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ELDH European Association of Lawyers
for Democracy and World Human Rights

Day of the Endangered Lawyer 2015 (23rd January)

BASIC REPORT ON THE HUMAN RIGHTS LAWYERS UNDER CONTINUING THREAT IN THE PHILIPPINES

(as of 23 December 2014)

Introduction



Unfortunately different forms of threats and even killings of lawyers in the Philippines have happened for many years. In the past there has been international pressure on the Philippine government to address the issue, to make important steps to prosecute the perpetrators and to stop the situation of impunity.

In the last year the situation has again deteriorated. The documented reports about the killings and attacks on Philippine lawyers and also judges show an increasing number of killings, harassments and other attacks on the profession. Only very scarcely a perpetrator is arrested and nearly never prosecuted or punished by the courts. The government of the Philippines is criticized from many quarters about this poor result.

For the endangered lawyers, their families, the victims of the killings and other different forms of attacks, it is unacceptable that the State does not take the full responsibility to act according to the rule of law and to make all necessary steps to fulfill its human rights obligations and legal and ethical duties.

Four years after 30 June 2010, the day that Benigno Aquino III succeeded Gloria Arroyo as President, we have to draw the very sad conclusion that President Aquino's promises - not to tolerate extrajudicial killings and forced disappearances, and to prioritise the judicial reform and the strengthening of the judicial system - seem to have been hollow promises, as far it is shown by all the new attacks and killings that have victimized also members of the legal profession which have occurred after 2010, in the last four years.

Only in the case of the murder of the judge Reynerio Estacio Senior on 28 February 2014 in Tugbungan village there was a suspected gunman arrested. This judge handled politically sensitive cases including cases about policemen and politicians.

The reported total number of lawyers that have been killed after 2001 is 41, nine (22%) of whom were directly involved in handling human rights cases or issues. On top of this, 57 lawyers have been threatened, harassed, intimidated, surveilled, labelled and attacked in other forms, a sizable 43 (76%) of whom were directly involved in human rights cases or advocacies. In addition, 18 judges have been murdered since 2001.

Of the known perpetrators recorded, 65% were identified to be members of the military while 20% were from the police service. More than half, however, of all attacks have no known perpetrator to date.

Focus on the Philippine lawyers, which have been killed or attacked after July 2012 in the last two years

In the following you will find the reported cases of lawyers in the Philippines, who have recently been killed or otherwise attacked in the period after July 2012.

1) Rodolfo Felicio



Atty. Rodolfo Felicio, a veteran human rights lawyer and an active member of the human rights lawyers organization National Union of Peoples' Lawyers (NUPL) was killed on August 24, 2014. He was peppered with bullets by four men on motorcycles as he was staying on a campsite near the house of his urban poor clients in Taytay, Rizal. Felicio, who was shot close to the heart in the early hours of Sunday, died before he arrived in the hospital. Two other people were injured in the attack.

former military officers stand accused.

There is a close relation between the murder of Felicio and his professional work as a lawyer. He was involved in court cases about land rights, political prisoners and in other high profile cases like the murders of unionists Olalia-Alay-Ay, where influential

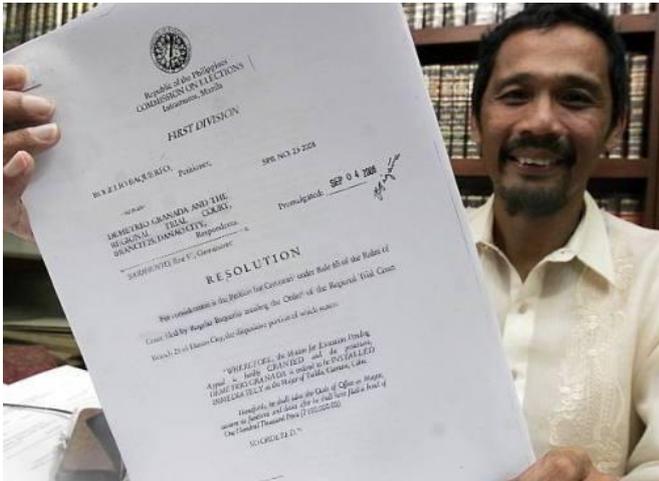
2) Judge Reynerio Estacio Sr.



