

I.P.O.N.  
Netzwerk Bildung und Projektarbeit e.V.  
Hinrichsenstr. 40  
20535 Hamburg  
GERMANY

info.ipon@gmail.com  
www.ipon-philippines.org  
phone: +49-40 25 49 19 47  
fax: +49-40 25 31 36 97



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*Results from the Observation of the Human Rights  
state of affairs in the Philippines*

## Decease of the Human Rights Defender Deolito 'Julie' Empas

San Vicente, Philippines; March 2008

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Spendenkonto: Netzwerk Bildung und Projektarbeit e.V.  
Sparkasse zu Lübeck; KtoNr: 1-064 641; BLZ: 230 501 01  
Steuer-Nr.: 22 290 80018 / GL: 1089-HL

IPON Philippines  
Rizal St. 23 c  
Brgy IV, Mulanay  
Quezon, Philippines  
Phone: +63 (0)42 31 97 661  
Ipon.observer@gmail.com



## 1. Human Rights Observation

IPON has been dedicated to the observation of the Human Rights state of affairs in the Bondoc Peninsula since 2006 by the deployment of observer-teams. This is traduced to the escorting of Human Rights defenders, the documentation of abuses and violations against them and the demonstration of international presence. Such actions are intended to improve the Human Rights situation in this area. A feature of this foreign organization with international observers is the legal approach it pursuits; only the agreements on international law signed by the state of the Philippines are taken into account. Thus, the debate on the accountability of private actors on violations to the Human Rights is irrelevant for the international Human Rights Observation. Special attention is given to the principle of non-involvement with the conflict affairs of the State. There is no focus on strategies for solving conflicts in the work of IPON. According to the principles of independent Human Rights Observation, this lies within the responsibility of the Philippine Government and its civil society.

## 2. Historical Framework

San Vicente has been going, for many years now, through an expanding conflict between the great landowner's family Uy and the KMBP<sup>1</sup>, a Human Rights defending group escorted by IPON. The KMBP's affiliates are tenant-farmers that have petitioned together for own land at the Department of Agrarian Reform (DAR). Furthermore the KMBP has complained about affronts on behalf of the NPA (New Peoples Army). In 2005 the DAR released an official notice, where out of 595 hectares under the possession of the Uy family, a mere 27 hectares were to be distributed among the petitioners of the KMBP. A year afterwards 5 tenant farmers got charges raised against them by the landlord for theft of coconuts. Deolito Empas was one of the accused farmers. In 2007, however, these charges were revoked by Eleanor 'Allen' Uy, a member of the landowning Uy family. The reason, as the KMBP states it, was that Mrs. Uy was running at that time her candidature for mayoralty in San Narciso. Empases' support, as representative of the farmers' union in the Sitio *Centro*<sup>2</sup>, would be crucial for her aims. Deolito Empas and the current chief of the district Erwin Guerra launched in August 2007 their candidature for the district council. By the time Deolito Empas officialized his candidature he was already warning his sons about the threats against his life from the NPA and the so called *Goons*, paramilitary mercenaries assigned by the landlord Uy. In January of the same year the KMBP had reported that currently there were no problems with the NPA.

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<sup>1</sup> Kilusang Magbubukid ng Bondoc Peninsula (Association of the farmers of Bondoc Peninsula).

<sup>2</sup> Samahan ng Magasaka sa Sitio Centro – SMSC.

### 3. Sequence of events

- Kidnapping and subsequent murdering of Deolito 'Julie' Empas on February the 19<sup>th</sup>, 2008.
- The military accuses Jorlito Carabido as the responsible. Before, his cousin Jerson Carabido had been arrested as prime suspect. He confesses to have buried the dead body. Both men used to live in San Vicente. According to the army, there are two other accused: 'Ka' Islaw and one unidentified man.
- Location: Quezon Province, Sitio Centro, Brgy San Vicente, Municipality of San Narciso.

