



Philippine Press Freedom Report 2007

CENTER FOR MEDIA FREEDOM AND RESPONSIBILITY



Published by the



Philippine Press Freedom Report 2007
Published with the support of the
Network Media Program, Open Society Institute

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and Responsibility**

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CONTENTS

Indicators of Press Freedom	8
Trends and Threats	16
The Battle for Press Freedom	20
Unsafe for Journalists	26
State of the Cases	32
Libel Suits, Death Threats, and Other Harassments	46
Some Killings 2006–2007	60
Searching for Solutions—The CMFR Study	66
Breaking the Cycle of Violence Through Safety Training	72
About the Center for Media Freedom and Responsibility	75

Center for Media Freedom and Responsibility

Philippine Press Freedom Report

September 2006–July 2007

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 19, Universal Declaration of Human Rights

This report begins with a discussion of the framework used to evaluate the state of press freedom in the Philippines (“Indicators of Press Freedom”). It then provides a quick look at the present press freedom situation (“Trends and Threats”) in the Philippines; followed by “The Battle for Press Freedom;” a section on the overall press situation in the Philippines (“Unsafe for Journalists”); and the state of cases against the killers of journalists that are now pending in Philippine courts, as well as one that has been resolved (“State of the Cases”).

This is followed by a review of the other forms of harassment journalists are subjected to (“Libel Suits, Death Threats, and Other Harassments”). The most recent killings are detailed in “Some Killings 2006–2007” followed by “Searching for Solutions—The CMFR Study,” which has a sidebar on safety training for journalists. A quick guide to the killing of journalists since 1986 is provided.

Although this report covers only the period September 2006–July 2007, Presidential Proclamation 1017 (issued Feb. 24, 2006) is included in the discussion because of its continuing impact on press freedom.

INDICATORS OF PRESS FREEDOM



There is near universal agreement as to the indicators of press freedom—i.e., their state, presence, or absence is a gauge of the strength or weakness of press freedom. These indicators provided the framework for this report and analysis on the state of press freedom in the Philippines. Among the most frequently cited are the following:

The legal environment

Freedom of expression and press freedom are explicitly protected by the Philippine Constitution of 1987 in Article III, Section 4: “No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.”

This provision is unique in the laws of the countries of Southeast Asia, and is supported by a number of lesser laws, among them a Shield Law (Republic Act 53) which mandates that journalists cannot be forced to reveal their sources except when state security is involved.

But Philippine laws as a whole tend to be ambivalent. The protection of free expression and press freedom is blunted by the continuing implementation of a libel law that treats libel as a criminal offense, as well as various other laws in the Revised Penal Code that punish a range of offenses including “publication of false news.”

President Gloria Macapagal Arroyo also signed an anti-terrorism law last March 6. Misnamed “The Human Security Act (HSA),” Republic Act 9372 has been criticized by UN Special Rapporteur on Human Rights Martin Scheinin, who has suggested that it be repealed, and is currently the subject of 20 petitions at the Supreme Court (SC) questioning its constitutionality.

Among other provisions, HSA permits the detention of terrorism suspects for three days; government’s looking into the bank accounts of terrorism suspects; and the wiretapping of the phones of journalists suspected of terrorism. Terrorism is defined as any act that instills widespread fear and terror, under which definition ordinary crimes like arson may be classified as terrorism, subjecting those convicted to mandatory prison terms of 40 years. Another hazy provision of the law may make journalists vulnerable to charges of terrorism if in the course of their work they interview terrorist suspects and present them in a positive light.

Government attitude towards free expression

While the Constitutional provision on free expression is theoretically the basis for all court decisions affecting free expression and press freedom, a number of recent developments have tended to undermine both. The primary cause is the attitude of the present government of Mrs. Arroyo, during whose watch there has been a significant erosion of press freedom, free expression, and freedom of assembly.

The attitude of governments is significant in two senses: on the one hand it can find expression in terms of the passage of repressive laws, and on the other, it can

create an atmosphere in which law enforcers and security officials interpret existing laws from a restrictive rather than liberal perspective.

Mrs. Arroyo declared a state of emergency on Feb. 24, 2006, under the putative authority of which the Philippine police, the military, the Department of Justice, and the National Telecommunications Commission separately (1) raided the offices of a critical newspaper; (2) posted troops outside the compounds of TV networks ABS-CBN 2 and GMA-7; (3) threatened to file sedition charges against critical journalists; and (4) warned broadcast companies that their franchises could be withdrawn if they persisted in airing reports offensive to the government.

Although the state of emergency was lifted after a week, its effects have persisted to this day in terms of continuing threats against the media and restrictions on freedom of expression and assembly, and a government policy to interpret existing laws in a restrictive manner.

In addition, the media have been subjected to various other forms of harassments, primarily through an archaic libel law that still treats libel as a criminal offense for which anyone accused could be arrested, and if convicted jailed, and which allows judges to impose fines, based on the number of counts of libel supposedly committed, that can and have run into the millions. Mrs. Arroyo's husband, Jose Miguel "Mike" Arroyo, has led in the use of libel against the media by filing a total of 11 libel suits against 46 editors, reporters, columnists, and newspaper publishers.

State of self-regulation

Given the Constitutional guarantee of press freedom, self-regulation is the preferred norm in the Philippine press. There is a Philippine Journalist's Code of Ethics for voluntary compliance, as well as a Broadcast Code recently revised and reissued by the self-regulatory Association of Broadcasters of the Philippines (Kapisanan ng mga Brodkaster ng Pilipinas/KBP). At least one Manila broadsheet has a readers' advocate in its employ. There are a number of media advocacy groups engaged in encouraging professional and ethical practice through self-regulation, among them the Center for Media Freedom and Responsibility (CMFR), the Philippine Press Institute (PPI), the KBP, and the National Union of Journalists of the Philippines (NUJP).

In furtherance of self-regulation, CMFR initiated the organization of local Citizens' Press Councils (CPCs) in Puerto Princesa City in Palawan province, and Cebu City in Cebu province, both in central Philippines; in Dumaguete and Bacolod cities, both in Western Visayas; and in Baguio City in the Mountain Province of northern Philippines.

The CPCs are forums for the discussion of issues affecting the community and the media as well as for the airing of grievances for redress against erring media practitioners and organizations. By providing an additional mechanism to address the community's problems with the media as well as to encourage more professional and ethical practice, the CPCs will help discourage lawsuits and violence against media practitioners.

Media ownership

While the government has its own media system, which includes the Office of the Press Secretary, the Philippine Information Agency, and a government TV and radio network as well as two other government-managed TV stations, much of the Philippine media is owned and controlled by diverse political and economic interests in a pattern that has been consistent since the period of US colonization (1900-1946).

This has permitted, at various times and depending on the political climate, the printing and airing of diverse views, although fairly limited to a narrow range (from far right to center) of the political spectrum. However, a number of individuals with relatively radical views have managed to be heard and read through the media primarily because the political categories (Left, Right, or Center; Liberal or Conservative) in the Philippines have tended to be nebulous.

The media's capacity for self-defense

One of the unique characteristics of the Philippine media situation, and a major strength of the press in the Philippines, is the determination and readiness of media organizations and individuals to defend their rights as media practitioners as well as press freedom in general. The class suit media advocacy groups, journalists' organizations, and media professionals filed in 2006 against Mr. Arroyo in response to his use of libel to harass the press is one indication of this capacity for self-defense. The existence of laws protective of press freedom is a major source of this capacity, but Philippine press traditions going back a hundred years to the Philippine Revolution against Spain are also major factors in its strength.

Another indication is the formation of the Freedom Fund for Filipino Journalists (FFFJ), which was founded by CMFR, the Philippine Center for Investigative Journalism, the PPI, the US-based newspaper *Philippine News*, and KBP in 2003 in response to the 2002 killing of broadcast journalist Edgar Damalerio and the growing number of journalists killed since 1986.

FFFJ has since then provided legal assistance to the survivors of slain journalists in prosecuting their kins' killers, coordinated, and administered scholarships for their children through the London-based Rory Peck Trust, and disseminated information on the killings. The Rory Peck Trust offers financial grants to the families of freelance journalists killed while on assignment. Individually, the members of FFFJ are continuing with their work in furtherance of press freedom through training, publications, and advocacy.

Perceptions of the press

A career in the media and the press are apparently still attractive to Philippine students, judging by the number of schools (over a hundred) offering degree programs in communication, mass communication, communication arts, journalism, and broadcasting. This is evident in the enrolment figures in, for example, the communication and journalism programs of the University of Santo Tomas, the Lyceum of the Philippines, and the University of the Philippines. In all three universities, enrolment in these programs has been increasing over the last five years. This is in the context of increasing government repression and the by now well-known fact that journalists are being killed in the Philippines. The enrolment figures are offered below as indicators of the continuing interest of young men and women in a journalism/mass communication career. Enrolment figures on the three schools are presented here as they were the only ones that gave data for this study.

JOURNALISM/BROADCAST COMMUNICATION ENROLLEES IN SELECTED PHILIPPINE UNIVERSITIES

1. University of Santo Tomas (UST)

Total number of enrollees in UST's Journalism program (two semesters per school year) for the past five years.

	2002-03 Academic Year (AY)	2003-04 AY	2004-05 AY	2005-06 AY	2006-07 AY
Journalism enrollees	296	357	411	413	347

2. Lyceum of the Philippines University

	2002-03 Academic Year (AY)	2003-04 AY	2004-05 AY	2005-06 AY	2006-07 AY
Journalism Enrollees	73	73	66	65	74
Mass Communication enrollees	539	472	475	523	575

3. University of the Philippines

	Broadcast Communication	Journalism
Academic Year (AY) 2007-08		
1st semester	231	295
AY 2006-07		
1st semester	214	278
2nd semester	201	266
Summer	124	140
Total enrollees	539	684
AY 2005-06		
1st semester	212	234
2nd semester	205	239
Summer	127	122
Total enrollees	544	595
AY 2004-05		
1st semester	240	223
2nd semester	221	231
Summer	115	124
Total enrollees	576	578
AY 2003-04		
1st semester	245	225
2nd semester	242	225
Summer	130	116
Total enrollees	617	566
AY 2002-03		
1st semester	275	209
2nd semester	265	211
Summer	148	103
Total enrollees	688	523

The killing of journalists

By far the most telling indicator of the state of press freedom in the Philippines is the continuing killing of journalists, 53 of whom have been killed since 2001 when Mrs. Arroyo came to power.

The killings are continuing in an atmosphere of government indifference and inability to find the killers and prosecute them, and in some cases, outright police and military hostility to journalists and media organizations. Some police officials have openly declared that some of those killed deserved it because they were either corrupt, or were not really journalists. The Philippine military has included in its list of “enemies of the state” deserving of “neutralization” a number of journalists and media groups, including the International Federation of Journalists-affiliated NUJP.

Worst of all is the low number of arrests and prosecutions of the suspected killers of journalists and the near-zero identification and prosecution of the masterminds. The killings have become the main gauge of the state of press freedom in the Philippines. Any assessment of the state of press freedom in the Philippines must thus begin with an examination of this phenomenon that, while not unique to the Philippines, has been specially pronounced over the last six years.

Indicators of Press Freedom

TRENDS AND THREATS



The killing of journalists has not abated since the number of media practitioners killed spiked to eight in 2004. From 2000 to 2002, the number of recorded killings averaged two a year.

The 11 libel suits filed by Jose Miguel “Mike” Arroyo, husband of President Gloria Macapagal Arroyo, against 46 journalists highlight the legal harassment journalists face in the Philippines. The imprisonment of provincial journalists Alex Adonis in February and Jun Alegre in April also shows the helplessness of community journalists when slapped with libel suits, especially by powerful politicians.

Ownership patterns

The types of mass media in the Philippines are print (tabloids, magazines, and broadsheets), broadcast (television and radio), and digital (news websites and blogs).

Some media organizations are government-owned (e.g. NBN-4 in television) and/or controlled (e.g. IBC-13 and RPN-9) while the rest are mostly owned by big businesses. There are also some media companies owned by communities especially in the provinces.

The media are not totally independent due to government control. The government-owned/sequestered stations almost always broadcast news and commentary favorable to whatever administration is in power.

Laws

The laws that specifically deal with press freedom, freedom of expression, and access to information are the following:

- a. Article III Section 4 of the Constitution guarantees freedom of expression, freedom of the press, and freedom of assembly
- b. Article III Section 7 of the Constitution guarantees access to government information
- c. Article 353 of the Revised Penal Code deals with libel
- d. Article 138 of the Revised Penal Code deals with the crime of incitement to rebellion or insurrection
- e. Article 154 of the Revised Penal Code penalizes any person who publishes as news any false news which may endanger the public order, or cause damage to the interest or credit of the State
- f. Republic Act 53, also known as the Shield Law, protects journalists from revealing their sources unless “demanded by the security of the state.”

But some laws have been used to curb free expression.

Mr. Arroyo has used the libel law to intimidate journalists (see “Libel’s chilling effect” and “The media’s response” both under the chapter “The Battle for Press Freedom”). The anti-administration paper *The Daily Tribune* was raided after Presidential Proclamation (PP) 1017 on Feb. 24, 2006 and was afterwards charged with incitement to sedition. Through PP 1017, Mrs. Arroyo declared the country to be under a state of national emergency and announced that media outfits are under surveillance.

The country’s anti-terror law was signed by Mrs. Arroyo into law last March 6 and took effect in July, as one of the supposed safeguards imbued in the law is its suspension one month before and two months after every elections.

But a class action suit (see “The media’s response”) filed on Dec. 28, 2006 by press organizations as well as individual media practitioners invoked Articles 19, 20, 21, and 32 of the Civil Code, entitled “Human Relations”, in arguing that Mr. Arroyo had abused his right to sue and violated press freedom.

State of the judiciary

Libel convictions are rare in the Philippines, but broadcasters Alex Adonis and Jun Alegre were jailed early this year. Adonis was practicing in Davao City, a province on the island of Mindanao, south of Manila, while Alegre was working in Bicol, an area located at the southeastern end of Luzon.

The Supreme Court (SC) has also ruled unconstitutional the efforts of the police to clamp down on media, particularly the raid on the *Tribune*, when the president declared a state of national emergency last year.

