muslims used Christian pseudonyms and did not wear distinctive dress when applying for housing or jobs.

An estimated 400 to 1,000 mostly foreign nationals of Jewish heritage lived in the country. There were no reports of anti-Semitic acts.

For a more detailed discussion, see the 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Foreign travel was limited only in rare circumstances, such as when a citizen has a pending court case. Government authorities discouraged travel by vulnerable workers to areas in which they face personal risk.

The government retained its formal ban on travel to Iraq for the purposes of employment, but the Department of Foreign Affairs estimated 6,000 Filipinos worked there. The travel ban also included Afghanistan, Nigeria, and Lebanon. The Philippine Overseas Employment Administration (POEA) sought to limit departures for work abroad to persons the POEA certified as qualified for the jobs. Millions of citizens worked overseas and remitted money home. In the first nine months of the year, such remittances accounted for approximately 11 percent of the gross domestic product.

Forced exile is illegal, and the government did not use it.

#### Internally Displaced Persons

Clashes between the AFP and the MILF increased the number of IDPs. Most IDPs were in the central Mindanao provinces of Lanao del Norte, North Cotabato, and Maguindanao. At the height of the clashes from August to September, the National Disaster Coordinating Council estimated there were 110,517 IDP families or 528,693 IDP individuals in Mindanao, which had been reduced to 62,849 families or 308,175 persons by December 29. Other agencies, including the UN Development Program, the Mindanao Emergency Relief Network, and the Red Cross provided food and essential items such as medicine, blankets, water containers, and mosquito nets.

#### Protection of Refugees

The country is a party to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol; however, there is no comprehensive legislation that provides for granting refugee status or asylum. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The refugee unit in the DOJ determined which asylum seekers qualify as refugees; such determinations in practice implemented many of the basic provisions of the 1951 convention. The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention or its 1967 protocol. As of August there were no reports of the government extending such protections.

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees. The UNHCR recorded 107 refugees in 2007.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right through periodic elections that largely were free and fair and held on the basis of universal suffrage.

#### Elections and Political Participation

On August 11, more than 1.31 million of the 1.52 million registered voters from the six provinces that make up the ARMM elected a regional governor, a regional vice governor, and regional legislative district assemblymen. The Asian Network for Free Elections Foundation (ANFREL) noted the government's commitment to make the elections as free and fair as possible. However, there were allegations of fraud in some localities. ANFREL and other NGO monitors noted such irregularities as phantom and multiple voting, inadequate neutrality of voting staff, and vote buying. Monitors also claimed that many voters did not have sufficient education about the electronic voting machines used for the first time in this election.

The PNP and AFP recorded four election-related combat incidents during the ARMM elections, including a bomb explosion and three armed encounters with alleged MILF members. PNP personnel were under investigation in a ballot-theft incident in Shariff Kabunsuan, Maguindanao. MILF rebels were suspected as perpetrators in another ballot-theft incident in Sumisip, Basilan.

In May 2007 midterm elections were held for senators, representatives, provincial governors, and local government officials. Voter turnout was high; however, incidents of violence and allegations of fraud marred the generally free and fair conduct of elections.

In general political parties could operate without restriction.

There were no restrictions in law or practice on participation by women and members of minorities in politics. Many women, including the president, held positions of leadership and authority. There were four women in the 24-seat Senate and 51 women in the 240-seat House of Representatives. There were two women in the 22-member cabinet, six female associate justices on the 15 member Supreme Court, and 17 women among the 80 governors.

Along with many other citizens, Muslims argued that electing senators from a nationwide list favored established political figures from the Manila area, to the disadvantage of Muslims. Election of senators by region would require a constitutional amendment, which many Muslims and members of other groups underrepresented in the national legislature favored. There were no Muslim senators and no Muslim cabinet members. There were 11 Muslim members in the House of Representatives, mostly elected from Muslim-majority provinces.

#### Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials often engaged in corrupt practices with impunity. Both the government and the private sector have established a number of anticorruption bodies, including an ombudsman's office and an anticorruption court, and public officials were subject to financial disclosure laws. The government prosecuted 168 officials in 276 corruption cases from January to November. Convictions included the July 17 conviction of the governor of Samar Province and several provincial board members; the September 10 conviction of two Mindoro Oriental district representatives, a former vice governor, and former provincial board members; the September 11 conviction of a former mayor and former municipal treasurer in Kalinga Province; and the October 29 conviction of a former ARMM regional governor and two of his staff. The government pursued cases against high-ranking officials at the Government Service Insurance System and the Department of Environment and Natural Resources.

