

Political Legal Overview Perspective: Evaluating Human Rights in the Philippines

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ABSTRACT

This writing examines and analyzes human rights issues in the Philippines. The author's approach is primarily an eclectic, by concentrating on the strengths and weaknesses of the human rights' regime as practiced by the Government of the Republic of the Philippines (GRP). This paper is divided into five parts. The first part discusses the historical evolution of human rights. The second part describes human rights in the Philippines. The third part analyzes the fundamentals of human rights that include: respect for the integrity of the person; respect for civil liberties; respect for political rights, more specifically, the rights of the Filipino citizens in the Philippines to change their government. The fourth part discusses the Philippine government's attitude regarding international and non-governmental investigations of alleged violations of human rights such as discrimination based on religion, tribe and social status. And the fifth part concludes the study. The data for this analysis came from primary and secondary sources, namely newspapers, internet, books, magazines, and journals. The study found out that the records of human rights in the Philippines are not encouraging and indeed, there are serious breaches of human rights in the country. Though, the Philippines is known for its democratic experiences since its independence in 1946, but such practices were marred by vote-buying, rigging, fraud and other forms of cheating. Worst was during the regime of Ferdinand E. Marcos and the current Gloria M. Arroyo's administration. Political arrests of some opposition leaders were common and physical force was exerted against their opponents. Indeed, Arroyo's regime made history when it imprisoned the former President of the Philippines, Joseph Estrada, for corruption case. As such many fear that other former presidents of the country might fall into the same fate as Estrada's-including the current president (Gloria M. Arroyo) after her terms as president ends.

Keywords: *eclectic, civil liberties, discrimination, integrity, political rights*

Gambaran Keseluruhan dari Perspektif Politik Perundangan: Penilaian ke atas Hak Kemanusiaan di Filipina

ABSTRAK

Kertas kerja ini menilai dan menganalisis isu-isu mengenai hak kemanusiaan di Filipina. Pendekatan penulis pada dasarnya merupakan suatu pilihan dari berbagai sumber, dengan menekankan kepada kekuatan dan kelemahan rejim hak kemanusiaan seperti yang dipraktikkan oleh Kerajaan Republik Filipina (GRP). Artikel ini dibahagikan kepada lima bahagian. Bahagian pertama membincangkan mengenai evolusi sejarah mengenai hak kemanusiaan. Bahagian kedua menghuraikan hak kemanusiaan di Filipina. Bahagian ketiga menganalisis perkara-perkara dasar dalam hak kemanusiaan yang meliputi: menghormati integriti seseorang; menghormati pejuang sivil; penghormatan kepada hak politik, lebih khusus lagi, hak warga negara Filipina yang berada di Filipina untuk menukar kerajaan mereka. Bahagian keempat membincangkan pandangan kerajaan Filipina mengenai penyiasatan oleh badan antarabangsa dan bukan-kerajaan berkaitan dengan tuduhan pelanggaran hak kemanusiaan seperti diskriminasi berdasarkan kepada agama, suku-kaum dan status social, dan bahagian kelima membuat kesimpulan kepada kajian ini. Data untuk analisis diperolehi dari sumber-sumber primer dan sekunder, iaitu surat khabar, internet, buku, majalah dan jurnal. Kajian ini mendapati bahawa laporan mengenai hak kemanusiaan di Filipina tidak begitu memberangsangkan dan sebenarnya, terdapat penyalahgunaan yang amat serius terhadap hak

kemanusiaan di dalam negara. Walaupun Filipina amat terkenal dengan pengalaman demokrasi sejak kemerdekaannya pada tahun 1946, namun demikian, amalan-amalan demikian diburukkan lagi dengan pembelian undi, kecurangan, pemalsuan dan lain-lain bentuk penipuan. Tempoh yang lebih malang lagi ialah ketika pentadbiran oleh rejim Ferdinand E. Marcos dan terkini oleh Gloria M. Arroyo. Penahanan politik terhadap pemimpin parti pembangkang menjadi amalan biasa dan penggunaan kuasa fizikal telah dikenakan ke atas pihak lawan mereka. Sebenarnya, rejim Arroyo melakarkan sejarah apabila beliau memenjarakan mantan presiden Filipina, Joseph Estrada, di atas kes rasuah. Dengan demikian, ramai berasa gentar bahawa mantan-mantan Presiden Filipina berkemungkinan akan menerima nasib yang sama seperti Estrada, termasuk juga mantan Presiden sekarang (Gloria M. Arroyo) selepas berakhirnya tempoh perkhidmatannya.