What looks promising this year is the SC’s creation of 99 special courts through Administrative Order 25-2007, which will try cases of extrajudicial killings (See “Government’s answer” under the chapter “Unsafe for Journalists”).

Internet usage

The Internet is accessible in urban and urbanized areas. It is not accessible in far-flung provinces especially those that do not have electricity. Internet access in cafes in urban areas costs around Php15 (\$.03) to Php40 (\$.08) an hour, making Internet accessible even to the financially underprivileged. Computer ownership, however, remains low. Internet penetration is currently estimated at 1.5 million out of a population of 80 million.

There are actually many popular blogs that deal with a wide range of issues, from political, entertainment, literary, and personal. A Philippine Blog Awards was held last March 31, whose aim was to recognize notable Filipino-owned blogs in their respective niches.

The first instance that the government took notice of a blog was when the Quezon City Regional Trial court issued a temporary restraining order on the institutional blog of the Philippine Center for Investigative Journalism for an Aug. 12, 2005 post which described the background and credentials of Jonathan Tiongco, an audio expert presented by then environment secretary Michael Defensor to question the authenticity of the “Hello Garci” recording. The recording—allegedly of an illegally wiretapped phone conversation between Mrs. Arroyo and a commissioner of the Commission on Elections shortly after the 2004 elections—is the basis for allegations that Mrs. Arroyo stole the elections.

THE BATTLE FOR PRESS FREEDOM



Press freedom has become extremely fragile in the Philippines since 2006, when President Gloria Macapagal Arroyo declared a state of national emergency.

The culture of impunity also continues to reign as more journalists are killed in the line of duty. The news media—whether print, broadcast, or online—also faced new challenges in the past few months, from restrictive government policies to a surfeit of libel suits aimed at producing a chilling effect on journalists.

The fact that press freedom is constitutionally protected in the Philippines does not guarantee its observance. As evident in the past year, various events brought to the fore the fragility of the country's democracy, and consequently, of the freedom of the press.

To preempt a supposed coup d'etat in February 2006, Mrs. Arroyo released a series of issuances either aimed at impinging on the freedom of the press or hindering access to information. Among those issuances were:

- Presidential Proclamation (PP) 1017 - "A Proclamation Declaring a National State of Emergency"
- General Order (GO) 5 - "Directing the Armed Forces of the Philippines (AFP) in the Face of National Emergency, to maintain public peace, order and safety and to prevent and suppress lawless violence"
- EO 511 - "Rationalizing the Public Information functions and duties of the Executive Branch"

In 2007, Mrs. Arroyo also issued EO 608, "Establishing a National Security clearance system for government personnel with access to classified matters and for other purposes."

The first of the series, PP 1017, gave Mrs. Arroyo emergency powers against those the government claimed were "destabilizing" her administration. Though vaguely written, the proclamation was used as the basis by the Philippine National Police (PNP) for curtailing such civil liberties as freedom of assembly. It was also used by the PNP to justify the raid and ransacking of the editorial and business offices of the Manila broadsheet *The Daily Tribune*.

GO 5 was used as the basis for fielding AFP personnel in the immediate vicinity of radio and television networks with the alleged intention of protecting media establishments from violence and threats of violence.

At the same time, then PNP Director General Arturo Lomibao warned the media that some practitioners were under surveillance even as the National Telecommunications Commission (NTC) issued a memorandum to broadcast networks prohibiting the airing of "subversive" news reports and commentaries. Adding to the atmosphere of repression, Department of Justice (DoJ) secretary Raul Gonzalez announced that the government was monitoring the media for rebellious reportage and commentaries.

While PP 1017 was lifted in March 2006, and portions of it later declared unconstitutional by the Supreme Court (SC), the memoranda issued by the NTC and the warnings of the DoJ and the PNP remained in place.

EO 511, issued on March 6, 2006, is another veiled threat to media reminiscent of former President Joseph Estrada's attempt to control media by controlling government ad placements, especially those by heavy ad spenders like the Philippine Charity Sweepstakes Office.

EO 511 created a communications group composed of the press secretary, the director of the Philippine Information Agency, and Malacañang's media director to "guide, integrate, and supervise the public information activities, including advertisements of all departments and agencies of the executive branch of government, including government-owned and -controlled corporations."

Despite the lifting of the state of emergency, Mrs. Arroyo issued EO 608 last April 20 to limit public access to information.

EO 608 establishes "a national security clearance system" in the release of official documents. Given the context in which this EO was issued, it is widely suspected to be part of regime strategy to prevent documents that may have a bearing on government irregularities, thus diminishing government transparency and seriously affecting the public's right to official information.

Both executive orders violate the people's right to information and diminish the Legislature's capacity to discharge its duty of overseeing the Executive branch.

Libel's chilling effect

Apart from government policies, libel suits versus a good number of respected journalists, including editors of *Newsbreak* and the *Philippine Daily Inquirer*, have had a chilling effect on media practitioners.

Prior to his heart bypass, Jose Miguel "Mike" Arroyo filed a total of 11 libel suits against 46 journalists, demanding at least Php11 million (\$235,550) in damages in each case. In filing these suits, Arroyo and his lawyers claimed that he was a private individual and was therefore "not fair game" for media scrutiny.

"With (46) journalists sued for libel in the same season by no less than the president's conjugal partner in power, and given the president's own disregard for public accountability, as evidenced by her constant stonewalling and contemptuous treatment of the critical media, Arroyo's suits can only be intended to harass and intimidate, to send a chilling sensation across the profession," *BusinessWorld* editorial board chairman and former Center for Media Freedom and Responsibility (CMFR) chair Vergel Santos said in an interview with *PJR Reports*.

Other high-ranking public officials have also sued journalists for libel.

Last March, *Newsbreak* editor Gemma Bagayaua Mendoza was arrested in connection with a P100-million (\$2.14 million) libel suit filed by Ilocos Sur Governor and administration senatorial candidate Luis “Chavit” Singson against the online news magazine.

Not so lucky are two journalists who are now spending time in jail for libel.

Jun Alegre, a correspondent of dzRH radio in Bicol, was arrested and jailed last April for a conviction over a 10-year-old libel case. The case allegedly involves a complaint by a board member of the Albay Electric Cooperative against the journalist. Even Legazpi town mayor Noel Rosal is puzzled why the case, which had long been forgotten, was suddenly resurrected.

Meanwhile, another journalist from dxMF Bombo Radyo in General Santos City shares the same fate. Alex Adonis was convicted of libel by Regional Trial Court (RTC) Branch 17 Judge Renato Fuentes and sentenced to four years and six months in prison. The libel suit was filed by Davao First District Representative Prospero Nograles, who was the House majority floor leader in 2001 when he filed the complaint. Adonis was arrested last February in Davao. (See chapter “Libel Suits, Death Threats and Other Harassments”.)

The media’s response

To protect themselves from these efforts against press freedom, media organizations and individual practitioners have turned to the courts.

In March 2006, several media organizations and individual media practitioners banded together to file a petition before the Court of Appeals (CA) to assert media’s constitutionally protected rights against any government censorship or prior restraint.

The petition asserts that executive officials “have no lawful power, authority or jurisdiction to prohibit the publication or airing of news or commentary based upon its contents.” The petition further states that it is only the courts that have the right to impose restrictions on media content.

Named respondents in the petition were executive secretary Eduardo Ermita, Gonzalez, Lomibao, and then NTC Chair Rolando Solis.

The petition seeks to prohibit the respondents “from imposing any form of content-based prior restraint on the press, be it in formal or informal, direct or in the form of disguised or thinly veiled threats of administrative sanction or criminal prosecution.” Moreover, the journalists noted in their petition that “the threat of official intervention was just as damaging to a free press as the fact of it.”

Despite the urgency of the petition, however, it was not acted upon by the CA until more than a year later, in May 2007.

In a 17-page decision penned by Associate Justice Bienvenido Reyes, the CA’s 12th Division dismissed the petition for “procedural deficiencies,” stating that the appellate court was not the proper venue for the petition, which “should have been filed before the Regional Trial Court.”

But the CA said that the actions of the government toward the media following PP 1017 “can be construed as a censure to the exercise of the universal rights of free speech.” The decision also noted, “It bears to stress that the clear intention of the law is that no prior restraint can be imposed on the exercise of free speech and of expression, and that the freedom to communicate one’s views and discuss any matter of public concern should remain to be so without fear or punishment or liability unless there be a clear and present danger of a substantive evil that the State has a right to prevent.”

Following the dismissal, the petitioners filed a Motion for Review (MR) before the Court of Appeals. If the MR is denied, the petitioners will file the case before the SC. “We are alarmed and disturbed that the court did not face the issue squarely and (did not) judge it on its merits,” said Jose Diokno of the Free Legal Assistance Group (FLAG). FLAG’s Diokno and Theodore Te are the lawyers of the journalists in the case.

“If they’re just going to say that they have no jurisdiction, why did it take them a year? Why couldn’t they have said that earlier?” Diokno pointed out.

The media organizations in the petition are the CMFR, ABS-CBN News and Current Affairs, the Center for Community Journalism and Development, the National Union of Journalists of the Philippines (NUJP), *Newsbreak*, the Philippine Center for Investigative Journalism, the Philippine Press Institute, and Probe Productions. Faculty members of the University of the Philippines College of Mass Communication are also among the petitioners.

In a similar move, 40 journalists, including those sued by the president’s husband, together with media organizations and individual media practitioners filed a class

action suit against Mr. Arroyo for using the libel law to intimidate the media. The suit is currently pending at the Makati City RTC under Judge Zenaida Laguilles.

As early as 1993, media practitioners participating in a forum organized by the CMFR had noted that libel should be removed from the Revised Penal Code to distinguish it from ordinary crimes and felonies.

That call is being renewed these days due to the slew of libel cases. Both the CMFR and the NUJP have raised the issue in the light of various cases filed against journalists for legitimate investigative stories. However, both organizations point out that accountability should not be removed from journalism and that there is no desire to remove liability for civil damages.

UNSAFE FOR JOURNALISTS



While displaced by Russia as “the most dangerous place for journalists outside a war zone” in 2007, the Philippines continued to rank high in the negative ratings of international media organizations in terms of journalists’ safety.

From the post-dictatorship period, which began in February 1986 when the Marcos regime was overthrown by a civilian-military uprising, a total of 70 journalists have been killed in the Philippines in the line of duty. Almost half of this number (33 or 47%) was killed from 2001, when President Gloria Macapagal Arroyo assumed the presidency, to 2007.

The number of extrajudicial killings of political activists has vastly outstripped the number of journalists killed. According to the last reported count of Karapatan, a non-government organization dedicated to the advancement of people's rights, more than 800 activists have been assassinated since 2001. Others have been abducted, including the son of media icon Jose Burgos, the courageous founder-publisher of *Malaya*, a news daily that openly challenged news censorship during the Marcos years.

The killing of journalists, however, has put the country on the global map among a handful of countries (Iraq, Algeria, Colombia, and Russia) where journalists are deliberately targeted. It has undermined not only press freedom in the Philippines but democracy as well—a free press being vital to the survival of democratic societies.

The situation remains bleak, with the killings continuing in 2006 and early in 2007. The only piece of good news that can be reported is the successful prosecution of the assassins of Sultan Kudarat print columnist Marlene Esperat in a trial that ended in October 2006 (see “Marlene Esperat” under the chapter “State of the Cases”). Given a life sentence were Randy Grecia, ex-Army sergeant Estanislao Bismaros, and Gerry Cabayag. However, the fight for justice is far from over. The murder case against suspected masterminds Osmeña Montañer, Department of Agriculture (DA) Region 12 Finance Officer, and Estrella Sabay, DA Regional Accountant, still needs to be re-opened after being prematurely dismissed by Judge Francis Palmones of the Tacurong City Regional Trial Court (RTC).

The Freedom Fund for Filipino Journalists is providing legal assistance for the prosecution of three other murder cases in court—that of slain journalists Roger Mariano, Philip Agustin, and Rolando Ureta. These cases have strong chances of being successfully concluded before the end of the year (see chapter “State of the Cases”).

International intervention

Because of the growing number of extrajudicial murders, the United Nations (UN) sent Philip Alston, Special Rapporteur on Extrajudicial Killings, to the Philippines early this year to assess the human rights situation.

After a 10-day visit in February 2007, Alston briefed members of civil society organizations with his initial findings.

“The AFP (Armed Forces of the Philippines) remains in a state of almost total denial of its need to respond effectively and authentically to the significant number of killings which has been convincingly attributed to them,” he said, adding, “the

President needs to persuade the military that its reputation and effectiveness will be considerably enhanced, rather than undermined, by acknowledging the facts and taking genuine steps to investigate.”

As to the actual numbers of those killed, Alston said that it did not really matter which organization had the right count. “Whatever it is, the numbers are enough to be impressive and distressing,” he noted.

The UN representative said that the creation of a high-level task force within the Philippine National Police (PNP) to address these killings was insufficient even as its inability to solve cases pointed to the need to restore public accountability. “The enduring and much larger challenge is to restore the various accountability mechanisms that the Philippine Constitution and Congress have put in place over the years, too many of which have been systematically drained of their force in recent years. I will go into detail in my final report, but suffice it to note for present purposes that Executive Order (EO) 464, and its replacement Memorandum Circular 108, undermine significantly the capacity of Congress to hold the Executive to account in any meaningful way,” he said.

EO 464 was issued on Sept. 26, 2005 to prohibit senior executive and military officials from appearing in Congress without the president’s permission. The EO was issued in the wake of the “Hello, Garci” controversy and a week after National Security Adviser Norberto Gonzales appeared in a Senate hearing regarding the Php50 million (\$1 million) contract of the government with the Washington-based firm Venable LLP as lobbying consultants. The timing of the release was thus seen as part of the attempt to prevent information on both issues from reaching the public.

Alston also noted that one hindrance to the solution of extrajudicial cases was the flawed Witness Protection Program (WPP), which he noted discouraged witnesses to come forward. “The WPP is impressive—on paper. In practice, however, it is deeply flawed and would seem only to be truly effective in a very limited number of cases. The result, as one expert suggested to me, is that eight out of 10 strong cases, or 80%, fail to move from the initial investigation to the actual prosecution stage,” he said.