The law provides for the right to information on matters of public concern. However, denial of such information often occurred when the information related to an anomaly or irregularity in government transactions. Much government information was not available electronically and was difficult to retrieve.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. The CHR and, to some extent, the PNP responded to and investigated cases of human rights abuses, as requested by NGOs. Human rights activists continued to encounter occasional harassment, mainly from security forces or local officials from the area in which incidents under investigation took place. The Presidential Human Rights Committee did not include representation from NGOs, which some groups claimed reduced their ability to participate in the government's human rights initiatives.

The CHR is mandated to protect and promote human rights. It is empowered to investigate all human rights violations and to monitor the government's compliance with international human rights treaty obligations. The CHR has authority to make recommendations regarding military and higher-level police promotions. The commission has a chairperson and four members. CHR monitoring and investigating continued to be hamstrung by insufficient resources. Approximately one-third of the country's 42,000 barangays (villages) had human rights action centers, which coordinated with CHR regional offices; however, the CHR's regional and subregional offices remained understaffed and underfunded. The CHR nationwide budget for the year was 214.27 million pesos (approximately \$4.82 million).

The CHR reported that armed men fired on CHR investigators in July during a field investigation in Linawan, Basilan. The CHR was pursuing an inquiry with the AFP, which denied its members were responsible for the incident. The CHR faced difficulty accessing military sites to conduct its searches for missing or detained persons. On September 16, the AFP refused entry to a joint CHR congressional delegation intending to visit prisoners at Fort Bonifacio near Manila.

The government cooperated with international organizations.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination against women, children, and minorities; however, vague regulations and budgetary constraints hindered implementation of these protections.

##### Women

Rape, including spousal rape, is illegal, but enforcement was ineffective. Rape continued to be a problem, with most cases unreported. At year's end the PNP reported 3,549 rape cases, more than four times the 2007 figure. The increase may be attributable to improved reporting capability through women's and children's desks at police stations. There were reports of rape and sexual abuse of women in police or protective custody--often women from marginalized groups, such as suspected prostitutes, drug users, and lower-income individuals arrested for minor crimes.

Violence against women remained a serious problem. The law criminalizes physical, sexual, and psychological harm or abuse to women and their children committed by their spouses or partners. As of December the PNP reported 706 cases of wife battering and physical injuries. This number likely underreported significantly the level of violence against women.

A local women's support group noted that, in smaller localities, perpetrators of abuse sometimes used personal relationships with local authorities to avoid prosecution. On other occasions women who sought to file complaints through the police were told to pay special fees before their complaints could be registered.

The PNP and the Department of Social Welfare and Development (DSWD) both maintained help desks to assist victims of violence against women and to encourage the reporting of crimes. With the assistance of NGOs, officers received gender sensitivity training to deal with victims of sexual crimes and domestic violence. Approximately 9 percent of PNP officers were women. The PNP has a Women and Children's Unit to deal with these issues.

Prostitution is illegal but was a widespread problem. Many women suffered exposure to violence through their recruitment, often through deception, into prostitution. Penalties for prostitution are light, but detained prostitutes were sometimes subjected to administrative indignities and extortion. The DSWD continued to provide temporary shelter and counseling to women engaged in prostitution. Through year's end, DSWD provided temporary shelter

and counseling to 103 women who were victims of involuntary prostitution. Some local officials discouraged the prosecution of those who exploited prostitutes. There were no convictions under the provision of the law criminalizing the act of engaging the services of a prostitute.

Sex tourism and trafficking in persons for sexual exploitation and forced labor were serious problems.

The law prohibits sexual harassment. However, sexual harassment in the workplace was widespread and underreported due to victims' fear of losing their jobs. Sexual harassment at a shoe factory in Muntinlupa City spurred unionization and a strike in July; in November management reinstated dismissed employees and recognized the workers' union.

Female employees in special economic zones were particularly at risk; most were economic migrants who had no independent workers' organization to assist with filing complaints. Women in the retail industry worked on three- to five month contracts and were often reluctant to report sexual harassment for fear their contracts would not be renewed. There were reports that some firms took action against female employees who became pregnant.

