



# **A Report on the State of Indigenous Peoples' Rights With a Focus on the Lumad of Mindanao, Philippines**

**Submitted to the United Nations Office  
of the High Commissioner for Human Rights  
For the Universal Periodic Review of the Philippines  
(3rd Cycle, 27th session, 2017)**



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Submitted by:

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1. The Rural Missionaries of the Philippines – Northern Mindanao Region (RMP-NMR) is an inter-diocesan and inter-congregational organization of men and women religious, priests, and lay people. It primarily works to support the rural poor in attaining justice, freedom, access to commons and genuine agrarian reform.
2. The data analyzed and presented in this report has been gathered through its indigenous peoples’ rights monitoring network, Katungod Lumad Monitor, established under the Healing the Hurt, a project lead implemented by RMP-NMR in partnership with indigenous peoples’ organizations in the region. The project is aimed at contributing to the advancement of the rights and continued development of indigenous peoples consistent with the spirit and letters of the United Nations Declaration on the Rights of Indigenous Peoples. Most of the data had been previously released as urgent alerts or as fact sheets communicated to different local and international human rights organizations and networks.
3. We deeply value the recommendations that had been made in the 2<sup>nd</sup> Universal Period Review Cycle. We note, however, that to this day, the conditions of the indigenous peoples in the communities we serve have remained the same, if not worsened.

### **The Right of the Lumad to their territories**

4. The land is at the core of the indigenous peoples. Their identity, their cultural, political and economic activities are rooted in the land they have been living on for generations.
5. Philippine legislation, however, has allowed the legal displacement of the Lumad<sup>1</sup> from their territories. Foremost among these laws is unfortunately the Indigenous Peoples’ Rights Act (IPRA)<sup>2</sup>. While we acknowledge that IPRA is a product of years of struggle, the resulting law has several loopholes that have been used to make the law work against the indigenous peoples.
6. Under the IPRA, the National Commission on Indigenous Peoples is mandated to oversee the concerns of the Lumad. Among their mandates are to facilitate the land tenure instrument crafted for ancestral domains – the provision of the Certificate of Ancestral Domain Title – and the facilitation of the Free Prior and

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<sup>1</sup> The collective term used for the indigenous peoples of Mindanao

<sup>2</sup> Republic Act No. 8371 ‘An Act to Recognize, Protect and Promote the Rights of Indigenous Cultural Communities/ Indigenous Peoples, Creating a National Commission on Indigenous Peoples, Establishing Implementing Mechanisms, Appropriating Funds Therefor, and for Other Purposes’

Informed Consent, a process designed to respect the indigenous peoples' right to self-governance and self-determination.

7. Cases in Mindanao show that securing the FPIC had simply equaled to securing a document from CADT-holders. This is problematic as there are still communities who have not secured titles for their lands, either unaware of the law or refusing to be tied to this law. The CADT limits indigenous communities – in their concept of ownership, their concept of domain.
8. In the municipality of Quezon in the Province of Bukidnon, for example, the Manobo-Pulangion had occupied the territory in centuries past. During the time of colonization, their lands were 'borrowed' from their forefathers by settlers who set up ranches. In the present time, the municipality is broken into several barangays. What is left for the Manobo-Pulangion to reclaim are non-contiguous lands. Their previous territory is now interspersed with plantations and private properties.
9. A CADT was released to the Manobo-Pulangion in Quezon through the Quezon Manobo Tribal Association in 1998. Datu<sup>3</sup> Ensubay had lived in the domain for eight years until he was informed that he was only borrowing the land he was living on as Bae<sup>4</sup> Lataran, a member of the head claimants of the CADT, will appropriate the land for other uses. Bae Lataran later leased it out to a pineapple plantation. In 2011, Datu Ensubay and his family moved to another CADT whose head claimant was his aunt, Bae Kayang Agdahan. However, the land was also leased out to non-indigenous individuals and they could be driven out anytime. Datu Ensubay, together with seven other clan leaders without lands, formed the Tribal Indigenous Oppressed Group Association (TINDOGA) to apply for a CADT previously occupied by a ranch and whose lease had already expired<sup>5</sup>.
10. Articles 8 and 28 of the UNDRIP stipulates for a mechanism that would help indigenous peoples get just compensation for or re-access their usurped lands. However, despite the existing IPRA Law, it is still difficult for indigenous communities to claim their lands especially if these are within the interests of companies.

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<sup>3</sup> *Datu* is the titular respect given to traditional – meaning, elected according to their customary law and formally given the assignation through a ritual – male leaders in indigenous communities.

<sup>4</sup> *Bae* is the titular respect given to traditional female leaders in indigenous communities.

<sup>5</sup> Rural Missionaries of the Philippines – Northern Mindanao Sub-region, Inc. Tracing Roots, Asserting Claims: The history of the Manobo-Pulangion and TINDOGA and its claim to its ancestral domain. July 2014.

11. The struggle of TINDOGA is an example of the indigenous communities' difficulty of competing with capital interests. In March 2013, TINDOGA members attempted to enter their claimed ancestral domain. However, they were shot at and driven away by the ranch guards. In February 2014, they held a camp-out at the municipal office of Quezon, Bukidnon. This resulted to a survey of their lands and their temporary installation<sup>6</sup>. It was only the following year that they were officially given their CADT. However, the ranch guards would still, from time to time, enter their lands and indiscriminately fire at them while they are working on their farms<sup>7</sup>.
12. In contrast to the plight of TINDOGA is the story of the Sinangguyan agrarian reform beneficiaries' case<sup>8</sup>, wherein the local government was supporting an indigenous group in their move to reclaim their land that had already been distributed to small farmers through the Comprehensive Agrarian Reform Program. The Manobo clan of the Aboy-Daguiwaas was accompanied with private guards who destroyed the houses of the farmers and forcefully installed the clan in the area. It is of note, however, that the Aboy-Daguiwaas clan had already reclaimed part of their ancestral domain earlier but had leased out the land to Lapanday Foods Corporation.
13. On another level, head applicants of the CADT are the only ones who need to sign documents allowing for projects to get into their ancestral lands collectively owned by the community. This procedure has been exploited by companies, going through amenable indigenous groups to access their lands. It has resulted in factions within indigenous communities.
14. The killing of Datu Jimmy Liguyon in 2012 by a paramilitary group the New Indigenous Peoples' Army for Reform (NIPAR) is an example of this factions among indigenous leaders. He was, according to his family, being forced by NIPAR to sign documents allowing the inclusion of the community he leads to be part of the development plan of the San Fernando Tribal Datus Association (SANMATRIDA), which would bring in a large-scale mining company in the Manobo-Matigsalug community of San Fernando, Bukidnon<sup>9</sup>. NIPAR leaders were allegedly part of SANMATRIDA<sup>10</sup>. Since Datu Jimmy continued to refuse and

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<sup>6</sup> Ibid.

<sup>7</sup> See Annex 1: Urgent Alert on TINDOGA harrassment

<sup>8</sup> See Annex 2: Fact Sheet on the Sinangguyan case of land grabbing

<sup>9</sup> Ina Alleco Silverio. Killed indigenous leader Jimmy Liguyon's family continue fight for justice. Accessed from: <http://bulatlat.com/main/2012/04/19/killed-indigenous-leader-jimmy-liguyons-family-continue-fight-for-justice/> on 19 September 2016

<sup>10</sup> H. Marcos C. Mordeno. Paramilitary group accused of harassing sitio folk in Bukidnon town. Accessed from: <http://www.mindanews.com/top-stories/2012/03/paramilitary-group-accused-of-harassing-sitio-folk-in-bukidnon-town/> on 19 September 2016

instead joined protest actions against mining, he was killed. This was also the statement of Alde Salusad as told by witnesses.

15. The case had already been brought to the national government offices. With the help of then DILG Secretary Jesse Robredo, a warrant of arrest had been released for the head of the paramilitary group, Alde Salusad. Until now, however, the warrant has not been served, the state forces reasoning that the paramilitary group was either too powerful or difficult to track. It must be noted that the father of Alde Salusad, Benjamin 'Nonong' Salusad, is himself a member of the Civil Armed Forces Geographical Unit under the 8<sup>th</sup> Infantry Battalion of the Philippine Army.
16. This unresolved was the start of a string of other killings perpetrated by the paramilitary group over the years. The group would threaten or kill anyone who was against them. Salusad also declared all who were against them and were generally against mining as members of the New People's Army, insisting that they are legitimate targets in counter-insurgency operations of the military in which Salusad and his men also take part in. To date, Salusad and his men have killed at least four individuals – two of them indigenous leaders, strafed an entire community, and caused three major evacuations<sup>11</sup>.