Alston, who was accompanied by UN experts Ulrich Garms (who had investigated war crimes in Bosnia) and William Abresch (who had investigated human rights violations in Chechnya) is expected to submit a report of his findings to the UN Commission on Human Rights. Appointed in 2004, Alston has gone around the world to investigate for the UN human rights abuses leading to extrajudicial killings. His 2005 report on Sri Lanka led to the formation of an international monitoring mission to oversee the peace process.

Apart from Alston, the US Senate Committee on Foreign Relations likewise held a hearing on the extrajudicial killings in the Philippines last March 14.

During the hearing, T. Kumar, Amnesty International Advocacy Director for Asia and the Pacific, said that his organization was “concerned that flaws within the administration of justice have long underpinned a de facto climate of impunity—including ineffective investigations, reluctance of witnesses to come forward for fear of reprisals, and an apparent lack of political will to ensure the prosecution of suspects.”

He also criticized the Philippine government for treating extrajudicial killings “as a public relations problem” without actually taking serious steps to find the culprits. Kumar urged the US government to “vigorously” implement the Leahy Law, to pressure the Philippines to exert greater effort to stop the killings. (The Leahy Law prevents the United States from providing military assistance to foreign governments which violate human rights.)

“It is disappointing to note that the (Bush) Administration’s actions have been muted and that the administration has failed the Philippine people by not publicly condemning the Philippine government publicly over the last four years while the (number of) political killings increased,” Kumar said.

Government’s answer

In response to rising international concern, Mrs. Arroyo created the Melo Commission in 2006 to investigate the extrajudicial killings and alleged military involvement.

However, because the Melo Commission report had named some military officers as responsible for some of the extrajudicial killings, Malacañang held back its release, until Alston urged it to make the report public during his visit last February.

The 79-page Melo Commission report had the following recommendations:

- The government must exert political will to stop extrajudicial killings and condemn such killings on all levels;
- Cases must be investigated by a civilian body independent of the military;
- The Department of Justice (DoJ) must create a special team to prosecute these cases and request the SC to designate special courts for their trial;

- The witness protection program needs to be enhanced and made more effective;
- The President should propose legislation to require police and military forces and other government officials to maintain strict chain-of-command responsibility with respect to extrajudicial killings;
- The investigative capabilities of the PNP and the National Bureau of Investigation should be improved and enhanced; and
- Security forces should be properly oriented and trained.

Following these recommendations, Mrs. Arroyo issued Administrative Order 181 to require cooperation and coordination between the National Prosecution Service of the DoJ and other concerned government agencies for the “prompt, efficient, and successful investigation of political and media killings.”

On the other hand, the SC was quick to act by creating special courts for the speedy trial of extrajudicial murder cases. In March 2007, Chief Justice Reynato S. Puno issued Administrative Order 25-2007, designating some 100 RTCs throughout the country as “special courts” to hear, try, and decide cases involving the killing of political activists and media practitioners.

These special courts are required to undertake continuous trials “to be terminated within 60 days from commencement of the hearing and be determined within 30 days from the time the case is submitted for decision.” Moreover, unlike in regular courts, “only the probable truth of the occurrence has to be established beyond reasonable doubt,” for the case to prosper.

Last July 16-17, the SC also held an unprecedented “Summit on Extrajudicial Killings,” to bring to the fore this growing societal problem. The Summit was participated in by all concerned sectors (e.g., lawyers’ groups, organizations of relatives of those killed and abducted, the police, the military) with CMFR representing the media sector.

Meanwhile, a dialogue held between media and the PNP last year bore little fruit in terms of the speedy resolution of pending cases of slain journalists.

Then Task Force “Usig (Prosecute)” (TFU) commander PNP Deputy Director Avelino Razon Jr. had sought a dialogue with media with the aim of increasing cooperation and coordination between government and private media. Created in May 2006, TFU is a high-level PNP unit tasked to take charge of the overall case

management and build-up for the speedier solution of the killing of political activists, journalists, and government officials from 2001 to the present.

However, coordination with media groups such as the FFFJ ended with the retirement of both Razon and Director for Investigation and Detective Management head Gen. Marcelo Ele Jr.

STATE OF THE CASES



What follows are sketches of selected cases of journalists killed since 2001. These sketches are presented here to provide those unfamiliar with the Philippine media situation with a sense of the political and other conditions in which journalists in the communities have to work, and how the Philippine justice system operates.

Marlene Esperat

It was a welcome victory for Philippine press freedom when a Cebu City court convicted on Oct. 6, 2006 three men for the murder of journalist Marlene Esperat after a 10-month trial. Cebu is a province located approximately 562 km. south of Manila.

Cebu City Regional Trial Court Branch (RTC) 21 Judge Eric Menchavez found Gerry Cabayag, Randy Grecia, and Estanislao Bismaros guilty of murder charges, and sentenced them to life.

The court also ordered the three to pay the heirs of Esperat Php75,000 (\$1,500) in civil indemnity, Php75,000 in moral damages, and Php25,000 (\$500) in exemplary damages.

Suspect-turned-state witness ex-Army sergeant Rowie Barua, who admitted he hired Cabayag, Grecia, and Bismaros to waylay Esperat on March 24, 2005 in Tacurong City, Sultan Kudarat, was acquitted for lack of evidence.

Nena Santos, the Esperat family's legal counsel, said they did not pursue the case against Barua in exchange for the latter's testimony against suspected masterminds Department of Agriculture (DA) Region 12 finance officer Osmeña Montañer and accountant Estrella Sabay. Barua, a former military intelligence officer, was also Sabay's bodyguard.

After the reading of the decision, Santos and the state prosecutors, upon the recommendation of the Department of Justice (DoJ), filed a motion to reinstate the murder charges against Montañer and Sabay on the strength of Barua's testimony. The motion was dismissed just a few month after it was filed because of a technicality in the filing date.

Murder charges against Montañer and Sabay had earlier been dropped by a Tacurong City court, allegedly because of the efforts of a local prosecutor. This prompted the family and the Freedom Fund for Filipino Journalists (FFFJ) to request the Supreme Court to transfer the case to Cebu.

The verdict on Cabayag and his two companions brought to seven the total number of convictions among the 70 slain journalists' cases since 1986. But none of the cases has been satisfactorily solved because no masterminds have been convicted.

During the press conference held after the promulgation of the sentence, Esperat's daughter Rynche Arcones thanked the media organizations for supporting

her mother's case. Rynche, and her elder sister, Janice, broke into tears upon hearing the verdict.

Santos also expressed her satisfaction over the outcome of the case, and remains upbeat about the prospect of reinstating the cases against Montañer and Sabay.

Esperat was a columnist for Sultan Kudarat paper *The Midland Review*. She was also a block time radio broadcaster. Popularly known as “Madame Witness” because of her public service media exposés, she was also president of Region 12's Tri-Media Association.

During her employment in the DA Region 12 from 1987 to 2004, Esperat uncovered numerous cases of graft and corrupt practices allegedly committed by public officials involving the misuse of public funds intended for the use of marginalized farmers.

She described Montañer and Sabay as “corrupt” DA officials. Esperat also worked on other cases, among them the non-remittance of the government's share of the Government Service and Insurance Systems premiums of DA Region 12 employees from January to December 1997.

Esperat, along with several witnesses, also exposed the allegedly deliberate burning of DA office in Cotabato City on May 7, 1998 to destroy the hard evidence in the cases against Montañer and his companions.

Early 2005, Montañer and Sabay purportedly drew a plan to permanently silence Esperat, according to Barua. On March 24, confessed killer Cabayag fatally shot Esperat in the head in front of the journalist's children, while they were having supper at their house in Tacurong.

Esperat had a degree in chemistry from a university in Iloilo, where she met her first husband, radio journalist Severino Arcones, in the early 1980s. Arcones, a hard-hitting commentator who lambasted local government officials in the said province, was himself killed in 1989 for his work as a journalist. It was Arcones who stirred Esperat's interest in using journalism as a tool to fight corruption.

Prior to her work as a journalist in 1999, Esperat worked as a chemist, and later as a resident ombudsman for the DA. While inside the DA, Esperat discovered that the fertilizers which the regional office were giving to the local farmers were insufficient, inferior, and far cheaper than what was listed in the official budget of the department.

Frustrated by the slow wheels of justice, Esperat turned to the power of the pen and airwaves to expose her discoveries, which in turn, led to her brutal death.

Barely two weeks after the journalist's killing, Grecia surrendered, and identified his three companions – Barua as coordinator, Bismanos as lookout and Cabayag as gunman.

An amended murder complaint was filed against two of the suspected masterminds, DA Region 12 employees Sabay and Montañer as additional accused, on April 15, 2005.

A DoJ-formed prosecution panel—led by Cotabato City prosecutor Tocod Ronda, a known ally of Montañer—endorsed the dismissal of charges against the two officials on June 29, 2005. A month later, DoJ reorganized the prosecution panel, and eventually re-filed the murder charges. Ronda was later sacked from his Cotabato City prosecutor post.

On July 4, 2005, Bismanos, Grecia, and Cabayag all pleaded guilty. Barua, on the other hand, turned into a state witness.

On August 31, 2005 the judge originally handling the case, Francis Palmones of the Tacurong City RTC, dismissed the murder charges against Montañer and Sabay despite the testimony of Barua, and the support of the DoJ.

Fernando Batul

Broadcaster Fernando “Dong” Batul of Palawan was killed on May 22, 2006. Palawan is an island province approximately 586 km. southwest of Manila. A policeman, Aaron Golifardo, is currently under trial for the murder.

Golifardo was arrested two days after the journalist was waylaid by two gunmen who opened fire using 9-mm and .45 caliber pistols, hitting Batul 12 times. According to eyewitnesses, the gunmen fled aboard a blue motorcycle. Four witnesses identified Golifardo as one of the two gunmen.

Betty Lou Figueroa, an eyewitness in the case, appeared on national television in the Feb. 2, 2007 episode of *The Correspondents*, a public affairs program of ABS-CBN 2. Figueroa, brimming with indignation over the incident, narrated what she saw on the morning of May 22.

“*Yung isang gunman, nung sumadsad ‘yung multicab (ni Dong) sa pader, talagang niratrat pa niya, talagang cold-blooded murder (Even after Dong’s multicab had crashed into the wall, one gunman continued to fire...it was really cold-blooded murder),*” Figueroa narrated.

“*Dati ayoko magtestigo, pero everytime bubuksan ko ‘yung TV, makikita ko ‘yung pamilya ng Batul, umiiyak, nagmamakaawa kung sino man ang nakakita, magsalita. Parang kung sa pamilya ko nangyari ‘yun, nakita nila, ‘di sila nagsalita,* (Before I did not want to testify. But every time I turned on the television, I kept seeing the Batul family crying, asking anyone who saw the incident to speak up. I asked myself, how would I feel if this happened to my family and the persons who saw it did not speak up),” Figueroa added.

Golifardo, according to police investigations, has been irked by Batul’s criticism against him for alleged gun-flaunting. Golifardo, who is a member of the province’s 402nd Palawan Regional Mobile Group, was already in danger of being dismissed from the service even before the incident because of his alleged involvement in several other murder cases.

Thousands joined the funeral march for the slain journalist on June 3, 2006. Letty Cabusao, Batul’s sister, estimated the number to be around ten thousand. Staffers of the environmental weekly *Bandillo ng Palawan* estimated the mourners at five thousand. People came to the funeral despite reported bomb threats and sanctions against government employees who would attend.

“A few days before the funeral, text messages circulated in the city that warned residents of bomb threats during the planned (funeral) march. Many city government employees reported receiving threats of sanctions if they joined the funeral march,” said Yasmin Arquiza, editorial director of *Bandillo*.

She added: “Most people seem to have ignored the warning, as mourners came out in droves to attend the funeral mass and join the eight-kilometer march from the cathedral to the Puerto Princesa memorial park. Young and old, rich and poor—there were no distinctions among the mourners who braved bomb scares and threats of reprisals from the city government just to pay their last respects to a man whom many people consider a local hero.”

Puerto Princesa Mayor Edward Hagedorn, who was the subject of Batul’s critical commentaries in his show *Bastonero*, has denied allegations that he masterminded the killing and has even offered a Php2 million (\$40,000) bounty to anyone who can give information on the killers.

*“Napakalabo niyan. Unang-una ‘di ko style ‘yan, ‘di ako nakikipag-away sa media. (That allegation is impossible. That is not my style, I don’t fight with the media),” Hagedorn said in the Feb. 2, 2007 episode of *The Correspondents*.*

Batul’s death also had a chilling effect on Palawan’s media practitioners. Arquiza and Jofelle Tesorio, *Bandillo* editorial board member and dyPR commentator, fled Puerto Princesa after the incident. Both Tesorio and Arquiza are known critics of Hagedorn.

Meanwhile, Lourdes Escaros Paet, a *Bandillo* and dyPR reporter, has also received threats after Batul’s assassination. Paet, however, has chosen to stay in Puerto Princesa.

“It will be a waste if no one will continue Dong’s legacy. The very reason he was killed was to silence him. It will be a waste if we will be cowed,” Paet said.

Arquiza however said that “there are times when love for life has to take precedence over everything else.” Aside from the departure of Tesorio and Arquiza from the province, Batul’s death has also highlighted the divisions within the Palawan press.

On the day of Batul’s assassination, Paet reportedly went on air and tearfully criticized the “unorganized” local press for their lack of sympathy and support for the broadcaster. Hagedorn’s radio station dyER and competing station dyPR clashed over the issue. The Palawan Community Media Council (PCMC), organized by the Center for Media Freedom and Responsibility, announced its intention to form a reconciliation committee to settle the issue. But the plan never materialized “simply because nobody was willing to be mediated,” said PCMC head Oscar Evangelista.

The case against Golifardo is ongoing at Puerto Princesa.

*“Hanggang ‘di nare-resolve itong kasong ‘to, talagang pababa ng pababa ang kalidad ng media sa Palawan, and it could get worse, (So long as this case remains unsolved, we can only expect the quality of Palawan media to deteriorate),” said Dempto Anda, editor of the community paper *Palawan Sun*.*

Roger Mariano

Currently under trial at the Manila Regional Trial Court (RTC), the murder case of Roger Mariano is among the cases expected to be resolved in 2007.

