



27 September 2019

Supreme Court of the Philippines

Padre Faura St., Ermita, Manila, Philippines 1000

E-mail address: pio@sc.judiciary.gov.ph

Website: <http://www.sc.judiciary.gov.ph/>

Mr. Menardo Guevarra

Secretary, Department of Justice

Padre Faura St., Ermita, Manila, Philippines 1000

Email: osecmig@gmail.com, osec@doj.gov.ph, communications@doj.gov.ph

Website: <https://www.doj.gov.ph/>

Mr. Nilo Penaflor

Senior Assistant Prosecutor

Office of the City Prosecutor, Quezon City

DOJ Building/Justice Cecilia Palma Building,

beside Hall of Justice, Quezon City Hall,

Elliptical Road, Quezon City, Philippines 1100

Subject: Appeal to immediately dismiss all perjury charges against Karapatan, RMP and Gabriela

Honourable Justices, Honourable Secretary, and Senior Assistant Prosecutor,

The Asia Pacific Forum on Women, Law and Development (APWLD) is a regional women's rights organisation established in 1986, with over 230 members in 27 countries in the region. We are writing to urge your offices to dismiss all perjury charges lodged against KARAPATAN, Rural Missionaries of the Philippines (RMP) and GABRIELA, and to take decisive actions to ensure that Philippines civil society do not continually have to face these forms of judicial harassment.

We further urge granting of the petition for review filed by KARAPATAN, RMP and GABRIELA and granting their petition for the writ of amparo and habeas data, as well as recalling Executive Order No. 70 to create a national task force (NTF) to end local communist armed conflict and institutionalizing the so-called whole of nation approach; to stop all activities emanating from this order, including the smear campaigns and judicial harassment against human rights activists.

The UN General Assembly Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted unanimously in 1998, clearly and unequivocally states:

"Each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice".

The Declaration also recognizes that, for "the purpose of promoting and protecting human rights and fundamental freedoms, everyone has the right, individually and in association with others, at the national and international levels", which includes the ability to "form, join and participate in non-governmental organizations,



Asia Pacific Forum on Women, Law and Development

Empowering women to use law as an instrument of change and promoting women's human rights in the Asia Pacific region

NGO in consultative status with the Economic and Social Council of the United Nations

associations or groups” and to “communicate with non-governmental or intergovernmental organizations”. The rights of the individuals forming these three organizations are directly threatened by the lodging of these perjury charges, which can result in their unjustified arrest and other forms of persecution for their human rights activism.

KARAPATAN, GABRIELA and RMP are nationally, regionally and internationally recognized for their work. KARAPATAN has been active as a human rights organization for 24 years, while GABRIELA has fought for 35 years for the promotion and defense of women’s rights, and RMP recently marked its 50th anniversary since its founding. Their work and record cannot be impugned: in more than a generation, they have collectively established schools, passed legislation, led rights-based campaigns and provided aid and support for victims of rights violations. Independent groups both within and outside of the Philippines, including APWLD, vouch for their work and urge your offices to immediately and without caveat dismiss these charges against them.

APWLD, as a membership-based organization, acknowledges our longstanding associations particularly with Ms Cristina Palabay, Ms Elisa Tita Lubi (both of Karapatan) and Ms Joan M Salvador (Gabriela). Ms Palabay and Ms Salvador currently serve on APWLD’s Regional Council (highest governing body) and we are alarmed that our members are subjected to these unfounded charges that threaten their safety. We are proud to have their leadership and that of their organizations over the years; and urge your offices to defend the fundamental rights of these courageous women human rights defenders and immediately drop all charges against them.

Should your offices have any inquiries, please contact apwld@apwld.org, or call our Chiang Mai secretariat via phone: (66) 53 284527, 284856.

Sincerely,

Misun Woo
Regional Coordinator
Asia Pacific Forum on Women, Law and Development (APWLD)

Chiang Mai office address:

189/3 Changkian Road, Amphoe Muang,
Chiang Mai, Thailand 50100

Tel: (66) 53 284527, 53 284856 | Fax: (66) 53 280847

Asia Pacific Forum on Women, Law and Development

Email: apwld@apwld.org | Website: www.apwld.org

Penang office address:

241 Burma Road, Ground Floor,
George Town, 10350 Penang, Malaysia
Tel: (60) 4 2280349



Annex: Chronology of events

May 6, 2019: On May 6, 2019, Karapatan, Gabriela and RMP filed a petition for the writs of amparo and habeas data at the Supreme Court. The writs of amparo and habeas data are legal remedies afforded to any person whose rights to life, liberty, security are transgressed or are threatened to be violated by an unlawful act or omission of a public officer or private entities. This covers cases of extrajudicial killings and enforced disappearances.

On behalf of their organizations and/or on their personal capacities, the following individuals filed the petition: For Karapatan, its Chairperson Elisa Tita Lubi, Secretary General Cristina Palabay, Vice Chairperson Reylan Vergara, Deputy Secretary General Roneo Clamor, Treasurer Kiri Dalena, and National Council members Dr. Edita Burgos, Fr. Wilfredo Ruazol, and Jose Mari Callueng. For the RMP, its National Coordinator Sr. Elen Bernardo and Sr. Emma Cupin of its Northern Mindanao unit. For Gabriela, its acting Chairperson Gertrudes Libang and Secretary General Joan May Salvador.