Katakunci: pilihan dari pelbagai sumber, kebebasan sivil, diskriminasi, integriti, hak berpolitik

HISTORICAL EVOLUTION OF HUMAN RIGHTS

In a chronological sense, the concept of human rights has evolved through three distinctive generations. The first generation of human rights is divided into two categories: civil and political; and economic, social, and cultural. The first category refers to material security and integrity, and the freedom to function politically. The second component of this category refers basically to a number of “entitlements” or “claims”. Because of the limited resources of the Less Developed Countries (LDCs), their governments would not be able to satisfy these “claims” (Talbot, 2005).

The second generation of human rights consists of two basic categories. Solidarity rights include environmental rights and the right for development. The third generation of human rights consists of group rights, which is concerned with the entitlements of cultural minorities to use their respective languages and religions without harassment from the dominant cultural group (Donnelly, 1982). The evolution of these three generations has profoundly widened the scope of human rights, particularly after the Second World War. The United Nations, Non-governmental organizations, and Western States have been instrumental in promoting the cause of human rights.

The approach of those actors has been that human rights have “universal applicability”. However, many intellectuals and politicians from the LDCs reject this Western claim of universality of human rights (Abd al-Rahim, 2005). The general impression in the West is that there are serious “breaches” of civil rights in the LDCs. The LDCs do not set a really high priority on civil rights. The main focus is on economic development, political stability, and social harmony. Indeed, many governments of the LDCs believe that human rights activists, who are being encouraged by foreign quarters, are an inhibition to economic development through endangering societal stability (Talbot, 2005: 139-142).

Some developed countries, however, have not escaped criticism for alleged human rights breaches. The Bush Administration was criticized for mistreating Iraqi detainees in the Abu Ghraib Prison, detained suspected terrorists in the Guantanamo Bay Prison and Bagram Prison. A controversy erupted in the U.S. over the Patriot Act, which had been promulgated in the aftermath of the Sep 11’s attack. The supporters of the Act proclaiming it essential to national security, while the critics argued that some of its causes are highly intrusive (Etzioni, 2005, Federal, 2007). Then, came the most recent revelation that the CIA is maintaining secret prisons in Europe and Morocco, where suspected terrorists have been detained (Priest, 2005: 1).

However, the most serious breach of civil rights came with the admission of former US President George W. Bush in December 2005 that he had authorized the National Security Agency (NSA) to practice eavesdropping on American citizens (Senate Readies No-Confidence Vote to Oust Key Bush Aide, 20 May 2007). The operation appeared to be the first anti-terrorist measure aimed directly at US citizens, and is therefore the most controversial put in place during his (Bush) administration.

Some members of the Congress announced that they were seriously considering the possibility of impeaching the President. The constitutional controversy was brewing in the U.S, but it watered down.

HUMAN RIGHTS IN THE PHILIPPINES

Filipino leaders and their Western's counterparts are proud of the existence of so-called democracy in the Philippines. Such claim was validated by the active participation of civil societies in the country, in general, and, the existence of vibrant and effective opposition parties, in particular. However, by browsing the literature, one gets real facts that there are serious breaches of civil and political rights in the Philippines. "Political arrests" of some opposition leaders were common and "physical force" was exerted against opponents as what Ferdinand Marcos did during his regime and the current administration of Gloria M. Arroyo. There is frequent nationwide eruption of violence in the country. In this connection, many critics argue that the country has been plagued by the incidence of "politically motivated disappearances" and "extrajudicial killings (See Philippines: Another Political Activist ..., 16 May 2007 and see also Human Rights in Mindanao..., 15 May 2007) which characterized many politics of the developing nations such as Bangladesh, Vietnam, Laos, Pakistan, and Myanmar.

This labeling has far reaching implications on the Philippine image abroad which consequently affect its relations with those advocates of human rights and freedom. In fact, as a result of this human rights violations, the Philippines was placed among the worst-ranked countries for 2006 at 142nd place (in a tie with the Democratic Republic of Congo out of 168 countries surveyed), further slipping three places with the continuing murders of journalists and increased legal harassment in the form of libel suits, including those filed by First Gentleman Jose Miguel Arroyo, president's husband (See the Philippines is among the worst-ranked countries ..., 24 October 2006).