Mariano, who worked as a broadcaster for Ilocos Norte-based radio station dzJC Radyo Natin-Aksyon, was gunned down on July 31, 2004 by assailants while on his motorcycle after his radio program, *Roger Mariano in Action*. He was shot several times in the back and head. Ilocos Norte is a province approximately 450 km. north of Manila.

Mariano had told his listeners before he signed off on his program the night of his murder that he was at the point of breaking a major story.

Mariano was wearing a belt bag that contained a CD with information about the alleged scams at a local electric company.

Only his belt bag was missing when his body was recovered. Mariano's wristwatch and wallet were untouched.

Since 1999 until he died, Mariano had chaired the Board of the Peralta Multi-Purpose Cooperative. He also served as the chairman of the Tomato Growers Association. Mariano finished college with a degree in Economics at Northwestern University in 1990, cum laude.

He started his career as a radio commentator for dzVR Bombo Radyo right after college. Mariano was known to be a critical commentator on government affairs, such as the city police's handling of the anti-jueteng (illegal numbers game) drive.

He was married to Alma Mariano, with whom he had eight children, five girls, and three boys.

Four months after the brutal killing of Mariano, a murder case was filed against Senior Police Officer 4 Apolonio Medrano, Basilio Yadao, and two John Does before the RTC Branch 15 in Laoag City.

Medrano and Yadao were afterwards arrested and detained at the Ilocos Norte Provincial Jail while the other suspects are at large. Medrano and Yadao were arrested after a warrant of arrest was issued based on the testimony of Alvin Turingan, the tricycle driver who witnessed the ambush.

Turingan said he was driving his tricycle behind Mariano who was on a motorcycle. He positively identified Medrano as one of the men who fired at Mariano. He added that Medrano boarded a van after Mariano fell.

Medrano's camp, citing insufficient evidence in the charges against him, filed a motion to quash the charges on February 2005. However, the court denied the petition after finding probable cause in the complaint.

The proceedings of the case were suspended when Mariano's wife, Alma, sought a change of venue for the trial on July 2005 because of safety concerns for the witnesses and fears over possible court partisanship. Mariano's wife feared that witnesses in her husband's murder might be pressured, given Medrano's alleged influence in the province.

Medrano's lawyers objected to Alma's petition and claimed that the motion was designed to conceal the insufficiency of the evidence against him. While Alma Mariano's petition was still pending, Medrano filed a motion for the resumption of proceedings and for a bail of Php50,000 (\$1,000) for his provisional liberty.

Alma Mariano's petition was endorsed by the Freedom Fund for Filipino Journalists, which interceded with the Supreme Court (SC) for the prompt transfer of the case. The SC's First Division ordered the transfer of court records from Laoag RTC Branch 15 to Manila in a resolution dated April 3, 2006.

On June 19, 2006, Judge Benjamin Turgano sent Mariano's case records to the RTC judge in Manila.

Judge Manuel M. Barrios issued a directive to the warden of the Ilocos Norte Provincial Jail on July 3, 2006 for the transfer of Medrano and Yadao to Manila.

The two suspects were transferred to the Manila City Jail on July 25, 2006, just two days before the arraignment of the case. The trial is ongoing at Manila's RTC Branch 54.

Some witnesses have already given their testimonies before the court, among them Col. Benjamin Lusad of the Philippine National Police, Turingan, and Isidro Madamba. Lusad is the leader of Task Force Roger Mariano which arrested Medrano.

Madamba, on the other hand, is a law student in Mariano's alma mater who said that he was driving along the highway when the ambush happened.

Rolando Ureta

Unlike most broadcast-journalists killed in 2006, Rolando Ureta was not a freelance journalist in a provincial radio station. He was a program director and broadcaster for Radio Mindanao Network's Aklan station dyKR, where he anchored a nightly program, *Agong Night Watch*. Aklan is a province approximately 345 km. south of Manila.

Ureta was killed at around 9:30 p.m. on Jan. 3, 2001. Suspects on motorcycles trailed Ureta along the national road in Barangay Bagto, Lezo town in Aklan while on his way home from his evening broadcast. He was shot five times. He was able to run from his motorcycle to a house along the road, but succumbed to gunshot wounds there.

Ureta was reported to have received death threats since August 2000 due to his sharp commentaries, the most recent of which were directed against provincial government officials and reputed drug lords. He was tackling issues on illegal gambling and illegal drugs in Aklan before he was killed.

Ureta began his broadcasting career after earning an English degree, cum laude, from the Northwestern Visayan Colleges (NVC) in 1995. While working for IBC-dyIG, he also taught various college courses at NVC. He also wrote for *Panay News*, prior to joining dyKR in 1997.

In 1991, Ureta received a certificate in radio operation and was later accredited by the Kapisanan ng mga Brodkaster ng Pilipinas (KBP). He was a member of Lezo, Aklan's Sangguniang Bayan (Village Council). He was married to Emely Ureta, with whom he has a son, now eight years old.

On Sept. 24, 2004, the Aklan Provincial Police Office filed a murder charge against suspects Jessie Ticar, Amador Paz, and two other John Does before the Aklan Prosecutor's Office, docketed as IS No. 2004-4161.

On Dec. 6, 2004 the complaint however was dismissed by Third Assistant Prosecutor Apolinar Barrios for lack of probable cause.

The provincial prosecutor's office rejected the testimony of lone witness Gerson Sonio, who claimed he was 10 meters from where the shooting took place. Hiding behind a mango tree, Sonio claimed he saw Paz driving a motorcycle with Ticar as the back rider and gunman. According to Sonio, Ticar shot Ureta twice. But the witness's father, Perlito Sonio, and uncle, Diego Masangya, filed separate affidavits claiming that Sonio had been selling ice cream in Iloilo City, some 200 km. away from Kalibo, on the date of the killing.

Both Ticar and Paz denied having known each other as well as Sonio prior to the filing of the complaint. They also claimed to have been at other locations on the night of the murder.

On Jan. 4, 2005, the Philippine National Police and Emely filed a motion for reconsideration. The motion contained affidavits of additional witnesses supporting Sonio's testimony. But it was denied on Feb. 10, 2005.

The local police and Emely filed an appeal for the reversal of the complaint's dismissal on April 27, 2005, alleging grave abuse of discretion against the investigating prosecutor.

They argued that the respondents' alibis were not sufficient and that they were unable to prove that their sheer physical distance from the crime would render them unable to have been masterminds of the crime or in the vicinity of the crime scene.

They also upheld Sonio's categorical identification of the suspects as well as his "positive" testimony over the counter-claims of the elder Sonio and Masangya. They also contended that inconsistencies regarding minor details not related to the commission of the crime do not affect the weight or the veracity of the witness's claims (The prosecutor noted that the witness did not indicate his profession as a *balut*, or fertilized duck egg, vendor and his associations with Anthony Gerson, to whom he was said to have remitted money from the sold *balut*).

On July 7, 2005, Senior State Prosecutor Leo Dacera wrote a letter to Chief State Prosecutor Jovencito Zuño of the Department of Justice (DoJ) requesting for the case to be given preferential attention.

On Jan. 16, 2007, a resolution by the DoJ reversed the dismissal of the case against Paz and Ticar. The DoJ also directed the Aklan provincial prosecutor to file the appropriate charges against them. The resolution stated that the defendant's alibis were insufficient and that the petition for review is "impressed with merit."

"Weighed against the denials and alibis of respondents, said witness' affirmative testimony is stronger than a negative one," the DoJ resolution stated.

The DoJ also found no probable cause for Sonio to maliciously fabricate stories against the accused.

"The record is bereft of any (indication) that Sonio was prompted by ill-will in testifying against said respondents. Absent the most compelling reason, it is inconceivable why a witness would openly concoct a story that would send an innocent man to jail," the DoJ resolution stated.

"I'm very happy. For six years I have been praying for something to happen with the case. This is an answered prayer," Emely said

In March 2007, Paz and Ticar filed a motion for reconsideration to the DoJ asking for the retention of the case's dismissal. The case now awaits the decision of the DoJ on Paz and Ticar's motion for reconsideration. If the DoJ dismisses Paz and Ticar's motion, the case will then proceed to a special court designated in Aklan.

George and Maricel Vigo

Peace advocates and part-time journalist couple George and Maricel Vigo were on their way home to meet their five children when three motorcycle-riding assassins gunned them down on June 19, 2006 in Kidapawan City, a province in Cotabato, located 960 km. south of Manila.

George, 36, hosted *Tingog sa Kabatan-unan* (Voice of the Youth), a weekly program aired over dxND of the Notre Dame Broadcasting Corporation. He was also executive director of People's Kaayahan Foundation Inc. (PKFI), which facilitated peace forums and dialogues in Maguindanao and North Cotabato. George also contributed to the Union of Catholic Asian News (UCAN), Asia's largest church news agency.

Maricel, 39, graduated from the University of Southern Mindanao where she was a student leader and writer. She worked as communications consultant for North Cotabato Rep. Lala Talino and hosted *Kalihukan sa Kongreso* (Congress Affairs). She was also the area coordinator of the Solar Power Technology System, a project funded by British Petroleum, which distributed solar power to areas without electricity.

Since they married in 1995, the Vigos had found jobs in various church and social welfare groups to support their family. In the 1990s, the couple set up *Headliner*, a local paper whose building was allegedly burned down in 2001 by the paper's enemies. Maricel, in her column "Feminist Expressions," wrote about issues involving violence against women and children. One of her articles reported the alleged harassment of two female legislators by a provincial chief executive.

The Vigos had been working since 2000 for the PKFI. They also founded the Federation of Reporters for Empowerment and Equality along with other journalists in the region. In the years immediately prior to their deaths, the couple reported and commented on local government issues.

On June 20, the day after the murder, North Cotabato Gov. Emmanuel Piñol created Task Force Vigo to investigate the case. The governor also announced a Php50,000 (\$1,000) reward to anyone who could help find the assailants.

Three days later, the police, led by regional director Chief Supt. German Dorian, identified a Juniver Madangguit as a suspect, along with three other John Does. Madangguit was allegedly a member of the Sparrow Unit of the bandit group New People's Army (NPA). The NPA however denied that Madangguit was an NPA member.

Police theorized that the NPA must have considered the Vigos instrumental in the military raid that killed Reynante Ediza alias Commander Benjie in November 2004. That day, George and his colleague Ruby Sison, were scheduled to interview Ediza for an article for UCAN. “However, before the actual interview had started,” Sison said in a statement, “military elements...stormed the area. (Ediza), knowing that he would be putting our lives at risk, ran outside to surrender. But he was killed (by the military) nevertheless...”

On Oct. 1, Gregorio Alave Jr., Maricel’s brother, found out that the documents signed by his mother a day after the killing included a part accusing Madangguit of the murder. Police had instructed the 60-year-old woman to sign the document saying it was intended to establish that she was Maricel’s mother and George’s mother-in-law.

Human rights advocates saw this as proof of a whitewash by the authorities to tag NPA guerrillas as the killer to prevent the apprehension of the real killers and masterminds.

On Nov. 8, Fr. Peter Geremia, whom the Vigos had worked with, filed a statement requesting the Melo Commission and the National Bureau of Investigation to investigate “individuals who may have knowledge of threats and surveillance before and after the killing.”

On Dec. 8, Maricel’s brother Gregorio filed an affidavit of complaint, saying that a certain Toto Amancio was said to have been seen near the crime scene. Amancio was a notorious mercenary who, despite many criminal cases against him, was out on bail. Prosecutor Al Calica of Kidapawan, however, said there was not enough evidence to link him to the Vigo killing.

A new case, however, has yet to be filed to the fiscal’s office. But with the apparent deactivation of Task Force Vigo, which ceased operations right after they filed a case against Madangguit which was then rejected by Calica for lack of evidence, resolution of the case remain dim.

The case took a more unfortunate turn when Madangguit was reported to have been killed in June 3, 2007 in Makilala, a municipality in Cotabato. A relative of Madangguit said that the latter died in a bus accident, while the police said he had been shot.

Online news publication *Mindanews* quoted Sison, a friend of the Vigo couple who is now in hiding because of death threats, as saying that Madangguit “could have spoken the truth if brought to court. He could have said his piece as to whether he was involved in the killing or not”.

"A dead man tells no tales," Sison added, implying that Madangguit had been killed to silence him.

Philip Agustin

Former Dingalan, Aurora Mayor Jaime Ylarde is on trial at the Manila Regional Trial Court Branch 6 for the murder of Philip "Balbas" Agustin, 54, who was the editor-publisher of the community paper *Starline Times Recorder*. A verdict is expected by the last quarter of 2007.

Starline, which had a weekly circulation of around 500-1000, maintained an office in Isabela and Dingalan and was distributed in Cagayan Valley as well as in other Central Luzon provinces.

Among the cases of slain journalists, that of Agustin is the most promising since it is the only case where the alleged mastermind, Ylarde, has actually been indicted. Reynaldo Morete, a confessed accomplice to the crime who has turned state witness, claimed that Ylarde had ordered the killing.

Michael Mella, legal counsel of the Agustin family, said that they are now waiting for the results of police ballistic tests which could corroborate Morete's testimony. Ylarde was immediately suspected to be behind the killing as the last issue of *Starline* had criticized the municipal government because of alleged missing funds, relief goods, and logs intended for the rehabilitation of the town, which was hit by flash floods and landslides in 2004. The calamities left the town with 135 people dead and 56 missing.

On May 13, the police, led by Task Force Agustin head Police Regional Office-3 deputy director Senior Supt. Perfecto Palad, filed murder charges before the Dingalan municipal trial court against Nilo "Boyot" Morete, Manuel Alday, and a John Doe who had served as the lookout.

Nilo Morete is reputed to be a gun for hire. Among the murder cases linked to Morete are the 2003 killing of Army trooper Edwin Baldaba and the 1993 killing of Police Officer 3 Efren Pelaez in Casiguran, Quezon.

Reynaldo Morete, meanwhile, was nabbed by a combined team of police and National Bureau of Investigation (NBI) agents in Paltic village, Dingalan, Aurora on May 14, 2005.

Morete was presented as a witness by the NBI on May 16, 2005. Confessing that he had aided his cousin Nilo in the killing of Agustin, Reynaldo claimed to have personal knowledge that Ylarde had ordered the killing.