#### **Right to Life: Protection as Civilians**

17. Under Article 30 of UNDRIP, Military operations should be known – and given consent to – by the community. They should first prove that there are indeed rebel activities in the ancestral lands before they can enter – should they use the premise that it is for the nation's security. However, in the cases documented by the Katungod Lumad Monitor, the indigenous peoples are put on the defensive, they are the ones who are burdened with the task of proving that they are not guilty of any form of rebellion. Because of military operations, the activities – economic and cultural – of the Lumad in their own ancestral domain have been hindered.
18. The military operations have hindered the IPs from going to their farms, disrupting their cultural practices, fearing they would be accused of being members of the NPA. Three members of the Higaonon community in Claveria, Misamis Oriental were held by the military overnight on September 28, 2015. According to their accounts, they were gathering orchids in the forest, which is one of their sources of income, when a group from the 58<sup>th</sup> Infantry Battalion doing operations passed by them. They were hogtied, interrogated, and beaten

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<sup>11</sup> See Annex 3: Summary of extrajudicial killings of IPs in Mindanao

overnight, forced to give information on the whereabouts of the NPA. The three were released after they signed a document they were not able to read<sup>12</sup>.

19. On April 27, 2016, 27 armed men, who introduced themselves as members of the Philippine Military, arrived in the Talaandig community in Sitio Kaulayanan, Lirongan, Talakag, Bukidnon. Some of them went to the house of Michael Sib-ot, demanding that he surrender the guns he allegedly kept. Scared, Michael ran out of his house, but he was killed. Other members of the military also opened fire at a 6-year old child, Edjan Talian, when he arrived after fetching water. Another set of military men went to the house of Romel Talian and also forced him to surrender his allegedly kept guns. The military left the community bringing with them Romel Talian and the relatives of Edjan. They wanted the mother and grandmother of Edjan to sign a settlement, which they refused. They also pressured the mother of Romel to force her son to sign a statement saying he was the one who shot Edjan and Michael.
20. In the *Whole of Nation Initiative* briefing of the Philippine Army, they have stated that 74% of the New People's Army members are indigenous persons<sup>13</sup>. This has given the military a mindset that the Lumad they meet during their operations are NPA. This effectively robbed the indigenous individuals protection against attacks of military operations – including violence perpetrated by military auxiliaries and paramilitary groups.
21. The Geneva Conventions and its Protocols stipulate that in situations of armed conflicts - of either international or non-international character - a distinction must be made between civilians and fighters. Civilians are never legitimate target for shooting and doing so is a war crime. It is also considered a war crime if a party to a hostility is using civilians as defense shields.
22. In another incident in August, 2015, five members of the Manobo community in Barangay Mendis, Pangantucan, Bukidnon were massacred. The military, who had earlier encountered members of the New People's Army retreated to the nearest house of a Manobo family. There, they ordered all the inhabitants, who were then cooking corn, to go out. They were all shot, including a blind 70-year old man, Datu Herminio Samia. Samia's grandson was the lone survivor, having ran as soon as the military started killing his relatives<sup>14</sup>.

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<sup>12</sup> See Annex 5: Fact Sheet on Forcible Evacuation and Displacement in Claveria, Misamis Oriental

<sup>13</sup> Powerpoint presentation on the Whole of Nation Initiative available at [http://www.interaksyon.com/assets/documents/WNI%20and%20Serbisyo%20Carava\\_Brief%20\(sdc%20xi%20presentation\\_Dr%20%20\(1\).pdf](http://www.interaksyon.com/assets/documents/WNI%20and%20Serbisyo%20Carava_Brief%20(sdc%20xi%20presentation_Dr%20%20(1).pdf)

<sup>14</sup> See Annex 6: Excerpt of the Fact-Finding Mission Report on the Pangantucan Massacre

23. In the Philippine Internal Security Plan, the Oplan Bayanihan<sup>15</sup> enlists the participation of civilians in maintaining peace in their communities supposedly under the Community Organizing for Peace and Development (COPD). However, this has become forced especially among the Lumad communities the military and its auxiliary (both formal and unrecognized) units have accused of being supporters of the New People's Army.
24. In December 2014, village captain and traditional leader Datu Necasio Precioso was killed by suspected members of a paramilitary group working with the 26<sup>th</sup> Infantry Battalion of the Philippine Army in San Luis, Agusan del Sur. Prior to his death, Datu Angis had been in an argument with Master Sergeant Andres Villaganas after the military called for members of the Banwaon community for interrogation. During the interrogation, Villaganas accused them of supporting the NPA. Datu Angis defended them and stated his opposition of the further recruitment of their community members under the COPD<sup>16</sup>.
25. The organization of Tagdumahan was established after the community decided they needed an unarmed force to defend them. However, their position regarding the protection of their ancestral lands and the consequent refusal to submit under any leadership that wishes to open up their natural resources to large-scale extractive operations has resulted in their continued subjection to military harassments.

### **Discrimination in public services**

26. The discrimination of the Lumad communities has affected their access to the Philippine justice system. In some cases, they are not admitted into government offices simply because they are not properly dressed – i.e. no shoes, dirty clothes<sup>17</sup>. Often, they need non-government organizations or volunteer individuals to help them navigate around government establishments.
27. The Lumad seldom receive services at evacuation and protest camps set up in the middle of urban centers, often in front of local government establishments. Instead of addressing the problem of evacuees – often the presence of paramilitary groups in their communities – they view the evacuees as the

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<sup>15</sup> Internal Peace and Security Plan of the Armed Forces of the Philippines implemented under the government of former President Benigno Aquino III.

<sup>16</sup> See Annex 7: Fact Sheet on the death of Necasio 'Angis' Precioso

<sup>17</sup> From the media statement of Pigyayungaan (an indigenous peoples' organization in Malaybalay City, Bukidnon) against the Kaamulan celebrations while a Talaandig community has set-up camp in front of the Provincial Capitol Grounds. The statement cited the difficulty of getting even a police blotter for the killing of the Talaandig members because their relatives of the victims were not allowed into the government offices for wearing inappropriate clothes.



problems. Instead of extending services, government establishments pressure the evacuees to leave – not giving them access to nearby toilets, giving minimal support if at all, and even bribing them with payment just to force them to go back to their dangerous communities<sup>18</sup>.

28. The government has also implemented a cash transfer program, which gives incentives to the indigenous families to put their children to school and for the women to avail of the services of the health centers. However, there are no support provisions that made these services accessible to the indigenous communities.

29. Despite the increase in the expenditure in education, there are remote indigenous communities that are still not reached by public institutions. Alternative learning institutions are not protected by the state and are in some cases attacked by state forces or paramilitary groups<sup>19</sup>.

### **The Right to Self-Governance and Self-Determination; Access to Justice**

30. The Department of Interior and Local Government released a memorandum<sup>20</sup> pursuant to the provision under the IPRA's Implementing Rules and Regulations for a mandatory representative from the indigenous communities in all policymaking bodies and in local legislative councils.

31. While the allocation of seats for indigenous peoples in local governments is positive, the effectiveness of their representation is questionable. In Misamis Oriental, traditional indigenous leaders in the province questioned the appointment of the first provincial mandatory representative. According to their letter of complaint to the provincial government<sup>21</sup>, the self-nominated mandatory representative had committed atrocious rights violations against IP communities in Claveria, Misamis Oriental. Moreover, the *datus* of other municipalities<sup>22</sup> were not informed of his election. Only those who had been reached by the NCIP were able to cast their vote or give their endorsement.

32. There is also the danger of the forced mediation of mandatory representatives who do not necessarily represent the interests of the communities. The case of

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<sup>18</sup> Statement of Unity of the evacuees (English version) at <http://www.rmp-nmr.org/articles/2016/06/16/statement-unity-evacuees-camansi-and-tapol>

<sup>19</sup> See Annex 4: Summary of Threat, Harassment, and Intimidation cases against indigenous peoples in Mindanao

<sup>20</sup> DILG Memorandum Circular 2010-119

<sup>21</sup> copied to the Kalumbay Regional Lumad Organization

<sup>22</sup> among them all the council members of the Kalumbay Regional Lumad Organization from Misamis Oriental

Balangas Anlamit, a Manobo who was killed during a military operation in San Fernando, Bukidnon, was settled by Nonong Salusad, a member of the CAFGU<sup>23</sup>. For the death of Anlamit, the military paid the family a horse. In the case of the Pangantucan massacre, the mandatory representative of Pangantucan tried to arrange with the military. The family, however, refused to negotiate.

### **Recommendations**

33. Revoke legislations that have been used against the indigenous communities – notable of all, the IPRA of 1997 and replace this with a law that genuinely recognizes the rights of indigenous peoples especially their right to self-determination.
34. Conduct investigations of all unresolved cases, especially the extra-judicial killings, with the participation of civil society and indigenous peoples' organizations. Suspend military officials involved or accused of involvement in human rights abuses for the duration of the investigation and until his or her name is cleared.
35. Pull out state forces from indigenous communities, and secure the communities' FPIC when conducting military operations.
36. Disband, disarm and arrest leaders and members of paramilitary groups. Forbid companies to secure the services of investment defense forces / private militias in ensuring their operations in ancestral domains.
37. Respect the Comprehensive Agreement on the Respect for Human Rights and International Humanitarian Law and other international laws that ensure the protection of civilians in situations of armed conflicts.
38. Democratize consultation with indigenous communities in all decision-making bodies from the local to the national levels, not limiting their representation to mandatory representatives in government units. This should especially be done in the drafting of economic plans that have impact on their ancestral domains.

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<sup>23</sup> The widow of Balangas Anlamit was interviewed for the RMP-NMR produced video documentary, *Gikan sa Ngitngit nga Kinailadman* where she narrated that during the ritual, Salusad was sprayed by the offered chicken's blood, a sign that Salusad himself was one of the perpetrators of Anlamit's death.