Like some of its neighbors where the military plays a key political role, in the Philippines, the military remains important actor in Philippines' power politics. Indeed, the Arroyo's regime has dominated by the men in uniform that have extensive influence over government's policies. These include: Department of Interior Government (DILG) Secretary Ronaldo Puno, Executive Secretary Eduardo Ermita, Office of the Presidential Adviser on Peace Process (OPAPP) Secretary Hermogenes Esperon, Department of Energy Secretary Angelo Reyes and many others at the time of the writing of this article. This is to suggest that we have a flawed democratic experience in the Philippines. Most of the elected Philippines leaders do not set a really high priority on issues of human rights, sustainable development and tribal and religious harmony; rather their main priorities are political survival of themselves and their families and cronies. This negative development on issues of human rights and democracy can be seen to a recent dramatic increase of international criticism from human rights organizations including United Nations.

THE FUNDAMENTAL OF HUMAN RIGHTS

This section discusses the fundamental of human rights. These include: respect for the integrity of the person; respect for civil liberties; respect for political rights, more specifically, the rights of the Filipino citizens in the Philippines to change their government.

Respect for the Integrity of the Person

By attempting to assess this dimension of human rights, we must direct our attention to the specific legal provision of it provided in the Philippines Constitution and the actual practice in it on the Philippines context. First, it must be noted that human rights violations are rampant in the country. However, for the purpose of this paper, only a few will be discussed. This is not to imply that other parts of the country have not been experiencing violation of human rights; it is merely to say that the these cities/provinces examined were chosen because it is felt that they have, over the years, the most obvious records of human rights' violations.

This aspect of human rights can be conceptualized as referring to freedom from arbitrary and unlawful deprivation of life; the act of disappearance; torture and other cruel, inhumane, or degrading treatment or punishment; arbitrary arrest, detention, or exile; and denial of fair public trial. If we apply the above criteria to the Philippines context, we will have the following mixed picture.

The main provision of the Philippines Constitution which is relevant to this dimension of human rights is Article 3 (1), which reads: “No person shall be deprived of his life, liberty or property without due process of law, nor shall any person be denied equal protection of the laws.”

As far as one can ascertain, the Philippines has experienced extra-judicial killings and politically motivated disappearances. We have several cases of police/military/paramilitary killing suspects while apprehending them. This pattern of killings has becoming very rampant all over the country. For instance, a prominent journalist who researched extra-judicial killings in Davao City alone, since 1999, found that in the course of a month from mid-June to mid-July 2008, he documented 60 killings and an additional 8 attempted murders. It shows that a steadily upward trend in the numbers of killings in recent years from 65 in 2006 to 126 in 2008 (Coalition against summary execution..., 1 February 2009). Philippines civil society organizations have consistently asked for the forming of independent commission to investigate such human rights violations (Mindanews, 2008: 1). The government, however, did not seriously take disciplinary action against those violators who abused power, or who did violently with innocent civilians (Luwaran.com, 2008: 1). Indeed, the authorities have failed to investigate these most grave crimes with any credible effort or results, leading to a deep climate of impunity (Hong Kong Mission for Human Righeyhts & Peace in the Philippines, 2006:5).

The existence of the so-called “Davao Death Squad” (DDS) has generated serious questions on the motive and wisdom of the authorities, more specifically, the Davao City Mayor Rodriquez Duterte. However, they have continued to deny the very existence of the said group (DDS). For instance, Davao City police director, Sr. Supt. Ramon Apolinario insists that DDS does not exist, adding there is no community or city will allow such group to do thing outside the legal parameters (Santos, 31 January 2009). Similarly, Davao City Prosecutor argues that there is no hard evidence on the existence of the so-called DDS.

This denial, however, contradicts to the detailed claims (evidences) of both foreign Human Rights Watch and its local counterparts. These groups documented and revealed pattern of killings by

the perpetrators' modus operandi, including commonalities in the profiles of the individuals targeted for killings, advance warning to victims that they would be targeted, the types of the vehicles and weapons used by the assailants, and the location of the killings. In this regard, "Alston claims the killings have clear patterns - similarly described perpetrators, victims and methods - and are rarely the subject of successful police investigations," in his April 29, 2009 report to the United Nations (Arguillas, 11 May 2009). Confession of one of the members of the DDS through sworn statement led to the issuance of search warrant by the Regional Trial Court Branch 34 in Manila. The court authorized the search of the said area, known as Gold Cup Firing Range, a privately owned premises, run and operated by a retired policeman, retired SPO4 Bienvenido Laud (Arguillas, 8 July 2009: 1). The area was allegedly a dumping ground of bodies of victims of summary killings.