The Moretes and Alday, are reportedly in Ylarde's payroll. The three suspects worked in a construction project of the municipal government and handled bulldozers.

On May 17, 2006, a week after state prosecutors found probable cause to charge Ylarde with the murder of Agustin, Ylarde tried to leave the country but was prevented by the Bureau of Immigration (BI) which has him in its watch list. Ylarde did not protest his inclusion in the watch list and simply left the airport.

Justice secretary Raul Gonzalez however scolded the BI, over which he has administrative jurisdiction, for preventing Ylarde from leaving, saying that he had given permission for the mayor's trip to Hongkong because it was connected to his duties as mayor.

An 11-page resolution by prosecutors Cielito Lindo Luyun, Misael Ladaga, and Jose Pedro Navera on May 11, 2006 recommended no bail for Ylarde. A previous resolution penned by then Senior State Prosecutor Emmanuel Velasco dated Jan 26, 2006 had excluded Ylarde from those to be charged for the killing.

Agustin's daughter Rosebelle Cruz had filed a motion for reconsideration in response to Velasco's findings, which prompted Gonzalez to order the review by Luyun, Ladaga, and Navera.

On Aug. 9, 2006, the Supreme Court, acting on a motion filed by Cruz, transferred the case from Aurora to the Manila Regional Trial Court. Cruz cited safety concerns and the influence Ylarde, a former police officer, wields in their hometown.

LIBEL SUITS, DEATH THREATS, AND OTHER HARASSMENTS



Police try to arrest reporter

An arrest warrant for a business reporter, one of the 46 journalists sued by Jose Miguel “Mike” Arroyo, husband of President Gloria Macapagal Arroyo, was served by at least six policemen right inside the Malacañang Palace compound last Nov. 13.

Five Manila Police District policemen entered the press working area of the Malacañang Press Corps and sought Romina “Mia” Gonzalez, reporter of the national business daily, the *BusinessMirror*, shortly before 11 a.m. However, Gonzalez was not arrested because she was on leave.

Asked why they were looking for her, the policemen said their purpose was “confidential.” One reporter then checked the area’s logbook and found out that the police were going to serve an arrest warrant.

Gonzalez, who has been covering the presidential beat since the Ramos administration, said that she did not receive any notice about the court order, her lawyer, or even the staff of *Newsbreak* magazine, the publication to which she is a contributor.

“We’re surprised that an arrest warrant was about to be served on Mia Gonzalez, our contributor. We, including our counsel, have not received a copy of the resolution from the court. We deplore the shortcut in the legal process, a clear abuse of power,” said Marites Vitug, editor in chief of *Newsbreak*.

Mr. Arroyo filed the complaint against Gonzalez for her article, “Will GMA now change?” published in 2004 in *Newsbreak* magazine.

In her *Newsbreak* article, Gonzalez used the pen name “Concepcion Paez” for the story but admitted authorship in the counter affidavit she submitted to the court.

The attempt to arrest Gonzalez came a day after *Malaya* (Free) columnist and chief of reporters Ellen Tordesillas, who is also among the 46 journalists charged with libel by Mr. Arroyo, received an e-mailed death threat for her criticism of the President. (with reports from Inquirer News Service)

Columnist gets death threat

A newspaper columnist, again one of those charged with libel by the husband of Philippine President Gloria Arroyo, received a death threat through e-mail last Nov. 12.

Ellen Tordesillas, columnist and chief of reporters of the daily newspaper *Malaya* (Free), found the threatening message in her e-mail at around 3 p.m. shortly after sending her column. The message, coming from the address danie11aperez80@yahoo.com, was time-stamped 7:21 a.m. of the same day.

The letter said: “What kind of death do you prefer? To die of cancer? To die of accident? To die of ambush? To die of heart attack due to your libel suit? *Masyado kang matapang ha? Puro banat mo sa Pangulo dahil hindi ka napartehan ng gracia kahit kaunti.* (You’re too brave, aren’t you? You keep criticizing the President just because you did not have a tiny share of the blessings.) Your days are numbered.”

Tordesillas, a cancer survivor, said she had no idea who sent the message, but reported the incident to the National Bureau of Investigation.

Tordesillas is one of the 46 journalists sued for libel by Jose “Mike” Miguel Arroyo, husband of the president. She has posted bail of Php10,500 (\$210) on Oct. 16, 2006 after a Manila court issued a warrant of arrest.

Arroyo filed the libel complaint against Tordesillas, *Malaya* publisher Amado Macasaet, other members of the newspaper staff, and former senator Francisco Tatad over a report that appeared on May 19, 2004 that said the president’s husband acted as her “chief cheating operator” in the presidential elections. Tatad’s remarks were quoted in the story.

Lawyer and family threatened

The lawyer handling the class action suit of Filipino journalists against presidential spouse Jose “Mike” Miguel Arroyo received several threatening text messages and a threatening phone call on Jan. 3, 2007.

Harry Roque received a phone call at about 10 a.m. from a certain “Jun Santos” warning him to stop “lawyering for destabilizers.” The caller identified himself as a supporter of President Gloria Macapagal Arroyo and a member of the *Kabalikatang Malayang Pilipino* (Allies of Free Filipinos), the political party founded by Mrs. Arroyo.

Roque later received three SMS (short-message service) messages threatening to kill him and his family. One offered a Php5 million (\$100,000) bounty on the lawyer’s head.

The first SMS message, which came at about 1 p.m., said “Atty. Roque, RIP (Rest in Peace), we from the Hukbong Bayan (Army of the Country) are continually watching you and your moves of betrayal to the nation. We are again warning you to shut your fishy mouth.”

A second message followed which again threatened Roque and his family. “Dura lex, sed lex. Our law may be harsh but it is still our law. Not all the time you are lucky. Your end is near and your family.”

The third and last message said, “To all interested persons: we are giving away Php5 million/\$100,000 as a reward for the capture of Harry Roque, dead or alive. Atty. Roque is a lawyer of terrorist communist group in the Phils. A destabilizer, insurgent, an anti-American. Caution: he is armed & dangerous. Any info on his whereabouts, pls call or text 09152546579.”

The number turned out to be that of a mobile phone owned by the Public Affairs department of the Philippine Army, which denied involvement with or knowledge of the death threats against Roque.

“My strong suspicion is that it is Malacañang (the Presidential office) behind these death threats,” Roque said in an interview with *The Daily Tribune* newspaper.

Roque is also part of the legal team helping rape complainant “Nicole.” “Nicole” was raped by US Marine Daniel Smith on Nov. 1, 2005. Sentenced to 40 years’ imprisonment by a Philippine court, Smith has been transferred to the custody of the US Embassy in Manila by the Arroyo government. “Nicole” protested the transfer.

Two radio broadcasters shot

Two radio journalists were injured when two unidentified men fired their guns at them on Dec. 1, 2006 in Estancia, Iloilo, a province located about 400 km. south of Manila.

Arnie Pullan and Butch Aclaro, broadcasters at the MBC-Radyo Natin, were on their way home after their program when two men riding a motorcycle shot at them. Pullan and Aclaro, who were also on a motorcycle, suffered no critical wounds.

According to Senior Inspector Alex Velez of the Philippine National Police, Pullan managed to duck in time. The bullet merely grazed Pullan in the left eyebrow, while Aclaro suffered powder burns on his neck.

Velez said the motive behind the attack is still unknown.

The two broadcasters received first aid from a nearby hospital and were immediately released afterwards.

Aclaro and Pullan, who are also employees of the local municipal government, host *The Mayor's Hour*, a radio block time program of Estancia Mayor Rene Cordero. The show, which started airing in October 2006 ceased airing on Dec. 2, a day after the shooting incident.

It was not the first time that Pullan became the target of an attack. On June 7, 2005, two men shot at him using homemade shotguns. Charges of frustrated murder were filed against the suspects and the case is still pending in court. Velez said that the attack stemmed from Pullan's work as market inspector.

Eddie Lacsi, chair of the Kapisan ng mga Brodkaster ng Pilipinas (KBP) in Iloilo, said the MBC-Radyo Natin is not accredited by the KBP. The KBP, which is a self-regulatory body for the broadcast industry, enforces standards in programming, advertising, and trade practice through its Radio and Television Codes.

Radio station bombed

An unidentified individual onboard a motorcycle bombed the service vehicle of dxCC, a radio station of the Radio Mindanao Network, parked in front of the station in Cagayan de Oro City, Misamis Oriental, on March 13, 2007 at around 2:45 a.m. Cagayan de Oro is 790 km. south of Manila, located in northern Mindanao, the Philippines' second largest island.

No one was reported hurt in the incident, but it destroyed the van and damaged another vehicle, a motorcycle, and the station sign. According to Jac Gumapac, one of the radio station's commentators, the unknown assailant opened the window of the van and lobbed a molotov cocktail inside. Gumapac said that the attack may have been provoked by the station's commentaries.

"Our station is really known to be hard-hitting when it comes to political commentaries. We do not fear anyone, even the top officials of the local government," Gumapac said in Filipino.

Responding firefighters put out the fire caused by the bomb. Gumapac estimated the total damage at Php675,000 (\$13,500).

Gumapac said that it was usual for the radio station to receive threats almost every week. Before the bombing incident, dxCC station manager Saldy Ocon, who

is also a political commentator in the station as well as a city councilor, had received a death threat via SMS. Gumapac said Ocon did not pay much attention to the threat.

dwRC Radyo Cagayano, a radio station in Baggao, Cagayan Valley, was burned down by eight men on July 2, 2006. Cagayan Valley is a province 320 km. north of Manila. The unidentified assailants burned down the station's transmitter and broadcast booth and took the cell phones of six staff members before tying and blindfolding them.

Newspaper reporter attacked

Delfin Mallari Jr., a Southern Luzon correspondent of the Manila-based broadsheet *Philippine Daily Inquirer*, was shot and wounded at around 7:40 a.m. on April 19, 2007 by two unidentified gunmen in Lucena City, Quezon, a province 207 km. east of Manila. The *Inquirer* is one of the leading daily newspapers in the Philippines.

Mallari, 53, was driving his car with Johnny Glorioso of the ABS-CBN 2 network on their way to local radio station dwKI, for their 8 a.m. program when two assailants on board a motorcycle fired at them.

Glorioso, who was not hurt in the shooting, rushed Mallari, who was hit on the left side of his body, to the hospital. The bullet from Mallari's body was removed at around 10 a.m.

Gina Rodriguez, assistant Southern Luzon bureau chief of the *Inquirer*, said that Mallari, prior to the incident, had already been receiving threats, but that the incident was the first direct assault on the correspondent.

Mallari, who has a wife and a daughter, is a veteran *Inquirer* correspondent who has covered the police, environment, and local elections. He also wrote articles on illegal logging, toxic waste problems, and the illegal drug trade.

Mallari is also the editor in chief of *Ang Dyaryo Natin* (Our Newspaper), a local paper in Lucena where he also writes a column called "Kape't Brandy" (Coffee and Brandy). Glorioso is the publisher of *Ang Dyaryo Natin*.

Glorioso said that he and his colleagues have an idea as to the possible suspects, but that they did not want to reveal their names yet. Rodriguez also said that shortly after the incident, the *Inquirer* Southern Luzon bureau also received threats.

Mallari was released from the hospital after a few weeks and is now in stable condition.

Journalists post bail for libel

Five journalists posted bail at the Regional Trial Court of the Manila City Hall on Dec. 14, 2006 following the approval of the filing in court of libel charges against them by the husband of President Gloria Macapagal Arroyo.

The journalists had been sued in connection with an article that appeared in *Newsbreak* magazine on Dec. 3, 2003. Editor in chief Maritess Dañguilan Vitug, managing editor Glenda Gloria, editorial consultant Jose Dalisay, former business editor Ricky Carandang, and former contributing editor Booma Cruz each posted a bail of P10,000 (\$200) to preempt the arrest warrant that is expected to be issued soon.

The resolution, written by an assistant city prosecutor of Manila, stated that the accused journalists “meant and intended to convey false and malicious insinuations” against Jose Miguel Arroyo, the president’s spouse. It said that the story was “highly libelous and offensive and derogatory to the good name, character and reputation... of the First Gentleman.”

The article, titled “More Properties?” was a report on Arroyo’s allegedly undeclared properties in San Francisco, California. It followed up an earlier report by *Newsbreak* on the same topic published on Nov. 10, 2003, “San Francisco: The Arroyos’ Favorite City.”

Newsbreak said that the story was not malicious.

In a statement, Vitug said, “The article was very transparent; we said that these were leads and that we pursued them and stated our findings. Our cover story on the Arroyos’ undeclared properties in San Francisco provides proper context to this follow-up article.”

She described the resolution as “very brazen” and told the Center for Media Freedom and Responsibility, “It looks like we can no longer seek protection from the law. We know we can stand our ground in court but the issue here is the message that the charges send to other journalists.”

Broadcaster serving time for libel

For failing to defend himself in court because he could not afford a lawyer, a radio broadcaster from Davao has been convicted of libel and is now serving time in jail. Davao is a province 130 km. south of Manila.

Alex Adonis, who used to be a commentator of dxMF Bombo Radyo, was convicted of libel by Regional Trial Court Branch 17 Judge Renato Fuentes and sentenced to four years and six months in prison.

The libel case was filed by Davao First District Rep. Prospero Nograles—who was also the House majority floor leader—in October 2001 because of a report by Adonis.

Adonis reported that the congressman was seen running naked in a Manila hotel shortly after the husband of a woman he was having an affair with caught them in bed. Nograles denied the allegation.

Fuentes however acquitted Adonis' co-accused, Dan Vicente, the station manager of Bombo Radyo General Santos, a province of South Cotabato, located south of Davao.

Online publication *Mindanao Times* reported that Fuentes absolved Vicente due to the death of the prosecution's primary witness who heard Vicente and Adonis' broadcast.

Adonis, who has spent 18 years in the media industry, however failed to defend himself in court and the verdict against him was promulgated *in absentia*. He was arrested by the police in the Bangkerohan Public Market of Davao City while he was visiting his mother on Feb.19, 2007.

Davao Today, an online publication, reported that financial woes were a major factor in Adonis' conviction.

