



**FINAL REPORT OF THE NATIONAL FACT-FINDING AND SOLIDARITY MISSION IN
NEGROS ORIENTAL, PHILIPPINES
*April 4-8, 2019***

CONTEXT

On March 30, 2019, between 2:00am to 5:30am, fourteen (14) persons were killed by State security forces during their operations in Canlaon City, Manjuyod, and Sta. Catalina towns in Negros Oriental province in the Philippines. At least fifteen (15) persons were also reportedly arrested in the said localities, according to relatives of the victims and peasant organizations in the province.

In a report by Bombo Radyo Cebu, the PNP Region 7 said that it launched its Simultaneous Enhanced Managing Police Operations (SEMPO) or Oplan Sawron in Negros Oriental. Central Visayas Police Regional Office (PRO-7) Chief Debold Sinas said that the police served 37 search warrants to “various personalities due to illegal possession of firearms.” He also said that they were able to serve 31 search warrants; 14 were killed when these personalities resisted arrests, while 12 others were arrested.¹

In another article, Sinas also reportedly said that those who were killed were members of the CPP-NPA and that the 14 refused to surrender and engaged the police in a shoot-out. “They really fought. Even in Oplan Sauron Part 1, there was a directive from the top leadership of the rebels to fight it out with the police. They were not ready to surrender because they were hardcore rebels,” Sinas said.²

On April 1, 2019, PNP Chief Oscar Albayalde and Presidential Spokesperson Salvador Panelo said that these are legitimate police operations.³

¹ <http://www.bomboradyo.com/14-killed-12-arrested-in-series-of-pnp-operation-in-negros-oriental/>

² <https://www.philstar.com/the-freeman/cebu-news/2019/03/31/1906104/negros-oriental-14-rebels-dead>

³ <http://cnnphilippines.com/news/2019/4/1/pnp-probe-negros-oriental-operation-not-massacre.html>

The mass killings and illegal arrests of farmers in Negros Oriental are the latest of the attacks against human rights defenders and of the long list of human rights violations documented under the Duterte administration.

Backdrop of a Bloodbath: Poverty and Landlessness in Negros

Throughout decades, Negros has been known as an island of impoverished and landless peasants and farmworkers in the Philippines. Government neglect, exploitation of sugar workers, the dominance of landlords and warlords, and neoliberal policies have altogether created and contributed to the grinding poverty and hunger experienced by the poor in the island, despite the vast tracts of land and resources of its two provinces.

At least 56% of the country's sugarcane produce come from the Negros island, where 54% of the country's sugar mill and plantation workers are found. More than 335,000 sugarcane workers in Negros, out of 780,000 nationwide figures, are subjected to slave-like economic conditions.⁴

The average monthly income of a sugarcane worker in Negros is at PhP1,500 (or \$27.96) to PhP2,000 (\$37.28), which translates to PhP50 (\$0.93) to PhP67 (\$1.24) a day.⁵ The said levels are a far cry from the daily minimum wage rates of sugar workers in the province which is at PhP303.00 (\$5.65) a day⁶, or from the National Capital Region wage rates at PhP512 (\$9.54) a day.⁷ Comparing the said figures with the average family living wage as estimated by Ibon Foundation at PhP1,001 (\$18.66)⁸, it would give the picture of the sheer destitute state of the sugar workers' families.

Such a situation exists with the concentration of land to a few elites on the island. The Unyon ng Manggagawa sa Agrikultura said that of the 424,130 hectares of sugar lands in Negros, 40% are owned by 1,860 big landlords, while 30% are owned by 6,820 small landlords.⁹ UMA named the landlord families of the Cojuangcos, Aquinos, Roxases, Aranetas, Torreses, Teveses and others, as among those with vast tracts of land in the region.¹⁰

Meanwhile, the failure of the Comprehensive Agrarian Reform Program (CARP), under which some 427,656 hectares of land in the Negros region was to be distributed, have so far resulted to the distribution of 302,377 hectares in its three decades of implementation. In an article by Arnold Padilla, Programme Coordinator of the Pesticide Action Network-Asia Pacific, at least 125,279 hectares in land acquisition and distribution (LAD) are yet to be distributed. Negros island accounts for 21% of the national LAD balance of 602,306 hectares – the largest among all regions. It has the second lowest LAD accomplishment rate at 71%, just behind the 67% of another impoverished region, the ARMM.¹¹

⁴ <https://drive.google.com/file/d/1j6Eu5IM2Do8mtaYFKALi5E4GTLVV2pyl/view>

⁵ <https://drive.google.com/file/d/1j6Eu5IM2Do8mtaYFKALi5E4GTLVV2pyl/view>

⁶ <https://psa.gov.ph/sites/default/files/attachments/cls/Tab%2021.pdf>

⁷ <https://psa.gov.ph/sites/default/files/attachments/cls/Tab%2021.pdf>

⁸ <http://ibon.org/2018/10/the-ncr-minimum-wage-vs-the-family-living-wage-september-2018/>

⁹ <https://www.bulatlat.com/2018/10/27/a-matter-of-social-justice/>

¹⁰ https://umapilipinas.files.wordpress.com/2017/05/tiempo-muerto-2017-magazine-copy-pages.pdf?fbclid=IwAR1ZkxzWg_UvnMOpzMU8WjtVnRBexHxsxm1Gq27uA2r7JIK1LZkfgA1FwOw

¹¹ <https://arnoldpadilla.com/2019/04/07/landlessness-poverty-and-war-in-negros/?fbclid=IwAR29JxgKSckWmrqzLNv1Hk3k6uan6m4RYZFiLw-10c-zIM1OPrx3ZaQ8a9k>

Table 2
Top 5 regions with highest CARP land acquisition and distribution (LAD)
balance, as of end-2016 (in hectares)

| Region | Balance | Scope | Accomplish-ment % |
|-------------------------|---------|-----------|-------------------|
| 1. Negros Island Region | 125,279 | 427,656 | 70.7 |
| 2. ARMM | 111,149 | 332,773 | 66.6 |
| 3. Bicol Region | 86,471 | 413,545 | 79.1 |
| 4. Soccsksargen | 44,325 | 731,098 | 93.9 |
| 5. Cagayan Valley | 44,178 | 417,740 | 89.4 |
| Other regions | 190,904 | 3,102,532 | 93.8 |
| Total Philippines | 602,306 | 5,425,344 | 88.9 |

Source: Department of Agrarian Reform (DAR)
 arnoldpadilla.com

With very meager wages from their work in farms, farmers and farmworkers are forced to take on other informal or odd jobs to feed their families, especially during the *Tiempo Muerto* season or the period between the planting and harvesting seasons of sugarcane where no work is available in the haciendas for six months.

This is the reason why farmworkers organize themselves to cultivate undistributed CARP lands to ease the problem of hunger especially during *Tiempo Muerto* season, by planting crops that their families can eat. The farmworkers came up with a *Bungkalan* campaign (land occupation and collective cultivation) which was organized to assert their rights to the land they till and for genuine agrarian reform.¹²

Negros Oriental's main produce are its sugarcane, coconuts, and bananas.¹³ Yet with its 1.35 million population¹⁴, the province has been considered as among the poorest in the country¹⁵, with 45% poverty incidence among its population, compared to the national average of 21.6%.¹⁶

The areas affected by the mass killings on March 30, 2019, registered high poverty incidence rates with Manjuyod having 33.6%, 43.1 % in Santa Catalina and Canlaon City at 42.3%.¹⁷

¹² https://umapilipinas.files.wordpress.com/2017/05/tiempo-muerto-2017-magazine-copy-pages.pdf?fbclid=IwAR1ZkxzWg_UvnMOpzMU8WjtVnRBexHxsm1Gq27uA2r7JIK1LZkfgA1FwOw

¹³ <http://rso07.psa.gov.ph/sites/default/files/COUNTRYSIDE%20IN%20FIGURES%201-164.pdf>

¹⁴ <https://psa.gov.ph/population-and-housing/title/Population%20of%20Negros%20Island%20Region%20%28Based%20on%20the%202015%20Census%20of%20Population%29>

¹⁵ https://psa.gov.ph/sites/default/files/2015_povstat_FINAL.pdf

¹⁶ <https://psa.gov.ph/poverty-press-releases/nid/63819>

¹⁷ <http://rso07.psa.gov.ph/poverty>

| Municipality/City | Poverty Incidence | | |
|--|-------------------|------|------|
| | 2012 | 2009 | 2006 |
| City and Municipal-Level Small Area Poverty Estimates | | | |
| Amlan | 20.3 | 24.1 | 25.7 |
| Ayungon | 51.3 | 51.6 | 49.7 |
| Bacong | 18.5 | 20.8 | 24.2 |
| Bais City | 31.7 | 37.2 | 54.3 |
| Basay | 46.4 | 45.8 | 50.9 |
| Bayawan City | 37.4 | 42.6 | 50.9 |
| Bindoy | 55.8 | 59.9 | 56.7 |
| Canlaon City | 42.3 | 35.4 | 54.0 |
| Dauin | 28.9 | 32.4 | 33.1 |
| Dumaguete City | 6.5 | 7.4 | 9.5 |
| Guihulngan City | 40.8 | 45.0 | 58.6 |
| Jimalalud | 48.1 | 50.2 | 65.3 |
| La Libertad | 51.0 | 50.2 | 55.9 |
| Mabinay | 40.8 | 48.8 | 56.6 |
| Manjuyod | 33.6 | 42.5 | 35.5 |
| Pamplona | 34.1 | 35.5 | 47.3 |
| San Jose | 28.8 | 28.7 | 26.2 |
| Santa Catalina | 43.1 | 39.5 | 53.0 |
| Siaton | 45.9 | 48.5 | 49.6 |
| Sibulan | 14.7 | 17.4 | 21.1 |
| Tanjay City | 22.7 | 27.1 | 29.2 |
| Tayasan | 41.2 | 48.5 | 57.4 |
| Valencia | 20.5 | 27.3 | 36.0 |
| Vallehermoso | 38.0 | 47.2 | 43.8 |
| Zamboanguita | 32.2 | 39.1 | 38.9 |

Source: Philippine Statistics Authority

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Human rights violations: State response to the peasants' struggle for land

In Negros, killings, massacres, and other rights violations related to the peasants' struggle for land and rights have marked the island's history.

During the Marcos dictatorship, the massacre of 20 peasants, known as the Escalante Massacre, marked the Negrense's protest action on September 20, 1985. Prior to this bloody incident, soldiers and paramilitary forces conducted combat operations in rural communities of Negros, stealing from the people, burning villages, kidnapping and assassinating local leaders. When the sugar crisis exploded in the late 1970s, the *sacadas*, and even a small number of enlightened landowners said they have had enough. This triggered many protest marches, demanding agrarian reform and land distribution, fair wages and improved government services.¹⁹

Under Gloria Macapagal Arroyo, killings and enforced disappearances targeting activists, including peasant leaders and advocates, have been significantly documented, especially with the implementation of counterinsurgency program Oplan Bantay Laya.