The law does not provide for divorce, although courts generally recognize the legality of divorces obtained in other countries if one of the parties is a foreign national. The government recognizes religious annulment, but the process can be costly, which precludes annulment as an option for many women. Many lower-income couples simply separated informally without severing their marital ties. The family code provides that in child custody cases resulting from annulment, illegitimacy, or divorce in another country, children under the age of seven are placed in the care of the mother unless there is a court order to the contrary. Children over the age of seven normally also remained with the mother, although the father could dispute custody through the courts.

In law, but not always in practice, women have most of the rights and protections accorded to men. Although they faced workplace discrimination, women continued to occupy senior positions in the workforce. In a January labor force survey, 57 percent of government officials, corporate executives, managers, and supervisors were women. The unemployment rate for women was 6.7 percent, while the rate for men was 7.8 percent.

The National Commission on the Role of Filipino Women, composed of 10 government officials and 11 NGO leaders appointed by the president, acted as an oversight body whose goal is to press for effective implementation of programs benefiting women.

#### Children

The government devoted considerable resources to the education, welfare, and development of children. The Department of Education's (DepEd) 12 percent share of the national budget was the largest of any cabinet department. Nevertheless, children faced serious problems.

Elementary and secondary education is free and compulsory through age 11, but the quality of education remained poor. During the year according to DepEd figures, the estimated annual per pupil expenditure for basic education was 7,789 pesos (approximately \$175). The public school enrollment rate was 76 percent. According to the 2007 UNICEF Mid-Term Review, boys were more likely than girls to drop out of school.

Child abuse remained a problem. Through year's end, DSWD offices served 5,663 victims of child abuse, of whom 70 percent were girls. Approximately 50 percent of the girls were victims of sexual abuse, while 3 percent were victims of sexual exploitation. Several cities ran crisis centers for abused women and children. The problem of foreign pedophiles continued, and the government continued to prosecute accused pedophiles vigorously. Some children also were victims of police abuse while in detention for committing minor crimes.

Child prostitution continued to be a serious problem. During the year, the DOLE ordered the closure of two establishments in the cities of Cebu and Lapu-Lapu for allegedly prostituting minors. Trials in these cases continued at year's end. One NGO reported that pornographers forced some children to engage in pornographic activity.

The NPA and ASG continued to recruit minors both as combatants and noncombatants (see section 1.g.).

The government estimated that there were at least 22,000 street children nationwide, while UNICEF estimated that there were approximately 250,000 street children. Many street children appeared to be abandoned and engaged in scavenging or begging. At year's end DSWD provided services to 238 street children nationwide. NGOs reported that some children engaged in petty crime were targets of vigilante groups (see section 1.a.).

A variety of national executive orders and laws provide for the welfare and protection of children. Police stations have child and youth relations officers to ensure that child suspects are treated appropriately. However, procedural safeguards were often ignored in practice. The BJMP stated that 4,213 minors were held on "preventive detention" while their trials were underway, and an additional 130 children, convicted from January to November, were serving sentences. Many child suspects were detained for extended periods without access to social workers and lawyers and were not segregated from adult criminals. NGOs believed that children held in integrated conditions with adults were highly vulnerable to sexual abuse, recruitment into gangs, forced labor, torture, and other ill treatment. There were also reports that many children detained in jails appeared to have been arrested without warrants.

During the year government agencies and NGOs transferred 69 minor prisoners to DSWD rehabilitation centers and continued to work to secure the release of minors wrongfully imprisoned and of those below 15 years of age. DSWD ran 11 regional youth rehabilitation centers for juvenile offenders. There were three detention centers for children in Manila.

#### Trafficking in Persons

Trafficking in persons is prohibited under the law, which defines several activities related to trafficking in persons as illegal and imposes stiff penalties--up to life imprisonment--for convicted offenders. Nonetheless, trafficking remained a serious problem. The country was a source, transit point, and destination for men, women, and children trafficked for the purposes of sexual exploitation and forced labor. A significant number of men and women who migrated abroad for work were subjected to conditions of involuntary servitude in the Middle East, North America, and other parts of Asia. Women were trafficked abroad for commercial sexual exploitation, primarily to Japan, Malaysia, Singapore, Hong Kong, South Korea, and countries in the Middle East and Western Europe. Women and children were also trafficked within the country, primarily from rural areas to urban areas for forced labor as domestic workers and factory workers and for sexual exploitation. A smaller number of women were occasionally trafficked from China, South Korea, Japan, and Russia to the country for sexual exploitation. Child sex tourism continued to be a serious problem, with sex tourists coming from Northeast Asia, Europe, and North America to engage in sexual activity with minors.