Adonis, who has a wife and two daughters, had been working on a Php7,500 (\$150) monthly salary in Bombo Radyo Davao. In 2004, he was reassigned to Bombo Radyo's station in Cagayan de Oro, 500 km. away from Davao. Adonis was given an additional Php3,000 (\$60) by the station as relocation allowance which stopped after three months. The removal of the Php3,000 allowance started Adonis's financial problems.

"I had to rent a room at Php1,000 (\$20). When payday came, there was barely enough left for my children, who were already in college," Adonis told *Davao Today*.

Adonis also made an arrangement with an eatery to allow him to eat there on credit, *Davao Today* reported.

Adonis also had a hard time traveling back and forth from Cagayan de Oro to Davao, which is seven hours by bus, for his work and court trial.

“To attend hearings, I had to finish my radio program first before I left Cagayan de Oro that same evening, so I would arrive in Davao at 8:00 a.m. the next day, in time for the 9:00 a.m. hearing of the case. Afterwards, I had to rush back to Cagayan de Oro again in time for my radio program that same day at 6:30 in the evening,” Adonis said.

“Sometimes I couldn’t even afford the bus fare to Davao.”

Adonis then disappeared from the radio station in 2005 and was declared AWOL (Absence Without Leave), prompting his lawyer, whom Bombo Radyo hired, to withdraw from the case. Without money to pay for another lawyer, Adonis stopped attending the hearings altogether.

Adonis also said that he had wanted to apologize to Nograles but was hindered by Bombo Radyo.

Bombo Radyo, however, issued a three-part statement published in the *Mindanao Daily Mirror* disputing Adonis’s claim.

“Adonis should not blame Bombo Radyo, his former employer, for his conviction. He only has himself to blame for his woes. His allegations that he was not allowed to make a public apology to Congressman Nograles and that Bombo Radyo did not support him in his case are preposterous. These claims are pure lies concocted by him to gain public sympathy at the expense of his former employer who supported him and his co-accused from day one of the case,” Bombo Radyo said in the statement.

“Without questioning the merits of the case or the court’s decision, Adonis’s case shows what happens to broadcasters who can’t afford to hire lawyers but dare criticize a high-ranking government official, who has all the backing of power,” said Dodong Solis, manager of dxDC radio station in Davao.

“It was not so much that Adonis had criticized Nograles on the air,” Solis said. “It was more of Adonis being poor, that he was not able to make full use of the privileges normally accorded by the law to citizens like him that he ended up where he is now.”

Nograles meanwhile expressed delight when he was informed of the decision.

“That’s good news,” he said.

Presidential spouse to drop libel suits

Presidential spouse Jose Miguel “Mike” Arroyo announced that he had ordered his lawyers to withdraw all the libel suits he had filed against Filipino journalists as a “gesture of peace” on May 3, 2007. Read by press secretary Ignacio Bunye in a media briefing in Malacañang, Arroyo’s announcement coincided with the celebration of World Press Freedom Day.

“Both in sincere gratitude to a nation that deserves a more harmonious leadership, and as a gesture of peace to the many kind hearts who have helped my family weather this crisis, I have instructed my attorneys to withdraw all the libel suits pending before the courts,” said Arroyo.

He added that “Seeking redress for all the grievances that the libel sought to address now pales in comparison to taking on a genuine chance to make peace and to pursue a more positive and constructive relationship with those who will accept my offer of a handshake.”

Two days before the announcement, Gloria Macapagal Arroyo’s 60-year-old husband had been discharged from a hospital after undergoing high-risk open heart surgery. His doctors advised him to “manage his stress.”

Said Romina “Mia” Gonzalez, a Malacañang reporter whom policemen had attempted to arrest in connection with one of Mr. Arroyo’s libel suits, “When he said what happened to him was nothing short of a miracle, I really believed it was a miracle. We were surprised.”

However, Southeast Asian Press Alliance (SEAPA) executive director Roby Alampay commented, “SEAPA welcomes this but we’d rather credit the journalists for pushing back, rather than FGMA (First Gentleman Mike Arroyo) for any change of heart. The very heart of filing 11 cases was the crime. He is not fooling anyone, just as he is not scaring anyone. FGMA remains an enemy of press freedom. So no thanks to FGMA.”

Arroyo had filed 11 libel suits against 46 Filipino journalists since 2003. On Dec. 28, 2006, members of the Philippine media filed a class action suit against Arroyo for violating press freedom.

Maritess Vitug, *Newsbreak* editor in chief and one of the libel respondents, said “We are glad that the First Gentleman has seen the light. But he should never have filed these cases in the first place. We would like this matter to be resolved on its merits. This will provide journalists with parameters on libel.”

The journalists' lawyer in the class action suit, Harry Roque, advised, "The suit should proceed. At issue is freedom of the speech as a right. It's not dependent on the acts of Mike Arroyo. Besides he has already caused damage both actual and moral."

Arroyo restricts access to information

President Gloria Macapagal Arroyo has issued an Executive Order (EO) that will restrict public and media access to official information. EO 608, issued on April 20, 2007, will create a National Security Clearance System that will "protect and ensure the integrity and sanctity" of classified information against "enemies of the state."

"It is the duty and responsibility of all government departments, agencies and offices to implement security measures that will protect and ensure the integrity and sanctity of classified or sensitive materials or information they have access to or in their possession," the EO said.

Heads of government agencies with access to classified matters are directed by EO 608 to implement and institutionalize the security clearance procedure approved by the office of National Security Adviser Norberto Gonzales.

"Any unauthorized disclosure, sharing, publication or use of the information contained in the classified documents or materials shall be considered a grave offense and shall be punishable in accordance with civil service rules and regulations," the EO said.

Departments are also ordered to designate a security officer who will assume responsibility for holding classified information.

Transparency and Accountability Network (TAN), a non-governmental organization that seeks to reduce corruption through transparency in the government, expressed alarm over EO 608.

"Through the passing of Executive Order 608, the President and her administration has shown their inclination towards confidentiality and secrecy," said TAN executive director Vincent Lazatin. "This is probably a result of the government's paranoia on sensitive issues."

Lawyer Nepomuceno Malaluan, co-convenor of the Access to Information Network, which has been working for the passage of a freedom of information act, also said that the EO "does not conform to any globally recognized standards of reasonable exception to access to information."

Executive Secretary Eduardo Ermita, however, said that the Arroyo government is only concerned about national safety. But he specifically mentioned the opposition as a threat.

“When we deal with matters of security, all of us must be responsible enough in handling such information—and disinformation. And when I say ‘responsible enough,’ we should not just throw anything against the administration and use the sensitive information. So they (the opposition) should be discerning enough to know what are matters of national security especially that (sic) which pertain to the safety of our people and that’s the reason we are now quite strict in handling security matters,” Ermita, in a report by the Manila newspaper *The Daily Tribune*, said.

Newspaper charged with inciting to sedition

The Department of Justice (DoJ) has charged the publisher and two columnists of Manila-based newspaper *The Daily Tribune*, a known critic of the Arroyo administration, with inciting to sedition for allegedly publishing articles that encourage the people to rise against the government.

Article 139 of the Revised Penal Code of the Philippines defines sedition as “committed by persons who rise publicly and tumultuously in order to attain by force, intimidation, or by other means outside of legal methods” such acts as preventing the promulgation or execution of any law, or preventing a government official in the performance of his duties.

Article 141 states that a person, “without taking any direct part in the crime of sedition,” has committed inciting to sedition by inciting others “to the accomplishment of any of the acts which constitute sedition, by means of speeches, proclamations, writings, emblems, cartoons, banners, or other representations tending to the same end.”

Chief State Prosecutor Jovencito Zuño approved separate criminal charges against publisher Ninez Cacho Olivares and columnists Ike Señeres and Herman Tiu Laurel and recommended Php12,000 bail (\$240) for each.

Senior State Prosecutor Philip Kimpo, who conducted the preliminary investigation, said that “the accused (have) continuously maligned and undermined the present administration.”

A Dec. 21, 2006 DoJ ruling stated that the articles and editorials “showed grossly abusive statements against the institutions of the Philippine government as well as to its present officials and called for the booting out of this government as the only

solution.” The 29-page resolution, which was mailed only last Feb. 5, cited seven of the paper’s editorials and five of Olivares’s columns.

“Aptly, it must be understood and always borne in mind that there is a vast difference between criticism or fair comment on the one side and defamation on the other. Where defamation commences, true criticism ends,” Kimpo said in an interview over GMA-7 television.

Olivares said that the charge was meant to silence her “through intimidation” and to frighten her “into going soft on criticisms against her (Arroyo) and her government” in time for the coming May senatorial elections.

“(T)he Justice Department (is) once again trying to scare me off and silence me. If they can’t do it with a bullet, they will do it through the courts,” Olivares said.

The first of the editorials cited in the charge, “Candles for Truth,” was published in September 2005.

Asher Dolina, National Capital Region chief of the Philippine National Police Criminal Investigation and Detection Group (CIDG), filed the complaint.

The CIDG is the same group that raided the *Tribune* office on Feb. 25, 2007 last year after the declaration of Presidential Proclamation (PP) 1017. The raid was later declared by the Supreme Court as unconstitutional on May 3, 2006.

Arroyo issued PP 1017 on Feb. 24, 2006 placing the country under a state of national emergency. The administration afterwards issued guidelines for the media prohibiting news and commentaries that are “subversive,” and said that the government is closely monitoring the press.

PP 1017 was widely criticized and resulted in a petition by the media before the Court of Appeals asserting their constitutionally protected rights against censorship and prior restraint.

Libel Suits, Death Threats, and Other Harassments

SOME KILLINGS, 2006-2007



Andres Acosta

Assailants stabbed to death a community journalist on Dec. 20, 2006 in Batac, Ilocos Norte, a province 450 km. north of Manila.

Andres “Andy” Acosta, 46, reporter for dzJC and the monthly community paper *Northern Light*, was on his way home from a Christmas party of reporters at the Northview Hotel in Laoag when he was stabbed by unknown attackers.

Acosta managed to get on his motorcycle and headed for the Mariano Marcos Memorial Hospital and Medical Center in Batac. Witnesses saw him speeding on the national highway before he collapsed from his motorcycle and died from stab wounds.

A journalist for the past nine years, Acosta covered mostly police stories.

The motive for his killing is still unknown but Superintendent Bienvenido Rayco, Batac police director, said that revenge could be the reason. Acosta was believed to have encouraged his son to agree to be a witness in a murder case, thus possibly incurring the anger of the suspects in that case.

Rayco added that the reporter was also known to confront rowdy drunkards and take them to the police.

Diomedes Lorenzo, dzJC station manager, said Acosta’s death might not have been related to his work since he did not report on sensitive issues.

Another reporter, Roger Mariano, who also worked for dzJC, was killed on July 31, 2004. His case is being heard at the Manila Regional Trial Court Branch 59. The suspect, Apolonio Medrano, a former policeman, is being tried for murder. Mariano’s killing is believed to have been related to his work.

Ponciano Grande

Two men on a motorcycle killed and robbed a former radio and newspaper reporter on Dec. 7, 2006 in his farm in Cabanatuan City, Nueva Ecija, a province 150 km. north of Manila.

Ponciano Grande, who had worked for *The Recorder* and *The Nueva Ecija Times*, died from five bullet wounds inflicted by a .45-caliber pistol. Annie Liwag, Grande’s common law partner who hosts a radio program in dwJJ, said the gunmen were in their late teens.

Liwag said the assailants took Php174,000 (\$3,480) from Grande. The money was supposed to pay for expenses in the farm.

Grande used to write for the two community papers and served as assistant information writer for dwNE until 2000 when he and Liwag decided to give full attention to their farm. Grande was also a board director of the Nueva Ecija Press Club (NEPC) from 1992 to 1993.

Liwag said she believes the killing was not related to Grande's previous work as a journalist. Grande had not received any threat before he was killed.

"My husband is a good person. He is very friendly and I do not think he had any enemies," Liwag said.

Philippine Daily Inquirer correspondent Anselmo Roque said Grande did not write controversial articles as a journalist.

Jojo de Guzman, NEPC president, said the police are considering robbery as the reason for Grande's killing.

Even then, de Guzman said, "At present, we are urging the police to investigate further the motive behind the killing."

Carmelo Palacios

A police reporter for the government-run dzRB Radyo ng Bayan was found dead in Mapalad Village, Sta. Rosa, Nueva Ecija (about 200 km. north of Manila) on April 18, 2007 at around 6 a.m.

Carmelo "Mark" Palacios, 41, bore bruises and gunshot wounds on the chin and back. His jaw was also broken. Senior Supt. Allen Bantolo, who heads the investigation, said the killers "smashed (Palacios's) face with a very hard object."

"It seems that his killers were very mad at him," observed Police Director Geary Barias, chief of Task Force Usig (Prosecute), a special police unit investigating extrajudicial killings.

Bantolo said that Palacios must have "earned the ire of scalawag policemen and politicians," whose crimes Palacios had reported. Palacios, who headed the Citizens' Crime Watch (an anti-crime group based in Nueva Ecija) had also done a series of reports on the alleged misuse of a congressman's pork barrel. He had also helped solve several local crimes by providing leads to the police.

“It is too early to make conclusions at this point in the investigation,” added Barias. “Neither do we want to speculate on the possible motive.”

Palacios was last seen on April 17 at around 5 p.m. with an unidentified man near police headquarters in Cabanatuan City. Residents of Sitio Uno, where the body of Palacios was found, claimed that at around 9:30 p.m. they had noticed an unidentified vehicle maneuvering, which, after a few minutes, sped away. Investigators believe Palacios was killed between 9 and 10 p.m.

Palacios was the second journalist to be killed in 2007 in the Philippines. Hernani Pastolero Jr., a newspaper publisher, was gunned down in Mindanao on Feb. 19, 2007.

Hernani Pastolero

The associate publisher of *Lightning Courier*, a news weekly in Mindanao, was shot dead by a lone gunman just outside his house in Sultan Kudarat, Shariff Kabunsuan, on the early morning of Feb. 19, 2007. Mindanao is the second largest and southernmost island of the Philippines.

According to Sultan Kudarat police chief Ismael Mama, Hernani Pastolero was sitting in a basketball court outside his house in Bulalo village around 6:20 a.m. when an unknown assailant shot him twice in the back of the head using a .45 caliber pistol. Mama added that the killer, who was around 25 to 30 years old, also had a lookout.

