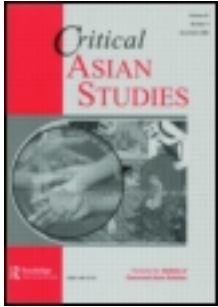


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Publisher: Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



Critical Asian Studies

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/rcra20>

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Version of record first published: 12 Jul 2007

To cite this article: Jennifer C. Franco & Patricio N. Abinales (2007): Again, They're Killing Peasants in the Philippines, *Critical Asian Studies*, 39:2, 315-328

To link to this article: <http://dx.doi.org/10.1080/14672710701339501>

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MISSION REPORT

AGAIN, THEY'RE KILLING PEASANTS IN THE PHILIPPINES

Lawlessness, Murder, and Impunity

Jennifer C. Franco
with an introduction by **Patricio N. Abinales**

ABSTRACT: In this brief of an international fact-finding mission to the Philippines, Jennifer Franco reports on the killings of peasants demanding the implementation of agrarian reform allegedly by members of the military. In early June 2006, Franco took part in a fact-finding mission to investigate such killings in Bondoc Peninsula in the southern part of the island of Luzon and in Davao del Norte in the eastern portion of the southern island of Mindanao.

PATRICIO N. ABINALES:

On 1 September 2006, the Philippine human rights group Karapatan listed 703 activists assassinated by either a lone gunman or a hit team all over the country since Gloria Arroyo ascended to the presidency. Karapatan and allied organizations in the so-called “Reaffirm” bloc of the Left (the faction identified with or sympathetic to the political position of the Communist Party of the Philippines) have accused President Gloria Macapagal and the Armed Forces of the Philippines (AFP) as responsible. The Armed Forces, not surprisingly, have denied this, but agreement is widespread that the killings have AFP written all over them.

The most popular explanation has been that the killings are the result of a frantic effort by the Arroyo government to rein in a resurgent Left. The latter’s participation in elections has been relatively successful and left-wing “party-list”

groups — from the “Reaffirmists” to their former comrades in the “Rejectionist” camp — have sent representatives to the lower House of Representatives.¹ Left-wing activism has returned in the schools, while labor and the urban poor groups are showing signs of revival. The Left is now an intrinsic part of the public discourse; even the exiled CPP leaders and the head of the Party’s New People’s Army (NPA) receive front-page attention by Manila’s print and television media.

To a military that witnessed the rapid decline of Arroyo’s credibility after she was exposed trying to manipulate the 2004 presidential election, these were alarming signs. For the AFP has lost one prop that has kept it a major player in elite politics since 1986: the legitimacy it draws from the support of its popular civilian superiors; that, in turn, had kept anti-militarist forces at bay. While the military was suspicious of Corazon Aquino at the beginning of her term because of the alleged presence of leftists in her cabinet, both soon became cozy partners once Aquino declared that peace talks with the CPP were over and it was time to go to war. Aquino’s popularity became a potent instrument in keeping the CPP on the defensive.

Under Aquino’s successor and former AFP chief-of-staff Fidel Ramos the rift inside the military was temporarily healed when Ramos gave blanket amnesty to rebel officers who had tried to overthrow Aquino. The AFP also enjoyed a lull in the fighting as factional disputes, a bloody inquisition, and a split effectively enfeebled its communist protagonist. With a president from its own ranks and an insurgency seemingly defeated, the AFP turned its attention to consolidating its political presence. Many military men joined or were recruited to run the civilian bureaucracy while others explored the electoral terrain.² Never had the military enjoyed such power since the time of the dictator Marcos.

And the extent of their power was shown in the ouster of Ramos’s successor Joseph Estrada in 2000. Contrary to those who glorified the fall of Estrada as yet another evidence of “people power,” it was the AFP that decided the outcome of a political impasse when its leadership turned its back on Estrada and swore loyalty to his vice-president, Arroyo. This de facto coup against a corrupt but extremely popular president would be rewarded with power tripled under the new president.