¹⁸ Table 2: <http://rss07.psa.gov.ph/sites/default/files/COUNTRYSIDE%20IN%20FIGURES%201-164.pdf>

¹⁹ <http://www.bantayog.org/escalante-massacre/>

Among the cases documented is that of the enforced disappearance of Flaviano Arante, council member of a municipal peasant group, Nagkahiusang Mag-uuma sa Sta. Catalina (United Farmers of Sta. Catalina) in Negros Oriental, who was abducted and has been missing since January 25, 2008, by elements of the 303rd Infantry Brigade and 62nd Infantry Battalion of the Philippine Army.²⁰ On June 14, 2010, Benjamin Bayles, a human rights worker of the September 21 Movement, a member organization of Karapatan Negros, was killed by elements of the 61st Infantry Battalion of the Philippine Army. Bayles was also a district coordinator of the Aglipayan Forum and as such, he was active in anti-mining campaigns and in advocating for peasants' rights.²¹

As Benigno Aquino III continued his predecessors' counterinsurgency approach through Oplan Bayanihan, killings, disappearances and burning of residents' homes continued in Negros. On July 19, 2011, farmers Michael Celeste, Gerald Abale, and Jully Devero were forcibly taken from their houses in Canlusong Village, Enrique B. Magalona municipality, Negros Occidental by armed men wearing bonnets, who were suspected members of paramilitary group Revolutionary Proletarian Army-Alex Boncayao Brigade (RPA-ABB).²² On February 19, 2012, members of the Revolutionary Proletarian Army-Alex Boncayao Brigade (RPA-ABB) Hernani Cunanan, Herman Cunanan, and Lauro Delgado shot dead vendor Rogelio Seva in Victorias City. The three had just come from barangay Gawahon, E.B. Magallona town where they burned down the houses of Lilia Devero, her son Welben, and her father Amenardo Seva. Only Jolivie, Lilia's 17-year-old daughter, was home, and the RPA-ABB men hogtied her and one even tried to rape her. They took off on board two motorcycles and headed to Victorias City where they killed Rogelio Seva. The Deveros are the family of peasant Jully Devero who was abducted by RPA-ABB men in 2011, along with Gerald Abale and Michael Celeste. They remain missing to this day.²³

With Duterte's assumption of the presidency, the climate of impunity has significantly worsened, with its sham drug war and counterinsurgency program Oplan Kapayapaan.

In a span of more than a month, from July 23 to August 31, 2017, seven farmers were killed in Guihulngan City, Negros Oriental. Most of the victims were members or leaders of local peasant organizations. Among those killed were Alberto Tecson, vice-chairperson of Pambansang Lakas ng Kilusang Pamalakaya, and Oscar Asildo Jr. This spate of attacks in Guihulngan is attributed to the area being declared a priority under the government's counterinsurgency operations, along with 33 other barangays in the northern part of Negros. The said areas have been the site of struggle of farmers who have been clamoring for basic social services, free land distribution, and the pull-out of troops from their communities.²⁴

On July 24, 2017, peasant leader Alberto Tecson, 45, of the Nagkahiusang Mag-uuma ug Mangingisda sa Bulado (NAMABU), an organization of peasants and fisherfolk in Brgy. Bulado, Guihulngan City, Negros Oriental, was shot dead in front of his children by

²⁰ https://www.karapatan.org/files/KarapatanMonitor_JanMarch08.pdf

²¹ https://www.karapatan.org/files/Karapatan%20Monitor_AprJun2010.pdf

²² <https://www.bulatlat.com/2011/08/10/groups-call-for-probe-on-abduction-of-3-farmers-in-negros/>

²³ https://www.karapatan.org/files/2012_HR_Report_YEAREND.pdf

²⁴

<https://mail.google.com/mail/u/0/#search/2017+karapatan+monitor+publici/FMfcgxmXKJqDMHxkvCMhBZddpSqFcbSK?projector=1&messagePartId=0.2>

six bonnet-wearing men. The assailants knocked on the door of Tecson's home, shot him, and then dragged him outside of the house and shot him again. The peasant leader had been previously accused by soldiers of the 79th IBPA of helping transport members of the NPA, an allegation that Tecson denied.²⁵

On November 28, 2017, Karapatan Negros Coordinator Elisa Badayos and Eleuterio Moises, a village guard and member of the local peasant organization, Mantapi Ebwan Farmers Association, were killed by suspected private armies of landlords while conducting a factfinding mission on reports of threats and harassment of peasant communities in Bayawan, Negros Oriental.²⁶

In the morning of October 6, 2018, a fisherman from Guihulngan City, Negros Oriental, Jaime Delos Santos, 62, was gunned down by suspected state agents while walking outside a bakery. The victim was the Chairperson of the National Federation of Small Fisher folks Organization in the Philippines- Guihulngan City, Negros Oriental Chapter.²⁷

On October 20, 2018, nine farmers were killed and three were wounded in an incident in Hacienda Nene in Purok Pine Tree, Barangay Bulanon in Sagay City, where farmers staged "*bungkalan*" or land cultivation of idle farmlands. The victims were resting in their hut in the evening of October 20, 2018, when suspected members of paramilitary groups strafed them, killing nine. Two minors and three women were killed.²⁸ Less than a month after the massacre, on November 6, 2018, human rights lawyer Benjamin Ramos, who assisted the farmers during the aftermath of the Sagay massacre, was shot dead.²⁹ Ramos was among the human rights defenders wrongly tagged as a member of the CPP-NPA.

Using the Sagay massacre as among its alibis, President Rodrigo Duterte issued Memorandum Order No. 32 on November 22, 2018, placing Negros island, Eastern Visayas, and Bicol under a state of emergency purportedly to prevent and suppress lawless violence.³⁰ Prior to this, Duterte has already placed Mindanao under martial law since May 23, 2017³¹ and has extended its period of implementation until December 2019. On November 23, 2017, through Proclamation Nos. 360³² and 374³³, he terminated the government's peacetalks with the National Democratic Front of the Philippines and declared the Communist Party of the Philippines-New People's Army as a terrorist organization, thus inciting increased violence on organizations and individuals tagged as communists. Coupled with the growing number of former military generals in the civilian bureaucracy of the government, Duterte signed Executive Order No. 70 on December 4, 2018, institutionalizing the so-called whole of nation approach and creating a national task force to end local communist armed conflict. The successive executive

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<https://mail.google.com/mail/u/0/#search/2017+karapatan+monitor+publici/FMfcgxmXKJqDMHxkvCMhBZddpSqFcbSK?projector=1&messagePartId=0.2>

²⁶ <https://www.bulatlat.com/2017/11/28/negros-fact-finding-mission-attacked-2-dead-one-critical-condition/>

²⁷ <https://www.scribd.com/document/403209342/2018-Karapatan-Year-End-Report-on-the-Human-Rights-Situation-in-the-Philippines>

²⁸ <https://www.bulatlat.com/2018/10/21/9-farmers-killed-3-wounded-in-sagay-massacre/>

²⁹ <https://www.bulatlat.com/2018/11/07/rights-lawyer-gunned-down-in-negros/>

³⁰ <https://www.officialgazette.gov.ph/downloads/2018/11nov/20181122-MO-32-RRD.pdf>

³¹ <https://www.officialgazette.gov.ph/2017/05/23/proclamation-no-216-s-2017/>

³² <http://www.officialgazette.gov.ph/downloads/2017/11nov/20171123-PROC-360-RRD.pdf>

³³ <http://www.officialgazette.gov.ph/downloads/2017/12dec/20171205-PROC-374-RRD.pdf>

issuances in the context of President Duterte's all-out war against the poor have worsened the particular human rights situation in Negros.

On December 27, 2018, the PNP's Regional Mobile Safety Battalion along with the 94th IBPA, 62nd IBPA, and 303rd Infantry Brigade launched what it called a Simultaneous Enhanced Managing of Police Operations (SEMPO). Said police operations were supposed to ensure orderly elections, a combination of a drive against illegal drugs and loose firearms. The 600-man, 3-day operation swooped down on the towns of Guihulngan, Mabinay, and Sta. Catalina in Negros Oriental. In its final report, the Negros Oriental Provincial Police Office (NORPPO) bared its "accomplishments" during the simultaneous operations from December 27 to 29, 2018 which resulted to the killing of 6 people and the arrest of 26 for allegedly being in possession of firearms and explosives.³⁴

The six fatalities were Jesus Isugan, Reneboy Fat, his father Demetrio Fat, Jaime Revilla, Jun Cubol and Constancio Languita. All were killed in Guihulngan City except for Jesus Isugan, who was killed in Buenavista, Sta. Catalina town. The relatives of the victims, however, narrated a different story. According to eyewitness accounts, in the early morning of Dec 27, 2018, 20 to 30 men in uniform entered the houses of the victims and forced everyone out, except for those they suspected. Relatives then heard shots and afterward found the victims dead with firearms and grenades planted near their bodies.³⁵

Those killed and many of those arrested were members of the local chapters of Kilusang Magbubukid ng Pilipinas (KMP) and PISTON (a nationwide organization of drivers).

A second version of SEMPO called Oplan Sauron was again implemented in Negros Oriental on March 30, 2019. On the same day, simultaneous illegal searches and seizures, arrests and mass killings of peasants occurred in the towns of Sta. Catalina, Manjuyod, and Canlaon City.

Both SEMPOs were executed using defective search warrants, mostly issued by Cebu City Regional Trial Court Branch 10 Judge Soliver C. Peras. With SEMPO 1 and 2 in full swing, it is apparent that the targets of the said operations are not the criminals nor the NPA – the targets are the peasants. At present, many areas in Negros Oriental are still heavily militarized. People feared for their lives and liberty with the threat of more arrests, searches and extrajudicial killings.

³⁴ <https://www.scribd.com/document/403209342/2018-Karapatan-Year-End-Report-on-the-Human-Rights-Situation-in-the-Philippines>

³⁵ <https://www.scribd.com/document/403209342/2018-Karapatan-Year-End-Report-on-the-Human-Rights-Situation-in-the-Philippines>

ACCOUNTS OF INCIDENTS OF EXTRAJUDICIAL KILLINGS

Sta. Catalina, Negros Oriental

Franklin Lariosa, a habal-habal driver and a farmer, a resident of Sitio Omol, Brgy. Talalak, Sta. Catalina, Negros Oriental, was the chairperson of Piston-Talalak Chapter and a member of Talalak Farmers Association (TUFA).