Moreover, Bayan Muna party-list Rep. Neri Colmenares who led the Philippines nine-man delegation to the Hanoi Congress on 21 June 2009 revealed to the lawyers' Congress about human rights issues in the Philippines. In this respect, he was quoted as telling:

a long list of extra-judicial killings and enforced disappearances of lawyers, judges, activists and known opposition figures in the Philippines. He even cited ... presentation by the Armed Forces of the Philippines, which listed four known human-rights lawyers in its "order of battle" and the filing of trumped-up charges against labor lawyer Remigio Saladero Jr. and other leaders of people's organizations (The Daily Tribune Without Fear, 21 June 2009: 1-2).

Article 3 (12) of the Philippines Constitution specifically prohibits torture, but several reports of torture committed by the government's personnel have been revealed. NGOs stated that several militants/activists or even suspected innocent civilians have been subjected to 'physical and psychological torture' during interrogation and detention. In response to such reports, the authorities continue to deny such commission of crimes against its people. Despite the obvious commission of human rights violation of the AFP to its people, the Manila authorities have still in the state of denial. With this, del Callar argues:

while hundreds of activists, trade unionists, journalists and religious leaders in the Philippines have been killed or abducted since 2001, the Arroyo government continues to deny any involvement of the country's security forces and the military in the killings, despite evidence presented by the UN and other international human rights watchdogs (del Callar, 16 June 2009: 2).

In a number of occasions, personnel of the Armed Forces of the Philippines have been arresting or detaining suspects not only militants groups or rebels, but also political activists/rivals of administration and its local supporters. In some cases, they also forcibly arrested innocent civilians in some refugee camps in the provinces of Maguindanao, North Cotabato, Lanao del Sur, Lanao del Norte and others and they subsequently disappeared whom the military accused of members of the so-called reneged commander of the MILF, Ustadz Ameril Umra Kato of 105th Base Command of the military wing of the MILF, the Bangsamoro Islamic Armed Forces (BIAF) (Luwaran.com, 2008:1). NGOs deplored what it called as a violation of human rights committed by the Philippines government itself. In this respect, Michaela P. del Callar says:

that the United Nations (UN) has again flayed the Arroyo administration's dismal human rights record after the UN Committee against Torture (UNCAT) expressed grave concern at the "routine and widespread use of torture" in the

country and the “climate of impunity for perpetrators of acts of torture, including military, police, and other state officials (del Callar, 16 June 2009: 1).

As pointed out earlier, it was noted that the use of torture and ill-treatment of suspects in police custody aimed at extracting confessions or information to be used in criminal proceedings. It is true that the Manila government, in some cases reacted promptly to cases of police abuses. One high profile case was the 2001 case involving former Police Chief, who pleaded guilty for “massacre” to militants in 1998 while they were arrested. In addition to that, President Arroyo had sent Executive Secretary Eduardo Ermita during the UNCAT’s assessment of the country’s compliance with commitments to the UN body last April 28. On the ground, however, the situation was totally different. The Arroyo’s administration has been accused of only paying lip service to it. It seems it has no serious effort or commitment to address violations of human rights committed by some members of the AFP personnel. In this respect, some critics said that the President Arroyo’s administration has been hostaged by the military, in general, and, the 1978 Philippine Military Academy (PMA) Batch, in particular. This PMA Batch has posted to all key positions and sensitive posts as well.

Muslim leaders and human rights organizations called on the government to stop the human rights violation against its people, in general, and, the Muslim, in particular. A group of civil societies and Muslim political parties joined together in their call to the visiting United Nations (UN) Secretary-General Ban Ki-moon to urge both the MILF and the GRP to stop war and go back to the negotiating table (Mindanews, 2008: 1). They lamented that the police and military who allegedly committed torture are seldom investigated and prosecuted. The perpetrators are either rarely convicted or sentenced to lenient penalties that are not in accordance with the grave nature of their crimes because of the lack of the insufficiency of law against torture in the country. (del Callar, 16 June 2009: 1-2). Del Callar quoted Gaer as saying:

 Gaer was not satisfied with the replies concerning the delays in adopting the anti-torture bill. She noted that the Philippines had managed to enact other legislation in the meantime, including the anti-terrorism law. She also wanted to hear what the executive was doing to prioritize the passage of the Anti-Torture Law. Gaer also expressed concern that the Commission on Human Rights did not have the authority to independently investigate the allegations of torture, disappearances and extra-judicial killings, and she wanted to know what was being done to address that (del Callar, 16 June 2009: 1-2).