Both adults and children were trafficked domestically from poor, rural areas in the southern and central parts of the country to major urban centers, especially Metro Manila and Cebu, but also increasingly to cities in Mindanao. A significant percentage of the victims of internal trafficking were from Mindanao and were fleeing the poverty and violence in their home areas. Approximately 75 percent of the trafficking victims provided with temporary shelter and counseling by the NGO Visayan Forum Foundation were from Mindanao. The Visayan region was also a source of trafficking victims. Women and girls were far more at risk of becoming victims of trafficking than men and boys.

Traffickers targeted persons seeking overseas employment. An estimated eight million Filipinos worked overseas, approximately 10 percent of the population and 20 percent of the workforce. Most recruits were females ages 13 to

30 from poor farming families. The traffickers generally were private employment recruiters and their partners in organized crime. Many recruiters targeted persons from their own hometowns, promising respectable and lucrative jobs.

Although the government pursued trafficking cases under the antitrafficking law as well as other related laws, its efforts were hampered by slowness of the courts, resource constraints within law enforcement agencies, corruption, and general inefficiency of the judicial system.

The DOJ assigned responsibility to 20 prosecutors who, in addition to their regular workloads, also handled the preliminary investigation and prosecution of trafficking cases at the national level. There were 95 prosecutors at the regional, provincial, and municipal levels with similar responsibilities for trafficking. The principal investigative agencies were the National Bureau of Investigation, the Bureau of Immigration, the Philippine Center for Transnational Crimes, and the PNP's Criminal Investigation and Detection Group, with the participation of other members of the Interagency Council Against Trafficking. The government cooperated with international investigations of trafficking. The ombudsman created a task force for trafficking-related corruption cases. Corruption among law enforcement agents remained a particular obstacle to better antitrafficking performance. It was widely believed that some government officials were involved in, or at least permit, trafficking operations within the country.

On June 30, a woman was convicted and sentenced to life imprisonment for trafficking seven minors for sexual exploitation. On October 10, a Zamboanga City court sentenced a human trafficker to 30 years in prison for the 2004 illegal recruitment and trafficking of two women to Malaysia. On November 28, the Paranaque regional trial court fined and sentenced two traffickers to 20 years in prison for trafficking four minors in Albay Province. On December 4, a court acquitted an accused trafficker charged with transporting minors with the intent of forcing them into prostitution because the minors were rescued before they were actually forced into prostitution. From January to November, 162 new cases of trafficking were filed for prosecution, of which 37 were pending trial. A high vacancy rate among judges, among other factors, significantly slowed trial times.

Victims faced exposure to sexually transmitted or other infectious diseases and were vulnerable to beatings, sexual abuse, and humiliation.

There was anecdotal evidence that some lower-level officials such as customs officers, border guards, immigration officials, local police, or others received bribes from traffickers or otherwise facilitated trafficking. On September 17, an officer of the Bureau of Immigration at Ninoy Aquino International Airport was apprehended for her alleged role in aiding the trafficking of 17 Mindanao minors to Syria and Jordan. On October 22, a city prosecutor dismissed the charge against the officer for insufficient evidence, but filed trafficking charges against two accomplices. The government expanded trafficking awareness training to include officials at international ports of entry and developed standard operating procedures for trafficking task forces at these entry points.

The government increased efforts to protect victims of trafficking, although it continued to rely on NGOs and international organizations to provide services to victims. Victims were not penalized for any crimes committed as a direct result of being trafficked. The government, in conjunction with NGO partners, assisted victims by providing temporary residency status and relief from deportation; shelter; and access to legal, medical, and psychological services. Through December DSWD provided temporary shelter and social services to 153 women and 153 juvenile victims of trafficking. Additional protective services included hot lines for reporting cases and the operation of 24 hour halfway houses in 13 regions of the country to assist victims.

The government rarely deported or charged victims of trafficking with crimes; however, police sometimes charged women in prostitution with vagrancy. There were no reliable statistics indicating whether these individuals were

victims of trafficking.