## ANNEX 1

### **Katungod Lumad ALERT: Blue Guards harass TINDOGA members once more (circulated on 12 June 2016)**

Judy Batyag was attending to her family's small farm in Barangay Botong, Quezon, Bukidnon when 12 Blue Guards fired their guns at her at around 8:00 in the morning of June 9, 2016.

She ran to the home of Bae Jocelyn Agdahan, a fellow Manobo. Upon hearing what just happened, Agdahan relayed the information to the rest of the community so that they can stand post and guard their farmlands against the imminent invasion of the Blue Guards. Agdahan then proceeded to the nearest police station and reported the matter to the police.

Batyag and Agdahan are both members of the TINDOGA, a Lumad organization that has been fighting for their ancestral domain against the usurpation of a previous ranch-owner, Pablo 'Poling' Lorenzo, in the area. For a long time, they had been trying to reclaim the land, which had been loaned by their ancestor to the Montalvan ranch.

The TINDOGA members were finally able to get their Certificate of Ancestral Domain Title (CADT) and were installed in the land in 2015 together with some other families outside the organization. However, they are intermittently harassed by Lorenzo's Blue Guards. In March last year, Mabini 'Tata' Beato, a member of TINDOGA died after the guards shot at them<sup>[i]</sup> while they were working on their farms. Until now, they have not attained justice for the incident.

Since the death of Beato, the harassments have lessened but have not ceased<sup>[ii]</sup>. In the May 2016 elections, Pablo Lorenzo won as Quezon's Vice-Mayor. Lorenzo has been petitioning the Department of Environment and Natural Resources for the re-lease of the lands to the Montalvan Ranch allegedly to put up a pineapple plantation.

Co-owners of the CADT who were not members of TINDOGA had already agreed to leaseback their lands to Lorenzo. TINDOGA families, however, insist on maintaining the lands for their farms, most of the produce for their own families' consumption.

<sup>[i]</sup> <http://www.rmp-nmr.org/articles/2015/05/14/killed-harassed-charged-never-ending-saga-tindoga-community>

<sup>[ii]</sup> <http://www.rmp-nmr.org/articles/2015/06/18/tindoga-members-attacked-anew>

**Katungod Lumad Alert** is published by the 'Higala sa Lumad' [Friends of the Lumad] Network. '**Higala sa Lumad' Network** is a support group composed of a broad range of interfaith personalities/representative of organizations synergizing relevant capacities and resources for Lumad communities under attack. 'Higala' also serves as an informal monitoring network for Lumad human rights. 'Higala' has been established as a component of the 'Healing the Hurt' Project.

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## **ANNEX 2**

### **Fact Sheet on the Sinangguyan incident of land grabbing (following the IDPPAR template of the UNHCR; monitoring conducted on 4 April 2016)**

#### **INCIDENT BACKGROUND**

In the late 1980s, Datu Piang Santos Daguiwaas, et. al., a Manobo Clan, claimed an area of land in Maray-maray, San Nicolas, Don Carlos, Bukidnon allegedly illegally fenced by the BFI. BFI presented three titles acquired from the Eastern Republic Corporation in 1950, the Ayala Corporation in 1966, and the Construction Cement Corporation of the Philippines, 1974.

The Clan, according to a COSLAP Order dated 25 May 1988, 'was not interested in the lands of the respondent [BFI] as described in the certificates of title but in those portions of land not embraced in the titles but included within the barbwire fence enclosing the respondent's properties.'

The said COSLAP Order then declares the land 'although within inside its [BFI] barbwire fence are not within the established boundaries of the respondent's titled property and therefore not considered part of its registered properties' to be the settlement areas of Datu Piang Daguiwaas, et. al. This, according to the interviewed residents, was already awarded to the Clan and is located in Barangay Tugas.

Subsequently, the areas covered by the BFI were covered by the CARP and were divided among farmer beneficiaries.

However, in 1998, the farmer beneficiaries, through their organization the Sinangguyan Norte Agrarian Reform Beneficiaries Association, filed a case against Sheriff Tyrone V. Tan, Datu Santos Daguiwaas, Datu Teofilo Malinda, Venerando Daguiwaas, Bengamin Daguiwaas and 'John Does,' for 'forcible entry, recovery of possession of lands covered by CLOAs with prayer for the issuance of restraining order and writ of preliminary injunction and damages.

In the Resolution of the Department of Agrarian Reform Adjudication Board (DARAB) dated 4 June 1998, the farmer beneficiaries had alleged that Sheriff Tan and the other respondents, accompanied by armed guards had ordered them to vacate the land. Tan and the Manobo families based their demand on an Alias Writ of Execution dated February 14, 1997 issued by the COSLAP.

The DARAB resolution simply dismissed the complaint as they reasoned that it was not within their jurisdiction since the implementation of the COSLAP was not yet fully implemented.

On 19 May 1997, the farmers alleged that Sheriff Tan, Datu Teogilo Malinda, together with more or less 20 fully armed personnel of the Philippine National Police entered their farmholdings. The following day, a truck carrying around forty or fifty unidentified individuals came and cleared Lot Nos. 179, 349 and 340. They then built shanties and occupied the area. However,

these individuals left the premises on June 2, 1997. They came back again on December 6, 1997 and once more demanded the farmers to vacate the area. In January the following year, they built more shanties in the area.

The individuals who entered the area and displaced the farmers were identified to be members of the Daguiwaas Clan. They reasoned that the area was rightfully theirs, being outside the BFI's three titles. However, the farmers argued that the area under the BFI had not only been that covered by the three big titles as the company had acquired lots from private individuals after 1974. These were all subjected to CARP in addition to the areas under the three big titles.

In the COSLAP Order dated 22 February 2007, it was clear that what was to be turned over to the Daguiwaas group were the untitled lots in the disputed areas. The order reads:

“... there are 240 lots with an aggregate area of 1,583.5793 hectares outside the three big titles of respondent BFI located at Maraymaray and Sinanguyan... From the 240 lots, 200 of which are in Maraymaray and 40 are in Sinanguyan. Of the 200 lots in Maraymaray, 172 are already covered by Certificates of Title, and of the 40 lots in Sinanguyan, 37 are also covered by Certificates of Title. Thus, only 31 lots are still untitled, with an aggregate area of 256.1921 hectares. However, these untitled lots are being claimed by various claimants.”

“... the Regional Executive Director for Region X, Department of Environment and Natural Resources (DENR) or his duly authorized representative, is hereby directed to conduct a relocation survey of the untitled lots in Maraymaray under PLS-561 and in Sinanguyan under PLS-98, Don Carlos, Bukidnon. After such determination, the Provincial Sheriff of Don Carlos, Bukidnon is also directed to turn over these areas to the Daguiwaas group.”

At around 5 pm of September 18, 2015, the Aboy-Daguiwaas Clan, belonging to the Manobo indigenous group, arrived at the community of 220 farming families in Barangay Sinangguyan, accompanied by 150 heavily armed security guards to claim that the area is part of their ancestral domain.

During the said intrusion, the Clan could not produce any court order as legal basis for their action except for the 2007 COSLAP decision which, in fact, entitles the Daguiwaas Clan only to untitled lands.

The agrarian reform beneficiaries, through their organization, the Sinangguyan Norte Agrarian Reform Beneficiaries Association, again challenged the claim of the Aboy-Daguiwaas Clan. However, on October 15, 2015, their leader was shot dead allegedly by members of the Blue Guard, the security agency protecting the Aboy-Daguiwaas Clan.

Since the October incident, at least 80% of the members of the farming community – estimated to be composed of around 220 families – have not been able to come back to their property and there had been several incidents of burnings and destruction of their houses; looting of personal effects, including livestock; and destruction and/or loss of crops. Several of the families have also been demoralized in fighting for their tilled land, the attempt of land usurpation recurring several times already.

In a dialogue with Bukidnon Governor Jose Ma. Zubiri, he alleged that the CLOAs of the farmers were fake. But when they showed him their CLOAs, he purportedly walked out on them.

### CURRENT SITUATION

On July 1, 2016, the Philippine National Police, together with the National Bureau of Investigation, conducted a raid in the contested area. They confiscated the arms of the guards and arrested some of the clan heads of the Aboy-Daguiwaas Clan. The farmers had been able to return to their homes. However, they are not yet able to till again their lands as the irrigation system had not been fixed.