After the council meeting of the community on February the 19<sup>th</sup>, 2008 the peasants-leader and Kagawad Deolito 'Julie' Empas went to peasant Jimenez's house with two other council members. Gin was consumed until 5:30 p.m. in a group of men which Jerson Carabido was part of. Subsequently the group went to a close-by situated videoke-bar. Around 10:00 p.m. one of Carabido's daughters entered the place to whisper something into her father's and another council-member's ears. One hour later Carabido left the bar explaining that something had happened to his wife. Shortly after, two armed men (Ka Islaw and an unidentified man) entered the small videoke-bar drawing pistols and pointing them to Deolito Empas. Everybody in the room had to lie on the floor. Empas got his hands tied on his back. After he was frisked the men took his cell phone. Some youngsters yelled from outside asking for the Kagawad Empas to come out. Antonio Palacio offered himself to accompany Deolito Empas and the armed men, but his request was rejected. Around 11:30 p.m. the men approached Tabu Derial's<sup>3</sup> house and ask for Deolito Empas' pistol. Derial's wife denied that Empas owned a gun. Finally, Derial turned a further gun over to the men.

Fear kept everybody, including Empas' family, from immediately filing charges. Instead, the peasants tried to search and free their esteemed councilor on their own. Not until two days afterwards Deolitos Empas' Wife Rosemenia filed charges at a local police station. The peasants trusted neither the police nor the army.

Almost three weeks afterwards, on March the 8<sup>th</sup>, 2008 around 7:00 p.m. the army found Deolito Empas' corpse. The exact date of the death remains unknown. The day after, an open exhumation was carried out by the army. Multiple bone and skull injuries are recognizable in the existent pictures, in spite of the advanced state of decomposition of the body. It is speculated that such injuries were perpetrated with dull objects. Additionally, the murdered was repeatedly stabbed and deeply cut in the throat area. Different reports state that Empas was abused, tied up on hands and feet and gagged.

On March the 9<sup>th</sup>, 2008 the military organized a public exhumation of the body.

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<sup>3</sup> Son in law of Antonio Palacio.

#### 4. Criminal proceedings in the case of Deolito Empas' murdering

The case currently remains at the office of the prosecutor in Lucena, Quezon Province. The accused Jerson Carabido confessed having buried the corpse and has been in pre-trial confinement in Provincial Jail, Lucena. On October the 25<sup>th</sup>, 2008 he was freed violently by an armed group. The current whereabouts of Jerson and Jorlito Carabido and the other perpetrators remains unknown. The son of the murdered expressed to IPON in August 2008 his fear of a delay on the submission of the case file. He suspects that the prosecutor is waiting for a reduction in the number of witnesses, especially of those willing to testify against the probable **contracting** body. In addition, it could lead to a procrastination of the process as supposed to an opening of such process. Thus, the already apprehended Jerson Carabido could be released.

Because of Carabidos' recent escape, the criminal proceedings will be delayed further.

#### 5. Analysis of the case from the perspective of Human Rights

##### *Political motivated murder in San Vicente*

The violent situation in San Vicente isn't news. Just as well, the murdering of Deolito Empas isn't the first political killing in that region. Publications about the affairs between the paramilitary groups and the landlords have been regularly released nationally and internationally for over ten years (cf. Catulin case<sup>4</sup>; cf. German debate about the development cooperation program of the GTZ *Bondoc Development Program* until 2003; the televised report *Probe* on the Philippine television in 1998; Franco 2003; PARRDS 2006).

Four political killings since 1998 are referred to by diverse sources. All victims were members of the peasant Human Rights defenders group KMBP. The assignation of three of the killings is attributed to the landowner Uy: Edwin Vender on June 8<sup>th</sup> 1998, Rodolfo Romero on October the 3<sup>rd</sup> 2003 and Felizardo Benitez on March 20<sup>th</sup> 2003. Raymundo Tejino was killed on February the 4<sup>th</sup> 2003, for which the NPA assumed the responsibility<sup>5</sup>. The current state of knowledge makes evident suspicion on the systematic killings of politically active peasants of the KMBP as an attempt to neutralize the farmer activism.