Philippines government’s declaration of the punitive action against the so-called three reneged commanders of the MILF as mentioned earlier (Kato, Bravo and Pangalian) and the unfolding conflict between the GRP and the MILF caused many lives, mostly innocent civilians. Arguillas (23 June 2009: 1) quoted Geneva-based Internal Displacement Monitoring Centre as claiming that Southern Philippines is now known worldwide as hosting “the biggest new displacement in the world” – at 600,000 out of 4.2 million newly displaced in 2008, according to the Geneva-based Internal Displacement Monitoring Center. The influx of *bakwit* or evacuees or known as Internally Displaced People (IDPs) have been increased steadily as fighting Armed Forces of the Philippines and the Bangsamoro Islamic Armed Forces (the MILF military wing) continues unabatedly. Recently, there have been new concerns about the very safety of the *bakwit* even inside their own refugee camps due to mortal shelling and abduction conducted by the AFP. For instance, on June 18, 2009, MindaNews reveals that there are three evacuees, including a seven-year old girl, were reportedly hit by shrapnel of 105 mortars at their evacuation centers (Maguindanao Province) from the artillery shelling of the AFP (Mindanews, 2009: 1). It also caused hundred of thousands of refugees and damaged hundred of millions of properties. With

these several human rights violations committed by some personnels of the AFP and their agents against their own people, the Philippines image has tarnished. Indeed, the inaction of the part of the Arroyo's administration to address the issues pointed out earlier, led to a chorus of condemnation against the Arroyo's regime.

Respect for Civil and Political Rights

This dimension of human rights can be conceptualized as referring to a host of rights including freedom of speech, expression, freedom of the press, or the rights of the people peaceably to assemble and petition the government to readdress their grievances.

Article 1, section 3 of the Philippines Constitution provides for freedom of speech and freedom of the press. There is also "other legal means for the protection of human rights" can be found in Article 8, Section 5 (5) of the 1987 Constitution which states that the Supreme Court, among others, shall have the power to promulgate rules concerning the protection and enforcement of constitutional rights. However, the government, in most cases, has utilized some other measures such as "Emergency rule", "Martial Law", "Human Security Act (HAS)", etc. in the name of protecting national security, public order, and friendly relations with other countries to curtail those freedoms pointed out earlier. When Marcos declared martial law on September 21, 1972, resulted in the arrest of activists and opposition leaders. Congress was abolished while media establishments were shut down to prevent critics from exposing the ills besetting the country. It was a dark period for Philippines history as thousands were subjected to various human rights abuses, including extra-legal killings and enforced disappearances. Press freedom and other civil liberties were arbitrarily curtailed in the guise of Marcos' version of peace and order. The usual targets of Marcos' regime were political opponents, activists, revolutionary leaders and other critics of administration such as intellectuals and students (Marcos, 1978: 20-25).

In 1986, the glory days of the dictatorship came to an abrupt end when the EDSA "People Power" Revolution forced former President Marcos and his family to flee to Hawaii. This was fueled by a brutal assassination of a prominent opposition leader, Senator Benigno Aquino Jr., allegedly concocted by President's wife (Imelda Romualdez Marcos and the former Chief of the defunct Philippines Constabulary or PC (now Philippine National Police or PNP), General Fabian Ver. Though, there were a lot of factors that led to the downfall of the Marcos' regime, but this single incidence uncovered its ugly face both domestically and internationally. Since then, the Marcos's never recovered until it was ousted through people's power known as "EDSA Revolution" in 1986.

A revolutionary government was then established under former President Corazon C. Aquino who immediately restored democracy and created the 1986 Constitutional Commission for the purpose of drafting a new Constitution. The 1987 Constitution, duly ratified in a plebiscite held on February 2, 1987, embodies the pronounced effort of the Commission to provide within the constitutional structure of government and a remedy against the emergence of another dictator by not only providing checks and balances within the three co-equal branches of government but also by providing for other legal means for the protection of human rights.