Victims may file civil suits or seek legal action against traffickers. Most victims who chose to do so filed charges of illegal recruitment. The government actively encouraged victims to assist in the investigation and prosecution of trafficking and related crimes. The NGO International Justice Mission (IJM), employing private investigators and lawyers, coordinated with the government in an effort to increase the number of prosecutions on behalf of victims of trafficking and commercial sexual exploitation. Cases were prosecuted in coordination with DOJ prosecutors. IJM initiated 41 cases under the antitrafficking in persons law, and 18 of these cases were pending.

Numerous government agencies and officials, as well as NGOs and international organizations, continued to support public information campaigns against trafficking. The government supported programs to prevent trafficking, such as the promotion of women's participation in economic decision making and efforts to keep children in school. The government provided skills training to women, lessening the need for them to go to urban centers or overseas for employment. However, funding remained limited.

#### Persons with Disabilities

The constitution prohibits discrimination against persons with disabilities in employment, education, access to health care, and other social services. The law provides for equal physical access for persons with both physical and mental disabilities to all public buildings and establishments. The National Council for the Welfare of Disabled Persons formulates policies and coordinates the activities of all government agencies for the rehabilitation, self-development, and self-reliance of persons with disabilities and their integration into the mainstream of society. The DOLE's Bureau of Local Employment (BLE) maintained registers of persons with disabilities indicating their skills and abilities. BLE monitored private and public places of employment for violations of labor standards regarding persons with disabilities and also promoted the establishment of cooperatives and self-employment projects for persons with disabilities. One NGO reported that the government had limited means to assist persons with disabilities in finding employment, and such persons had limited recourse when their rights were violated because of the financial barriers to filing a lawsuit.

DSWD operated two assisted living centers in Metro Manila, and five community based vocational centers for persons with disabilities nationwide. Assisted-living centers were understaffed and underfunded. At year's end the DSWD provided services to 1,869 persons with disabilities.

Advocates for persons with disabilities contended that equal access laws were ineffective because implementing regulations were weak, funding was insufficient, and government programs were inadequately focused on integration. Many public buildings, particularly older ones, lacked functioning elevators. Many schools had architectural barriers that made attendance difficult for persons with disabilities.

Government efforts to improve access to transportation for persons with disabilities were limited. Two of Manila's three light-rail lines were wheelchair accessible; however, many stops had unrepaired, out-of-service elevators. Buses lacked wheelchair lifts, and there were reports of taxi drivers who failed to stop for passengers in wheelchairs. A small number of sidewalks had wheelchair ramps, which were often blocked, crumbling, or too steep. The situation was worse in many smaller cities and towns. One NGO claimed that private transportation providers, such as taxis, often overcharged persons with disabilities or refused service.

The constitution provides for the right of persons with physical disabilities to vote; however, persons with mental disabilities are disqualified from voting. Persons with physical disabilities are allowed to vote with the assistance of a person of their choice. In practice many persons with disabilities did not vote because of the above barriers.

## Indigenous People

Indigenous people lived throughout the country but primarily in the mountainous areas of northern and central Luzon and in Mindanao. They accounted for approximately 14 million or 16 percent of the national population, with over 34 percent of the total in Mindanao. Although no specific laws discriminate against indigenous people, the remoteness of the areas that many inhabit as well as cultural bias prevented their full integration into society. Indigenous children suffered from lack of health, education, and other basic services. NGOs estimated that up to 70 percent of indigenous youth left or never attended school because of the discrimination they experienced.

Indigenous people suffered disproportionately from armed conflict, including displacement from their homes, because they often inhabited mountainous areas favored by guerrillas. Their lands were often the sites of armed encounters, and various parties to the fighting recruited many indigenous people.

A National Commission on Indigenous People (NCIP), staffed by tribal members, implemented constitutional provisions to protect indigenous people. During the year NCIP had a budget of 587 million pesos (approximately \$13.2 million). At year's end the NCIP had awarded Certificates of Ancestral Land and Ancestral Domain Titles covering over 2.67 million acres of land claimed by indigenous people. It awarded such "ancestral domain lands" on the basis of communal ownership, stopping sale of the lands by tribal leaders. The law requires a process of informed consultation and written consent by the indigenous group to allow mining on tribal lands and assigns indigenous groups the responsibility to preserve their domains from environmentally inappropriate development. Some NGOs expressed concern that the law was not adequately enforced and that the rights of indigenous communities, including the right to prior consent, were not always protected.

## Other Societal Abuses and Discrimination

There was some societal discrimination based on sexual orientation, including in employment and education.