Avelino Acoymo, publisher of *Cotawato Express*, who has worked with Pastolero, said that he did not know anyone with whom the late associate publisher had any conflict.

“He was a good person and I don’t think he had any enemies,” Acoymo said.

Mama, who was tasked to head the Task Force Pastolero created by Autonomous Region in Muslim Mindanao police director Joel Goltiao, said that the police are still establishing the motive behind the killing as no one has been willing to give a statement on the incident.

According to Acoymo, Pastolero, who started in the broadcast industry in the eighties, was more focused on the business aspect of the newspaper rather than on writing stories. Pastolero also served as editor in chief of the defunct *Mindanao Newscast*, a former community paper in the same area.

Pastolero's son, Hernani Pastolero Jr., said his father was not a hard-hitting journalist and the stories his father wrote were non-controversial news in their province. He also said that he does not know of any threat his father had received.

"My father was a good person. He was well-respected in the community and he even extended help to those in need," Pastolero Jr. said.

Pastolero was the second journalist to be killed in Sultan Kudarat after the March 24, 2005 killing of Marlene Esperat, columnist of *The Midland Review*, who was exposing corruption in the local government. Esperat's killers, Gerry Cabayag, Estanislao Bismaros, and Randy Grecia, were convicted and sentenced to life imprisonment on Oct. 6, 2006 after a 10-month trial.

The death of Pastolero coincided with the visit of the United Nations special rapporteur on extrajudicial killings, Philip Alston, who was in the country investigating the killing of political activists and journalists.

SEARCHING FOR SOLUTIONS — THE CMFR STUDY



Because of the growing number of killings during the watch of the Arroyo administration, the Center for Media Freedom and Responsibility (CMFR) initiated a study on the journalists slain from 2001 to the present. Apart from the need to speed up the wheels of justice, some common denominators among the slain journalists continue to suggest the need for a more active press community.

Purpose of the study

To establish an overview of journalist killings from Feb. 2001 to June 2007.

Specific objectives:

1. To determine common factors in the high number of slain journalists during the Arroyo administration.
2. To identify actions and strategies that may help to stop or reduce the number of the killings.

Methodology

Database analysis and interview methods were used with the aim of giving an integrative description of the journalist killings in the country from Feb. 2001 to June 2007. A descriptive method of research was chosen because it is based on a fact-finding method using both qualitative and quantitative approaches. The study's emphasis is the actual situation and background behind the large number of slain journalists, especially provincial broadcasters.

Variables and measures

- Date of death (date of killing)
- Name (of slain journalist)
- News organization (where the journalist worked for; plus organizational accreditation)
- Position (nature of work)
- Medium (medium of specialization)
- Place of death
- Circumstances (details surrounding the death of the journalist)
- Organizational affiliation of the journalist (media association/s of which the journalist is a member, and/or accreditation from a self-regulatory body like the Association of Broadcasters of the Philippines/Kapisanan ng mga Brodkaster ng Pilipinas -KBP)
- Job/employment classification (contract/status on how the journalist was being paid)

- Academic/professional background in journalism (journalist's highest educational attainment, formal training, and experience in media practice)
- Case status (case updates on the trial of the suspects and investigation of the police)
- Family background/civil status (determined size of family/families, the number and age/capacities of dependents)
- Suspects arrested/surrendered (identified suspects, if any); and
- Case contacts (to establish reliability and validity of facts)

Sourcing

Primary data was gathered through interviews with provincial sources for all the cases. In each case, CMFR interviewed sources from the slain journalist's family, the colleagues of the victim in the station/publication that he or she worked for, and the Philippine National Police (PNP). In some cases, additional inputs were culled from the courts in charge of the cases, the lawyers handling the prosecution against the suspects in the killings, and the Department of Justice (DoJ).

Additional data were gathered from the databanks of the PNP, the Asian Institute of Journalism and Communication, the Committee to Protect Journalists, the Commission on Human Rights, the National Union of Journalists of the Philippines, and various news clippings.

This year, CMFR decided to add two (2) names to the original list of journalists killed in the line of duty during the Arroyo administration. These are: Romeo Binungcal and Eldy Gabinales, both killed in 2004. Their names were previously excluded because police data showed that they were not killed in the line of duty. However, new evidence has surfaced to show otherwise.

Data analysis

All variables were analyzed in terms of quantitative (using frequency counts and percentage distribution) and qualitative (focused interviews) schemes to provide an overview of the cases of the slain journalists, with substantial consideration given to the background and other pertinent factors.

Scope and limitations

Due to CMFR's concern for freedom of expression issues, the study was limited to the cases of journalists killed in the line of duty.

Findings

- During the Arroyo administration, 33 journalists have so far been killed in the line of duty; while 20 others were killed most likely for other reasons;
- Broadcast journalists killed outnumbered journalists in other media, comprising 28 of the 33 journalists killed in the line of duty. The numbers suggest that those in broadcasting are more vulnerable to attack. As noted in the previous study, a 2004 Pulse Asia survey showed that television and radio were the primary sources of news on campaigns and candidates in the last elections, meaning that more Filipinos favor the broadcast media in getting political information. About 25 percent of those who were slain were working both in print and radio or television. In these cases, it was their work in the latter that made them better known. Obviously, journalists get better known and get more attention when they work in broadcast media. (see Figure 1)

MEDIUM	TOTAL
Radio	16
Radio / Print	9
Print	5
Radio / TV	1
TV / Print	1
Others	1
TOTAL	33

Figure 1

- Most of those killed worked in the provinces. Even in urbanized areas in the provinces, the cases are not likely to get the kind of national attention that will press police to investigate cases.
- Not all the provinces are equally dangerous. The highest death toll rates were found in Region 3, 4-A (CALABARZON), 9, and 12, 15.5 percent; and 5, 12.12 percent. (see Figure 2)

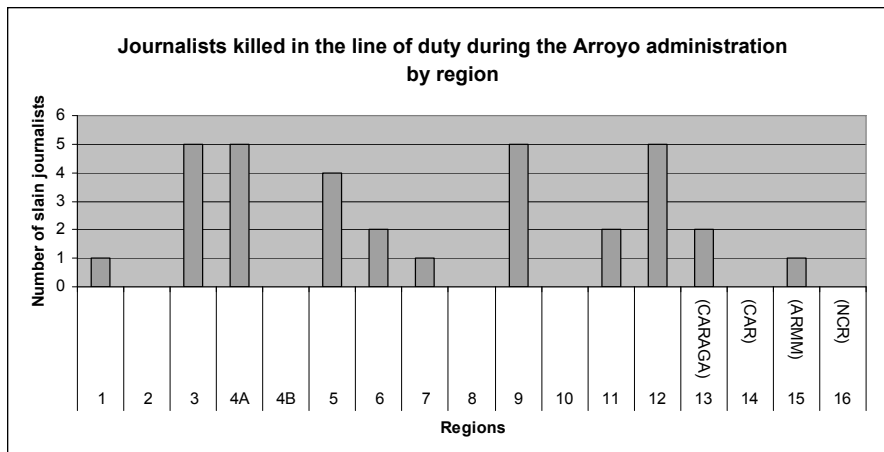


Figure 2

- Since 2001, only two cases, that of Edgar Damalerio and Marlene Esperat, had been successfully prosecuted. Meanwhile, 15.15 percent of the cases are currently under trial; 51.52 percent are still under investigation; another 15.15 percent have been dismissed due to lack of evidence against the suspects; and 12.12 percent are pending prosecution. (see Figure 3)



Figure 3

- In at least nine of the cases, government personnel, such as police officers, local government officials, have been identified as prime suspects;
- Research into the location reveals a pattern in the modus operandi of the attackers. Most of the killings took place near the victim's place of work or home, indicating that the killers studied the victim's routine. CMFR has found that news

organizations do not provide their staff with guidance on safety as a matter of course;

- None of the slain journalists were affiliated with any national news organization, even as 66.67 percent were freelance print/broadcast journalists and 57.58 percent were radio block timers. Only 27.27 percent were regular employees of provincial news organizations.
- Moreover, among the slain broadcast journalists, only 11 had current KBP accreditation, while four had expired accreditation and 13 had no accreditation at all. KBP accreditation is premised on participation in a short basic broadcasting course and passing an examination.
- Most of the slain journalists did not have academic training in journalism. About 42.42 percent had college degrees in fields not related to journalism or mass communication. Some 18.18 percent did not finish college, 12.12 percent finished high school, 24.24 percent did not have any record of any educational attainment; and 3.03 percent had a college degree related to mass communication.
- However, at least 12 had media training from short courses and training programs conducted by the KBP and other media organizations;

But, as the study shows, there are certain factors that contribute to the press's individual and institutional vulnerability that still need to be addressed via ethical and safety training, media accreditation by the KBP and the Philippine Press Institute, continued support for legal assistance, and the setting up of Citizen Press Councils around the country to promote press accountability and provide a safe venue for the airing of grievances.

Breaking the cycle of violence through safety training

As part of the commitment to find solutions to end the cycle of violence, a Training of Trainers workshop was organized by CMFR last September 2006.

With the support of the Norwegian Ministry of Foreign Affairs, CMFR was able to gather participants from around the country for a four-day intensive training in Davao City. Participants were chosen based on their ability to train and their circle of influence in their own communities. Thus, participants were a mix of editors, academics, and senior journalists.

As noted by the CMFR study, most of the slain journalists were freelancers who were not part of any media organization. At the same time, the study noted that most of them were killed in the vicinity of their homes or offices.

To address these issues, Yvonne Chua of the University of the Philippines served as resource person to aid participants in designing a safety training program suited to their own communities. Roby Alampay, executive director of the Southeast Asian Press Alliance, guided participants in the research and writing of press alerts to make the general public as well as local and international media organizations aware of threats faced by journalists. As proven in past cases, alerts are an effective way of calling attention to violations of free expression and press freedom.

CMFR Executive Director Melinda Quintos de Jesus discussed the importance of ethics and journalistic principles in the safety training program. She noted, “If journalists do the right thing, they will be protected by the people. There will be public outrage when someone is killed. There will be action at the highest level because there is outrage that a good journalist is killed.” But De Jesus pointed out that even the most irresponsible journalist does not merit the death penalty.

In a previous study, CMFR noted that safety training has not been undertaken in the newsrooms, thus requiring that this initiative be undertaken by the CMFR and other concerned media organizations.

FILIPINO JOURNALISTS/MEDIA PRACTITIONERS KILLED IN THE LINE OF DUTY SINCE 1986			
	Date of Death	Name	News Organization / Place of Killing
1	1986-Apr-24	Pete F. Mabazza	Manila Bulletin / Tuguegarao City, Cagayan
2	1986-Apr-25	Wilfredo Vicoy	Reuters / Tuguegarao City, Cagayan
3	1987-Apr-12	Dionisio Perpetuo Joaquin*	Olongapo News / Olongapo City, Zambales
4	1987-Aug-27	Narciso Balani	dxRA / Davao City, Davao del Sur
5	1987-Aug-27	Rogie Zagado	dxRA / Davao City, Davao del Sur
6	1987-Aug-27	Leo Palo	dxRA / Davao City, Davao del Sur
7	1987-Aug-27	Cesar Maglalang	dxRA / Davao City, Davao del Sur
8	1987-Aug-28	Martin Castor	Pilipino Ngayon / Manila
9	1987-Oct-04	Ramon Noblejas	dyVL / Tacloban City, Leyte
10	1987-Oct-10	Leo Enriquez III	Kyodo news service, Washington Times, People's Journal / Cebu City, Cebu
11	1988-Mar-29	Noel Miranda	Mindanao Scanner / Tagum City, Davao del Norte
12	1988-Aug-12	Ruben R. Manrique**	Luzon Tribune / Balanga City, Bataan
13	1988-Oct-30	Josef Aldeguer Nava	Visayan Life Today and dyRP / Iloilo City, Iloilo
14	1989-Oct-17	Severino Arcones	dyFM-Radyo Bombo / Iloilo City, Iloilo
15	1989-Dec-01	Eddie Telan	Newscaster / Quezon City
16	1990-Feb-4	Enrique Lingan	The Luzon Times, The Midway Star / Lucena City, Quezon
17	1990-Feb-6	Joseph "Joe" Kreuger	Mindoro Weekly Reporter / Pinamalayan, Oriental Mindoro
18	1990-May-15	Reynaldo Catindig, Sr.	Northern Sierra Madre Express / Timauini, Isabela
19	1990-Jul-08	Jean Ladrangan	Southern Star / General Santos City, South Cotabato
20	1991-Apr-14	Nesino Paulin Toling*	Panguil Bay Monitor / Ozamiz, Misamis Occidental
21	1992-Jul-01	Danilo Vergara	Philippine Post / Iligan, Lanao del Norte
22	1992-July-3	Abdulajid "Jade" Ladja	Prensa Zamboanga / Zamboanga City, Zamboanga
23	1992-Sep-21	Rev. Greg Hapalla	dxAS / Zamboanga City, Zamboanga del Sur
24	1992-Dec-02	Gloria Martin	dxXX / Isabela, Basilan
25	1993-Jan-11	Romeo Andrada Legaspi	Voice of Zambales / Olongapo City, Zambales
26	1996-Feb-12	Ferdinand Reyes	Press Freedom / Dipolog City, Zamboanga del Norte
27	1996-Dec-15	Alberto Berbon*	dzMM / Imus, Cavite
28	1997-Jun-03	Daniel J. Hernandez	People's Journal Tonight / Quezon City
29	1997-Dec-17	Regalado Mabazza	Polaris cable network / Cauayan, Isabela
30	1998-Feb-15	Odilon Mallari*	dxCP / General Santos City, South Cotabato
31	1998-Mar-29	Rey Bancairin	dxLL / Zamboanga City, Zamboanga del Sur
32	1998-Oct-30	Dominador "Dom" Bentulan	dxGS / General Santos City, South Cotabato
33	1999-Jan-21	Bienvenido Dasal	dxKR Radyo Agong / Koronadal, South Cotabato
34	1999-Apr-25	Frank Palma*	Bombo Radyo / Bacolod City, Negros Occidental
35	2000-May-23	Vincent Rodriguez	dzMM / Guagua, Pampanga
36	2000-Nov-17	Olimpio Jalapit	dxPR / Pagadian City, Zamboanga del Sur
37	2001-Jan-03	Rolando Ureta	dyKR / Kalibo, Aklan