However, the Philippines under the watch of President Gloria A. Macapagal, the current administration, at the time of the writing of this paper, it seems politically motivated killings and disappearances, have not only revived, but they even increasingly rampant in the country. Perhaps, the Arroyo era is the darkest history of human rights violation in Philippines history. Political warlord in the Southern Philippines, namely Governor Datu Andal Ampatuan, Davao City Mayor Duterte and many others have targeted their political opponents, journalists, activists, revolutionaries and other groups-including innocent civilians whom they perceived threat to their

political interests in their respective cities or provinces. The Philippines government, under her (Arroyo) watch, has not seriously addressed this concern. Some groups even accused the Arroyo's regime and the AFP's personnel have been collaborating with culprits. In this connection, the poor masses in the country suffer from risks arising from threats to their human rights; lack of employment and income security; poor governance and government corruption; lack of education and health services; and environmental deterioration and climate change, among others (Gamolo, June 18, 2009: 1-2).

The renewed fighting between the forces of the AFP and the BIAF, fueled by the unprecedented cancellation of the signing of the Memorandum of Agreement on Ancestral Domain (MOA-AD) on August 6, 2008 due to Temporary Restraining Order (TRO) issued by the Philippine Supreme Court, has raised serious concern over the increase of the incidence of "politically motivated disappearances" and "extrajudicial killings"(The Asian Human Rights Commission, 16 May 16, 2007: 1, Davao Today, May 15, 2007: 1) which characterized many parts of the country.

The military plays a key political role. It suggests that it has a flawless democratic experience in the Philippines. It seems that the Philippines political leaders do not set a really high priority on issues of human rights, development; rather than their main priorities are enriching themselves once in power; they compete for patronage from Malacanang to remain in power and continue enriching themselves (Diaz, 3 May 2009, 1). In return, these political warlords must ensure votes for Malacanang and its candidates to win in the election at all means- including use of force.

GOVERNMENT'S REACTION TO THE ALLEGED ABUSE OF HUMAN RIGHTS

This section examines the extent to which the government of the Philippines responds to the activities and allegations filed by international organizations and NGOs about alleged violations of human rights by the personnel of the Armed Forces of the Philippines and their agents against, not only militants, revolutionaries or political oppositions, but also innocent civilians. There are several responses by the Manila government on the alleged violation of human rights in the country.

The Supreme Court of the Philippines (SC) responded by creating 99 Special Courts nationwide to fast-track the resolution of extra-judicial killing cases. Necessarily, the Commission must provide the judges of these special courts with essential human rights trainings. As a result, the Commission of Human Rights in the Philippines (CHRP) and the Philippines Judicial Academy conducted a series of seminars and workshops for judges on extra-judicial killings and enforced disappearances" to address the concerns on the procedures to identify and decide cases on it. On July 2007, the SC in cooperation with the CHRP held a multi-sectoral conference on extra-judicial killings. The conference aimed at the followings:

1. To arrive at holistic solutions and provide inputs to the SC in its objective of enhancing existing rules, or promulgating new ones, in the protection and enforcement of constitutional rights, including the protection of the witnesses;
2. To examine the concept of extra-judicial killings and enforced disappearances pursuant to the standards provided for by local and international laws, including United Nations instruments; and

3. To revisit the rules of evidence and to explore more remedies for the aggrieved parties aside from the writ of habeas corpus (Arguillas, 11 May 2009).

This widely attended conference came out with several recommendations, including again calls for giving more powers to the CHRP, which according to the multi-sectoral participants, “is more trustworthy than the justice department”(Arguillas, 11 May 2009).

Another important domestic measure that CHRP worked out with its partners is the expansion and strengthening of the Presidential Human Rights Committee (PHRC). In December 8, 2006, President Gloria M. Arroyo signed the Administrative Order (AO) 163. This order aimed at “strengthening, increasing the membership and expanding further the functions of the Presidential Human Rights Committee”. Under AO 163, PHRC has graduated from a mere advisory body to the President. Now, it serves as the President’s arm to coordinate implementation of the various human rights treaties by the concerned government agencies.

Thus, CHRP has one strategic partner in the government through the PHRC. AO 163 strengthened PHRC by: (1) increasing the number of member agencies with the inclusion of five critical government agencies namely, Office of the Executive Secretary, Department of Budget and Management, Office of the Press Secretary, National Economic Development Authority and National Anti-Poverty Commission; (2) elevating the representation of the agencies to the level of Secretary thereby making decision and policy making at the highest level possible; (3) transferring the chairmanship of the committee to the Executive Secretary thereby putting human rights in the executive agenda encompassing all human rights concerns; and, (4) clearly defining its functions in relation to human rights treaty implementation.