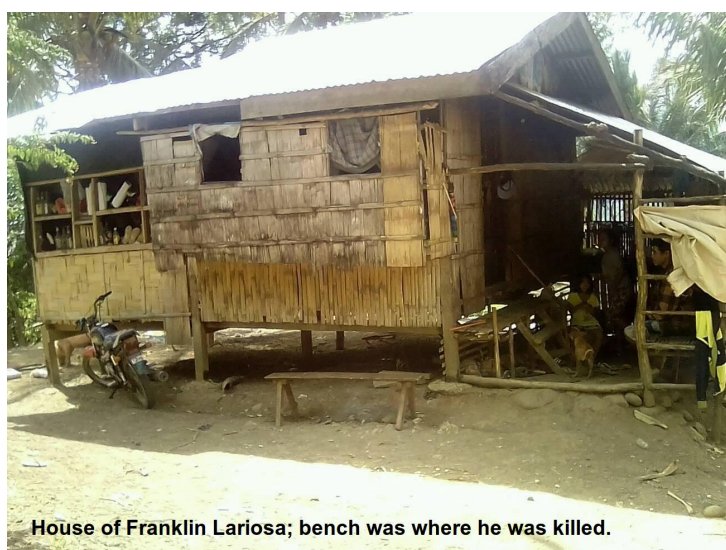
On March 30, 2019, Franklin Lariosa was at home with his friend Mario Carbajal. They were about to slaughter a pig for a wedding feast that day. At about 5:00 A.M., 27 policemen arrived, all wearing black masks, camouflaged long-sleeved shirts printed with "PULIS (POLICE)," and camouflage pants. The men surrounded the Lariosa's house and four of them approached Mario and Franklin. A policeman asked if there was a Franklin Lariosa living in the house and Franklin acknowledged that it was him.

According to Mario, the policemen handed Franklin a piece of paper and told him that it was a search warrant. As Franklin sat at the bench in front of the house reading the said piece of paper, his 4-year-old son sat near him. Suddenly, a policeman shot him on his left hand and the bullet pierced through his right chest. Franklin immediately fell on the ground. Another policeman shot him twice on his body. Franklin's 9-year old son, who was at the



Gunshot wound on Franklin's left hand.

neighbor's house, witnessed the killing of his father. After shooting Franklin, a policeman ordered everyone in the house to leave.



House of Franklin Lariosa; bench was where he was killed.

May Ann, Franklin's wife, demanded to see the search warrant they earlier presented to Franklin, but the police denied to even let her see the contents.

As Mario was herded away by the police, he saw two armed policemen enter Franklin's house. After a while, two barangay councilors arrived and talked with the police. The police asked the councilors to accompany them inside the house for a search, but the councilors asked the police to disarm themselves first. The said

policemen announced that they found 2 pieces of .38 revolver guns from under the dirty

laundry. They also conducted a search at a nearby house. They also found a gun tacker and some election campaign materials for Neri Colmenares and Gabriela Women's Partylist, which they confiscated for evidence.

Franklin's 7-year old daughter recounted that she saw four policemen carry her father by his arms and feet. When they reached a part of the road full of gravel, the little girl saw two policemen drop her father's hands, and dragged her father's head on the ground. Other witnesses saw Franklin carried towards the road and loaded on a white vehicle printed with "Municipality of Bayawan." May Ann rode with the barangay captain on his motorbike to follow the truck to the Bayawan Hospital, but Franklin was immediately brought to St. Peter's funeral home. May Ann recounted that she did not have money for the services in St. Peter so she transferred the body of Franklin to another cheaper funeral parlor. For days after the incident, their 4-year-old son kept on holding his hands to both his ears after the incident and showed signs of trauma.

Manjuyod, Negros Oriental

1. On March 30, 2019, at about 4:00 A.M., the wife and three children of **Valentin Acabal**, village captain of Brgy. Candabong, Manjuyod, Negros Oriental, were woken up by loud sounds. They thought that somebody was throwing stones at their roof. Then, at least 20 armed men wearing black masks and bonnets barged in the house and went straight to Valentin's room upstairs. Valentin was with fever that night and was still sleeping when his wife shouted "Dang, come out, there are armed men here! Let's pray!" Five (5) armed men entered the room while the family were kneeling on the floor. As soon as the armed men entered the dark room, they put their hands up and shouted "Lord please help us!"



Their 7-year-old son hugged his parents and asked the armed men on what they did wrong. A man suddenly grabbed the hand of the child so Argeneat, Valentin's wife, grabbed his other hand to prevent him from being dragged away. Valentin's 17-year-old son saw what happened to his mother and younger brother and tried to help but a policeman pointed a gun at him.

Valentin's daughter hugged her mother from behind, and told the police not to hurt them as they did nothing wrong. Argeneat held the hands of her children as they were dragged outside the house. They felt overwhelmed by the presence of the police and couldn't do anything to help Valentin.

Argeneat again begged the police to not hurt her husband, Valentin. As the policemen dragged Argeneat and her children towards the kitchen, they heard shouts upstairs "Just do it already!" And then they heard three gunshots. Argeneat heard Valentin's last words before he was shot: "Lord, I leave everything to you."

Argeneat shouted to the police "Sir, what did you do to my husband?" She knelt on the floor and shouted loudly. The policemen asked her where the light switch was, but she did not answer, she just stayed on the floor kneeling. Her daughter then pointed out the switch to the policemen.

Argeneat and her children sat outside while the policemen ransacked and trashed their house. Just outside the house, two armed policemen asked Argeneat the real name of her husband, and she answered that it was Valentin. The policemen commented that they saw the blotter named after Eric. Argeneat repeated that her husband's real name is Valentin and his nickname is Eric.

After two hours of searching the house, the police suddenly declared that they discovered a .45 caliber gun with magazine. After a while, two (2) barangay councilors arrived and the police ordered them to sign the inventory of confiscated items.

The police declared that Valentin fought back, which is the reason why he was killed. In the medico-legal certificate issued by the Manjuyod Municipal Health Office on April 3, 2019, Dr. Anthony Martinez stated that Acabal sustained 7 gunshot wounds in different parts of his body. The post-mortem findings indicate that Acabal's groins and genitals were completely damaged, lower limbs broken, more broken bones on arms and shots to the body. Also evident in Acabal's body, were signs of contusion, indicating hard objects hit his body before he died. Valentin's body went through SOCO investigation, but up to now, results are still being kept from the family.

Family members recalled seeing at least 20 policemen outside, surrounding the house, later that day. They discovered that the money that Argie, Valentin's son, sent to them from Qatar worth PhP30,000.00 were missing as well as the PhP7,000.00 collection money from the church where Argeneat serves as a treasurer.

2. On March 30, 2019, the family of Brgy. Captain **Sonny Durango Palagtiw**, including his grandchildren, were sleeping inside their store in Brgy. Proper Panciao, Manjuyod, Negros Oriental. At about 3:00 A.M., Rosalie, Sonny's daughter, heard the sound of a truck as it parked in front the house and she also heard another truck that went uphill. Rosalie peeped outside and saw armed men surrounding their house. She described the armed men wearing black masks, camouflaged shirts and pants, and carrying long firearms. She also noticed "ARMY" stitched on their uniforms but did not see any nameplates.



The armed men kicked their door and shouted at them to drop on the ground. As Rosalie, Sonny and the rest of the family dropped to the ground, the armed men

fired two shots and ordered everybody to come out of the house. As they were walking out, the armed men prevented Sonny Palagtiw from going out and told him to stay inside. Rosalie saw his father raise his hands and noticed that they were shaking. The armed men brought Rosalie and her children near the school, almost 50 meters away from the house. The men told Rosalie that they were just going to investigate his father, alleged that Sonny owns a gun and that he keeps it inside the house. Rosalie disagreed, saying that she cleans the house and she did not see any firearms. Suddenly, they heard two gunshots.

The men with Rosalie and her children asked her how many shots she heard. When she answered that she heard two shots, the state agent told her that the first shot was from her father, implying that he fought back. Rosalie insisted that his father will not fight as he has no gun.

Rosalie noticed a green truck, but she did not witness how the state agents boarded her dead father to it because she was guarded by the armed state elements. When Rosalie inspected their house, she discovered that the money, worth PhP100,000.00, which they saved for the renovation of their house, was missing.

At about 8:00 A.M., Rosalie went to Manjuyod Police Station to look for her father. Earlier, Argeneat Acabal called about the death of her husband, Valentin, who was also a village captain in Brgy. Candabong, Manjuyod.

On April 4, 2019, Rosalie and her family went to the barangay hall to get the copy of search warrant, spot report and crime scene photos. They found out that the search warrant was for a .45 caliber pistol but the police allegedly found a .38 caliber revolver.

3. On March 30, 2019, at about 4:00 A.M, in Sitio Basakan, Brgy. Panciao, Manjuyod, Negros Oriental, **Steve Hapo Arapoc**, a habal-habal driver, was already awake but he did not go downstairs as it was still dark. Suddenly, there were loud noises that came from the back of the house. Armed policemen carrying flashlights entered the house, asked where Steve was and where he buried an M-16 rifle. The police grabbed Neilboy Demolar because they mistook him for Steve. Neilboy is the husband of Steve's sister, Nova. Then, they asked where Steve was and 5 policemen went upstairs to search for him.



According to Keren Hapo Arapoc, 21, Steve's sister, the armed policemen entered the backdoor and destroyed the plywood cover of a window and pulled down the curtains from the front window. Keren demanded to see a search warrant or a warrant of arrest for her brother Steve but the policemen ignored her. The entire house was dark and the policemen only used their flashlights. Steve even reasoned out, but the armed policemen grabbed him and pulled him downstairs.

Keren reported that she experienced sexual abuse from the policeman who frisked her inappropriately. She protested the manner the frisk was done and she felt violated by the act.

As the armed policemen and Steve were going down, Keren and the family were on the ground and were guarded by armed policemen. Mc Khallif Jun and Mac Arapoc, Steve's younger brothers, were handcuffed and were also on the floor. The handcuffs were not removed by the police and were on Mc Khallif Jun's wrists until they themselves dismantled the locks. Even



Handcuffs left on wrists of Steve's brother

Bullet fragments recovered from the scene

though it was dark, Keren saw that as Steve stepped on the last stair, a policeman kicked him on his back. As Steve lay on the ground, he protested that he was hurt. Suddenly, a policeman shot Steve on his back. Steve shouted that he was hurt but the policemen turned him over, covered his face with a cloth and as he was protesting to the policemen, another policeman shot him thrice hitting him on the neck, chest and right side of his stomach. Keren saw his brother's hands still moving and heard his last word to her "Amping," meaning take care.

As the armed policemen dragged the body of Steve on the porch, they stopped by the door and fired three more shots, hitting the wall just near the door.

The body of Steve was wrapped with a mat and brought to a waiting truck bearing the print "BAIS CITY." Keren and her family wanted to follow the truck but all they had was PhP160.00 because the policemen took the PhP26,000.00 that came from the sale of their pig.