Respondents in the said petition are President Rodrigo Duterte, Gen. (Ret.) Hermogenes Esperon Jr., Maj. Gen. (Ret.) Delfin Lorenzana, Presidential Spokesperson Salvador Panelo, Gen. Benjamin Madrigal Jr., Brig. Gen. Fernando Trinidad, Maj. Gen. Erwin Bernard Neri, Lt. Gen. Macairog Alberto, Maj. Gen. Antonio Parlade Jr., Alex Paul Monteagudo, Vicente Agdamag, Senior Supt. Omega Jireh Fidel, and Undersecretaries Joel Sy Egco, Severo Catura and Lorraine Marie Badoy.

Through the filing of a petition for the writ of amparo, the petitioners asked the Supreme Court to grant a temporary protection order, prohibiting the respondents from “threatening to commit or committing, personally or through another, any acts violative of the rights to life, liberty, and security.” Their plea for the petition on habeas data seeks court action for government officials to provide the petitioners with all information pertaining to each of them in their files or record and to subsequently destroy said information.

In its petition, Karapatan has cited various threats confronted by the organization under the previous administrations of Gloria Macapagal-Arroyo, Benigno Simeon Aquino III, and finally under the current Duterte government. This includes the extrajudicial killings of Karapatan human rights workers Benjaline Hernandez in April 2002, Eden Marcellana in April 2003, Elisa Badayos in November 2017, Mariam Acob in September 2018, and Bernardino Patigas in April 2019. Karapatan also cited that from 2001 to 2019, at least 63 of its human rights workers have been killed by State forces, and seven among them were killed under the current administration.

May 24, 2019: The Supreme Court, in an en banc session, issued a writ of amparo and habeas data for petitioners Karapatan, Gabriela, and Rural Missionaries of the Philippines (RMP), as it directed the 14th Division of the Court of Appeals to hear the petition on June 18, 2019, and to submit a decision on the case.

The petitioners prepared their witnesses and their judicial affidavits. One of Karapatan’s supposed witnesses was Ryan Hubilla, a senior high school student and Karapatan Sorsogon staff member who experienced threats and harassment from suspected military agents. However, Hubilla was killed on June 15 together with another Karapatan human rights worker Nelly Bagasala.

June 18, 2019: The CA’s 14th Division held a three-hour summary hearing on the petitions filed by the groups, but the court justices did not allow the petitioners to present testimonial evidence and other documents to prove their allegations in the petition on technical grounds.

June 28, 2019: The petition was dismissed by the Court of Appeals’ 14th Division. Karapatan immediately contested the decision of the appellate court and called it “a gross disservice to all human rights defenders who continue to face perilous conditions.”² Karapatan questioned why the CA’s ruling parroted the line of the respondents and quickly absolved the government’s role in it.



Asia Pacific Forum on Women, Law and Development

Empowering women to use law as an instrument of change and promoting women's human rights in the Asia Pacific region

NGO in consultative status with the Economic and Social Council of the United Nations

July 2, 2019: NSA Esperon filed a perjury complaint against the petitioners in relation to their amparo and habeas data petition. This is the first known case of judicial harassment faced by those who availed the amparo and habeas data remedies. Of the 600-page amparo petition submitted by said groups, Esperon nitpicked on one procedural issue, which targeted RMP. Esperon accused RMP of making a false statement by claiming it is a duly registered organization, following his allegation that RMP's registration with the Securities and Exchange Commission (SEC) was revoked in August 2003.

As far as RMP is concerned, they received no notification from SEC on the alleged revocation of their registration and thus have remained operational as a de facto corporation/non-governmental organization in order to fulfill their missionary work. They filed for re-registration in 2010, complying with requirements for re-registration, as well as their substantial compliance to all reportorial requirements for NGOs by the SEC. Acting on good faith and in accordance to their belief and conviction, they have stated their said status as an NGO in the amparo petition.

July 29, 2019: Karapatan, RMP, and Gabriela challenged the Court of Appeals' dismissal of their amparo and habeas data petition through a petition for review at the Supreme Court, asking the SC to annul the decision of the CA's 14th Division.

August 1, 2019: Officers of Karapatan, RMP, and Gabriela attended the first hearing of the preliminary investigation on the malicious perjury charges filed by Esperon at the Quezon City Prosecutor's Office of the Department of Justice.

August 15, 2019: Counter-affidavits by officers of Karapatan, RMP, and Gabriela were filed at the Quezon City Prosecutor's Office of the Department of Justice. In their joint counter-affidavit, Karapatan officers Cristina Palabay, Reylan Vergara, Roneo Clamor, Kiri Dalena, Dr. Edita Burgos, Fr. Wilfredo Ruazol, and Jose Mari Callueng said that they filed the amparo and habeas data petition based on their personal knowledge of facts pertaining to Karapatan and that RMP did not commit perjury.

Chiang Mai office address:

189/3 Changklan Road, Amphoe Muang,
Chiang Mai, Thailand 50100

Tel: (66) 53 284527, 53 284856 | Fax: (66) 53 280847

Asia Pacific Forum on Women, Law and Development

Email: apwld@apwld.org | Website: www.apwld.org

Penang office address:

241 Burma Road, Ground Floor,
George Town, 10350 Penang, Malaysia
Tel: (60) 4 2280349