IPON focused on the question whether the inquiries and legal actions against the murderers were also pointing to the possibility of a contracting body. According to information from IPON, the actions taken have merely comprised inquiries and penal measures against the executing perpetrators. Two people (Rodrigo Parancolhue and Reymundo Carabot Jr.) were accused of the murdering of the farmer leader and precursor of Empas, Felizardo Benitez, yet a court hearing didn't take place. Carabot was put on a pre-trial custody and after landowner Uy paid a Php40000 worth bail he was set free. Many NGOs like FIAN International put blame on landowner Uy for hiring hit man services. Nonetheless, no preliminary investigations against the suspected contracting bodies have been carried out. Accounts from Celang Catipon state that also Edwin Vender was killed under assignments of landowner Uy in 2003. Warrants of arrest were filed against the

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<sup>4</sup> The first distribution of land from a landlords property, took place in Catulin because of an alliance of high ranged military members, the police and ministry members on a national level.

<sup>5</sup> The NPA accused Tejino to be a spy for the army.

accused. No further penal actions against the murderers or the contracting body have been taken.

***Empas' case: Casual or hired murdering?***

Some months before his death, Deolito Empas commented to IPON's observers that on October the 14<sup>th</sup>, 2007 three men affiliated to the NPA went to his place in Sitio Centro. They asked the residents for either Deolito's location or his domicile. Subsequently they went to farmer Martes' house and shot him. The competent police station in San Narciso sent two police officers over to report the case and to pick up the corpse. The performance of the officers made the family of the victim already lose hope to any clarification of the case. Martes' murderers headed after the action towards Deolito's house. Due to Deolito's absence in the house they searched the house and finally left. IPON hasn't been notified about any investigations to Martes' case, in spite to its direct link to Deolito's killing.

In the beginning of 2008, when Deolito Empas got kidnapped, the army got active, as Philippine NGOs denounced the NPA as the responsible actor. The army is the state's fraction in charge of combating the NPA throughout the Bondoc peninsula. Especially in conflicted regions like Bondoc it is common that the apprehensions and investigations are carried out by the army. The army also captured the first suspect, Jerson Carabido. However, the first suspicion of a communist guerrilla's participation couldn't be confirmed, which reduced the intervention of the governmental organ.

An informant from the 74<sup>th</sup> battalion confirms the frequent presumption that the landowner Uy pays "revolutionary taxes" to the NPA, whose members are constantly hired by the landlords to intimidate the peasant farmers.

IPON suspects that the state organs carried out biased and erroneous investigations that yielded false conclusion and led to a penal action which regarded the accused perpetrators as the only accountable for this murder and ignoring the possibility of a contracting body. However, after four preceding political killings the law enforcement agencies should not assume that this is not a case of another contract killing against farmer leaders. Why is it that in spite of all the signs pointing at a possible contracting body for the killings, there have been no investigations following lead of such evidence?

All four previous murder victims were chairpersons of the local KMBP group, which had demanded the legal redistribution of the land of the Uy family at the DAR. Two of the murdered were predecessors of Empas. Landlord Uy had already filed many cases against Empas; some of these were heard in court. Deolito Empas reported to IPON different death threats and harassments from paramilitaries hired by the landlord (cf. FIAN's International Fact Finding Mission).

According to accounts from San Vicente dwellers there are also many death threats against other Farmers. A threatened farmer from the Bay Gong town in San Vicente notified IPON of the murder attempts against him on June the 3<sup>rd</sup> and June the 24<sup>th</sup> 2003. The first incident left him with a light gunshot wound in the chest. He identified one of the perpetrators, a man who worked at the time as a *goon* for landlord Uy. The second attempt involved seven men, which fired a burst of bullets. This time two of the aggressors were identified by the farmer. Likewise, they were also employed by landlord Uy as his *goons*. The threatened farmer connects the attacks with his application for own land at the DAR. He affirms that after the first assault he denounced the situation at the Barangay Captain with no success; he didn't believe him. After the second attack he approached an officer of

the army, because he didn't trust the local police anymore. The officer's response was that Felizardo Benitez (farmer leader at the time; later murdered) came to terms with landowner Uy to forget all the accusations and back out all the cases and charges from both sides. This arrangement would make up for the load on legal confrontations. The farmer's account states that the officer said that the army would make its best, but that it was better to stick to such agreement and forget about the cases. This was the last time that the farmer addressed someone the threats against his life.