Bullet holes on the wall

Keren also reported that the policemen took three phones from them. When a policeman was pulling the phone from Nova's hands, she held on to it while carrying her 3-month-old daughter. Other members of the family who were inside the house that night were Welly Arapoc (mother), Hove Arapoc, Nova Jun Arapoc, Keren Hapu Arapoc, Mc Khallif Jun Arapoc, John Kenneth Arapoc, Kervy Arapoc, and Neilboy Demolar, Steve's brother-in-law.

Keren described the policemen wearing camouflaged shirt printed with "PULIS" on

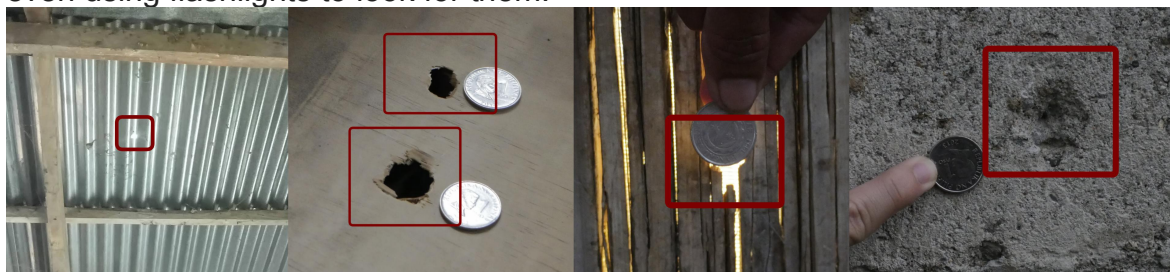
the back. She also noticed that one policeman did not have a mask on so she talked to him and asked again if there was a search warrant for his brother. The policeman just ignored her. Later, they saw the same policeman at Bais City PNP station when the family tried to follow-up on the gadgets taken from the house.

Canlaon City, Negros Oriental

1. **Ismael Avelino**, 53, a member of Hugpong Kusog mag-uuma sa Canlaon (Hukom) – Kilusang Magbubukid ng Pilipinas (KMP), and his brother **Edgardo Avelino**, 59, the chairperson of the same organization, were farmers and residents of Sitio Carmen, Brgy. Panubigan, Canlaon City.

On March 30, 2019, at about 2:30 A.M., Israel Avelino, 22, heard a loud knock at the door. Suddenly, armed men forcibly entered the house and dragged Israel outside. His sister Grace shouted at the sight of policemen dragging her older brother outside. Carmelita Avelino, the wife of Edgardo Avelino, went to the kitchen but the policemen pointed a gun at her and ordered her to exit the house. When Grace saw Israel being dragged outside, she hugged her brother tightly. Carmela saw that policemen punched and kicked Israel in the stomach and told him that he was to be arrested and brought to the police station. Grace was also dragged but Carmela intervened and told the police that she is a minor. When Carmela, Israel, and Grace were outside, they heard three (3) gunshots. Carmela thought that the gunshots were fired from outside, but she realized that they were from inside the house where her husband was.

Leonor, wife of Ismael Avelino, was inside their comfort room when someone from the outside tried forcing the door to open. When she opened the door, Leonor saw a policeman pointing a gun at her. She saw another policeman enter their room and ordered her son to come out and drop to the ground. Leonor saw that her husband's hands were raised. Suddenly, Leonor heard three gunshots and then she shouted. A policeman ordered her to shut up. Immediately after the three gunshots, the policemen fired their guns on the ground between the houses of Ismael and Edgardo. Later, the policemen gathered the shelling on the ground even using flashlights to look for them.



Ismael Avelino's house: Bullet holes on the roof, bed, walls

Five (5) policemen pointed their guns at Carmela and her children while five more surrounded them. Carmela noticed that the policemen were wearing uniforms printed with SAF and they were wearing green armbands. A policeman approached Carmela and told her to sign the search warrant with the name Edgardo Marquez. Carmela protested that the name of her husband was Edgardo Avelino and not Marquez. The policemen insisted that Carmela sign the paper so she can follow her husband to the hospital. Carmela did not sign the papers and

reasoned that she cannot read or write. The policeman called the village captain and let him sign the search warrant instead.

The police announced that they recovered a .45 caliber gun and an M-16 rifle inside the house. When the policemen presented the guns, Carmela noticed that they were bloodied, and even inquired why the supposed gun used in the firefight had blood only in the middle parts. The policemen also took their money worth PhP5,000.00 but Carmela insisted that the money was for a wedding so the police returned PhP3,000.00.

At about 5:00 A.M., Leonor, asked about Ismael and Edgardo and the policeman answered that they just fainted and will be fine in a while. Later, the families discovered that Ismael Avelino's torso was riddled with at least eight (8) gun shots that his intestines burst from his body, while Edgardo Avelino was shot twice in the chest and once in the center of the forehead, execution-style.

The policemen ordered Leonor and her children to stay at the back of the house until an ambulance came at around 6:00 AM. Leonor was not presented any warrants and there were no firearms recovered at the house of Ismael. The police also took the cellphone of Leonor.

2. **Rogelio Recomono**, 52, married, and his son, **Ricky Recomono**, 28, were farmers and residents of Sitio Manggata, Brgy Masulog-1, Canlaon City, Negros Oriental.

On March 30, 2019 at about 5:00 AM., in Sitio Manggata, Brgy Masulog-1, Canlaon City, Negros Oriental, the families of Rogelio and Ricky Recomono were sleeping inside their houses when around 60 policemen wearing camouflage shirts and pants with red armbands, and armed with M-16 rifles, arrived and entered the house of Ricky. Ricky's three small children were sleeping with them in their bed at the time. The armed policemen ordered Ricky's wife and children to exit the house and then Ricky was shot three times. When Ricky's wife saw that a policeman gave her children food and PhP2,000.00, she got angry, snatched the money and gave it back to the policeman and confronted him and said, "Should this cover for the death of my husband and father-in-law?"



Members of the National Fact Finding and Solidarity Mission were unable to obtain the account on the death of Rogelio.

3. **Melchor Pañares**, 67, and his son, **Mario Pañares**, 46, were farmers and residents of Sitio Tigbahi, Brgy. Bayog, Canlaon City, Negros Oriental.

On March 30, 2019, at about 3:00 A.M., in Brgy. Bayog, Canlaon, City, the family of Melchor Pañares was sleeping inside their house. Melchor's wife heard footsteps outside the house but she ignored them. She got up to go to the comfort room but was alarmed when she heard someone kick the door several times. An undetermined number of armed policemen wearing camouflage shirts and pants forcibly entered the house looking for Melchor. The policemen asked Melchor where his gun was. He answered that he had a gun but it was already rusty and that he never used it even once. The policemen ordered Melchor to come outside. While Melchor's wife sat beside the door, she heard a gunshot and when she ran outside, she saw that Melchor was already dead. But the policemen assured her that Melchor just fainted and will be fine later. At the sound of the gunshot, Mario, Melchor's son rushed to the house but the policemen also shot and killed him.

4. **Genes Palmares**, 54, single, farmer, a resident of Proper Brgy Aquino, Canlaon City, Negros Oriental.

On March 30, 2019, at around 3:30 A.M., state security forces raided the house where Genes "Nonong" Palmares, Georaldine Pelobello, and Palmares's mother, and two (2) other relatives were sleeping.

Around ten (10) men had their faces covered by bonnets and masks, donned an assortment of combat fatigues and black jackets, wore boots, and carried long firearms.

Immediately after the raiding team entered, Genes, Georaldine and the other occupants of the house were ordered to lay down on the floor, and their cellphones were taken away. The operatives asked for their names and called out Nonong Palmares. Pelobello, then, saw some of the armed men drag Palmares out of the house.

Moments later, Pelobello heard Genes Palmares's cry from outside the house: "Pang, tabangi niyo ko di!" (Pang, help me!); this was followed by five gunshots.

Accounts on the deaths of the following are yet to be documented:

Ano Enojo Rapada, was from Brgy. San Pedro, Sta. Catalina, Negros Oriental

Manulo Martin, was a farmer from Manjuyod, Negros Oriental

Gonzalo Rosales, 47, single, was a layperson, and a resident of Proper Brgy Pula, Canlaon City, Negros Oriental.

ACCOUNTS OF INCIDENTS OF ILLEGAL ARREST AND DETENTION, TRUMPED-UP CHARGES

Manjuyod, Negros Oriental

Nestor Balderas Kadusale, 58, married, works at a sugarcane field and occasionally plants corn. He is a resident of Sitio Cambugtong, Brgy. Bantolinao, Manjuyod, Negros Oriental and is the chairperson of Kapunungan sa Gagmay Mag-Uumasa Bantolinao (KAGAMBA). He also served as a village councilor from 2007 to 2016.

On the night of March 29, 2019, he slept at the house of his firstborn, Roylan Kadusale, who lives at Sitio Upler Cabangahan, Brgy. Bantolinao. In the morning of March 30, 2019, he received a text message from Rengie, his son, telling him to come home immediately.



According to his daughter, Michelle Kadusale, at around 7:10 A.M, the police arrived, took Rengie's cellphone, pretended to be him, and texted Nestor to come home.

When Nestor arrived at about 7:30 A.M., there were around 40 armed men surrounding his house. All of them were wearing black masks, camouflage uniforms, and carrying long firearms, while some were wearing police and SWAT uniforms. The men's leader Antonio Abueva immediately asked him if he was Nestor, to which he answered in the affirmative.

Abueva read a document which, according to him, was a search warrant, but did not finish reading it. Abueva ordered Kadusale to sign the said document but the latter refused because the document had his name wrong and had "NESTOR KADUSALE Y LANAJA" instead. The document, that was said to be a search warrant, also lacked a sketch or picture that would identify his house. Abueva told Kadusale that if he wouldn't sign the document, they would have to search his house. Kadusale still refused to sign.

Kadusale's wife Marivic, daughter Marinie, together with her 3-year old and 6-year old children, daughter Michelle, and son Rengie were forced to exit the house. Marivic was worried that the police might plant firearms inside their house.

At around 8:00 A.M., village councilor Orlando Peregrino arrived and frisked Kadusale and 2 policemen before entering house to start the search. While conducting the search, policemen never left Kadusale alone. They first checked the two rooms located at the first floor but they saw no sign of firearms. When they entered the third room, the police allegedly found a .38 caliber revolver loaded with three ammunitions. The revolver was found in a small hole in the third room's wall, almost hanging from the outside. The police took a photo of the said gun.