Moreover, the 13th Congress passed on April 2007 for the “Human Security Act” (HAS) of 2007 (R.A. 9372) or the anti-terrorism law that provides the Commission prosecutorial more powers and more responsibilities. Section 55 states that:

The Commission on Human Rights shall give the highest priority to the investigation and prosecution of violations of civil and political rights of persons in relation to the implementation of this Act; and for this purpose, the Commission shall have the concurrent jurisdiction to prosecute public officials, law enforcers, and other persons who may have violated the civil and political rights of persons suspected of, accused of, or detained for the crime of terrorism or conspiracy to commit terrorism.

So this section defines the role of the Commission (CHRP) which shall give the highest priority to the investigation and prosecution of violations of civil and political rights of persons in relation to the implementation of the HSA; and for this purpose, the Commission shall have the concurrent jurisdiction to prosecute public officials, law enforcers, and other persons who have violated the civil and political rights of persons suspected of, accused of, or detained for the crime of terrorism or conspiracy to commit terrorism.”

Moreover, Section 19 states that “in the event of an actual or imminent terrorist attack, suspects may not be detained for more than three (3) days without the written approval of a municipal ... or regional official of a Human Rights Commission.”

The implications of the Human Security Act on human rights pose a huge challenge to the Commission on many aspects. On one hand, it empowers the CHRP to give protection to

suspected terrorists from human rights violations. On the other hand, to grant authority for the longer detention of a suspect in the event of an actual or imminent terrorist attack.

This law (HSA) raised fears among political opposition, revolutionaries, militants, religious groups, human rights advocates and many others that the Arroyo's regime would use it to crack down on political enemies. The Arroyo's administration, however, insisted that the law was enacted to protect the Filipino people and the country from possible terrorists' attacks. They were suspicious that the government might use this new enacted against its own people. Critics said that the HSA is a dangerous law because it authorizes preventive detention, expands the power of warrantless arrest and allows for unchecked invasion of our privacy, liberty and other basic rights. For instance, persons merely suspected of engaging in terrorism may be arrested without warrant and detained without charges (Norma, 2007: 1).

The suspects may be placed under house arrest, prohibited from using their cell phones, computers and any other means of communication, even when they are granted bail on the ground that evidence of guilt is not strong. They may also be subjected to surveillance and wiretapping, as well as examination, sequestration and freezing of bank deposits and other assets, on mere suspicion that they are members of a terrorist organization.

Despite of the government's assurances, the law has violated human rights rather than protecting it. The government's personnel (AFP and its agents) have used this law to neutralize their enemies. Worse, its application in the Southern Philippines where the Philippines government has battling several revolutionary groups- such as Abu Sanyaf Group (ASG), Moro National Liberation Front (MNLF), Moro Islamic Liberation Front (MILF) and many others. As pointed earlier, the new law is mainly to protect the Filipinos people and the country from terrorism. Since, the Philippines government considered all revolutionary groups in the country-including the MILF (but unofficially declared) as terrorist groups and those who support them, the Human Security Act (HAS) seems very instrumental in arresting, detaining and persecuting anyone in the region, in the guise of fighting against terrorism. For instance, in the Provinces of Maguindanao, North Cotabato, Lanao del Sur, Lanao del Norte, Sarangani and Basilan, the AFP personnel and their agents have committed grave human rights violations such as illegal arrest, torture, extra-judicial killings and disappearances. It seems the HSA is a prototype of the USA Patriot Act (2001).

CONCLUSION

This paper examines and analyzes issues concerning human rights in the Philippines. It looked at the fundamentals of human rights that include: respect for the integrity of the person; respect for civil and political rights, more specifically, the rights of citizens in the Philippines to change their government. It also examines at the Philippines government's attitude regarding international and nongovernmental investigation of alleged violations of human rights such as discrimination based on religious, tribal and social status. This writing has found out that the records of human rights in the Philippines are relatively poor compared to some of her ASEAN neighbors like Malaysia and Kingdom of Thailand. Indeed, the experience of the Philippines shows that the parliamentary democracy had been disrupted several times in that elections and had not been held both regularly. Despite government's pronouncement on its sincere commitment to improve human rights situation, still there are several militants/activists or even suspected innocent civilians have been subjected to 'physical and psychological torture' during the interrogation.

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