### **Is the responsibility of the state to protect its citizens being neglected?**

Many farmers from San Vicente commented to IPON that after the killing of Deolito Empas, they were attacked by landowner Uy's hired paramilitaries. These assaults have increased in numbers and intensity after the murder. The farmers have suffered from harvest theft, displacement, open display of guns, threats (especially against witnesses) and death threats.

There are only few witnesses to the case of the kidnap and murder of Deolito Empas. Seven people saw the kidnap proceedings, from which one refuses to give testimonies out of fear to be repressed. One of the witnesses, Antonio Palacio, expressed IPON his concern about not being covered by a witness-protection program. These programs are commonly applied for in the Philippines. Palacio was in the *videoke-bar* where Deolito Empas was kidnapped the evening it happened. According to Palacio, he has already been threatened for being a witness. The police granted him witness protection, but this never held true in reality. Antonio Palacio also reported to IPON that after the murder of Empas for some nights, his house had been wandered around by some men that yelled: "we will kill you all". The seriousness of these threats consists in the presumption of Palacio that without witnesses a legal case concerning Empas' murder would be dismissed. The "no witnesses-no case" connection makes Palacio fear for his family's and own security. Testimonies from Palacio have already been given to the municipal police, to the public prosecutor and to the National Bureau of Investigation (NBI) in Manila. All of the named bodies asked for the sequence of events of the kidnap, yet none of them wanted to take responsibility for witness's security.

Another witness reported that beginning of October 2007 (three weeks before the election of the Barangay Council) found out from Jerson Carabido (presumably Deolito's murderer) that there were plans to kill Deolito Empas. He commented: "He will die soon if he gets elected for the Barangay Council". According to the witness the police granted him a witness-protection program. But until now no action followed this verbal affirmation. Six out of the seven witnesses testified in court. Many of them have been threatened. The environment of fear in San Vicente leaves the question if the witnesses will or can testify at all. This fear also strikes Deolito Empas's family. Deolito's wife abandoned her hitherto house to move to a small locality close to San Narciso responding to her fear of a new assault from the goons of the landlord. Mariafe Carabido, Jerson Carabido's wife, threatened Deolito's wife, Rosemenia Empas, with murder<sup>6</sup>. Her son Genard Empas, who intends to undertake his father's activism in the KMBP for own land, lives outside the San Narciso region fearing reprisals from the suspects of his father's killing. According to him, there were many threats against his father's life before his death. A bounty of PHP 15 000 was offered for Deolito's head. A regular witness-protection program was out of question for the members of the Empas family

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<sup>6</sup> This incident was reported to the police.

because the support from the state is very limited in time and also the family feared that their land, their only livelihood, will be confiscated in the meanwhile. By now, after the escape of Jerson Carabido, the family's fear has grown to such an extent that they decided to abandon their land and settle down in a different area.

All of the interviewed KMBP farmers expressed to IPON their fear of the landlord's goons and that they were scared of denouncing their actions. The state is obliged to provide protection to witnesses and their families. After Empas' killing, and a record of four similarly political driven murders, this area shouldn't be an exception for the compliance of the existing witness-protection programs.

### ***Prejudgment of the accused through state bodies***

On March 8, 2008 the army found the location of Deolito Empas' corpse. The day after that, according to accounts from the army, a symbolic exhumation and a ritual detention took place under the supervision of the army, the police and other representatives of the community. The exhumation of Deolito's body was carried out at 10:00 a.m. in Baugon, San Vicente. Two press correspondents were also present. The following is a description of what can be seen on the pictures of the exhumation event that were handed to IPON: Different members of the army are present. The Barangay Captain of San Vicente, Mr. Erwin Guerra (son in law of Major Eleanor 'Allan' Uy) is also to be recognized along with Jerson Carabido, who led the army to Deolito's grave. Carabido is to be seen digging out the dead body. On a further picture a son of the victim is tying the hands of the accused on his back. Regardless of the cultural customs in the Philippines, a public prejudgment through state agents of someone who has not even been charged yet does not comply with the legal conventions. Everybody has the right to be presumed innocent until proved guilty in a public trial. Therefore, this action is a clear dehumanization of the accused.