Upon seeing the gun, the police confronted Kadusale about it. Kadusale said that he couldn't do anything about the firearms and just asked the police to not harm him and his family and to let him have his day in court. Abueva put handcuffs on Kadusale and

threatened to shoot him if he refused. Abueva also threatened to shoot Kadusale if he did not sign the inventory. Kadusale signed the documents out of fear. The inventory stated that the police confiscated two (2) pieces of .38 revolver guns with three (3) ammunitions, but presented only one (1) as evidence.

The police took out the family's dining table to the yard and placed the .38 caliber revolver on it. Other policemen took photos of Kadusale signing the documents.

Kadusale tried to reason out, saying that if he had an unlicensed gun, he wouldn't place it where it could be easily reached by children. Also, the gun found in a hole in their wall was possibly planted by the policemen when the family were ordered to exit the house.

After the incident, Kadusale's daughter Michelle, saw a shoeprint of a military boot outside their house near the wall where the .38 caliber was found. Michelle took a photo of the said shoeprint.

Kadusale was then brought to the Manjuyod Police Station, where his fingerprints and mug shots were taken. He was then brought to the Tanjay Police Station, where he spent the night. The next day, Kadusale underwent inquest proceedings at the Justice Hall in Tanjay and was brought back to the Manjuyod Police Station. On April 1, 2019, Kadusale posted bail for PhP150,000.00 through surety bond, and was released the same day.

Later, when Kadusale had the chance to seek advice from lawyers who came with the fact-finding team to Manjuyod, they learned that the search warrant against a NESTOR LANAJA KADUSALE, was granted by the Bais City RTC Branch 75 Judge Rosario Carriaga on fabricated testimony.

Canlaon City, Negros Oriental

1. **Georaldine G. Pelobello**, 39 years old, hails from Brgy. Mambagaton, Himamaylan City, Negros Occidental. He later moved to Brgy. Aquino, Canlaon City to work as a farmer, and has been living there for the past four (4) years in a house owned by Genes Palmares.

On March 30, 2019, at around 3:30 A.M., state security forces raided the house where Genes "Nonong" Palmares, Georaldine Pelobello, and Palmares's mother, and two (2) other relatives were sleeping.

Around ten (10) men had their faces covered by bonnets and masks, donned an assortment of combat fatigues and black jackets, wore boots, and carried long firearms.

Immediately after the raiding team entered, Pelobello and the other occupants of the house were ordered to lay down on the floor, and their cellphones were taken away. The operatives asked for their names and called out Nonong Palmares. Pelobello, then, saw some of the armed men drag Palmares out of the house.

Moments later, Pelobello heard Genes Palmares's cry from outside the house: "*Pang, tabangi niyo ko di!*" (Pang, help me!); this was followed by five gunshots.

Pelobello was later brought by the armed operatives to the police station where he was detained in a room and, without the assistance or presence of a lawyer, interrogated by multiple police officers. The interrogators kept asking him about Nonong Palmares's supposed involvement with the New People's Army. Pelobello told them that he had no knowledge of such involvement and pointed out that Palmares only stayed at home to take care of his ailing mother.

From his years of labouring as a farm worker, Pelobello managed to save Php30,000.00 – his life savings. Along with his cellphone, the police took all of his money.

The police who arrested him did not inform him why he was being arrested, nor did they read him his rights as a person under detention and investigation.

As of the time the NFFSM team interviewed him, no police officer has explained to Pelobello the cause of his continued detention, nor was he provided a copy of any warrant, complaint, or information detailing the charges against him. Pelobello only managed to reach the third-grade level of formal education, and remains confused as to the reason for his arrest.

2. **Armogena Caballero**, 54, and **Diosdado Caballero Sr.**, 57, reside with their children and grandchildren in Sitio Lower, Brgy. Bayog, Canlaon City, Negros Oriental.

On March 30, 2019, at about 3:00 A.M., Armogena and her husband Diosdado abruptly woke up after hearing two gunshots. Their neighbor Rosana Pañares, called Armogena on the phone. She was crying and told Armogena that gunshots were heard inside her mother's house, and that she tried calling the village captain but he won't answer the phone. Rosana then called village councilor Aquiles Dayanan to ask for help because her father and brother were just killed by the police.

Armogena then heard the sound of a vehicle coming up from the road and which stopped in front of their house. Armogena saw policemen alight from the vehicle and noticed that they were wearing bonnets, camouflage uniform and carrying long firearms. She saw 14 policemen surrounded the house. Diosdado tried to close the door, but when he saw a gun pointed at his face, he opened it again and just greeted "good morning, sir," to the police.

Three (3) policemen entered the house and went directly to a room occupied by Armogena and Diosdado. Armogena recalled that the policemen stayed just a few minutes inside the room and immediately went out and directed other policemen to guard the entry. The police inquired who Armogena Caballero was, and when they saw the paper presented by the police, they noticed that it bears the name AMORGENA.

The police then pointed their guns at Diosdado and Armogena and herded them inside another room. The police asked again who Armogena was and then Armogena told the police that she was not the AMORGENA as written on the paper that they had.

They were again herded outside the room and a policeman read the search warrant against a person named AMORGENA CABALLERO. The search warrant against AMORGENA CABALLERO, dated March 27, 2019, was issued by Cebu Regional Trial Court Branch 10 Judge Soliver C. Peras. The couple noticed that one police officer was not wearing a bonnet and just stayed outside the house.

When the police started the search, they entered every room while preventing the family from going anywhere. When Armogena's 9-year old niece asked permission to get rice from the kitchen, a policeman told her to stay put. Armogena's grandchildren, ages 1 years old and 4 years old, were also inside the house, and when Armogena noticed that the children were shaking from fear, she chided the police to not point their guns at them.

At about 6:25 A.M., policemen entered Armogena and Diosdado's room again. At this time, village captain Zyril Bongagsiso and village councilors Madrista and Nelan Barnido had just arrived. The policemen then announced that they found a .38 caliber revolver and a grenade launcher (Armogena described that it looked just like a flashlight.) Armogena was coerced to sign the inventory with the village officials as witnesses. The policemen instructed Armogena to walk to the road and board a police patrol vehicle.

Armogena remembered that she kept her money inside a box in their room so before coming with the police, she instructed Diosdado to check their belongings and see if anything was missing. Diosdado later told Armogena that the PhP1,300.00 from their personal savings and PhP1,000.00 from the choir fund were missing.

Armogena was brought to the Canlaon Police Station and there, she met Corazon Javier and Azucena Garubat, who were also arrested that morning. Armogena, Corazon and Azucena were transferred to the Canlaon Jail of the Bureau of Jail Management and Penology on April 3, 2019, after Prosecutor Talan G. Lamis-Bonganciso from the Office of the City Prosecutor in Canlaon decided in an inquest resolution that there was probable cause to charge her for violating Republic Act 10591 and Republic Act 9516.

3. **Azucena Avelino Garubat**, 58, is a farmer and a resident of Sitio Carmen, Brgy. Panubigan, Canlaon City. She is a coordinator of Anakpawis and a member of Nagkahiusang Mag-Uuma sa Panubigan (NAMAPA). She is also the sister of farmers Edgardo Avelino, 59 years old, and Ismael Avelino, 55 years old. Edgardo is the chairman of Kilusang Magbubukid ng Pilipinas (KMP) in Canlaon City, while Ismael Avelino is also a member of NAMAPA. Both were killed on March 30, 2019 in Sitio Carmen, Brgy. Panubigan, Canlaon City. The three siblings were neighbors. Their houses were just 2-3 meters apart from each other.

On March 30 at around 2:00 A.M., Azucena was suddenly awakened by her husband Edgar Garubat, who told her that around 60-100 armed men arrived. Azucena sat on the sala and after 15-20 minutes, she heard a series of sporadic gunshots outside the house. She peeked outside the window to see what was

happening. The houses outside were well-lit so she was able to see the armed men firing their weapons on the ground. Azucena saw armed men in camouflage uniform and military boots. Their faces were covered with black masks.

Azucena and her husband decided to stay inside their house, but at 5:00 A.M., they heard knocks on their door. When her husband opened it, three armed men in camouflage uniform were asking for Azucena. Two were wearing masks with their nameplates covered with masking tape, while the other did not wear a mask but wore a uniform with a "Catipay" evident as his nameplate. Azucena talked to the three men. They alleged that Azucena lets NPA members to sleep in her house. Edgar denied the accusation and argued that nobody except family members reside in the house, and their only son is on vacation in Mindanao. The armed men then accused Azucena that her son is an NPA member which she vehemently denied.

The armed men ordered the couple to go outside the house and to stay in front of Ismael's house (which is about 3 meters away). They were guarded by other armed men and were instructed not to look behind them. The three men including officer Catipay went inside the house and stayed for about 20 minutes.

At around 5:00-5:30 A.M., an ambulance arrived and Azucena saw his brother Ismael, bloodied, and dragged out of his house by two men and loaded in an ambulance. Then Azucena saw his other brother Edgardo, wrapped in a bloody cloth, carried out of the house and also loaded in an ambulance.

At around 6:00 A.M., the policemen told Azucena that they will conduct a search of her house. After a while, village captain Ernesto Posadas and village councilor Alfie Cartajena arrived. Posadas asked the armed men what the problem was, and the armed men presented a paper, which Azucena assumed was a search warrant. Azucena was not allowed to see or hold the paper.

Thereafter, the police, with Posadas and Cartajena, together with Azucena, entered the house. They first searched and took photos of Manuel's room. Manuel is Azucena's only son. The police searched the couple's room next. They searched the box of clothes and took photos of the room. They searched a gray shoulder bag that was hanging on the wall. The armed men allegedly recovered one rifle grenade from the said bag and took photos of it.

The police went out of the house and wrote up an inventory of the alleged "evidence." They coerced Azucena to sign and made Posadas and Cartajena sign as witnesses. After the inventory, the police told Azucena to pack some clothes.

At around 6:30 A.M., about 60 armed policemen escorted Azucena to the main village road, some 500 meters from her residence, and boarded her on a white van. The policemen who rode the vehicle with Azucena interrogated her about NPA members in their community, and accused Azucena of harboring NPA members. Before they reached the Canlaon Police Station, Azucena was handcuffed.

Azucena underwent booking process immediately after arriving at the Canlaon Police Station. She was not immediately placed inside a cell, but instead made to stay outside the station. At 8:00 P.M., she and two other arrested individuals, Armogena Caballero and Corazon Javier, were placed inside a dirty, foul-smelling cell used by cops as a urinal. Cora, Azucena, and Armogena protested and refused to stay at the dirty cell, so the police officers transferred them to sleep in another cell. The next day, the three ladies were forced to clean the said cell with cleaning materials provided by their families.

On March 30, 2019, at around 10:00 A.M., Azucena was brought to the Hall of Justice in Canlaon City, where she underwent inquest proceedings without a lawyer of her choice. She was charged with illegal possession of explosives. On April 3, she was transferred to the Canlaon City BJMP Jail where she is currently detained.