Philippine Press Freedom Report September 2006-July 2007

38	2001-Feb-24	Mohammad Yusoph	dxID / Pagadian City, Zamboanga del Sur
39	2001-May-30	Candelario "Jhun" Cayona**	dxLL / Zamboanga City, Zamboanga del Sur
40	2002-May-13	Edgar Damalerio *	dxKP, Zamboanga Scribe, Mindanao Gold Star / Pagadian City, Zamboanga del Sur
41	2002-Aug-22	Rhode Sonny Esguerra Alcantara	Kokus, Celestron Cable TV / San Pablo City, Laguna
42	2003-Apr-28	John Belen Villanueva, Jr.	dzGB / Camalig, Albay
43	2003-May-17	Apolinario "Polly" Pobeda***	dwTI / Lucena City, Quezon
44	2003-Jul-08	Bonifacio Gregorio	Dyaryo Banat / La Paz, Tarlac
45	2003-Aug-19	Noel Villarante**	The Laguna Score, DZJV / Sta. Cruz, Laguna
46	2003-Aug-20	Rico Ramirez**	dxSF / San Francisco, Agusan del Sur
47	2003-Sept-06	Juan "Jun" Pala	dxGO / Davao City, Davao del Sur
48	2003-Dec-02	Nelson Nadura	dyME / Masbate City, Masbate
49	2004-Feb-11	Rowell Endrinal	dzRC, Metro News / Legazpi City, Albay
50	2004-Jun-17	Elpidio "Ely" Binoya**	MBC-DZRH Radyo Natin / General Santos City, South Cotabato
51	2004-Jul 31	Roger Mariano***	dzJC / San Nicolas, Ilocos Norte
52	2004-Aug-05	Amnel Manalo**	dzRH, Bulgar, Dyaryo Veritas / Bauan, Batangas
53	2004-Sept-29	Romeo Binungcal	Remate, Bulgar, Mt. Samat Forum / Sta. Rosa, Pilar, Bataan
54	2004-Oct-19	Eldy Gabinales, aka Eldy Sablas	dxJR-FM Radio Real / Tandag, Surigao del Sur
55	2004-Nov-12	Gene Boyd Lumawag	MindaNews / Jolo, Sulu
56	2004-Nov-15	Herson Hinolan	dyIN / Kalibo, Aklan
57	2005-Mar-24	Marlene Esperat*	The Midland Review / Tacurong City, Sultan Kudarat
58	2005-May-04	Klein Cantoneros	dxAA / Dipolog City, Zamboanga del Norte
59	2005-May-10	Philip Agustin***	Starline Times Recorder / Dingalan, Aurora
60	2005-Jul-05	Rolando Morales	dxMD / General Santos City, South Cotabato
61	2005-Nov-18	Ricardo Uy	dzRS-AM / Sorsogon City, Sorsogon
62	2005-Nov-20	Robert Ramos	Katapat / Cabuyao, Laguna
63	2005-Dec-01	George Benaogan	dyDD / Cebu City, Cebu
64	2006-Jan-20	Rolly Cañete	dxPR / Pagadian City, Zamboanga del Sur
65	2006-Apr-02	Orlando Mendoza	Tarlac Profile, Tarlac Patrol / Tarlac City, Tarlac
66	2006-May-22	Fernando Batul***	dyPR / Puerto Princesa City, Palawan
67	2006-Jun-19	George Vigo	dxND / Kidapawan, Cotabato
68	2006-Jun-19	Maricel Alave-Vigo	dxND / Kidapawan, Cotabato
69	2006-Jul-18	Armando "Rachman" Pace ***	dxDS / Digos City, Davao del Sur
70	2007-Apr-18	Carmelo "Mark" Palacios	dzRB / Sta. Rosa, Nueva Ecija

In the line during Arroyo = 33

Non-work related during Arroyo = 20

3, 9 and 12 - Regions with the biggest death toll, 9 each

* With conviction = 7

** Dismissed cases = 6

***Under trial = 5

**FILIPINO JOURNALISTS/MEDIA PRACTITIONERS KILLED IN THE LINE OF DUTY
DURING THE ARROYO ADMINISTRATION**

	Date of Death	Name	News Organization / Place of Killing	Motives
1	2001-Feb-24	Mohammad Yusoph	dxID / Pagadian City, Zamboanga del Sur	Killed for his commentaries
2	2001-May-30	Candelario "Jhun" Cayona**	dxLL / Zamboanga City, Zamboanga del Sur	Killed because of his commentaries over his radio shows "Buenas dias Zamboanga (Good Morning Zamboanga)", "Accion Derecho (Direct Action)" and "Textimonya ("Text'imony)" which angered politicians, the police and the military, local government officials, illegal gamblers and even the terrorist group Abu Sayyaf.
3	2002-May-13	Edgar Damalerio *	dxKP, Zamboanga Scribe, Mindanao Gold Star / Pagadian City, Zamboanga del Sur	Damalerio, who juggled jobs as a radio commentator for DXKP-Pagadian, managing editor of the Zamboanga Scribe, and host of the cable TV program "Enkwentro" (Encounter), was believed to have been killed for his exposés which detailed the alleged involvement of local officials, police and military men, and even fellow journalists in anomalous transactions and illegal activities. He even went to the extent of filing cases against officials whom he said were involved in wrongdoing.
4	2002-Aug-22	Rhode Sonny Esguerra Alcantara	Kokus, Celestron Cable TV / San Pablo City, Laguna	Killed for his hard-hitting commentaries against local politicians.
5	2003-Apr-28	John Belen Villanueva, Jr.	dzGB / Camalig, Albay	No clear motive, although commentaries aired over his program may have irked the New People's Army
6	2003-May-17	Apolinario "Polly" Pobeda***	dwTI / Lucena City, Quezon	Killed for either his critical commentaries against local politicians, and/or the New People's Army
7	2003-Jul-08	Bonifacio Gregorio	Dyaryo Banat / La Paz, Tarlac	The victim was known to be critical of La Paz, Tarlac mayor Dionisio Manuel. Gregorio reportedly wrote several articles assailing Manuel for his alleged illegal activities, among them the conversion of a former ricefield in La Paz into a memorial park.
8	2003-Aug-19	Noel Villarante**	The Laguna Score/DZJV / Sta. Cruz, Laguna	Villarante's Laguna Score editor Ulysses Lopez said that Villarante's murder was "definitely job-related" and that Villarante "was known for his hard-hitting commentaries against politicians." It was also believed that Villarante was killed by drug syndicates because he had exposed some of the illegal drug activities in the area.
9	2003-Aug-20	Rico Ramirez**	dxSF / San Francisco, Agusan del Sur	Killed because of his exposés on the crime and drug syndicates operating in the area.

Philippine Press Freedom Report September 2006–July 2007

10	2003-Sept-06	Juan "Jun" Pala	dxGO / Davao City, Davao del Sur	Killed because of his critical commentaries against different local personalities, including Davao city Mayor Rodrigo Duterte. Pala was also known for his anti-communist commentaries.
11	2003-Dec-02	Nelson Nadura	dyME / Masbate City, Masbate	"Killed by the New People's Army for his anti-communist commentaries he aired in his program.
12	2004-Feb-11	Rowell Endrinal	dzRC, Metro News / Legazpi City, Albay	Killed for his critical commentaries of politicians in his area, tackling alleged corruption in the local government.
13	2004-Jun-17	Elpidio "Ely" Binoya**	MBC-DZRH Radyo Natin / General Santos City, South Cotabato	Killed for his commentaries against alleged graft by local politicians.
14	2004-Jul 31	Roger Mariano***	dzJC / San Nicolas, Ilocos Norte	Killed for his exposes on alleged scams at the Ilocos Norte Electric Cooperative and commentaries on the proliferation of illegal gambling in the area. On the night of his death, Mariano announced over the air that he would be reporting a major story on a corruption scam he had uncovered.
15	2004-Aug-05	Arnnel Manalo**	dzRH, Bulgar, Dyaryo Veritas / Bauan, Batangas	Police believe he was killed for his commentaries on local crimes.
16	2004-Sept-29	Romeo Binungcal	Remate, Bulgar, Mt. Samat Forum / Sta. Rosa, Pilar, Bataan	Reporter Rod Izon said he received two mysterious text messages (following Binungcal's death) saying, "Nakapag-sample na kami. Kasama nyo yan" and "Di nyo na kailangang makilala pa kami. Ang mahalaga ay naiparating naming and mensahe." (We have sampled one. We have already sent the message.) Izon believed the texter was alluding to Binungcal, a hard-hitting commentator especially on illegal drugs and other criminal activities, as the "sample."
17	2004-Oct-19	Eldy Gabinales, aka Eldy Sablas	dxJR-FM Radio Real / Tandag, Surigao del Sur	Killed for his uncompromising stand against crimes. Days prior to his death, he was denouncing gambling operations in Surigao del Sur. He also commented on the illegal drugs trade in the province, warning suspected drug lords to stop their activities.
18	2004-Nov-12	Gene Boyd Lumawag	MindaNews / Jolo, Sulu	No clear motive. Was shot while on assignment in Jolo with his editor Carolyn Arguillas to interview local officials for a documentary on transparency, accountability and governance.
19	2004-Nov-15	Herson Hinolan	dylN / Kalibo, Aklan	Killed for his hard-hitting commentaries against local politicians
20	2005-Mar-24	Marlene Esperat*	The Midland Review / Tacurong City, Sultan Kudarat	Killed for numerous cases she uncovered regarding graft and corrupt practices allegedly committed by public officials involving rampant misuse of public funds intended for the use of marginalized farmers. Esperat worked on numerous

			cases, such as the unremitted government share of Government Service Insurance System premiums of DA 12 employees from January to December 1997.	
21	2005-May-04	Klein Cantoneros	dxAA / Dipolog City, Zamboanga del Norte	Killed for his hard-hitting commentaries against corruption in the local government.
22	2005-May-10	Philip Agustin***	Starline Times Recorder / Dingalan, Aurora	Killed for the critical reports and editorial against Dingalan mayor Jaime Ylarde contained in the last issue of Starline Times Recorder. Starline's last issue criticized the municipal government because of alleged missing funds, relief goods, and logs intended for the rehabilitation of the town, which was hit by flash floods and landslides in 2004.
23	2005-Jul-05	Rolando Morales	dxMD / General Santos City, South Cotabato	Killed for his commentaries against local politicians and the proliferations of illegal drugs. Colleagues reported that a few months before his death, Morales received death threats demanding him to stop his commentaries against illegal drugs.
24	2005-Nov-18	Ricardo Uy	dzRS-AM / Sorsogon City, Sorsogon	“Killed for his being a hard-hitting critic of the militarization of the towns of Sorsogon and other policies of the government he considered anti-poor. The military had reportedly been condemning Uy as a communist supporter and recruiter of the NPA over the Philippine Army's radio program.
25	2005-Nov-20	Robert Ramos	Katapat / Cabuyao, Laguna	Ramos had a weekly column Patrol Watch in which he often wrote criticisms on government issues, prostitution and illegal gambling. He was known for unhesitatingly identifying and criticizing his subjects. Also, days before his murder, Ramos reportedly engaged in a heated argument with the Muslim vendors at Pinky's Market in Brgy. Banlic, Cabuyao, Laguna. Ramos reportedly reprimanded them for selling pirated and pornographic VCDs and DVDs.
26	2005-Dec-01	George Benaogan	dyDD / Cebu City, Cebu	Believed to be killed for his commentaries against smuggling in the Bureau of Customs.
27	2006-Jan-20	Rolly Cañete	dxPR / Pagadian City, Zamboanga del Sur	Police findings indicated that Cañete had received several death threats in the past, in connection with giving favorable comments in his radio programs on issues affecting the present Provincial Administration, particularly land distribution.
28	2006-Apr-02	Orlando Mendoza	Tarlac Profile, Tarlac Patrol / Tarlac City, Tarlac	Police have not yet identified the probable motive for Mendoza's killing, saying that they are not discounting the possibility that it could also be work-related.

Philippine Press Freedom Report September 2006-July 2007

29	2006-May-22	Fernando Batul***	dyPR / Puerto Princesa City, Palawan	Killed for his hard-hitting commentaries against local politicians in Palawan.
30	2006-Jun-19	George Vigo	dxND / Kidapawan, Cotabato	Killed because of his political advocacies as well as his reportage of police corruption and abuse of power.
31	2006-Jun-19	Maricel Alave-Vigo	dxND / Kidapawan, Cotabato	Killed because of her political advocacies as well as her reportage of police corruption and abuse of power.
32	2006-Jul-18	Armando "Rachman" Pace ***	dxDS / Digos City, Davao del Sur	Killed for his hard-hitting commentaries against local politicians in Digos.
33	2007-Apr-18	Carmelo "Mark" Palacios	dzRB / Sta. Rosa, Nueva Ecija	Police investigations indicated that Palacios' reportage on erring policemen and politicians might have had a bearing on his killing.

About the Center for Media Freedom and Responsibility

THE formation of the Center for Media Freedom and Responsibility (CMFR) addresses one of the critical concerns confronting the Philippines after People Power toppled the Marcos dictatorship in February 1986. That concern calls attention to the power of the media and the role of the free press in the development of Philippine democracy.

All over the world, press freedom has been found to be essential to the democratic system. Effective participatory government is possible only when it can count on a well-informed society where individuals freely exchange ideas, where public debate and discussion arise from knowledge and understanding of national affairs.

That freedom involves not only media professionals, but also the public served by the media—public officials, the private sector, civil society groups, readers, viewers and listeners—who receive information and are part of the cycle of public communication. But freedom of the press, like all liberties, has its limits, for the simple reason that it is vulnerable to abuse.

Democratic recovery confronts serious obstacles on the media front. The press and the media need to exert special efforts to measure up as a collective vehicle of information, as an instrument for clarifying complex issues and dilemmas of development that the public should understand.

Against this background, CMFR was organized in 1989 as a private, non-stock, non-profit organization involving the different sectors of society. Its programs uphold press freedom, promote responsible journalism and encourage journalistic excellence.

Philippine Press Freedom Report September 2006-July 2007