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1. The labels “Reaffirmist” and “Rejectionist” refer to groups and individuals that support and disagree with the Party’s eternal chairman, Jose Ma. Sison’s critical overview of the CPP’s history during the martial law period. On the origins of this rivalry, see the badly edited compendium of various polemics inside the CPP (including Sison’s overview), *Study, Debate, Discussion, Summing-up: Profound Re-examination and Revitalization on the Crisis of Socialism, Strategy of Action and Internal Democracy* (unpublished, 1993). See also Rocamora 1994.
 2. On the resurgence of military men entering politics and the civilian bureaucracy, see Gloria 2003.
 3. On Bayan Muna, see <http://www.bayanmuna.net/index.htm>; accessed 18 October 2006).

But conditions had changed profoundly by then. The CPP had recovered from its crisis and the guerrilla bases it was forced to abandon at the height of the splits and the purges had been revived. The Central Committee–approved plan to explore the electoral terrain was also beginning to show signs of success. The CPP’s legal party-list organization Bayan Muna (People First) won three seats in the congressional elections of 2000.³ The Party’s involvement in an anti-Estrada tactical alliance with the elite and noncommunist groups also raised its profile and dampened some of the criticism against its own murderous vendetta against former cadres who had been personally pinpointed for execution by CPP chairman Jose Ma. Sison.

The war in the countryside had thus returned and the NPA was outmaneuvering the AFP in many skirmishes. In the cities, its legal organizations were doing well propaganda-wise and were accepted as part of the public arena. In 2004, three more Bayan Muna candidates were elected to the House of Representatives making it the established spokesperson of the Left in parliamentary politics. Then the Arroyo election scandal and revelations that the president’s handlers used the military to ensure her win in critical provinces exploded.

This is the background against which one can read Jennifer Franco’s painful field report. Her report gives us a sense of the deteriorating conditions in the Philippine countryside. It is critical foremost of the renewed militarization afflicting rural areas that has endangered not only activists and cadres of the CPP operating legally, but also non-CPP left-wing groups and nongovernment organizations involved in their own peasant and rural workers organizing. These groups have become targets of both the army and the NPA.

In the eyes of the AFP, there is no difference between the peasant groups Franco writes about and the CPP’s own peasant associations. But they have also become targets of a more dogmatic NPA that regards independent peasant organizations as “reformist” and thus a “deviationist” threat that could muddle its protracted people’s war line in the countryside.

Franco’s essay is therefore a lament of what has happened to genuine, non-instrumentalist popular organizing that became a hallmark of the immediate post-authoritarian period. Political polarization in the urban areas and militarization in the countryside have made it difficult for it to organizing to prosper. The prospects of its recovery are also dimmed by a state that has increasingly used its legal and coercive powers to keep an elite in power, and a communist movement that is ever more insistent on the primacy and correctness of its Stalinist politics.

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JENNIFER C. FRANCO:

“Running Amok: Landlord Lawlessness and Impunity in the Philippines” is the title of the final report of an international fact-finding mission (IFFM) that convened in the Philippines 2–15 June 2006 to investigate a growing tide of cases of agrarian reform–related human rights violations. As a member of that mission, I met with peasant agrarian reform petitioners and beneficiaries in two regions of the country, Bondoc Peninsula and Davao del Norte, and helped to record their stories of human rights violations. (Other members of the mission went to the Visayan provinces of Iloilo, Negros Occidental, and Negros Oriental.)

The trip was a meaningful but sobering, and bittersweet, experience for me, particularly because these were precisely the two areas of the country where I had spent much time doing fieldwork since 1998. The first time I visited the areas, in 1998, both places were shimmering with a sense of anticipation and optimism among tenant farmers in Bondoc and retrenched farmworkers in Davao del Norte. Now, not yet ten years later, the grindingly slow and harsh struggle for their land rights under the government agrarian reform law showed on their faces and in their voices.

Tragically, it also showed in the resounding absence of those who, for their persistence in working to implement the law, had been murdered, in cold blood, by the forces of antireform: Edwin Vender, Reymundo Tejeno, Roding Romero, and Felizardo Benitez in Bondoc Peninsula; and, more recently in Davao del Norte, Enrico Cabanit, the general-secretary of the national peasant organization UNORKA (Pambansang Ugnayan ng mga Nagsasariling na Lokal na Organisasyon ng mga Mamamayan sa Kanayunan or National Coordination of Local Autonomous Rural People’s Organizations).