Later, Azucena learned that the search warrant No. 0082-03-2719, was issued by Judge Soliver Peras from RTC Branch 10 in Cebu City, with .45 caliber gun with ammunitions as the subject. Azucena emphasized that the subject firearm from the search warrant was different from the actual planted evidence taken from the house. She also learned that the unit involved in the operations were CIDG operatives led by PMAJ Edwin Lacostales from Regional Field Unit 7 in Camp Cabahug.

4. **Corazon Gazar Javier**, 57 is a resident of Lopez Jaena Street, Mabigo, Canlaon City, Negros Oriental. She is the chairperson of Gabriela in Canlaon City.

At around 3:00 A.M. on March 30, 2019, Corazon heard a knock at their door. One of her student boarders opened the door, and 6 armed policemen barged inside their house looking for Corazon. The armed men were wearing black masks, uniforms with "SAF" printed on them, and carried long firearms.

The police went upstairs and entered the room of Corazon and her husband. The police told the couple to get out of the room. Corazon and her husband got out of bed, but because she was just wearing her underwear and sando (tank top), she told the officer that she will just put on pajamas. But the officer denied this request. Before she was forced to go outside, Corazon saw that one of the officers placed something under their bed. She asked the police officer what they were doing, and if they were planting evidence against her. The police officer handed her a search warrant, bearing her name, for a .45 caliber gun. Corazon said the gun was not hers. The police told Cora to just wait for the witness. Later, her husband was permitted to get some pajamas for her and was told to wait in their living room downstairs with their 32-year-old son. While waiting, one of the police insinuated that she was harboring NPA members in their home.

Corazon, her husband, and their son waited in their living room for 2 hours, and at around 5:00 A.M., village councilor Ricky Delubio arrived to serve as a witness for the inventory of seized items. The police said that they found a hand grenade, wrapped in black tape, and a gun under their cushion bed.

Corazon denied that they were keeping hand grenades and guns inside their home, and accused the police of inventing stories. Corazon was coerced to sign the search warrant and the inventory, because the police threatened to implicate her son in the charges if she refused to sign.

While waiting, Corazon asked the police where they came from, and the officer replied that they were from Cebu. Then, the officer ordered the student boarders to make coffee for them. Cora was then boarded to a police mobile vehicle labelled with “Canlaon PNP.”

On April 1, she was brought to the prosecutor’s office for inquest, even without a lawyer present. The inquest resolution was filed on Monday, April 1, 2019, but Corazon was only transferred in Canlaon BJMP Jail by Wednesday, April 3, 2019. She was charged with trumped charges for violating Republic Act 9516 and is now currently detained at Canlaon City Jail.

Corazon has been a member of Gabriela since 2004. She is the chairperson of Gabriela Canlaon Chapter since 2016. She has been experiencing harassment and surveillance since 2005. She participated in a fact-finding mission on the killing of Julius Barellano in June 2017, and again was part of a support group for evacuees after the Guihulngan killings in December 2018.

ON THE NATIONAL FACTFINDING AND SOLIDARITY MISSION

Upon the initiative of the Kilusang Magbubukid ng Piipinas, Unyon ng mga Manggagawa sa Agrikultura, and Karapatan, the National Factfinding and Solidarity Mission to Negros Oriental was conducted from April 4 to 8, 2019, five days after the above-mentioned incidents. The mission was coordinated, planned and conducted with the chapters of the three organizations in Negros and in Central Visayas. There were 53 delegates in the said mission, including legislators, lawyers and paralegals, from the following organizations: Kilusang Magbubukid ng Piipinas (KMP), Unyon ng mga Manggagawa sa Agrikultura (UMA), Karapatan, National Council of Churches in the Philippines (NCCP), Rural Missionaries of the Philippines (RMP), National Union of Peoples’ Lawyers (NUPL) – Panay, Makabayan, Anakpawis, Kabataan Partylist (KPL), Gabriela Women’s Party, ACT Teachers Partylist, Gabriela, Amihan, Center for Trade Union and Human Rights (CTUHR), Pambansang Lakas ng Kilusang Mamamalakaya ng Pilipinas (PAMALAKAYA), Sinagbayan, Farmers Development Centre (FARDEC), Kapunongan Alang sa Ugma sa Gagmay’ng Mag-uuma sa Oriental Negros (KAUGMAON), National Federation of Sugar Workers (NFSW), Karapatan Central Visayas, Karapatan Negros, Bayan Negros, Bayan Cebu, Bayan Panay, Piston Negros, Pamanggas Panay, and Bishop Fely Tenchavez of the United Church of Christ of the Philippines-Cebu.

Members of the NFSM, together with members of local groups and institutions in Negros Oriental, visited the sites of the incident, talked to the families of those who were killed, interviewed those who were arrested, met with United Church of Christ of the Philippines Bishop Emeritus Ebenezer C. Camino, Most Rev. Gerardo Alimane Alminaza, Bishop of San Carlos, Negros Occidental, and conducted photo-video documentation. Victims willingly executed sworn statements describing their experiences and ordeals before

during and after the March 30, 2019 incident. Members of the NFSM were able to document the above-mentioned information.

FINDINGS, OBSERVATIONS, and ANALYSIS

Certain facts concerning the events of March 30, 2019 are undisputed. To summarize, in the early hours of the said date, the Philippine National Police and the Philippine Army carried out a broad operation consisting of raids in civilian communities in Canlaon City and the municipalities of Manjuyod, and Sta. Catalina as part of *Oplan Sauron*.

Fourteen (14) persons were killed by state security forces during the raids in Canlaon City, Manjuyod, and Sta. Catalina, while a total of fifteen (15) persons were reportedly arrested in the said localities.

As to the crucial details of the operation, however, the PNP's official statements on the matter are glaringly inconsistent with numerous eyewitness accounts.

PNP officials, including then Negros Oriental Provincial Director Police Col. Raul Tacaca and PNP Director General Oscar Albayalde maintain that:

- a) The raids were carried out to enforce search warrants for loose firearms and explosives;
- b) All persons killed during the raids resisted security forces attempting to enforce the search warrants; and
- c) All persons killed were suspected members of the CPP-NPA-NDF or were alleged rebel sympathizers or supporters.

The body of evidence however, tells a different story. Eyewitness accounts and documents secured by the NFSM teams establish that the raids conducted on March 30, 2019 were part of a well-orchestrated and broad operation, by state security forces, **aimed at either KILLING or ARRESTING**, on trump-up charges of illegal possession of firearms and explosives, persons suspected of being members or supporters of the CPP-NPA-NDF, as part of the government's counter-insurgency efforts.

As shown by the facts discussed in this report, the search warrants issued against the victims were nothing more than a *pretext* for the conduct of the operation; the use of lethal force was *premeditated*; the crime scenes were disturbed by the same raiding teams in an effort to conceal the crimes committed; and the PNP's statements to the effect that all 14 victims attempted to fight back are being used to evade liability for the murders.

With regard to those victims whose families and associates were interviewed by the NFSM team, eyewitness accounts are consistent as to the following facts concerning the operation in Canlaon City, Manjuyod, and Sta. Catalina:

- a) The raids occurred under cover of darkness, between 2:00 and 5:00 in the morning, with the victims and their families asleep.
- b) State security forces involved in the operations were armed with high-powered rifles, donning combat attire (either camouflage or all-black uniforms) and wore masks or bonnets to hide their faces. None of their uniforms bore visible nameplates that could

be used for identification. These facts assured anonymity for the actions that would follow.

- c) State security forces immediately surrounded the victims' houses and forced their way inside, without previously identifying themselves as law enforcement officers or giving the occupants the opportunity to read the search warrants or request assistance from barangay officials.
- d) No barangay officials were present at the time of entry into the victims' houses or at the time of the alleged search.
- e) State security forces dragged or forced other family members out of their sleeping quarters and into the adjacent rooms or outside their houses, where they were held at gunpoint, leaving the victims alone with the armed operatives.
- f) The victims were defenseless and already under the custody and control of state security forces when they were killed. Some of the victims were shot while still inside their sleeping quarters. Franklin Lariosa, on the other hand, was shot outside his house by armed operatives immediately after they had ascertained his identity.
- g) The victims were unarmed when they were killed by state security forces.
- h) Except for victim Sonny Palagtiw, the victims were shot multiple times. Said victims sustained wounds inconsistent with the PNP's claims that they had engaged with government forces.
- i) The victims' bodies were dragged by state security forces from the crime scene, placed into waiting vehicles and, then, taken away. The bodies were moved *without* SOCO or police investigators having processed the crime scenes.
- j) The families of the victims were ordered by state security forces to exit their homes. The operatives, then, planted small-caliber firearms, ammunition, hand grenades or rifle grenades inside the victims' houses. Thereafter, they reported that the victims were armed and had attempted to resist when government forces raided their homes.
- k) Copies of search warrants were either given to the victims' families only after the killings took place or such copies were never provided at all.
- l) Family members, relatives, and other acquaintances, including minors, witnessed the raids and the actual killings.
- m) Barangay officials, including those who signed the PNP inventories of items allegedly recovered from the crime scenes, arrived only hours *after* the raids and the killings had taken place.
- n) The PNP had declared all of the victims as either suspected members of the CPP-NPA-NDF or suspected sympathizers and supporters.

Irregular Search Warrants

The search warrants used by the PNP to justify the raids carried out on March 30, 2019, as well as the application filed by the PNP for the issuance of such warrants, were riddled with defects or irregularities.

To begin, numerous search warrants used in the operation were issued by a single judge, Judge Soliver C. Peras of Branch 10 of the Regional Trial Court of Cebu City.

This is a significant departure from standard court procedure which, as a general rule, requires applications for search warrants to be filed with the trial court which has

jurisdiction over the territory where the crime is being committed.³⁶ In this case, the applications for search warrants for the seizure of loose firearms in Canlaon City, Manjuyod, and Sta. Catalina should have been filed with the Regional Trial Courts in Negros Oriental.

The fact that a single RTC judge all the way from Cebu City, Judge Peras, issued multiple search warrants used during the bloody operation on March 30, 2019, notwithstanding the presence of Regional Trial Courts in Dumaguete City, Bais City, Guihulngan, Bayawan City and Tanjay City, raises questions as to the propriety of proceedings leading up to the issuance of the search warrants in question.

It is equally noteworthy that Judge Peras of RTC – Branch 10 of Cebu City also issued search warrants used in a similarly-broad police operation also in Negros Island back in December 2018, which led to the deaths of six (6) farmers. This fact suggests a scheme on the part of the PNP to abuse court procedures in order to secure warrants from a court official whom they may perceive as inclined to issue warrants for the purpose of counter-insurgency operations. This tactic undermines the legal safeguards intended to ensure the judiciary's impartiality in relation to applications for search warrants and to protect private individuals and property from unreasonable searches.