The law prohibits all forms of discrimination against persons with HIV/AIDS and provides basic health and social services for these persons. However, there was some evidence of discrimination against HIV/AIDS patients in the provision of health care, housing, and insurance services. The rate of HIV/AIDS remained low, although the rate of infection was believed to be underreported. Overseas workers were required to participate in an HIV/AIDS class as part of a predeparture orientation seminar.

## Section 6 Worker Rights

### a. The Right of Association

The law provides for the right of workers, including most public employees, with the exception of the military and the police, to form and join trade unions. Trade unions are independent of the government. Unions have the right to form or join federations or other labor groups.

At year's end the Bureau of Labor Relations reported 141 registered labor federations and 15,537 private sector unions. The 1.9 million union members represented approximately 5 percent of the total workforce of 36.45 million. The number of firms using contractual labor, primarily large employers, continued to grow. There were 1,693 public sector unions, with a total membership of 352,182 or approximately 20 percent of the total employed persons in the public sector.

In May 2007 a new labor law lowered the requirements for union registration. On November 8, the DOLE issued the implementing rules and regulations for this law.

The International Trade Union Confederation (ITUC) and other labor rights advocacy groups expressed concern at killings, abductions, and other attacks on labor leaders and supporters and urged the government to increase efforts in investigating these attacks. Through December, the Center for Trade Union and Human Rights (CTUHR) documented three cases of killings, including the March 10 killing of labor leader Gerry Cristobal in Cavite (see section 1.a.), the July 19 killing of former chairperson of the Compostela Workers Association, Maximo Baranda, and the November 10 killing of worker's advocate and Bayan Muna coordinator Rolando Antolihao in Compostela. Apart from this, the CTUHR documented 32 cases of threats, harassment, and intimidation affecting 479 workers and labor advocates, 11 cases of physical assault, and five cases of violent dispersal of protests.

During the year the International Labor Organization (ILO) Committee on Freedom of Association (CFA) issued decisions on two cases and pursued investigations in three other cases, including a 2006 complaint by a labor federation alleging human rights violations, for which a government response to the ILO inquiry was still pending.

Subject to procedural restrictions, strikes in the private sector are legal; however, unions are required to provide strike notice, respect mandatory cooling-off periods, and obtain majority member approval before calling a strike. By law, the reason for striking must be relevant to the labor contract or the law, and all means of reconciliation must have been exhausted. The DOLE secretary may intervene in some labor disputes by assuming jurisdiction and mandating a settlement if the secretary decides that the company affected by the strike is vital to the national interest. Labor rights advocates criticized the government for intervening in labor disputes in sectors that were not vital to the national economy. In August the National Labor Relations Commission (NLRC) issued a temporary restraining order against striking workers and members of the Associated Labor Union-Trade Union Congress of the Philippines who were protesting against Gaisano Capital South and Gaisano Capital Mactan the day after the management asked the agency to intervene. In November, citing the company's contribution to the national economy, the secretary of labor intervened to prevent workers at garment maker and exporter Triumph International from going on strike.

Government workers are prohibited from joining strikes under threat of automatic dismissal. Government workers may file complaints with the Civil Service Commission, which handles administrative cases and arbitrates disputes between workers and their employers. In August the Pampanga governor dismissed some 40 workers at a government-owned quarry after they staged a second strike over alleged administrative irregularities. At year's end the workers had not been reinstated.

The DOLE reported five strikes involving 1,115 workers from January to September. The American Center for International Labor Solidarity reported four strikes involving 910 workers.

In June at least 13 workers at Hanjin Garments Inc; a Korean owned firm located in Cabuyao, Laguna, were injured and four others arrested following dispersal by local authorities. Workers sought to regularize the employment status of contractual workers who had worked at the company for several years.

Although the labor code provides that union officers who knowingly participate in an illegal strike may be dismissed and, if convicted, imprisoned for up to three years, there has never been a conviction under this provision.

#### b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively. The labor code provides for this right for employees both in the private sector and in corporations owned or controlled by the government. A similar right is afforded to most government workers. Collective bargaining was practiced; however, it was subject to hindrance and union leaders may be subject to reprisal. International labor organizations noted that collective bargaining in the public sector was limited. Through year's end the total number of private- and public sector workers covered by

collective bargaining agreements was recorded at 282,683 (approximately 14.5 percent of union members and less than 1 percent of the total workforce).