On February 28, 2014, Zamboanga City Regional Trial Court Branch 41 Judge Reynerio Estacio Sr was attacked and killed by two men on board a motorcycle outside his house on Narra Drive in Barangay (village) Tugbungan , Zamboanga City while inside his car and when he was about to leave for work. Judge Estacio sustained four gunshot wounds and died in the hospital. His car bore seven bullet holes.

He was known to handle several controversial cases, including those involving politicians, policemen and terrorists.

3) Noel D. Archival



Atty. Noel D. Archival was killed together with his security aide and his driver on February 18, 2014, when ambushed in transit between Dumaguete City and Cebu City after coming from a court hearing. Two pick-up trucks sandwiched his vehicle and the killers fired at least 31 shots. Three of the four passengers, including Archival, died. Archival's family and colleagues believe that the ruthless killing was perpetrated on account of his profession as a practicing lawyer.

Suspects identified were from the local police force apparently in retaliation for a complaint he filed against them before the

Ombudsman in December 2013. The principal suspects are reportedly unaccounted while staying in the national police headquarters.

4) John Mark Espera



Atty. John Mark Espera , was gunned down on August 31, 2013 in Brgy. Pu-ao, Hamtic, Antique. The police recovered spent shells from several firearms at the scene of the crime, some 20 meters from the residence of a police officer who is the principal suspect assigned at the local police station and who surrendered. Other suspects remain at large.

Atty. Espera , 39, was a progressive lawyer and was also an active defender of the rights of political detainees.

5) Ian Vela Cruz

On May 17, 2013, Atty, Ian Vela Cruz was gunned down in front of his residence by a single shooter in Olongapo, Zambales. The killer fled on a motorcycle driven by an unidentified accomplice.

He was handling the case of the rogue Olongapo cops, who kidnapped and extorted money from relatives of a teen actor.

6) Jubian Achas



Atty. Jubian Achas and his client were killed in 2013 inside the Municipal Trial Court Branch 6 inside the Palace of Justice in Cebu City. The killer was a Canadian journalist, John Pope. Assistant Cebu City Prosecutor Maria Theresa Casiño survived the attack. The killer shot himself to death when he was about to be arrested.

7) Sulpicio Landicho



Atty. Sulpicio Landicho was standing in front of his house in Tanauan City, Batangas when one of two motorcycle-riding men approached him from behind and shot him with a .45-caliber pistol on November 14, 2012.

8) Lazaro Gayo



Atty. Lazaro Gayo was in his law office on October 30, 2012, when his killer came in and shot him several times with a .45-caliber pistol in the back. The killing took place in Ago, La Union.

As a lawyer Gayo criticised politically-motivated killings.

9) Cristobal Fernandez

This lawyer from Pangasinan was killed on August 8, 2014 in San Fabian by two people on a motorbike. He was just leaving his home to go to court. Just as in the case of Rodolfo Felicio there is not any clue about the murderers. There are no perpetrators suspected at this moment.

Lawyers subjected to other forms of attacks

10) Maria Catherine Dannug-Salucon.



Atty. Dannug-Salucon has been labelled and placed on the Philippine military's Watch List of so-called "Communist Terrorist" supporters providing legal services. She is a founding member of NUPL and is presently a national officer. She has been under intense surveillance by the Intelligence Service of the Armed Forces of the Philippines. Her office and residence have been cased and her whereabouts monitored by suspicious-looking men in motorcycles.

This surveillance and labelling is very alarming in view of the recent killing of her paralegal William Bugatti, who apparently was killed by the military after she met him for a case conference. She has been called a "thorn in the throat" by the military for successfully defending several political prisoners in Isabela and Ifugao provinces. She has filed for a writ of amparo but the petition remains unresolved.

11) Edre U. Olalia



NUPL Secretary General Atty. Edre Olalia was included in a complaint by the Quezon City police for the ridiculous charge of violating a Marcos martial law statute, the Public Assembly Act, for purportedly being a leader or organizer of a "rally without a permit," referring to the 2013 protest assembly on the State of the Nation Address (SONA) of President Aquino III that was violently dispersed by the police.

