



Republika ng Pilipinas
Komisyon ng Karapatang Pantao
(Commission on Human Rights)

HUMAN RIGHTS ADVISORY
CHR-A2005-005

**ADVISORY ON THE KILLINGS OF MEMBERS OF
BAYAN MUNA, ANAKPAWIS, GABRIELLA
and OTHER ALLIED ORGANIZATIONS**

No other right is most basic, most enshrined and most fought for in all of the international community, and at the same time most abused and exploited, than the **“right to life, liberty and security of persons”** (Article 3, **Universal Declaration of Human Rights**).

This right precedes from the inherent **right to human dignity** of every person regardless of race, sex, nationality and any other kind of discrimination.

Under **Article 6** of the **International Convention on Civil and Political Rights**,

**“1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
xxx”**

The right to life is the supreme right from which no derogation is permitted even in time of public emergency which threatens the life of the nation (**Article 4, Ibid.**).

The International Human Rights Committee considers that States parties should take measures not only to prevent and punish deprivation of life by criminal acts, but also **to prevent arbitrary killing by their own security forces.**

States parties should also take specific measures to prevent the disappearance of individuals, something which unfortunately has become all too frequent and leads too often to arbitrary deprivation of life.

The **right to life** includes the right of an individual to his body in its completeness, free from dismemberment and extend to the use of God-given faculties which make life enjoyable. (Justice Malcolm, Philippine Constitutional Law, pp. 320-321). The **right to liberty**, on the other hand, includes “the right to exist and the right to be free from arbitrary personal restraint or deprivation.”

The Commission on Human Rights, on complaints received and on its own, has conducted investigations relating to the systematic killings committed against unsuspecting victims including members of Bayan Muna, Anak Pawis, Gabriella and other allied organizations.

Ang Karapatang Pantao ay para sa lahat. Panindigan natin ito.

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On the basis of the investigation reports (38 reported killings and harassment gathered from the CHR Regional Offices), most of the perpetrators are perceived to belong to the military and/or paramilitary arms of the government. Some of the investigations have been closed for monitoring due to various reasons such as, but not limited to, its consequent filing in court and lack of information due to refusal of witnesses and family members to shed light and furnish details on the incident for fear of their own lives, some have even gone to the extent of transferring residence in order to avoid whatever repercussions the incident may cause them.

Aside from the rights to life, liberty and security of persons, other rights violated are the freedom of expression and association which are foundations of democracy. The right against discrimination is likewise breached.

Since time immemorial, our country has always adhered to the principle that **“ours is a government of laws and not of men.”** This simply means that *no one is above the law*, **“*nemo est supra legis.*”** Not even those who possess power has been given the unbridled right to use (or abuse) it.

No amount of reason will justify the indiscriminate killings committed by any person, much more by the military, against the ordinary and helpless citizen. Not even membership to any group or organization is reason enough to justify this kind of summary execution. In fact, this runs counter to the constitutional guarantee of presumption of innocence unless proven guilty. These summary executions without due process of law has no place in a cultured world.

Bayan Muna is a duly registered political party and the killing of any person by reason of his membership to the same is illegal and inhuman. The Constitution itself guarantees this right to association. The only limitation is that its purposes must not be contrary to law. Bayan Muna's registration with the COMELEC showed not only its regularity but also its legality.

Again, the military must be the protectors of the State and its citizens and not the oppressors and violators thereof. No one may take the law into their own hands. Otherwise, the justice system and the courts of law will serve no purpose. This is what separates the civilized world from the barbaric one.

“*Juris praecepta sunt hec, honeste vivere, alterum non laedere, suum cuique tribuere.*” The precepts of the law are these, live honestly, not to injure another and to give each one his due.

This maxim sums up the totality of *every* man's duty and responsibility to society in general. Thus **Article 19 of the Civil Code** provides:

“Every person must in the exercise of his rights and in the performance of his duties, act with justice, give everyone his due, and observe honesty and good faith.”

A chapter on Human Relations was formulated in the New Civil Code, to present some basic principles that are to be observed for the rightful relationship between human beings and the stability of the social order. The lawmaker makes it imperative that everyone duly respect, the rights of others (Report of the Code Commission, p. 39). Indeed, the said Chapter is calculated “to indicate certain norms that spring from the fountain of good conscience. These guides for human

conduct should run as golden threads through society, to the end that law may approach its supreme ideal, which is the sway and dominance of justice." (Ibid.)

The Commission on Human Rights totally detests these inhuman practice of summary execution committed against our helpless brothers especially those who belong to Bayan Muna, Anak Pawis, Gabriella and other allied organizations.

If this arbitrary taking of precious lives would continue without being restrained by the government, worse if the killings were done by the government itself, it will not be long when the democracy fought for by our heroes slip our hands and we will be ruled by chaos and anarchy.

The conduct of an inquiry specifically relating to this issue could not be on a more better time. A stop must be placed on this series summary execution committed by those who think they are above the law. Violations of these kind deserves the most severe punishment to serve as deterrent against those who, in the future, may be tempted to take the law into their own hands.

We call on the government, especially the PNP, the DND and the AFP, to conduct the necessary investigations regarding these killings and to report violations covering the same. Further, we ask that these law enforcers furnish copies of the said investigations to the Commission on Human Rights.

Sadly, the reported offenders belong to their ranks. We remind them, however, that their primary duty under the 1986 Philippine Constitution is the "**protection of the people and the State**" (Section 3, Article II). While the Armed Forces may be tempted to feign and simulate the truth or to put the law into their own hands in order to protect and show loyalty to their ranks, we say again that their paramount duty is to the welfare of the citizens of the State and to the rule of law.

Finally, under the same Article II, specifically under Section 11 of our Constitution, it is stated that,

"The State values the dignity of every human person and guarantees full respect for human rights."

With this in mind, no justification will rationalize these indiscriminate killings against members of Bayan Muna, Anakpawis, Gabriella and other allied organizations whose groups are considered legitimate under Philippine Laws.

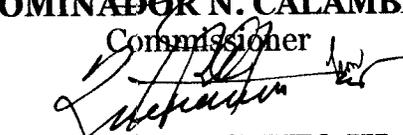
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