Allegations of intimidation and discrimination in connection with union activities are grounds for review before the quasi judicial NLRC as possible unfair labor practices. Before disputes reach the NLRC, the DOLE provides the services of a mediation board, which settles most of the unfair labor practice disputes raised as grounds for strikes before the strikes may be declared. The DOLE, through the mediation board, also worked to improve the functioning of labor-management councils in companies that already had unions.

Management dismissal or threatened dismissal of union members was common. In September approximately 65 union executive officers and members working through a contractor for a gold mining company were dismissed a few days before a DOLE-scheduled union certification election. In August the contractor allegedly forced members of the union to sign a termination letter although they had a contract to work through October.

In March the CFA responded to a 2007 complaint by several union members at the Technical Education Services and Development Authority (TESDA) regarding the members' work-transfer orders and their subsequent dismissal from TESDA. The committee requested the government to reinstate the workers and provide compensation. Conflicting decisions in 2007 from the Civil Service Commission called for the reinstatement of the workers but also approved TESDA's decision to dismiss them. In December a court of appeals ruled in favor of TESDA management. A union representative said the organization would appeal that decision to the Supreme Court.

Labor groups alleged that companies in Special Economic Zones (SEZs) used frivolous lawsuits as a means of harassing union leaders. Labor groups reported that firms used bankruptcy as a reason for closing and dismissing workers.

Labor law applies uniformly throughout the country, including in SEZs; however, local political leaders and officials who governed the SEZs attempted to frustrate union organizing efforts by maintaining union-free or strike-free policies. The ITUC in its 2007 Annual Survey maintained that the DOLE was unable or unwilling to enforce labor law in the SEZs. A conflict over interpretation of the SEZ law's provisions for labor inspection further obstructed the enforcement of workers' rights to organize. The DOLE can conduct inspections of SEZs and establishments located there, although local zone directors claimed authority to conduct their own inspections as part of the zones' privileges intended by congress. Hiring often was controlled tightly through SEZ labor centers. Union successes in organizing in the SEZs have been few and marginal in part due to organizers' restricted access to the closely guarded zones and the propensity among zone establishments to adopt fixed-term, casual, temporary, or seasonal employment contracts.

Labor groups claimed that government security forces stationed near industrial areas were intended to intimidate workers attempting to organize.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor, including forced and compulsory labor by children; however, there were some reports of forced and compulsory labor, particularly by children, mainly in prostitution, drug trafficking, domestic service, and other areas of the informal sector (see sections 5 and 6.d.).

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the employment of children under the age of 15, except under the direct and sole responsibility of parents or guardians or in cases in which employment in cinema, theater, radio, or television is essential to the

integrity of the production. The law allows employment of those between the ages of 15 and 18 for such hours and periods of the day as are determined by the DOLE secretary but forbids the employment of persons less than 18 years of age in hazardous or dangerous work. However, child labor remained a common problem, and a significant number of children were employed in the informal sector of the urban economy as domestic workers or as unpaid family workers in rural agricultural areas--some as bonded laborers. The government estimated that there were approximately four million working children, an estimated half of whom were exposed to hazardous working environments, in industries such as quarrying, mining, deep sea fishing, pyrotechnic production, and agriculture, especially sugar cane plantations.

Most child labor occurred in the informal economy, often in family settings. The government, in coordination with a number of domestic NGOs and international organizations, implemented programs to develop safer options for children, return them to school, and offer families viable economic alternatives to child labor. Although the government made attempts to devote more resources to child labor programs during the year, resources remained inadequate.

The government and NGOs implemented programs to prevent the engagement of children in exploitive child labor; they educated communities on child labor and provided counseling and other activities for children. The DOLE and the DepEd worked with NGOs to assist children to return to school, and UNICEF and the ILO continued to work with the government on programs for the reduction of child labor. The government also imposed fines and instituted criminal prosecutions for child labor violations in the formal sector, such as in manufacturing. The trial continued for a Metro Manila garment factory that employed 10 child laborers. The DOLE continued its efforts to remove child workers from hazardous situations. From January to June, the DOLE conducted 16 rescue operations, removing 59 minors.