In keeping with the immediate objective of the mission, my fellow mission members and I gathered many facts: about agrarian reform-related human rights

The Murder of Enrico “Ka Eric” Cabanit

On 24 April 2006, at about 6:00 p.m., Enrico “Ka Eric” Cabanit, 54, was gunned down while walking with his daughter Daffodil, 23, near the fish-loading zone of the Panabo City New Public Market in Davao del Norte. Ka Eric was shot at least six times in the head and Daffodil was shot once in the chest by an unidentified man, who then walked to a motorcycle that was waiting nearby. The motorcycle sped off toward the provincial highway, with the gunman firing several more shots into the air. Ka Eric died on the spot. His daughter barely survived the gunshot, which punctured a lung.

At the time of his assassination, Ka Eric was the general secretary of UNORKA, a national movement of mainly tenants and farmworkers pushing for land reform under the government’s Comprehensive Agrarian Reform Program (CARP) in hundreds of landholdings in thirty provinces. UNORKA was formally founded in 2000, but many of its members and affiliated local organizations had been around and struggling for reform since long before that time. A case in point is Ka Eric.

A native of Davao del Sur, Ka Eric spent nearly twenty years as a farmworker on the 1,024-hectare commercial banana plantation located at Barangay Minda in Carmen,

violations in Bondoc and Davao del Norte, as well as in the three Visayan provinces. The work was intensive and at times exhausting, but surely worthwhile in the end.

What I came to see over the course of the two weeks of the mission, among other things, is that unrestrained landlord lawlessness and impunity are driving the Philippine countryside toward a new crossroads. It bears remembering that the current wave of killing of agrarian reform petitioners and beneficiaries is taking place against the larger backdrop of a major assault against left political activists — (political cleansing), with the Macapagal-Arroyo government's ongoing “all out war” against communist insurgents (and anyone else who might happen to fit the bill, whether they actually do or not), which the president only recently declared openly. In the past year alone, an estimated three hundred to five hundred activists (from a variety of left political blocs) have been killed by the military or right-wing paramilitary forces.

Without exaggeration, this new crossroads, at least on the agrarian front, promises to have profound consequences for the entire country, whichever way the country goes, and whether this is understood by national politicians and policy-makers or not. The choice is growing ever more stark: top political leaders can move decisively to support the efforts among the majority rural poor population to implement the law and become full citizens, over and against the unlawful (and inhumane) machinations of landlords, or they can cave in to landlord pressures, as they so far have seemed inclined to do.

At this juncture, in the presence of a national law that accords the Philippine peasantry (tenants and farmworkers) legal land rights in all farmland regardless of crop or farm system, and, at a moment in time when impoverished tenants and farmworkers are better organized and more mobilized around claiming their rights than ever before, movement in either direction promises to be a

Davao del Norte, known today simply as “WADECOR” (Worldwide Agricultural Development Corporation). In 1980, the WADECOR plantation, which encompasses the entire barangay of Minda, was bought by the notorious Don Antonio Floirendo Sr., a well-known crony of the Philippine dictator Ferdinand Marcos. There, Ka Eric experienced first-hand the heavy-handed despotism and unlawful resistance to land reform of the Floirendos, when he was summarily retrenched in the late 1990s along with thousands of other farmworkers in a bid by the Floirendo family to evade land reform.

On the eve of the expiration of the ten-year deferment of CARP coverage in commercial farms (a major concession that had been made to the landlords before the promulgation of the agrarian reform law in 1988), Ka Eric became one of the pioneers in land reform, organizing with retrenched and active farmworkers in the country's lucrative commercial banana farm (for export) sector. Workers began organizing in landholdings controlled by the Floirendos, the most despotic and notorious member of the country's domestic banana elite. In 1998, Ka Eric and his colleagues defiantly launched UFEARBAI (United Floirendo Employees Agrarian Reform Beneficiaries' Association Incorporated), earning it and its leaders, especially Ka Eric, the Floirendo family's ire.

path of “most resistance.” But if by some miracle, the country’s current set of leaders decides to choose the side of the landless rural poor by supporting the latter in their quest to make their legal land rights real, the countryside — and the country — will be a better place for it. At the very least, they will have served the enduring cause of social justice.