### ***Suspicion of torture of the accused***

According to informations from the army and the police that are at hand of IPON, the accused Jerson Carabido was brought to the army headquarters in San Juan and put to interrogations. The terms "invite" and "tactical interrogation" are used in a document referring to the procedure under which information was extracted from Carabido. In Bondoc these terms are synonyms for the use of torture during an interrogation. The answer to IPON's request for clarification was an elegant, but not convincing disambiguation.

The proceedings used in that occasion at the army's headquarters and the people present at that time remain unknown to IPON and demand a deeper inspection to discard the suspicion of the use of torture by state agents to obtain information.

### ***The role of the army and the threatening militarizing of the region***

The state's monopoly of legitimate use of violence is ensured throughout the Bondoc Peninsula through the presence of the National Police and the army<sup>7</sup>. In southern Bondoc there are many military camps with a relative strong deployment power, which has increased in numbers in the last years. The main target of the

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<sup>7</sup> Because of the measures to fight the guerilla, the presence of military units in the area is above average.

army is to combat the NPA. Smaller encounters occur regularly with diverse intensities. IPON has documented some of them. The army in some cases also provides protection to the petitioners of the Agrarian Reform against the paramilitaries. Given Bondoc's declared status of hot spot, some of the capacities of the police, like the detention of people, were delegated to the army. IPON documented in February 2007 an apparently politically motivated violent case in Nilangtangan, a town of the municipality of San Francisco in southern Bondoc (cf. IPON's Final Report II, April 2007). The typical proceeding of the local police was exemplified with this case: The police, on a national level, was entrusted with this case and confirmed this to IPON by sending the warrant of arrest, among other documents, to Germany. Nonetheless, the capture of the accused was only possible and performed by the Philippine National Police (PNP) after the former Barangay Captain left office; the domicile of the accused and the evidence against him had remained unchanged. The reason presented for the unsuccessful detention and legal prosecution of the accused was that the police wasn't competent for this case; they stated that it was the army's responsibility.

In the case of Deolito Empas the army was the competent state agent from the beginning, since the killing was presumed to be perpetrated by the NPA. The accused was detected in a relatively diligent manner and apparently a prosecution will take place soon. Nevertheless, the army informed IPON that the NPA isn't involved in the case of this killing; that first suspicion apparently helped accelerating the proceedings. The case in Nilangtangan stands as a counterpart with a clear non-involvement of a communist guerilla from the beginning where the state actors took longer to react. The delay in the latter case leaves the question of an unequal way of treating the cases.

Currently, a military pacification in the Bondoc region has been achieved only partially. IPON fears an increasing militarization of the Quezon Province. Since 2006, the indirect negative effects on civilians from the increasing military presence have accelerated. IPON has documented the increase of road check points, military presence and deployment, the custody of KMBP members on their way to demonstrations in Manila, the Human Rights defenders', especially the farmer leaders' fear of the military, unproved accusations of farmers as NPA, arrests and harassments.

## 6. Bondoc Peninsula: A background

### ***Geography and social situation***

The Bondoc Peninsula is located in the southern part of the Philippine island Luzon and is comprehended by the Quezon Province. The Peninsula is subdivided into twelve municipalities and has a population of 4000 habitants (population density approximately 120 people per square kilometer). The region is socio-economically disadvantaged. In spite of its location in CALABARZON, an economically growing region, its geographical position isolates it from the infrastructure of the mainland. The main livelihoods of the inhabitants are fishing and agriculture, the main crops are coconut, corn and rice. The asymmetric land distribution is very pronounced. Only a few families own the greatest part of the land in Bondoc. The biggest landlord is Victor Reyes, whose family owns approximately 14000 hectares in the municipalities of Buenavista, San Andres, and San Narciso. The Uy and Matias families follow Mr. Reyes with an approximate of 3500 hectares in San Andres and



San Narciso and an approximate of 2800 hectares in San Francisco respectively. This distribution makes these three families the most important landlords in the region and gives them great political power.