### PROTECTION ISSUES AND RESPONSE

ISSUES	RESPONSES	WAYS FORWARD
<b>Threat to life, safety, and security</b>		
<p>The threat remains with the guards maintaining a checkpoint to the community of the farmers. The farmers, therefore, could not go inside the area without being harassed or threatened. None of them had dared to go there without support groups.</p> <p>Since the October incident, at least 80% of the members of the farming community – estimated to be composed of around 220 families – have not been able to come back to their property and there had been several incidents of burnings and destruction of their houses; looting of personal effects, including livestock; and destruction and/or loss of crops. Several of the families have also been demoralized in fighting for their tilled land, the attempt of land usurpation recurring several times already.</p>	<p>A fact-finding mission was coordinated by REAP Mindanao, Karapatan, and KASAMA Bukidnon to document the case and bring the issue of the farmers to a wider support network.</p>	<p>The local farmers’ organization has also been following up with the DARAB and local government units for the results on their filed complaints.</p> <p>KASAMA Bukidnon supports the organizing activities of the farmers in the area affected.</p>
<b>Access to food aid and nutrition</b>		
<p>The families are looking for farmwork elsewhere while waiting for the resolution of their problem.</p>		

The farmers had been able to return to their homes. However, they are not yet able to till again their lands as the irrigation system had not been fixed.		The farmers' organization is looking towards the possibility of finding irrigation projects through DA or NIA.
<b>Access to water, sanitation, and hygiene</b>		
The families that live in makeshift houses in the barangay center use common sources of water and public utilities.		
<b>Access to shelter</b>		
Families who have no relatives nearby have used the huts in the barangay center as their temporary homes. They have placed plastic sheets around the huts to serve as walls.		
<b>Access to education</b>		
<b>Protection of persons with specific needs</b>		

PERSONS OF CONCERN

			Location (Origin)					Location (Current)				
No. of Fam	+/-	No. of persons	+/-	Province	Mun	Barangay	Siti o	Province	Mun	Barangay	Siti o	Exact Location

### ANNEX 3

**IPHR Databank  
Healing the Hurt Project  
22 December 2014 – 30 June 2016**

Cases: Extrajudicial Killings

Name	IP group	Organization	Date of Incident	Place of Incident	Suspected Perpetrator	Status of Case	Source of Data
Necasio Precioso, Sr.	Banwaan	Tagdumahan	22-Dec-14	Balit, San Luis, Agusan del Sur	26th IBPA		KL Monitors
Stephen Maribao			Dec. 23, 2014	Brgy. Depore, Bayog			
Alibando Tingkas	Manobo	Salugpungan	17-Jan-15	Sitio Sambulongan, Palma Gil, Talaingod, Davao del Norte	Alamara	Criminal case not filed due to absence of witness	SOS Network-SMR
Jose Alimboyong	Manobo	Tipjungan	10-Feb-15	purok 6B, Sitio Lamesa, Brgy. Carromata, San Miguel, Surigao del Sur	36th IBPA		Karapatan-Caraga
Aden M. Alimboyong	Manobo	Tipjungan					
Edwin Sandangan			Feb. 20, 2015	Brgy. Depore, Bayog			
Payo Manorca			Mar-15	P9 Bargy. Kahayagan, Bayog			
Mabini Beato	Manobo Pulangion	Tindoga	24-Mar-15	Botong, Quezon, Bukidnon	Blue Guards of Poling Lorenzon		KL Monitors
Songkok Asero	Manobo	Karadyawan	26-Mar-15	Magimon, Gupitan, Kapalong Davao del Norte	Alamara	Not yet resolved	SOS Network-SMR
Dian Asero	Manobo	Karadyawan	26-Mar-15	Magimon, Gupitan, Kapalong Davao del Norte	Alamara	Not yet resolved	SOS Network-SMR



Frenie Landasan	Higaonon	Pigyayungaan	28-Mar-15	Purok 3, Dalacutan, Malaybalay City, Bukidnon	Dela Mance group	Warrant issued	Karapatan-NMR
Rosalie Neri-Aloto	Higaonon		29-Mar-15	Bugna, Casinglot, Tagoloan, Misamis Oriental	1st SF headed by Nasser Ladiasan, security buddies of Raul Delfin	Not yet resolved	Karapatan-NMR and Kalumbay
Bobong Dizor			Apr-15				
Blemar Mondejar	Manobo	Pigdiwatahan	18-Apr-15	Lapaz, Agusan del Sur	Paramilitary group led by Frank Coguit and Laygayan		Karapatan-Caraga
Efren Sulatan	Higaonon	Pigyayungaan	28-Apr-15	Gagantulan, Freedom, Cabanglasan, Bukidnon	Dela Mance group	Warrant issued	Karapatan-NMR
Toto Alborte			May-15	Public Terminal Bayog (place of incident)			
Nonato Jarillo			June 25, 2015				
Ruben Enlog	Ata	Nagkalupa, Padipa	14-Jun-15	Paradise, Embac, Paquibato District, Davao City	69th IBPA	not yet resolved	Karapatan-SMR
Ricky "Felix" Basig	Mandaya	Barug Katawhan	25-Jun-15	Siito Kaputian, Mahanub, Bagangga, Davao Oriental	67th IBPA	Not yet resolved	Karapatan-SMR

Jill Ahig	Higaonon	Pigyayungaan	19-Jul-15	Caluringan, Cabanglasan, Bukidnon	Alamara	Note yet resolved	Karapatan-NMR and Kalumbay
Emer Somina	Manobo	N/A	18-Aug-15	Mandum, Mendis, Pangantucan, Bukidnon	3rd Coy of the 1st SF	Pending	Karapatan-NMR, KL Monitors
Wilmar Somina	Manobo	Manobo Farmers' Association					
Norman Samia	Manobo	N/A					
Herminio Samia	Manobo	Manobo Farmers' Association					
Jobert Samia	Manobo	Manobo Farmers' Association					
Crisanto Tabogol	Manobo	N/A	28-Aug-15	Siagao, San Miguel, Surigao del Sur	Bagani Forces led by Jasmen Acevido		Karapatan-Caraga
Ellie Tabogol	Manobo	N/A					
Dionel Campos	Manobo	Mapasu	1-Sep-15	Diatagon, Lianga, Surigao del Sur	Magahat, 36th IBPA, 75th SF	Warrant of arrest out	Karapatan-Caraga
Bello Sinzo	Manobo	Mapasu					
Jun 'Obet' Pabiana	Banwaon	Tagdumahan	15-Sep-15	Balauo, St. Peter, Malaybalay City	Bocalas brothers	N/A	KL Monitors
Jonathan Olinan	Banwaon	N/A	15-Sep-15	Balauo, St. Peter, Malaybalay City	Bocalas brothers	N/A	KL Monitors
xxx			27-Sep-15	Cabangahan, Cabanglasan, Bukidnon	1st SF		Karapatan-NMR
Lito Abion	Manobo	Tagdumahan	28-Sep-15	Dona Flavia, San Luis, Agusan del Sur		N/A	KL Monitors
Mankombete Mariano	Talaandig	Pigyayungaan	27-Oct-15	Umayam, Canangaan, Cabanglasan, Bukidnon	Bocalas brothers	N/A	KL Monitors
Manliro Landahay	Manobo	Salugpungan Lumad Organization	7-Nov-15	Talaingod, Davao del Norte	Alamara	Full data not acquired	SOS Network-SMR

Jowed Bagubay	Higaonon	Pigyayungaan	4-Jan-16	Kilap-agan, Canayan, Malaybalay City, Bukidnon	Dela Mance group	N/A	Karapatan-NMR
Arnel Nayer	Mamanw a		23-Apr-16	Kalatingga, Camam-onan, Gigait, Surigao del Norte	36th IB/augmentation forces from 4th ID		<a href="http://www.altermidya.net/datu-found-in-a-shallow-grave-in-surigao-del-norte/">http://www.altermidya.net/datu-found-in-a-shallow-grave-in-surigao-del-norte/</a>
Mansulbadan Lalinan	Talaandig	Pigyayungaan	6-May-16	Zellovia, Talacogon, gusan del Sur	Bocalas brothers	Pending	KL Monitors
Edjan Talian	Talaandig	N/A	27-Apr-16	Lirongan, Talakag, Bukidnon	1st SF Batallion, 4th ID	N/A	Karapatan-NMR
Michael Sibot	Talaandig	N/A					
Benjie Mercado	Manobo	Pigdiwatahan	before 2016 election	Poblacion, Lapaz, Agusan del Sur	(goons of Mayor Lim)		Karapatan-Caraga

## ANNEX 4

**IPHR Databank  
Healing the Hurt Project  
22 December 2014 – 30 June 2016**

Cases: Threat, Harrassment and Intimidation

Specific Violation	Name of victim	IP group	Organizational membership	Date of incident	Place of incident	Perpetrator	Source of Data
Divestment of property, indiscriminate firing	Ernesto Binaliw,	Igorot	NN/A	February 13, 2015	Mangasa, Sitio Damitan, Dalwangan, Malaybalay City	At least 30 Elements of 1st Special Forces based in Mampayag, Manolo Fortich Bukidnon under the command of Col. Lidasan	Karapatan-NMR
1. Threat, Harassment and Intimidation; Vilification/ Red Tagging	Emelina Masalon	B'laan	B'laan Tribe Association, Inc. (BTAI)	February 25, 2015	Tupi, South Cotabato	Brgy. Capt. Mutem Banduli, Barangay Captain of Brgy. Bulol Salo, Kiblawan, Davao del Sur	Karapatan-SOCKSARG ENDS