Second, the search warrants used during the March 30, 2019 operation fail to describe the places to be searched with sufficient particularity. While the warrants refer to the barangays in which the victims' homes are located, they do not include sketches or other details that should confine the search to a limited location, violating a procedural requirement that search warrants must particularly describe the place to be searched.³⁷

Third, documents secured by the family of Nestor Kadusale, among those arrested in Manjuyod on March 30, 2019, showed that false information and wholly-fabricated testimonies were used by the PNP to secure the search warrant.

According to the PNP's application for a search warrant against Kadusale, undercover police officers confirmed Kadusale's possession of the loose firearms when, pretending to be businessmen, they met with him on March 14, 2019, during the market day of Sitio Sampiniton, Brgy. Bantolinao, in Manjuyod town. At the said meeting, they expressed their interest to purchase firearms and, according to the undercover police operatives, Kadusale brought them to his home and showed him a .45 caliber pistol and a .38 caliber pistol.

Kadusale denied these allegations, pointing out that: (a) Sitio Sampiniton's market day fell on a Friday, a fact known to all residents of Brgy. Bantolinao, and (b) Kadusale spent the entirety of March 14 harvesting sugarcane along with other farmers who could testify to this fact.

Even disregarding the veracity of Kadusale's defense, however, the PNP's application for a search warrant is rendered questionable by the very documents used by the police officers against him. Even as the undercover police operatives claimed that they conducted the surveillance and confirmed Kadusale's possession of loose firearms only

³⁶ Sec. 2(a), Rule 126, Rules of Criminal Procedure.

³⁷ Sec. 4, Rule 126, Rules of Criminal Procedure.

on March 14, 2019, police records show that the request for Firearm Holder Verification filed with Camp Crame in Quezon City was executed on March 8, 2019, six days *before* the actual surveillance. This clearly suggests that the PNP had made false statements in its application for a search warrant.

The serious irregularities in the PNP's application for the search warrant against Nestor Kadusale is, at the very least, indicative of malicious intent behind the actions of its personnel during the events leading up to the operation on March 30, 2019. This fact also makes the bases of the applications for all search warrants used by the PNP, at best, suspicious and, at worst, unreliable as it significantly raises the probability of fabricated testimony used by the applicants.

Irregularities in the Enforcement of the Search Warrants

Eyewitness accounts revealed that state security forces immediately and forcibly broke into the victims' homes *without* giving *prior* announcement as to their presence and intention to enforce the search warrants. This was a violation of an established rule that a law-enforcement officer may break into a house to execute the warrant only if he is refused admittance to the place *after* giving notice of his purpose and authority.³⁸

The said operatives also ordered the occupants to leave their houses as they supposedly searched the different rooms. Both the rules of criminal procedure and the PNP's operational rules strictly prohibit the conduct of a search of a house, room, or any other premises except in the presence of the lawful occupant, a member of his family or, in the absence of the latter, two witnesses of sufficient age and discretion residing in the same locality.³⁹ With all the victims' family members kept outside the premises, and the barangay officials arriving only hours *after* the raid and the purported search, the operatives involved therein were in clear breach of the aforementioned rules.

The irregularities in the process of securing the search warrants and the above-discussed violations of explicit procedural rules as to their enforcement are explained by the actions of state security forces immediately after they broke into the victims' homes.

Extra-Judicial Killings / Summary Executions

Eyewitnesses interviewed by the NFSM team were all consistent in their accounts of circumstances surrounding the victims' deaths. These accounts disprove the PNP's claims that the victims resisted and engaged state security forces; rather, the facts show that the victims were executed and that the operation carried out on March 30, 2019 was launched for the purpose of carrying out extra-judicial killings or summary executions. State security forces involved in the raids were in combat attire, with their faces and nameplates covered to prevent identification.

Immediately after gaining entry into their homes, state security forces proceeded directly to the victims' sleeping quarters. Family members were dragged out of the rooms, leaving the victims alone with multiple armed operatives. Victim Steve Arapoc, on the

³⁸ Sec. 7, Rule 126 of the Rules of Criminal Procedure. Rule 14.5 of the PNP Revised Operational Procedures.

³⁹ Sec. 8, Rule 126, Rules of Criminal Procedure. Rule 14.6 PNP Revised Operational Procedures.

other hand, was forced down the stairs at gunpoint where he was physically abused before being killed.

Without provocation and while they were already under the custody and control of the raiding teams, the victims were shot and killed by the said operatives. Victim Franklin Lariosa was shot and killed outside his house immediately after he was identified by the raiding team.

The parallels in the killing of several persons within a span of a few hours in three different localities in Negros Oriental constitute a pattern indicative of a *conspiracy* to summarily execute the targets of the government's counter-insurgency campaign. Such conspiracy renders all persons who took part in the operation on March 30, 2019 equally liable for the murders.

With similar incidents in December 2018, the widespread use of search warrants as a pretext for the conduct of raids by state security forces leading to the murder of defenseless civilians has become notably pervasive in Negros Island. The PNP and Malacañang have defended the December 2018 operation and the one conducted only recently by flippantly pointing out that search warrants had been issued and that resistance to the enforcement thereof justified the killings. There is no legal basis for this claim.

The warrants issued for the search of the victims' homes do not, in any way, justify summary execution. A warrant, whether for the arrest of a person charged with a crime or the search of any premises, cannot justify the use of lethal force against the subject thereof. Similarly, mere suspicion of involvement in any offense does not authorize lethal action.

Even the PNP's operational rules state that the use of firearm is justified only if: (a) the offender poses an imminent danger of causing death or injury to the police officer or other persons, (b) in case of self-defense or the defense of another person where there is a *real threat* to the officer's his life, and the peril sought to be avoided is *actual, imminent and real*.⁴⁰

None of the aforementioned conditions were present when the victims were killed by state security forces on March 30, 2019. The victims were unarmed and under the control of the said operatives when they were killed.

Alarming, the recent murders, and similar incidents that also took place in Negros Island in December 2018, are akin to the summary execution of drug suspects made vulnerable by the Duterte administration's *Tokhang* campaign in that the principle of *presumption of regularity* in the performance of law enforcement functions is heavily relied on to defeat claims of misconduct by state agents.

Such reliance on the *presumption of regularity* also lacks legal basis and should not shield the perpetrators of the recent killings from culpability. In the first place, no such presumption exists when a person is killed during police operations, regardless of any search warrant or warrant of arrest. The absolute necessity of the use of lethal force in

⁴⁰Rule 8.1, PNP Revised Operational Procedures.

the performance of one's duty is a matter of *defense*, and the law-enforcement officer who takes a life *bears the burden* of proving such necessity.

Second, no legal presumption can override clear accounts from *multiple eyewitnesses* that the officers in question shot and killed unarmed and defenseless persons already under their custody and control. Such are the circumstances attendant during the operation carried out on March 30, 2019.

The wounds sustained by the victims are also inconsistent with the PNP's narrative that they attempted to fight back. Except for Sonny Palagtiw, the victims were shot multiple times. Moreover:

- The seven (7) gunshots sustained by Valentin Acabal included wounds to his genital area and wounds that completely decimated his right thigh;
- Steve Arapoc was shot both in his back and chest as he was lying on the floor;
- Edgardo Avelino was shot twice in the chest and once in the center of the forehead, execution-style;
- Ismael Avelino's torso was riddled with at least eight (8) gun shots that his intestines burst from his body.

The horrific nature and extent of the victims' wounds belie any claim that the force used against them was – by any stretch of the imagination – reasonable, and erodes the PNP's credibility as to its claim that the killings were carried out under justifiable circumstances.

Finally, the fact that the raiding teams immediately "cleaned" the crime scenes by *removing the bodies* supports eyewitness accounts of summary execution. Such disturbance of a crime scene is *strictly prohibited* as it removes potential evidence of foul play.

Police procedural rules mandate the steps to be taken after an armed confrontation, including strict instructions that the site of the confrontation must be secured and "*all persons who died on the spot are not moved from their original position.*"⁴¹

The eyewitness accounts clearly and categorically attesting to the fact of summary executions, the additional fact that the raiding teams ensured anonymity by masking their faces and concealing their nameplates, and the immediate clean-up of the crime scene with the removal of the victims' bodies all point to no other conclusion than that state security forces committed murder on March 30, 2019.

To be clear, the subject of this report does not involve mere irregularities in the procurement or enforcement of search warrants which resulted in the victims' deaths, or in the proper application of the presumption of regularity in the performance of a police officer's functions. Eyewitnesses explicitly stated that the victims were killed in cold blood by government forces, under the guise of a police operation for the search and seizure of loose firearms and explosives, and that, thereafter, firearms were planted in the victims' homes to convey the appearance of a firefight. The facts surrounding the deaths are consistent with their accounts.

⁴¹ Rule 8.5(e), PNP Revised Operational Procedures.

Planting of Evidence, Physical Abuse and Threats

Eyewitness accounts are similarly consistent that, in the course of the raids conducted on March 30, 2019, state security forces planted firearms and explosives in the victims' residences.

The inventories of items allegedly confiscated from the victims' houses contained the purported signatures of barangay officials, serving as witnesses to the search of the victims' residences. Yet, these signed acknowledgments carry no weight since eyewitness accounts confirm that these officials arrived only hours *after* the raid and the killings.

The victims' family members also recounted that they were made to sign the same inventories. These signatures, however, were procured under the most intimidating and coercive of circumstances, with dozens of masked men carrying high-powered firearms present, without the assistance of local officials or lawyers, after the raiding teams had carried out the executions, and with the family members fearing for their own lives.

The aforementioned statements concerning the planting of evidence against the victims are also given credence by the significant variation between the firearms and explosives the PNP claimed were in the victims' possession when they applied for search warrants, and those allegedly recovered from their residences.

For instance, the search warrant against Nestor Kadusale claimed that he was in possession of one (1) .38 caliber pistol, one (1) .45 caliber pistol, and one (1) hand grenade; yet, the search of his house allegedly yielded only one (1) .38 caliber pistol.

The search warrant against Steve Arapoc claimed that he was in possession of one (1) .45 caliber pistol; yet, the raiding team claim they found one (1) .38 caliber pistol.

The search warrant against Corazon Javier claimed that she was in possession of one (1) .45 caliber pistol; yet, the alleged search yielded one (1) .38 caliber pistol, one (1) hand grenade, and ammunition for a .38 caliber revolver, but *no* .45 caliber pistol.

The search warrant against Azucena Garubat claimed that she was also in possession of one (1) .45 caliber pistol; yet, the inventory indicates that no such firearm was found. Instead, the raiding team alleged that they found one (1) rifle grenade, even though no rifle was recovered from her possession.