#### e. Acceptable Conditions of Work

The national minimum wage did not provide a decent standard of living for a worker and family. Tripartite regional wage boards set minimum wages, and they increased minimum wages slightly during the year. Under a new law, minimum wage earners are exempt from paying income tax. The highest minimum wage rates were in the National Capital Region, where the minimum daily wage for nonagricultural workers was 382 pesos (\$8.59). The lowest minimum wage rates were in the Southern Tagalog Region, where daily agricultural wages were 187 pesos (\$4.20). The regional wage board orders covered all private sector workers except domestic servants and others employed in the service of another person. Boards exempted some newly established companies and other employers from the rules because of factors such as business size, industry sector, export intensity, financial distress, and level of capitalization. These exemptions excluded substantial numbers of workers from coverage under the law. Through year's end the regional wage boards granted minimum wage exemption applications to 256 establishments, a 48 percent increase over 2007. Unions have filed complaints about the minimum wage exemption policies.

Violation of minimum wage standards and the use of contract employees to avoid the payment of required benefits were common, including in the government-designated SEZs, where tax benefits were used to encourage the growth of export industries. According to a year-end Bureau of Working Conditions report, 11,531 of 26,169 inspected firms were found to have violated labor or occupational safety and health standards. Many firms hired employees for less than the minimum apprentice rates, even if there was no approved training in their production-line work. The DOLE inspects establishments that employ 10 to 199 workers to determine compliance with national labor laws and international core labor standards. Establishments employing 200 or more persons and unionized establishments with collective bargaining agreements are subject to a self-assessment of compliance with labor standards. The DOLE provided training and advisory services to enterprises with less than 10 workers to help them comply with national labor laws and core labor standards. At year's end, 18 percent (4,664 out of 26,169) of commercial establishments inspected by the DOLE were not in compliance with the prevailing minimum wage. The

DOLE acknowledged that the shortage of inspectors made it difficult to enforce the law. In addition to fines, the government also used administrative procedures and moral suasion to encourage employers to rectify violations voluntarily. Complaints about nonpayment of social security contributions, bonuses, and overtime were particularly common with regard to companies in SEZs.

By law the standard legal workweek is 48 hours for most categories of industrial workers and 40 hours for government workers, with an eight-hour per day limit. The government mandates an overtime rate of 125 percent of the hourly rate on ordinary days and 130 percent on rest days and holidays. The law mandates one day of rest each week. However, there is no legal limit on the number of overtime hours that an employer may require. The DOLE conducted only sporadic inspections to enforce limits on workweek hours. From January to December, 153 DOLE labor inspectors made 26,169 inspections to check on companies' compliance with general labor and working standards. Labor groups maintained that forced overtime was common.

On January 22, the DOLE in the Southern Tagalog region ordered a Korean-owned garment factory to pay back wages, but, by May 1, only a portion of the workers had been paid.

The law provides for a comprehensive set of occupational safety and health standards. The DOLE has responsibility for policy formulation and review of these standards, but with too few inspectors nationwide, local authorities often must carry out enforcement. The DOLE continued a campaign to promote safer work environments in small enterprises. Statistics on actual work related accidents and illnesses were incomplete, as incidents (especially in agriculture) were underreported. At year's end the DOLE conducted inspections of 7,129 establishments on occupational safety standards compliance, 6,353 or 80 percent of which were able to comply upon inspection. Workers do not have a legally protected right to remove themselves from dangerous work situations without risking loss of employment.

There were work-related deaths and injuries during the year, including the death of five employees and injury of eight others at Hanjin Heavy Industries, a shipbuilding firm in Subic Bay. An investigation by the Subic Bay Metropolitan Authority revealed several safety lapses.

The government and several NGOs worked to protect the rights of the country's overseas citizens, most of whom were temporary or contract workers. The government placed financial sanctions on and criminal charges against domestic recruiting agencies found guilty of unfair labor practices. Although the POEA registered and supervised domestic recruiters' practices successfully, the authorities sometimes lacked sufficient resources to ensure workers' protection overseas. It sought cooperation from receiving countries and proposed migrant worker rights conventions in international forums. The government also provided assistance through its diplomatic missions in countries with substantial numbers of migrant workers.

In November trade unions called on the POEA to eliminate a provision in POEA's sample contract that lists involvement in trade union activities as a valid reason for terminating employment. The POEA subsequently removed the sample contract from its Web site.

The labor laws protect foreign workers in the country. Foreign workers must obtain work permits and may not engage in certain occupations. Typically their work conditions were better than those faced by citizens. They are not allowed to join or form unions.