2. Judicial harassment (respondent to writs of habeas corpus and amparo)	Jomorito Goaynon	Higaonon	Kalumbay	5-Mar-15	Balit, San Luis, Agusan del Sur	CAFGU, 26th IBPA	KL Monitors
	Julieto Gomez	Manobo	N/A				
	Reyjoy Precioso	Banwaon	Tagdumahan				
	Junrey Manlikayan	Banwaon	Kasalo				
	Melissa Comiso	Manobo	RMP-NMR				
	Verginia Tugay	Banwaon	Tagdumahan				
	Julieta Gomez	Manobo	Kasalo				
	Jeneboy Cuartero	Manobo	Pigdiwatahan				
3. Threat, Harassment and Intimidation; Vilification/Red tagging	Jiker Rufo	B'laan	N/A	March 13, 2015	Butulan, Jose Abad Santos, Davao Occidental	2 elements of Philippine National Police of Jose Abad Santos, Davao Occidental in full battle gear	Karapatan - SOCKSARG ENDS
	Jeffry Mandaguit	Tigwahanon	KASILO (Kaugalingong Sistema Igpasusindog to Lumadnong Ugpaan)	March 2015 up to present	San Fernando, Bukidnon	Datu Ongging Mansaluon – Commander of ALAMARA Paramilitary	Karapatan-NMR
4. Aerial Bombardment; Threat, Harassment and Intimidation	Lorena Terro	B'laan	Kafye de Lagad	March 30, 2015	Sitio Kalmango, Barangay Upper Suyan, Malapatan, Sarangani Province	2 helicopters full of elements of the 73rd IB PA, in full battle gear	Karapatan-SOCKSARG ENDS
	Jeffrey Terro						
	Richard Terro						
	Rosemarie Terro						
5. Threat, Harassment and Intimidation March 31, 2015 Sitio Balataan, Barangay Pag-asa, Alabel, Sarangani Province	Lisli Ayao	B'laan	Malapatan kasbakas dad Lumad (Makasdalul)	March 31, 2015	Sitio Balataan, Barangay Pag-asa, Alabel, Sarangani Province	Sgt. Tan and 12 elements from the 73rd IB PA in full battle gear	Karapatan-SOCKSARG ENDS
6. Threat, Harassment and	Masulong Ambat	B'laan	Kafye de Lagad	April 4, 2015	Sitio Maybaka,	Lt. Jordan, Cpl. Peter	Karapatan-SOCKSARG

Intimidation; Violation of Domicile; Grave Coercion; Interrogation; Illegal Detention; Food Blockade; Divestment of Properties; Destruction of Properties; Physical Assault	Jimmy Ambat			bandang 6:00 ng hapon – April 5, 2015	Barangay Upper Suyan, Malapatan, Sarangani Province	Maquiling (Commandi ng Officers) and 21 elements of the 73rd IB PA, in full battle gear	ENDS
7.. Threat, Harassment and Intimidation Grave Coercion Violation of Domicile Physical Assault Involuntary Servitude Illegal Search Interrogation	Rexan Tagi	B'laan	Kafye de Lagad	April 5, 2015, 6:00PM to 10:00PM	Sitio kabaklod, Brgy. Upper Suyan, Malapatan, Sarangani Province	Cpl. Peter Maquiling and 9 elements of the 73rd Infantry Battalion, Philippine Army In full battle- gear	Karapatan- SOCKSARG ENDS
	Manda Tagi						
	Joma Tagi						
8. Threat, Harassment and Intimidation Physical Injury Grave Coercion Physical and Mental Torture Use of Civilian Residence for Military Purposes & Endangerment of Civilians Violation of Domicile	Ruben Wating	B'laan	Kafye de Lagad	April 6, 2015 – bandang alas 5:00 ng hapon	Sitio Akboal, Barangay Upper Suyan, Malapatan, Sarangani Province	"Gober" - Commandin g Officer of the Reconnaisa nce Company, Ricky Sotal (CAFGU), Toto Sukal (CAFGU), an unidentified personnel from Malapatan PNP, and 6 elements of the 73rd IB PA, in full battle gear	Karapatan- SOCKSARG ENDS
	Salita Lagallo						
	Bicky Wating						
	Cherry Pai Wating						
	GingGing Wating						
	Maxi Wating						
	Larry Wating						
	Elmer Lagallo						
	Noli Lagallo						
	Ricky Lagallo						
	Boyet Lanab						
9. Judicial harassment (filing of murder case)	Jomorito Goaynon	Higaonon	Kalumbay	14-Apr-15	Malaybalay City, Bukidnon	Jenita dela Mance; 8th IBPA, 403rd Brig of the 4th ID;	Karapatan- NMR
	Floro Goaynon	Higaonon	Pigyayungaan				
	Perpicto Goaynon	Higaonon	Pigyayungaan				
	Elvie Goaynon	Higaonon	Pigyayungaan				
	Pedrito Goaynon	Higaonon	Pigyayungaan				
	Elioren	Higaonon	Pigyayungaan				

	Goaynon						
	Roberto Goaynon	Higaonon	Pigyayungaan				
	Mamerto Goaynon	Higaonon	Pigyayungaan				
10. Closure of at least 24 primary and secondary schools operated by the Salugpungan Ta Tanu Igkanogon Community Learning Center and Mindanao Interfaith Services Foundation Incorporated Academy	889 students	Manobo	Salugpungan Ta 'Tanu Igkanogon Community Learning Center (STTICLC) Mindanao Interfaith Services Foundation Inc. (MISFI)	May-15	Kapalong, Talaingod, Davao del Norte	Alamara	SOS Network SMR (Rios/Ferdie/Mamu)
11. Strafing	Bello Tindasan	Mansaka	CFA	June 21, 2015	Purok 21, Brgy. Ngan, Composteal, Compostela Valley	66th IB	Karapatan-SMR
12. Physical injuries	17 individuals	Manobo		July 23, 2015	UCCP Haran	Nancy Catamco, Regional PNP, Davao City PNP, NCIP, Eastern Mindanao Command and 10th ID, Regional DSWD	Karapatan-SMR (Jay or Sandra)
13. Red Tagging; Threat; Divestment of Property	Angel F. Vocales	Manobo	N/A	August 9, 2015	Purok 16, Nalindog, Brgy. Bolhoon, San Miguel, Surigao del Sur	36th IBPA, Magahat/Bagani Paramilitary Forces	Karapatan-CARAGA
	Lawrence Bocales	Manobo	Malahutayong Pakigbisog alang sa Sumusunod o MAPASU				
14. Arson/ Destruction of Property	10 houses and 1 Lumad school			September 2, 2015	Diatogon, Lianga, Surigao del Sur	Magahat-Bagani	

15. Military intrusion and occupation in the area (encampment)	Community			September 4, 2015	Pangantucan, Bukidnon	Military	
16. Red -tagging	Jimmy Etol	<b>Subanen</b>	Magbabaul-KMP	Sept. 21, 2015	Upper Dioyo, Coception, MO	55 <sup>th</sup> IBPA	
	Marilo Gandiag	<b>Subanen</b>	SGS	Sept.18, 2015	Barangay Nazareth Sergio Osmena, ZANORTE	21 <sup>st</sup> IBPA	
	Sanito Andes	<b>Subanen</b>	SGS	Sept. 19, 2015	P5 Barangay Bagumbayan, Sergio Osmena, ZANORTE	21 <sup>st</sup> IBPA	
	Prido Alay	<b>Subanen</b>	SGS	Sept. 13, 2015	Barangay Dilod,Duming ag,ZDS	10 <sup>th</sup> IBPA	
17. Red-tagging	Making Manlampoong	Banwaon	Tagdumahan	3-Oct-15	Mahagsay, San Luis, Agusan del Sur	CAFGU Mama Mansipahan	Karapatan-Caraga
18. Strafing, threats, harassment, intimidation	Giovanni Jaudian	Higaonon	Pangalasag	16-Oct-15	Bagocboc, Opol, Misamis Oriental	Mark Alcantara and 4 other men believed-to-be security (Smart Security Agency) of the Denosta Ranch; Leo Paguidopon (ranch manager); Ella Denosta (registered applicant of the pasture list agreement of the government )	KL Monitors
	Bernabe Catiil	Higaonon	Pangalasag				
	Edito Apus	Higaonon	Pangalasag				
	Jessie Ragmac	Higaonon	Pangalasag				
	Remy Apus	Higaonon	Pangalasag				
	Jocelyn Apus	Higaonon	Pangalasag				
	Prudencia Bete	Higaonon	Pangalasag				
	Daday Colipano	Higaonon	Pangalasag				
	Susan Agum	Higaonon	Pangalasag				
	Berni Emar	Higaonon	Pangalasag				
	Josie Ragmac	Higaonon	Pangalasag				
	Leo Apus	Higaonon	Pangalasag				
	Michael Esclamado	Higaonon	Pangalasag				
	Carlo Utay	Higaonon	Pangalasag				
	Joseph Paborada	Higaonon	Pangalasag				