In 1988, after the culmination of Ferdinand Marcos' dictatorship, the Comprehensive Agrarian Reform Law (CARL) was released. It supports the Comprehensive Agrarian Reform program (CARP) that redistributes the land to the peasant farmers entitling them with up to 3 hectares per capita. This program has been implemented remarkably slowly in the Bondoc peninsula (cf. Reintjes 2007; IPON's Final Reports).

### ***Income alternative in armed activities***

After applying for land the overall economic situation of the peasant farmers worsens (cf. Lanfer 2006). The access to land is removed from the peasant farmers withdrawing their only livelihood. This situation is notably precarious in San Vicente given its location in mountain side. Other regions allow for fishing as an alternative for income. This particular region often doesn't leave any other option to the peasants other than enrolling in the paramilitary groups of landlord Uy in return for money, or joining the NPA in their revolutionary communist liberation movement. The relation of the farmers to both before mentioned actors is very close and variable in time. The switch from being a petitioner to being an NPA member or a landlord's goon, or any other combination of these options, is almost a rule. Relatives and friends can be often affiliated to opposing armed groups.

## **7. Who was Deolito Empas?**

Deolito 'Julie' Empas was one of the farmer leaders in Sitio Centro in San Vicente/San Narciso who also carried the position of a Kagawad. Deolito Empas was married to Rosemenia Empas (44 years old). They had seven children: Janafer (26), Jomar (24), Jamie (22), Genard (20), Jason (19), Julyann (9), Joseph (2). A further child died.

Deolito Empas was a peasant farmer on the estates of the influential landlord Uy. Since 1984 the sharing system on these lands has been defined as a 60:40 partition in favor of the landlord. On the contrary, according to the CARL a leasing rate of 25/75 in favor of the leaser (in this case the peasant) would be acceptable. In 2003, 76 peasants of the Sitio Centro organized themselves to form a local KMBP representative group, namely the Samahan Magsasaka Sitio Centro (SMSC). In the same year the SMSC applied to the CARP for a redistribution of 395 hectares under the name of Uy's family. After the President of the farmer group was assassinated in 2004, Deolito Empas assumed his place. During his time as President, Empas negotiated with different governmental organizations to bring the announced land distribution to its accomplishment.

Since 2002, Deolito Empas' life was threatened. At that time around twelve armed paramilitaries of landlord Uy visited his house. Further death threats and assaults were directed to him. Deolito Empas was kidnapped, tortured and killed in 2008. 'Julie' died at the age of 47.

## 8. References

- Franco, Jennifer C. (2003) *On Just Grounds: The New Struggle for Land and Democracy in the Bondoc Peninsula*. Quezon City: Institute for Popular Democracy and Amsterdam: Transnational Institute
- Lanfer, Anne (2006) *The Philippine Agrarian Reforms and their Impact on Rural Households*. Unveröffentlichte Bachelorarbeit am Institut für Ernährungswirtschaft und Verbrauchslehre der Universität Kiel
- Partnership for Agrarian Reform and Rural Development - PARRDS (2006) *Land, Life and Justice: The Challenge of Agrarian Reform in the Philippines, Agrarian Reform and Human Rights Situation*; [http://philippinehumanrights.org/images/stories/pdf/final\\_ar\\_hr\\_report\\_june\\_28\\_2006.pdf](http://philippinehumanrights.org/images/stories/pdf/final_ar_hr_report_june_28_2006.pdf))
- Reintjes, Carolin (2007) *Kampf um das Land - Die Umsetzung der philippinischen Agrarreform CARP auf der Bondoc-Halbinsel*. Unveröffentlichte Diplomarbeit am Lehrstuhl für Südostasienkunde I der Universität Passau