The following is the official summary of the fact-finding mission’s final report. (The full report is available online at <http://pcij.org/blog/wp-docs/IFFM-2006-Philippines-Agrarian-Violence.pdf>.)

The Government of the Republic of the Philippines (GRP) is a signatory to the major conventions in international human rights law, including the Universal Declaration of Human Rights (UDHR, 1948), the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) and the International Covenant on Civil and Political Rights (ICCPR, 1966). In 2006 the GRP was elected to the new Human Rights Council (HRC) of the United Nations. As a signatory and a member of the UN Human Rights Council, the GRP is obliged to respect, protect and fulfil the human rights of its citizens, particularly its most vulnerable sectors including the landless rural poor.

In light of the above, a number of civil society organizations that have been involved in rural rights advocacy since the late 1980s – namely, the Partnership for Agrarian Reform and Rural Development Services (PARRDS), PEACE (Philippine Ecumenical Action for Community Empowerment) Foundation, and the Philippine Section of the FoodFirst Information and Action Network (FIAN-Philippines) — jointly organised an international fact finding mission in the Philippines to investigate the worsening trend of agrarian related human rights violations in the countryside.

The IFFM took place from June 2–15, 2006 in selected provinces. It covered cases of agrarian reform–related human rights violations in four (4)

The new organization drew members from all the commercial banana farm landholdings owned or controlled by the Floirendos, totaling nearly eight thousand hectares of contiguous farmland — the largest single landholding in this sector. Despite intense legal and extra-legal pressures and harassment aimed at forcing UFEARBAI members to give up their claims to the land, the organization went on to launch the struggle for land reform in Floirendo landholdings that same year, beginning with the WADECOR property. Its efforts spurred on the emergence of a larger land reform movement in the commercial farm sector, and UFEARBAI in 2000 became a founding member of UNORKA.

In 2001, the UFEARBAI-affiliated farmworkers from the WADECOR plantation, organized together in WEARBAI, a landholding-level organization that won a major victory in the struggle for land reform when workers were awarded a portion of the contested property. Yet actual implementation of the reform became stalled because of the intense resistance of the Floirendos, who filed several dubious legal petitions for the exemption of large portions of the property.



“Justice for Ka Eric, Justice for Filipino Peasants.” UNORKA member holds banner during a 5,000-strong protest march in June 2006 in Davao City, with international representatives from La Via Campesina and the FoodFirst Information and Action Network. (Credit: J. Franco)

landholdings in Bondoc Peninsula, ten (10) landholdings in the Western Visayas, and four (4) landholdings in Southern Mindanao. In addition to investigating agrarian reform–related human rights violations in the said eighteen landholdings, the Mission also looked into three special cases of human rights violations. In the Visayas, the Mission took up the special case of the murder of Task Force Mapalad (TFM) leader-organiser Rico Adeva. In

Under growing pressures “from below,” by WEARBAI and UNORKA, the case suddenly took an unexpectedly positive turn early in 2006 when top officials of the Department of Agrarian Reform agreed, for the first time, to include UNORKA leaders in a visual inspection of the plantation. The inspection — with direct participation by UFEARBAI — was crucial because it would determine the validity of the Floirendos’ claim that the specific lands in question were eligible for exemption. Significantly, when he was murdered on the evening of 24 April 2006, Ka Eric had just come from a meeting with top DAR officials that had been held at the UNORKA-Mindanao office in Panabo City, to iron out the details of the impending inspection, which was scheduled to take place in just a few days on 27–28 April 2006.

Note: For a deeper discussion about the politically contentious process of land reform in the commercial plantation sector of the Philippines, especially the most lucrative banana sector, see the article by the author (together with S. Borras) published in 2005 in *Critical Asian Studies* 37 (3): “Struggles for Land and Livelihood: Redistributive Reform in Agribusiness Plantations in the Philippines.”



IFFM members Kristin Kjaeret (FoodFirst Information and Action Network-Norway), Ahmad Awang Ali (La Via Campesina-Malaysia), and Jennifer Franco hear testimony from peasants in Hacienda Villa Reyes in Bondoc Peninsula, Quezon. (Credit: QUARDDS)

Mindanao, the Mission also took up the special cases of (i) the 24 April 2006 murder of UNORKA General Secretary Enrico Cabanit and (ii) the victims of chemical aerial spraying in commercial farm banana plantations.