	Gardo Ragmac	Higaonon	Pangalasag				
	Larry Rabanes	Higaonon	Pangalasag				
	Aquilino Galorpe	Higaonon	Pangalasag				
	Walter Alcontin	Higaonon	Pangalasag				
	Santiago Galorpe	Higaonon	Pangalasag				
19. Strafing	Ryan Olimbayan	Talaandig	N/A	27-Oct-15	Canangaan, Cabanglasan, Bukidnon	Bocalas brothers	KL Monitors
	Jessa Himlayan	Talaandig	N/A				
20. Strafing	Noel Tindasan	Mansaka	Kabataan Partylist	November 22, 2015	Purok 21, Brgy. Ngan, Composteal, Compostela Valley	66th IB	
21. Red-tagging; Threat and Harassment; Deprivation of personal properties	Carl Vladimir Enriquez	Manobo	Malahutayong Pakigbisug alang sa Sumusunod o MAPASU	December 26, 2015	Km. 6, Brgy. Diatagon, Lianga, Surigao del Sur	Garito Layno, Lando Tejero Marcos Bucales and atleast 10 other elements of the Magahat Bagani forces in full battle gear with long high-powered firearms	Karapatan - CARAGA
	Tenia Garay						
	Angel Agaray						
	Ruel Mangadlaw						
	Manuel Orios						
	Juanito Calipay						
	Junrey Sanchez						
	Richel Orios						
	Ivy Villar						
	Ningay Tejero						
	Naknak Salinas						
	Malou Salinas						
	Yenyen Salinas						
	Vivian Peres						
	Alecia tejero						
Alona Tejero							
Sandy Sanchez							
and atleast 40 more							
22. Strafing/ indiscriminate firing	Pampias T. Ventura	Manobo	Tipjungan	January 22, 2016	Purok 6A Baroboan, Brgy. Carromata, San Miguel, Surigao del Sur	2 <sup>nd</sup> Special Forces Battalion led by Ssgt. Palasol base camp in Bgy. Carromata	Karapatan-Caraga

23. Red-tagging	Jimboy Mandagit	Manobo-Tigwahanon	Kasilo	15-Mar-16	San Fernando, Bukidnon	Alamara	Karapatan-NMR
24. Red-tagging (public postering with his photo)	Bello Tindasan	Mansaka	CFA	March 2016; June 2016; July 2016	Purok 21, Brgy. Ngan and nearby areas	66th IB	Karapatan-SMR
25. Strafing/Indiscriminate firing	Magdalena Binungkasan	Higaonon	Pig-akuman	21-May-16	Sangay, Buenavista, Agusan del Norte	Elements of the 21st IBPA	KL Monitors
26. Destruction of property	Johnrey Hilogon	Higaonon	Tagtabulon	5-Jun-16	Banglay, Lagonglong, Misamis Oriental	13 elements of the 58th IBPA, 4th ID	KL Monitors
	Reynaldo Uyama	Higaonon	Tagtabulon				
	Bernie Gandinao	Higaonon	Tagtabulon				
27. Strafing/Indiscriminate firing	Judy Batyag	Manobo Pulangion	Tindoga	9-Jun-16	Butong, Quezon, Bukidnon	Blue Guards of Vmayor Poling Lorenzo	KL Monitors
28. Strafing	Members of TINDOGA	Manobo Pulangion	Tindoga	16-Jul-16	Butong, Quezon, Bukidnon	Blue Guards of Vmayor Poling Lorenzo	KL Monitors; Kalumbay
29. Surveillance Operations	Kasi Ciano	Dulangan Manobo	KEDAMA	July 25, 2016 to present	Brgy. Sangay, Kalamansig, Lebak, Sultan Kudarat	57 IB PA, Marines, CAFGU	HTH

## **ANNEX 5**

### **FACTSHEET Healing the Hurt Project**

#### **I. CASE DETAILS**

TYPE OF VIOLATION: Forcible Evacuation and Displacement

DATE AND TIME THE INCIDENT HAPPENED: 1:00 PM. September 28, 2015

LOCATION OF THE INCIDENT: Sitio Aligudon, Barangay Mat-I, Municipality of Claveria, Province of Misamis Oriental

#### **II. PROFILE OF THE VICTIM/S**

NAME OF THE COMMUNITY: Higaonon

TOTAL NUMBER OF AFFECTED PEOPLE IN THE COMMUNITY: Approx. 200 individuals

NUMBER OF AFFECTED FAMILIES: 40 families (21-Sitio Aligudon, Purok 7, Barangay Mat-I, Municipality of Claveria, Misamis Oriental and 19 from other puroks who tend farms in Balahan, Mat-I, Claveria, Misamis Oriental)

NUMBER OF AFFECTED MEN: Not available

NUMBER OF AFFECTED WOMEN: Not available

NUMEBR OF AFFECTED CHILDREN: Not available

ETHNIC/INDIGENOUS GROUP TO WHICH THE COMMUNITY MEMBERS BELONG

TO: Higaonon

NAME OF COMMUNITY LEADERS: Datu Euticiano Tumantan, Bai Suela Nanganlag, Datu Antonio Sagulay

SOURCE OF LIVING OF THE COMMUNITY MEMBERS: Farming, Hunting, and gathering of wild orchids and plants.

#### **III. PROFILE OF THE PERPETRATORS**

NAME/S OF THE PERPETRATORS INCLUDING THEIR RANK/S: OCCUPATION OF THE PERPETRATOR/S: 58<sup>th</sup> Infantry Battalion and Special Forces

NAME OF THE COMMANDING OFFICER/HEAD OF OFFICE OF THE PERPETRATORS:

CONTACT DETAILS OF THE AGENCY/OFFICE OF THE PERPETRATOR/S: 4<sup>th</sup> Infantry Division, Barangay Patag, Cagayan de Oro City.

#### **IV. ACCOUNT OF THE INCIDENT**

On September 28, 2015 past 12:00AM, the residents of Sitio Aligudon, Purok 7, Barangay Mat-I, Claveria, Misamis Oriental saw military men belonging to the Special Forces Battalion (SFB) of the Philippine Army (PA) pass by their community heading towards Balahan of Sitio Aligudon, a mountainous part of the municipality where the Lumads have their farms.

At about 11:30am, they heard gunfire from Balahan. It continued until 12:30pm. It was believed that an armed encounter happened between the New People's Army (NPA) and elements of the SF Battalion of the Philippine Army. Sporadic fires were heard until 5:00pm.

The residents started to pack their belongings and leave their community as soon as they heard gunfire. Some of them went ahead of the others to Purok 3, Centro, Mat-I, Claveria and passed by 16 elements of the 58<sup>th</sup> IB along the way. These elements of the 58<sup>th</sup> IB reached Aligudon and found the rest of the frightened lumads still packing their belongings.

They were ordered by the military men to leave immediately. Most of them left for fear for their lives because the elements of 58<sup>th</sup> IB accused them as supporters of the NPA.

The displaced lumads temporarily lived with their relatives in Purok 3, Mat-I, Claveria, Misamis Oriental.

In Purok 3, Mat-I, a checkpoint was set up by the 58<sup>th</sup> IB to monitor the movement of the Lumads. Those who wish to go out of the community were asked for identification papers. Those who can not provide identification papers were barred from leaving the community.

## **V. RELATED INCIDENTS**

At the mountainous part of Balahan, three Lumads were apprehended by the military. The victims were Crisanto Nanganlag, 40 years old; Marcelo Nanganlag, 28 years old and Toto Catantan, 50 years old. The Lumads gather wild plants in the forested area aside from farming. They decided to come out of the forest at around 5:30 when the gunfire lulled and they assumed that the encounter had ceased. Unfortunately, 4 armed men saw them.

They were forcibly held. Guns were pointed at them while being accused as NPAs. They denied the accusation but the armed men insisted. They were forced to kneel down and ordered them to raise their hands. After a while they told to lay face on the ground and were blindfolded. They keep on asking why they were held but the armed men insisted that they are members of the NPA.

After an hour they stood up, their hands tied behind their back. Their bodies were tied and gap by a length of rope separate them. The heavy bags of the armed men were placed on their shoulder and they started to walk. While walking the armed were forcing them to admit that the NPAs were asking them to buy and deliver food supplies. They were frequently poked using the barrel of the rifles hitting every part of their bodies.

After about an hour of walking, they were told to board the truck. They tried to get on board the truck but the heavy bags on their shoulder and their hands being tied made it difficult for them. The armed men grabbed their hair and pulled them up the truck.

They heard over that they will be brought to Camp Gabino, military camp of 58<sup>th</sup> IB in Claveria. Inside the camp they were beaten and asked for names of NPAs. Many questions were asked as the beating continued. When they were about to fall asleep due to exhaustion they were doused with water to keep them awake.

Before they were released, their pictures were taken as well as finger print specimen. One of the victims narrated that they were told to sign a paper even without reading the content and were not furnished with a copy.

At about 8:00Am of September 29, 2015, they were finally released but were instructed to take a path where nobody can see them coming out from the camp. They were instructed not to tell anyone what they have gone through else something bad will happen to them.

The victims are now living with relatives in Mat-I.

## **VI. ECONOMIC AND SOCIOCULTURAL IMPACT**

The unannounced entry of the Philippine Army in their community and the consequent encounter between them and the New People's Army caused fear among the Lumads consequently forcing them to leave. The forced displacement deprived them access to their farmlands and the forest—the source for their daily subsistence. Their return to Aligudon and Balahan is still uncertain thus their farming – their major livelihood - is indefinitely affected.

Military operation without the free, prior and informed consent in Lumad areas is common but should not be the norm. Aligudon and Balahan are part of the ancestral lands of the Higaonon. The right of self-governance and self-determination of the indigenous peoples should be respected even in counterinsurgency operations of the government.

## **VII. ACTIONS UNDERTAKEN BY THE VICTIM/S AND SUPPORT ORGANIZATIONS**

The victims have sought support from the local government units.