These inconsistencies cannot be disregarded as insignificant considering that the PNP personnel who apply for such search warrants attest, under oath, to the veracity of the information of their "confidential informants" and the accuracy of their surveillance operations. And yet, the actual searches lead to the "recovery" of entirely different firearms, along with rifle grenades (but without the rifles that would make them useful) which render the prospect of being released on bail significantly difficult. At the very least, these inconsistencies support eyewitness accounts that state security forces planted the evidence against the victims of their operation on March 30, 2019.

The victims' family members were also subjected to physical abuse and the unnecessary use of force. Steve Arapoc's younger brother, Mc Khillif Jun, was assaulted and

handcuffed even though he never posed any threat to the raiding team. His sister, Keren Arapoc, was also molested and harassed when a male member of the raiding team profusely frisked her entire body.

The above-described acts make the operatives involved criminally liable for *coercion*, *physical injuries*, and *sexual abuse*.

Violations of the Rights of Arrested Persons

Of the fifteen (15) persons reportedly arrested by state security forces on March 30, 2019, the NFSM team was able to locate and interview four such persons detained at Canlaon City. The NFSM team was also able to interview Nestor Kadusale, who was likewise arrested on the same day and under similar circumstances *albeit* released on bail at the time of the interview.

The interviews revealed that the same illegal acts described in the previous and subsequent portions of this report were committed by state security forces during the course of the raids leading to the arrest of the said detainees.

The persons arrested denied having in their possession the firearms and explosives indicated in the search warrants. The state security forces that raided the homes of the persons arrested were unaccompanied by the occupants of these houses or by barangay officials when they first entered the different rooms in order to conduct the search.

Barangay officials who arrived at the scene did so long *after* the raids were carried out, and the armed operatives already in full control of the premises. As already pointed out, the rules of criminal procedure and PNP operational rules prohibit the conduct of a search unless done in the presence of the lawful occupant, a member of his family or, in the absence of the latter, two witnesses of sufficient age and discretion residing in the same locality.⁴² This gross violation of procedural rules governing the conduct of a search upon a warrant gives credence to the detainees' assertions that the firearms and explosives purportedly recovered from their homes had been planted.

It is likewise noteworthy that, as discussed earlier, the firearms and explosives supposedly recovered from their homes are different from those items stated in the search warrants.

Furthermore, their accounts revealed that none of the said persons were read their *Miranda Rights*, as required by the 1987 Constitution, Republic Act No. 7438, and even the PNP's own procedural rules.⁴³

Moreover, at least one of the detainees, Georaldine Pelobello, was not even informed of *cause* of the arrest as required under courts' the PNP's procedural rules.⁴⁴

⁴² Sec. 8, Rule 126, Rules of Criminal Procedure. Rule 14.6 PNP Revised Operational Procedures.

⁴³ Rule 20.1(b), PNP Revised Operational Procedures.

⁴⁴ Sec. 8, Rule 113, Rules of Criminal Procedure. Rule 13.6(d), PNP Revised Operational Procedures.

Finally, the interrogations by state security forces of those arrested on March 30, 2019, while they were already under the custody of the armed operatives, without the assistance of counsel, also violated their rights as detained persons.⁴⁵

Divestment of Properties

The victims' family members who were interviewed by the NFSM team also reported the taking of money and other valuable items by state security forces during the raids.

In the course of the raids, armed operatives stole money and valuables in the total amount of Php 100,000.00 from the family of Sonny Palagtiw, Php 37,000.00 from the family of Valentin Acabal, Php 2,000.00 from the family of Edgardo Avelino, Php 30,000.00 from Georaldine Pelobello, and Php 2,300.00 from Armogena Caballero. Cash in the total amount of Php 26,000.00 and cellphones were also stolen from the family of Steve Arapoc.

Property that may be the subject of search warrants and confiscation are limited merely to the following items: (a) personal properties subject of the offense; (b) stolen or embezzled personal properties and other proceeds, or fruits of the offense; or (c) personal properties used or intended to be used as the means of committing an offense.⁴⁶

Furthermore, police operational guidelines explicitly state that lawful personal properties, papers, and other valuables not specifically indicated or particularly described in the search warrant shall not be taken.⁴⁷

In stealing the aforementioned monies and valuables, the members of the raiding teams committed theft which, in the context of an internal armed conflict, constitutes a violation of international humanitarian law prohibiting the destruction or divestment of civilian property.

Trauma

The eyewitnesses interviewed by the NFSM team were mostly family members who were themselves inside the houses raided by state security forces on March 30, 2019. Said witnesses gave detailed accounts of the incidents, from the sudden and forced entry of armed operatives to the killings that took place soon after.

Notably, some of the witnesses to the executions are minors. Franklin Lariosa's two children were only 4 and 9 years old when they saw their father gunned down by state security forces. Lariosa's four-year-old son was right beside him when he was shot and killed by the raiding team.

Edgardo Avelino's son and daughter were twenty-one (21) and sixteen (16) years old, respectively, at the time of his murder. His daughter suffered a nervous breakdown after the incident. Ismael Avelino's children were ten (10) years old and five (5) years old

⁴⁵ Sec. 2(a), Republic Act No. 7438.

⁴⁶ Sec. 3, Rule 126, Rules of Criminal Procedure. Section 14.1(a) of the PNP Revised Operational Procedures.

⁴⁷Rule 14.6(b), PNP Revised Operational Procedures.

when they were forced out of the room just before he was shot multiple times while lying in his bed.

Three of Steve Arapoc's 10 siblings – aged 14, 10, and 6 – were also in the house when Arapoc was shot several times while lying sprawled across the sala.

The victims' family members had to endure the sight of their loved ones' bodies bearing horrific wounds, carried or dragged away by members of the raiding teams, and unceremoniously dumped into trucks.

The trauma brought upon the family members – both adults and underage alike –cannot be overlooked or underestimated. Verily, the delivery of psycho-social assistance to the said families is both warranted and necessary.

The large number of government forces involved in the operation, the sheer volume of search warrants used during the operation, the serious irregularities in the issuance of these warrants, the accounts of numerous eyewitnesses detailing the summary executions, the planting of evidence, and the mass arrests carried out during the operation, and the suspiciously-quick and immediate denial by both the PNP and Malacañang officials as to any irregularity or misconduct on the part of state security forces all indicate a conspiracy to commit murder and mass arrests on trumped-up charges of illegal possession of firearms and explosives.

There is a need to: (a) *identify* the officials of the PNP, AFP, and other government agencies who had knowledge of the operation or were, in any way, involved in its implementation, and (b) *ascertain* the extent of their knowledge of or involvement in the operation.

Any investigation cannot and should not be limited to the PNP Provincial Director for Negros Oriental, and the chiefs of the Canlaon City, Manjuyod, Sta. Barbara PNP. Such a large-scale operation – one that involves even the AFP – cannot be undertaken without the knowledge and approval of high-ranking security officials.

Moreover, for the purposes of transparency and investigation, all incident reports and after-operation reports from March 30, 2019 must be made public. Since the PNP and Malacañang claim that the killings and arrests took place during a police operation, such reports should be made available. PNP procedural rules mandate that each officer who fires his/her service firearm or weapon during a confrontation must submit an incident report outlining the circumstances necessitating the use of his/her firearm.⁴⁸

By all indications, all the acts mentioned are in gross violations of the farmers' civil and political rights protected by the 1987 Philippine Constitution, laws and various international covenants and instruments to which the Philippine Government is a signatory, like the following:

■ Article III (Bill of Rights) of the 1987 Philippine Constitution, including
“Section 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

⁴⁸ Sec. 8.4 and 8.5, PNP Revised Operational Procedures.

Section 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.”

■ 1948 Universal Declaration of Human Rights and the 1966 United Nations International Covenant on Civil and Political Rights, which mandate as a matter of principle that every human being has the inherent right to life and to other basic human rights.

Recommendations

In view of the foregoing, the National Factfinding and Solidarity Mission recommends the following:

1. To demand justice for the 14 slain farmers and other victims of human rights abuses in Negros Island, as well as the unconditional release of the 15 reported arrested, the four identified are currently detained on fabricated trumped up charges in line with the PRO-7's anti-insurgency Oplan Sauron;

2. The identification of government agencies and officials who had prior knowledge of or involvement in the operation, and the public release of documents relevant to the operation, including all search warrants used during the operation, the applications for these search warrants, and all reports filed by personnel of the PNP, AFP, and other government agencies in relation to the operation;

3. To indict and prosecute police operatives on the ground responsible for killings, frustrated killings, illegal arrest and detention, and other criminal acts committed during the said incidents including those identified such as Regional Director of Police Regional Office (PRO)-7 PSupt. Debold M. Sinas, Negros Oriental Police Chief Colonel Raul Tacaca, Canlaon City Police Chief Lieutenant Colonel Patricio Degay, Manjuyod Police Chief Lieutenant Roy Mamaradlo, Santa Catalina Police Chief Captain Michael Rubia, the 94th Infantry Battalion of the Philippine Army, Judge Soliver C. Peras of Branch 10 of the Regional Trial Court of Cebu City, PNP Spokesperson Bernard Banac PNP Chief Oscar Albayalde, and all other government officials who had knowledge and involvement in the operation or the attempt to cover-up the crimes committed on March 30, 2019;

Proof of involvement of the officers mentioned above:

1. *“The law enforcement operations were legitimate and covered with warrants issued by the court,”* PNP spokesman Col. Bernard Banac told The STAR in a text message yesterday.

“We are certain there was resistance because ample force will not be used if there is no threat to the lives of our police officers,” Banac said.

<https://www.philstar.com/nation/2019/04/01/1906183/pnp-defends-bloody-police-ops-negros>

2. *So meron pong hindi nanlaban at naaresto. Itong mga 14 ito ‘yung mga sinasabi nilang nanlaban. Hindi naman siguro magpapaputok ‘yung ating mga pulis kung hindi naman talaga nanlaban itong mga taong ito dahil kung talagang ang*

intensyon dyan ay talagang patayin lahat yan, then all of them probably including the 12," said PNP Chief Oscar Albayalde in a press conference in Camp Crame.
<https://www.sunstar.com.ph/article/1799524/Manila/Local-News/PNP-Killing-of-14-farmers-in-Negros-Oriental-not-a-massacre>

3. Sinas said that during the operation, they were able to recover short firearms, lists of sketches of police camps, names of police officers, and time they will be patrolling.
(<https://www.philstar.com/the-freeman/cebu-news/2019/04/02/1906675/sinas-its-not-massacre#YHuHuojPbYq5iVVI.99>)

4. Scrap all the anti-insurgency programs including the Executive Order 70 establishing a whole-of-nation approach in ending local insurgency, the Memorandum Order 32 placing Negros Island, Bicol, and Samar, under the "state of emergency", the local synchronized enhanced management of police operations (SEMPO) and its sequel SEMPO II dubbed as "Oplan Sauron", and stop militarization of peasant communities. ##