Atty. Olalia negotiated for and advised the rally organizers of the SONA, and is counsel in a pending countersuit against local officials and police. Also an officer of international lawyers groups, Atty. Olalia leads the NUPL in the handling of high profile cases against human rights violators from the military and police involved in extrajudicial killings, disappearances and torture as well as in prominent public interest cases. He has been labelled for the longest time and remains under continuous surveillance.

12) Vicente Jayme Topacio



Atty. Vicente Jaime Topacio, is one of the lawyers of the Pro Labor Legal Assistance Center (PLACE). PLACE renders legal services for trade union workers. He has been followed and been kept under surveillance.

He was also hindered in the traffic by men on motorcycles in a threatening way. Lawyer Topacio is a NUPL member and a professor of constitutional law in the University of Sto. Tomas.

13) Bartolome Rayco



Atty. Bartolome Rayco was harassed on February 24, 2014 when he was arrested even as he presented himself as a lawyer of rallyists picketing a local power utility company. He was charged with coercion and malicious mischief but was released afterwards. He is president of NUPL-Albay and is also chairman of a local union.

14) Madonna Gay Escio



Atty. Madonna Gay Escio was also harassed on February 24, 2104 as she presented herself as the lawyer for rallyists picketing a local power utility company. Along with Atty. Rayco who was arrested, police officers pushed her out of the way and restrained her arms when she tried to intercede on behalf of her clients, hurting her. Atty. Escio is the NUPL Vice President for Luzon and also teaches law at a local university.

15) Atty. Micahel Ajoc



Atty. Michael Ajoc's law office was strafed early dawn of December 11, 2012 by unknown gunmen. Initial reports said his office located in Dipolog City bore seven bullet holes, six hitting the office' glass window and one at the door.

Ajoc believes that the strafing is clearly intended to harass him after he extended legal assistance to a local police officer. The police officer was allegedly physically assaulted by his superior.

Atty. Ajoc is the Union of Peoples' Lawyers in Mindanao (UPLM) - Dipolog Vice Chairperson. UPLM is a regional affiliate of the NUPL. He is also the President of the integrated bar in Zamboanga del Norte.

16) Jose Begil



Atty. Jose Begil, incumbent Surigao councilor, Vice President for External Affairs of the Union of People's Lawyers of Mindanao and Vice President for Mindanao of NUPL, was criminally charged in relation to his participation in an anti-pork barrel rally against the government in Surigao City on September 21, 2013. The protest assembly was held on the street because the Surigao City Mayor did not issue the rally permit to use a public park that Atty. Begil applied for as counsel for the rallyists. The charges however were not filed in court.

Labelling of human rights lawyers organizations

On July 1, 2013 , The National Union of Peoples' Lawyers (NUPL) was labelled in a public statement given by Army chief Gen. Noel Coballes. He branded the NUPL and the human rights group Karapatan as "enemies" in reaction to criticism against the promotion of Brig. Gen. Aurelio Baladad as incoming 3rd ID Commander of the Army . The officer faces a string of charges for the Morong 43 health workers case in various fora.

Gen. Coballes was quoted as saying, "You don't expect any positive statement from the enemy, " a subtle threat considering the pattern of attacks on human rights defenders including lawyers.

Pattern of killings and harassment

The above mentioned cases show that there are great concerns about the situation of lawyers in the Philippines. All these cases represent a continuing pattern of killings and various forms of attacks and threats which continue to happen very often in daily life, on the streets, in public places. It is not understandable the Philippine government does not react seriously on these terrible examples with serious investigations, arresting the perpetrators and sentencing the perpetrators and their accomplices.

Some people even accuse the government of the Philippines of protecting the killers and perpetrators. There is a very clear pattern of impunity. Killers are not arrested or prosecuted. Murderers and attackers can continue their practises without fear for trial and imprisonment.

These must stop and as colleagues in the profession, we shall see that our brethen are protected and given the freedom to exercise their duty as lawyers.

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Report made by Hans Gaasbeek, lawyer in Haarlem, Director of the Day of the Endangered Lawyer Foundation, together with the National Union of Peoples' Lawyers (NUPL).

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