Data were collected through (i) key informant interviews with victims of agrarian related violence, (ii) key informant interviews with government officials and leaders of affected peasant organisations, (iii) focus group discussions with government officials and members of the affected organisations, and (iv) analysis of relevant documents.

The Mission's main finding is two-fold. First, big landowners and their employees are running amok of Philippine law and international law, and with complete impunity, are engaged in a wide range of criminal activity that seriously undermines rural poor people's effective access to their human rights. Second, in this light, the Philippine state is failing abjectly to fulfill its obligations to respect, protect and fulfill the human rights of the rural poor population, as signatory to the various relevant international human rights law conventions.

In many cases, government forces, such as local units of the Philippine National Police (PNP) and of the Armed Forces of the Philippines (AFP), were found to be siding with big landlords and thus actively involved in violating the rights of agrarian reform petitioners and agrarian reform beneficiaries, and thus *failing to respect* their rights. Rather than keeping peace and order, such government forces were found to be involved in cases of killings, harassment and forced evictions. The Philippine state is also *failing to protect* the human rights of agrarian reform petitioners and agrarian reform beneficiaries from crimes being committed against them by third parties, such as powerful landlords and their employees and other non-state armed groups, and failing to prosecute the perpetrators. Finally, the Philippine state is also *failing to fulfill* the human rights of tenants and



IFFM members (including author Jennifer Franco, on the left) document the testimony of affected peasant farmers during the fact-finding mission in San Francisco, Bondoc Peninsula, Quezon. (Credit: QUARDDS)

farmer workers by not fully and completely redistributing land to them according to their rights under the Comprehensive Agrarian Reform Law (CARL). In many instances, it was unclear from their actions whether the intent of various relevant government agencies was to help peasant petitioners and beneficiaries of the agrarian reform to acquire their legal land rights in reality, or whether it was instead to help big landlords to evade the law and to hold onto their lands by whatever means possible.

In the light of these findings, the Mission calls on the Philippine government, and particularly all the government members of the recently convened national-level Inter-Agency Task Force to Address Cases of Violence, Harassment and Killings in the Implementation of CARP, to fully commit themselves and the resources at their disposal, to do the following:

Stop the Impunity

Big landowners, their employees, and their allies within the state, are running amok of Philippine law and international human rights law. With complete impunity, they are engaged in a wide range of criminal activities that seriously undermine rural poor people's effective access to their human rights. The Philippine State should immediately investigate all cases of agrarian-related killings and harassments and bring the perpetrators — both state and non-state — to justice.

Hasten Land Redistribution

Once they petition for their legal land and tenure rights under the CARL and/or are issued Certificate Land Ownership Awards (CLOAs), tenant- and farmworker-beneficiaries become extremely vulnerable to all manner of legalistic and extra-legal retaliatory actions of landlords. This in turn un-



(Upper) Unjustly jailed peasant farmers from Hacienda Matias await a hearing at the Municipal Circuit Trial Court in San Francisco, Bondoc Peninsula. (Credit: J. Franco)
(Lower) Peasant leader recounts harassment to IFFM members during an assembly of the district peasant movement KMBP in San Francisco, Quezon. (Credit: QUARDDS)

dermines the former's ability to construct an adequate rural livelihood and erodes their capacity to sustain their petition. The situation worsens the longer the Comprehensive Agrarian Reform Program (CARP) implementation process drags on. The government, through the Department of Agrarian Reform (DAR), should hasten implementation of CARP so as to make as short as possible the amount of time petitioners have to wait before gaining full ownership and control of the land. We urge the Ombudsman to investigate agrarian reform petitioners' and beneficiaries' com-

plaints against corrupt and inefficient DAR officials and to take appropriate disciplinary measures where warranted, in cooperation with civil society rights-advocacy groups.