## **VIII. ACTIONS UNDERTAKEN BY THE GOVERNMENT**

The provincial government of Misamis Oriental and the municipal government of Claveria have provided food items for the displaced families on September 29.

## **IX. RESPONSES RECEIVED FROM THE ACTIONS UNDERTAKEN ON THE CASE**

## **X. RECOMMENDATIONS**

Write/call the provincial government of Misamis Oriental to urge them to immediately conduct an impartial investigation on the case, provide security for the affected families, and arrest those who are accountable.

Write to the concerned Philippine government agencies to call for the disbanding and disarming of paramilitary groups in the Philippines, especially in Mindanao.

Write to to the Philippine government to urge them to invite the Special Rapporteur on the Rights of Indigenous Peoples to look into the cases of IPHRVs in the Philippines.

Addresses:

Pres. Benigno S. Aquino III, President of the Republic of the Philippines, New Executive Building, Malacañang Palace, JP Laurel St., San Miguel, Manila 1005, Philippines. Fax: +63 2 736 1010, Tel: +63 2 735 6201 / 564 1451 to 80

Atty. Leonor T. Oralde-Quintayo, National Commission on Indigenous Peoples  
Chairperson of the Commission, 373-97-87, Email Address:[chairpersonsoffice@gmail.com](mailto:chairpersonsoffice@gmail.com)

## ANNEX 6

### **Excerpt of the FACT-FINDING MISSION REPORT ON THE PANGANTUCAN MASSACRE**

31 August – 1 September, 2015

Pangantucan, Bukidnon

#### **B. Chronology of Events as gathered by the documentation team of the mission**

##### 18 August 2015

At around 7am, while Wilde Inahan was having coffee in his house in Mandum, Barangay Mendis, Pangantucan, Bukidnon, three men came in and introduced themselves as members of the New People's Army (NPA). They all had black jackets, were wearing boots, and were carrying armalites. They asked Wilde to accompany them to the camp of their comrades in the mountains. Wilde refused at first, saying he could not guide them because he did not know of any NPA camp in the area. But the three persons insisted. After more than an hour of pleading with him, although scared, Wilde agreed to accompany them. After a few minutes of walking, four more individuals joined them. On the way, the men kept sending sms, and often asked to stop to rest. Wilde believes more men joined them as they were walking. Upon reaching the Mulita River, two of the men changed their rubber boots to combat boots, the footwear of the military. This heightened Wilde's suspicion that the individuals he was guiding were actually elements of the Armed Forces of the Philippines.

The group often got lost because Wilde did not know where exactly they were headed. At 3pm, they arrived at the house of Herminio Samia, otherwise known as Datu Intabol or fondly called by the community as Matio. With Datu Intabol at that time were his sons Jobert and his 15-year old son, "Nono" (whose identity is not disclosed in this report because he is still a minor), Nelly Jane Samia (the wife of Datu Intabol's son Oreneo), Henry Cayuhay (the father of Nelly Jane), Norman Samia (son of Nelly Jane and Oreneo), and the brothers Ramil and Emer Somina. There, Wilde excused himself, saying he could no longer accompany them. The men then asked Norman Samia, a 14-year old boy to take his place. With Norman now as their guide, the men left the house of Herminio.

Around 40 minutes after they had gone, those left at the house heard gunfire. Wilde ran back to his home where his wife, Elma Inahan, told him that she met soldiers looking for their companions when she went out to fetch water.

Concurrently, at 11 in the morning of the same day, seven armed men who introduced themselves – some speaking in Tagalog – as members of the NPA came across Melvin Culawin who was then working on a farm in Mulita (an area in Barangay Mendis identified by the river of the same name) and asked him to be their guide. When he hesitated, they told him not to worry because they will ask all the people they meet on the way to join them. They arrived at what the armed men claimed to be the rebel's camp at 3pm. When the gunfight started, Melvin ran back to Block 8. Although he arrived at the community safely, he was sure that while he ran, he was shot at because bullets riddled his path.

At around 6 in the evening, Nono arrived at the house of Ronel Dision where most of the Block 8 residents have gathered. He told them that his father was dead, shot by the military – even after he pleaded with the soldiers asking them to take them as prisoners instead of killing them. Nono saw his companions shot one by one. The residents wanted to go to the site immediately hoping they could still save him and the others, but Nono stopped them saying that the military men no longer differentiated civilians and would shoot anyone.

Nono recounted the ordeal he went through. According to him, after they heard gunfire, Henry and Nelly left to go home. Norman was still able to go back to the house of Datu Intabol. Norman, who took the place of Wilde as their guide when the latter refused to go further, said that the men he was guiding were really military men as they joined other men who were in full military uniform.

After a short while, the military arrived and ordered them to come out. When the military ordered them to come out, Nono followed their instructions. But when the soldiers started shooting his companions – all of them his relatives – he ran. While he was running, they were also firing at him, shouting that they will eventually hit him.

#### 19 August 2015

That morning, 27 residents of Barangay Mendis went to the house of Datu Intabol to check the situation. When they arrived, around 12 military men were still in the site. They were immediately told not to touch the bodies, which were still as they were when they were killed. The soldiers told them that they were bodies of NPA members, and to prove this, they had confiscated an AK47 from them.

They saw that their neighbors showed signs of torture. Emer, who lay face-up, still had his arms above his head. There was a bullet wound on his leg and his throat was slit. Norman, the youngest of the victims, was also lying face-up, the right half of his head blown – his right ear had been torn off. Ramil was also lying face-up, his right hand was chopped off, and his throat was also slit. Jobert had both his legs shot, and his throat slit. Hermenio was the only one not in the line, his body near their coffee trees. His stomach was torn, and his throat was also slit.

The men were then ordered to line up with their back to the soldiers and raise their hands above their heads. The military repeatedly asked who among them were members of the NPA, or who were 'masa.' One of the soldiers kept unsheathing a bolo which was still bloody, they assume, from with that of their dead neighbors. The soldiers also continually cocked their guns, intimidating them.

After some time, they were ordered to clear an area so that the military's helicopter could land to airlift the bodies. However, it started to rain. Around noontime, the men were ordered to carry the bodies to the barangay hall. While walking, they were repeatedly asked again who among them were 'masa.' No one answered from their group. The bodies were carried out of the community by a dumptruck to be embalmed.

#### 20 August 2015

The bodies were brought back to the community.



### 21 August 2015

The bodies were buried.

Datu Teodoro Sulda went to the house of Oreneo Samia suggesting to put the military to a community court (“salaon”). However, Oreneo, a member of the community’s council of elders, could not decide because he still had to consult the other members of the council.

### 28 August 2015

Datu Teodoro Sulda gathered the datos and other community leaders for a meeting. He said that the military admitted their fault and wanted to seek settlement with the families of the victims. He said they were willing to pay whatever price the families asked. However, the families did not want a financial settlement because they reasoned that if the military would kill members of their community again, they would only need to pay. The families wanted justice – for the military who had been involved to be taken off service and jailed. According to their tradition also, a settlement can only be agreed on if the ones who killed the victims would give the instruments they used to kill to the surviving relatives of the victims.

### Harassment during the Fact Finding Mission

While the mission participants were able to get into the community without hassle, military personnel loitered around the area while the residents were being interviewed. They were present throughout the activities, taking photos of the participants.

Upon leaving the community, the mission team was stopped by a military road block and the participants were ordered to register their names in their logbook. The Fact Finding Mission team also learned that after they left the community, the Barangay Captain told the community that the religious men and women in the team were not real nuns or priests.

On September 5, around 2pm, the 1<sup>st</sup> Special Forecs and the 8<sup>th</sup> Infantry Battalion, together with the Barangay Captain of Mendis, called for a community meaning. Here they maligned Karapatan as members of ‘the other side’. They said that the people who promised to help them were only deceiving them so that they will go against the government. The barangay captain also said that should the human rights group go back to their community, he will not allow them to enter.

### **C. Summary of the documented Human Rights Violations**

Massacre	5 individuals
Torture	5 individuals
Frustrated Extrajudicial killing	2 (Nono, Wilde)
Threat, Harassment and Intimidation	30 (Wilde, Melvin, Nono, Norman, Herminio, Henry, Nelly, Emer, Ramil, Jobert + 27 residents who went to retrieve the bodies)

Coercion	3 (Wilde, Melvin, Norman)
Violation of children’s rights	8 (Emer, Norman, Nono + 5 younger siblings of Norman who stopped going to school)
Food and other Economic Blockade	32 families
Threat, harassment and intimidation (of FFM)	115 individuals (entire FFM delegation)
Divestment of property	1 (Herminio)
Destruction of property	1 (Herminio)
Use of civilians as guide or shield	4 (Wilde, Melvin Culawin, Norman, Melvin Galagna)
Use of public places for military purposes (encampment)	Use of barangay hall

**D. The current situation of the community**

After the burial of the five victims, the military announced that anyone who wanted to go to their farms needed to get their permission. Residents going up the mountain would have to log their names upon leaving the community and again upon having returned. Most of the families in Mendis – especially those from Block 7 and Block 8 – have farm houses as the land they are tilling are far from their homes. They sometimes stay there for a week, with only their students left in their houses in the barangay center. Now, residents are only allowed in their farms from 7 in the morning to 2 in the afternoon. As a result, many families have opted not to go there at all, the time not enough to be able to work. They are also afraid that even with the permission from the military they might still be accused of being an NPA member.