Ensure Petitioners' and Beneficiaries' Peaceful Possession and Control of the Subject Land

In cases where they are already positioned on the land, the DAR should ensure the security and peaceful maintenance of possession of the land of agrarian reform petitioners before the issuance of CLOAs. In cases where they are not already positioned on the land, the DAR should take measures to ensure that the rightful petitioners' legal rights to possess the land are nonetheless recognised and safeguarded. Once it issues the CLOA to agrarian reform beneficiaries, the DAR must assist the ARBs in the installation process and ensure their full control of the awarded land. Finally, at the policy level, leaseback as an option should be prohibited. It bears stressing that the obligation of the DAR does not end when it issues CLOAs (whether collective or individual) to the beneficiaries: the DAR must continue to assist peasant petitioners (tenants and farmworkers) until they are fully and effectively installed on the lands awarded to them, and provided with adequate support services so that they can peacefully enjoy the fruits of this life-giving resource.

End the Criminalization of Agrarian Reform Cases

The regular judicial courts and their agents (Judges and Provincial Prosecutors) should not entertain agrarian reform related cases. The Supreme Court directives barring court officials from entertaining agrarian reform related cases should be strictly enforced and erring officials should be disciplined. Court complicity in the criminalization of agrarian reform related cases should be met with appropriate disciplinary measures. Agrarian reform-related cases already pending in the Court of Appeals and Supreme Court should be reviewed and dismissed as appropriate.

Protect Rural Workers' Labor Rights

All international labor standards and Philippine labor laws should be applied to rural workers. Rural workers should be protected from illegal dismissals, poor and unsafe working conditions, withholding of benefits, etc. Their right to a minimum wage, to join a trade union and their right to the freedom of association and assembly should be respected.

Assist Victims and Protect Witnesses of Human Rights Violations

Protection and welfare assistance should be accorded to the witnesses of crimes committed against agrarian reform petitioners and beneficiaries for as long as is necessary. Compensation such as assistance in livelihood, medical, financial, and other benefits should immediately be given to all victims of agrarian reform-related human rights violations and their families.

Stop the Chemical Poisoning of Rural Communities

The Philippine state has to take immediate actions against the importation of banned chemicals and their continued systematic use. The DAR and other relevant agencies should monitor the types of chemicals and their application in commercial farms and plantations in order to prevent incidents of chemical poisoning from happening again.

Ensure Petitioners' and Beneficiaries' Access to Adequate Food

Enabling mechanisms should be enacted and put into place to ensure the food security of agrarian reform petitioners and beneficiaries. The government should fully comply with its specific human rights obligations to agrarian reform petitioners and beneficiaries under the ICESCR.

Fulfill its Human Rights Obligations to the Rural Poor

The Philippine state must fulfill its obligations to respect, protect and fulfill the human rights of the rural poor population, especially those who place themselves within the fold of the law and attempt to claim their legal rights to the full ownership and control of land and its fruits.

* * *

Since the IFFM was held last June 2006 several more peasant land claimants have been killed, bringing the total to thirty-eight since 2001. None of these cases has been sufficiently investigated or prosecuted. Meanwhile, literally many hundreds of peasant land claimants, facing bogus criminal charges for trespassing or theft brought by recalcitrant landlords, are either in jail or in hiding from a legal system that is anything but just.

How has the Macapagal-Arroyo administration responded to the worsening human rights situation and the growing criticisms of it both nationally and internationally so far? To date its response has been less than satisfactory, with decidedly mixed outcomes — reflecting a more complex mix of political currents and dynamics than is often assumed and producing some unexpected turn of events as well.

Under growing pressure from the international community, particularly the European Union, in September 2006 the president created the Melo Commission (named after its chair Jose Melo, a retired Supreme Court justice) to investigate the spate of killings, their handling by authorities, as well as the reasons why they continued to occur. Predictably, even before it commenced, one prominent civil society coalition made up of seventy-three rights groups immediately branded the commission a “toothless tiger” during a meeting at the University of the Philippines College of Law, saying the new body lacked the power to bring the military to task or protect witnesses. Some of the organizations whose members had been victims of extrajudicial killings, particularly those on the extreme left, refused to participate. Nonetheless, over the next few months the commission held a series of hearings, in which ranking members of the military and police as well as civilian witnesses were called to testify. In December



First rally at the Department of Agrarian Reform regional office in San Fernando, Pangasinana, of a newborn alternative farmworkers organization in Hacienda Luisita in June 2006. (Credit: J. Franco)

2006, the International Fact-Finding Mission report and particularly its findings in the case of Ka Eric Cabanit (see sidebar) were formally presented to the commission. Notably, the IFFM's findings about the highly irregular and doubtful nature of the local police investigation into the murder of Ka Eric were confirmed by the Melo commissioners, according to PARRDS (Partnership for Agrarian Reform and Rural Development Services), the group that made the presentation.

Still boycotted by the extreme left organizations, but having heard from many others, the commission concluded its investigation and in mid-January 2007 submitted the 89-page report to the president. The report turned out to be unexpectedly critical and hard-hitting — confirming that the military was responsible for many of the killings and even recommending that military commanders be held criminally liable for human rights violations committed by men under their command — certainly not the crude whitewashing job that some administration critics had told us to expect!

Predictably, instead of immediately making the controversial report public, the administration chose to withhold it. In the meantime, however, and still under intense public pressure from diverse quarters at home and abroad, the Macapagal-Arroyo administration had taken the additional step of inviting Philip Alston, the UN special rapporteur on extrajudicial killings, to likewise investigate. The timing could not have been better for human rights advocates. In the weeks before Alston's arrival in the Philippines, and as the Melo Commission's findings and recommendations began to leak out, the administration put itself in the contradictory position of declaring its intention to cooperate completely with the UN special rapporteur, while at the same time refusing to release the Melo Commission report to the public. Human rights advocacy groups and transnational networks, which had remained vigilant

throughout this period, now mobilized anew to call the special rapporteur's attention to the fact that the government was withholding the commission's report. In the end, the president was forced to bow to the intense pressure and to release the report — but not before being admonished by Alston for failing to release the Melo Commission report and not before Justice Secretary Raul Gonzalez told a newspaper reporter that the UN special rapporteur appeared to him to have been “brainwashed” (against the government).

Indeed the whole incident helped to expose further the already deep flaws in the prevailing political and legal system. In a preliminary statement issued at the end of his ten-day visit, Alston confirmed one fundamental point (among others): “The vital flaw which undermines the utility of much of the judicial system is the problem of virtual impunity that prevails.” Sadly, the prospects for change any time soon in this regard do not look bright. □

The photograph on the cover of this issue of *Critical Asian Studies* shows a portion of the “people’s shrine” that was constructed by UNORKA in front of the DAR Central Office on Quezon Memorial Circle in Quezon City when UNORKA Secretary General Eric Canabit was murdered in Davao City. The memorial shrine became the backdrop for Mass-vigils that were held at 6 p.m. every evening for many days after he was killed. In Philippine (Christian) culture the wake is a very important part of the mourning process and lasts for days before the burial; it is a time for family and friends to grieve the death, celebrate the life, and reconnect and commune; this was a kind of surrogate wake for those who could not go to Davao to participate in the real wake.



In addition to UNORKA members, activists from other allied organizations and sectors would also attend these gatherings. Several Catholic priests and nuns became especially close to UNORKA and their allied nongovernmental organizations during this period, and priests such as Fr. Archie Casey of the Xaverian Missionaries said the Mass every evening. So in addition to being a place where friends and colleagues of Eric's in Manila could come and share their grief, the shrine also became a venue for building and broadening public support for the peasants' land rights struggle at that time.

The banner shown in the photo reads “Lives Offered in Struggle, Seeds of Justice.” Below is the list of names of just the UNORKA leaders who have been killed from 1998 to April 2006.

Of course, each one of the listed names represents a distinct story of struggle, injustice, and impunity. The bottom four — all from Bondoc Peninsula — were involved in land struggles where the landlord was being helped by the New People's Army (NPA). One of them — Reymundo Tejino — was killed by the NPA in his backyard. Another, Lito Bayudan, a leader in Nueva Ecija, was also killed by the NPA. The next few names are local leaders from Bicol and Visayas (Negros); then of course there is Eric.

In addition to this banner, the shrine had crosses planted in the ground for every person killed, and a coffin with Eric's name on it, which was used for the “wake” and the “mock burial” that was held in tandem with the real burial in Davao.