The younger siblings of Norman have stopped going to school, afraid of the military who are still based in the barangay hall of Mendis.

**E. Implications on Indigenous Peoples’ Rights**

The killing of a Datu

A Datu is a respected individual in the community, important both in their political and spiritual activities. A datu is the community’s adviser and is important in their decision-making processes. No matter the rank of the datu, the killing affects the community, even at the basic level of sowing fear that if a datu can be killed, how much easier it would be to kill a non-titled community member. In the case of Datu Intabol, he was the second highest ranking datu and therefore was a very important figure in the community. He, with his son Oreneo, was a member of the tribal elders who are consulted for the major decisions in the community.

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Violations of rights to ancestral land and resources

The Manobo community in Barangay Mendis and its neighboring areas has the right to assert its own control of their ancestral domain. In the military’s restriction of the community in going to their farms located outside the barangay center – many of these in Sitio Mandum – they have, in effect, controlled the activities in the ancestral domain.

Mandum, which is located in the higher and more remote areas of the ancestral domain, is important to the Manobos of Pangantucan. Since many of their farms are located here, specific rituals they have to conduct throughout the year are also held in the area. The mountain also is the burial site for many of the community's ancestors, adding to the sacredness and value of the area which is now sealed off to them.

#### Bastardization of Indigenous Traditions

- Embalming is not part of the traditions of the Manobo community of Barangay Mendis. They usually hold a wake for the dead for one night and then bury him/her the following day. Additionally, a ritual is done especially if the death had been violent – like when the person is murdered. This is to appease Magbabaya (God) who is offended when any of them is killed. However, with the five victims, they were not able to perform any ritual as they were taken out of the community to be embalmed, after which the wake was held at the barangay hall.

The community has a concept of a 'pabangon' – a sort of payment to compensate the family of the victim and allow the family to sustain itself especially if the person killed is the breadwinner. Usually, a carabao is given to the family to help them in farming, a pig meant to bear the anger of the family is also given together with the weapon which was used to kill the deceased. However, the most important condition before any agreement is made is for the killer to leave the community forever.

## ANNEX 7

### **Fact Sheet on the death of Necasio 'Angis' Precioso (Following the template of communication to the UN Special Rapporteur on the Rights of Indigenous Peoples)**

**I. Identity of the person concerned:** 1. Family name: **PRECIOSO** 2. First name: **NECASIO, SR.** 3. Sex: **MALE**

4. Birth date or age: **52 years old**; Born: JULY 6, 1962 5. Nationality: **FILIPINO** 6. Civil status: **MARRIED** 7. Identity document:

1. ID number: 160309008-1 Issued by the Department of Interior and Local Government Regional Office XIII

2 ID number: SLADS-161 Issued by the Provincial Government of Agusan del Sur

8. Indigenous Peoples Affiliation:

- 1998 – 2000- Chairman, BARUG(a local anti-mining organization)
- 2001-2010–Founding Provincial Chairperson, TAGDUMAHAN (Banwaon people's organization)
- 2011- 2015 - Council member, TAGDUMAHAN 9. Profession and/or activity
- Elected Barangay Chairperson( Local Village Chief) • Farmer

10. Address of usual residence:

**Purok 2, Barangay Balit, San Luis, Agusan del Sur, Philippines**

### **II. Information regarding the incident:**

1. Date: December 22, 2014. 2. Place: Kilometer 2, Barangay Nuevo Trabaho, San Luis, Agusan del Sur, Philippines

3. Time: Around 9:00 AM

4. Connection of the incident to persons and events:

The strong position of the Tagdumahan, a community-based indigenous peoples organization of the Banwaon tribe, which he headed, against the entry of mining corporations and his stand against the use of their Barangay hall (community hall) as military detachment led to the killing. Tagdumahan is against the entry of Malampay, Makiala and Tamboli mining companies in San Luis, La Paz and Talacogon.

Where there is strong resistance against the entry of mining companies and agro-industrial

plantations, the AFP will initiate the Community Organizing for Peace and Development (COPD) to quell the dissent and pave the way for mining industries. This activity is under the framework of Operation Plan Bayanihan, an anti-insurgency campaign of the government of the Philippines.

Tagdumahan and the community members strongly believed that a member of paramilitary group and an element Philippine Army deployed in the area were the perpetrators as they were the ones roaming around the community bearing guns while they are conducting COPD.

Members of the community were summoned by the military to their detachment for questioning in relation to insurgency as well as the signing of unified Certificate of Ancestral Domain Title (CADT). The signing of the unified CADT, using intimidation, is initiated by Mario Napungahan, a rebel returnee, the founder of Rebel Retrune (RR) paramilitary group. A unified CADT, under the name of Napungahan, will facilitate the smooth entry of mining corporations and plantations in their ancestral domain.

As barangay chairman, Necasio Precioso and his family was not spared from red-tagging, and labelling them as enemies of the state by the elements of the Philippine Army.

#### 4. Nature of the incident:

Necasio "Angis" Precioso was shot the death by a gunman, wearing a helmet, believed to be a member of the paramilitary group using a long firearm along the road leading to the Municipal Hall of San Luis.

Prior to the killing of Angis, elements of 26<sup>th</sup> Infantry Battalion of the Philippine Army arrived in Barangay Balit, San Luis to conduct COPD and occupied the barangay hall. Residents were summoned individually and were accuse of being a member or supporter of the New People's Army (NPA), a rebel group.

A barangay council member named Arnold Andrica claimed that a certain Master Sergeant Andres Villaganas, who leads the COPD in Balit accused Precioso and his family as members and supporters of NPA. Andrica vowed to testify before any court to assert the veracity of his statement. Being tagged as enemy of the state by state agents is life-threatening. A number of

tagged human rights activists, human and land rights defenders were killed defending what they believe in.

The shooting was witnessed by two sons of the victim namely Necasio "Neco" Precioso, Jr and Reyjoy Precioso - and Joshua Gomez. Neco and Joshua were on board a motorcycle heading to Barangay Balit at around 8:30 in the morning. They came from a place named Dona Flavia where they photocopied documents and sent money to a relative.

Along the way, they saw two motorcycle-riding men coming out from the barangay gymnasium where a team of 26<sup>th</sup> IB P.A. was stationed. They did not attempt to overtake the motorcycle of the two men for fear that they might get angry. And so, Neco and Joshua tailed them and observed that a sack with something inside was between the suspected two military men. They stopped for a while to buy a litre of fuel then accelerated so as to follow the men. They noticed that the back-riding man was busy texting.

Around 8:30 in the morning, on the same day, Angis together with his youngest son Reyjoy, were heading towards the San Luis municipal hall to attend a meeting of the Municipal Peace and Order Council (MPOC). Upon reaching an intersection in Purok 2 of Barangay Balit, Rosalia Manlapinding hitched a ride with them. As they passed Purok 4 of the same barangay, they saw two men seemingly waiting for somebody. One man was sitting in a black Honda XRM motorcycle, while his companion was in the waiting shed. Knowing that the 26th IB P.A. is conducting COPD in their barangay, they assumed that the two men were part of the battalion. Their posture and physical attributes were associated to being a military agent. The two were busy texting.

Along the road at Km 3, Barangay Nuevo Trabaho, Angis and Reyjoy met the two motor riding-tandem who being followed by Neco and Joshua .The two men just passed them by

A few moments later, Angis and Reyjoy met Neco and Joshua. They stopped to talk. While talking, the two men whom Neco and Joshua were tailing, suddenly returned. The back-riding man alighted, aiming at them a rifle covered by a light green sack. Three bursts of gunfire rang, instantly killing Angis.

Reyjoy ran and was shot 3 times by the same perpetrator. Neco and Joshua jumped off to a canal beside the roadside. Neco managed to peep and saw that the trigger man examined the fallen body of his father to ensure that he was already dead.

When police and the military arrived to look into the incident, a friend of Reyjoy took some pictures of government agents probing the scene. Through the pictures taken, Reyjoy recognized among them the driver of the motorcycle used by the gunman.

Right after the shooting, their mother called them, cautioning not to go out from where they were hiding because the military were looking for them. A friend of of Reyjoy, Neco and Joshua also informed them that military were asking of their whereabouts.

Reyjoy Precioso and Necasio Precioso, Jr, children of the victim, and Joshua Gomez had taken sanctuary for safety.

#### **IV. Steps taken by the victim or his/her family:**

The family had not filed any complaints before the court because they are afraid that the perpetrators will kill them on-sight. Members of the family were restrained by the action of the suspected perpetrators who kept on looking for the witnesses after the killing. However, they are accommodating interviews conducted by non-government organizations.

#### **V. Steps taken by the authorities:**

Right after the incident, the local police conducted the scene of the crime investigation. Other than that, no further investigations were conducted.

#### **VI. Identity of the person submitting the case**

**SR. MA. FAMITA N. SOMOGOD, MSM**

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Date: 11 February 2016

Signature:

(signed Sr. Ma. Famita Somogod, MSM)