



# ASIAN HUMAN RIGHTS COMMISSION

19 Floor, Go-Up Commercial Building, 998 Canton Road  
Kowloon, Hong Kong . Tel: +(852) 2698-6339 . Fax: +(852) 2698-6367  
E-mail: ahrchk@ahrchk.org . Web: www.ahrchk.net

11 August 2008

Ms. Leila De Lima  
Commissioner  
Commission on Human Rights  
SAAC Bldg., Commonwealth Avenue  
U.P. Complex, Diliman  
Quezon City  
PHILIPPINES

Fax: +63 2 929 0102

Pages: 5

Our ref. nos.: AHRC-UAU-032-2008; AHRC-UAU-044-2008; AHRC-UAU-046-2008;  
AHRC-UAU-047-2008

Dear Commissioner De Lima,

## **PHILIPPINES: Protection for witnesses of vigilante killings in Davao City urgently needed**

The AHRC writes with deep concern that 25 persons, including three children and a lady have been murdered in separate incidents from February to June of this year in Davao City.

The manner in which the victims were murdered appears to have connections with the unabated vigilante killings in the area. In a report by the Special Rapporteur on Extra-judicial, Summary, or Arbitrary Executions in February 2007, Philip Alston, described the murders as similar in nature to those perpetrated by a "death squad ". Though he has made recommendations for the authorities to address this, the unabated murders are a stark reality that none of his recommendations have so far been implemented.

The murders have continued and none of the cases have resulted in a conviction in court. The perpetrators have remained unidentified; they have not been arrested or prosecuted and the families of the dead continue to have been deprived of redress. While we acknowledge the concerns of the police over the lack of witnesses and the latter's refusal to cooperate in the prosecution of these cases, it is disappointing that instead of adequately addressing this matter, it has simply become their excuse.

It is disappointing that the city's police director, Sr. Supt. Ramon Apolinario, has told the public that: "As long as we do not have the testimonies of the witnesses, we can never file the formal charges". As you are aware, not only it is the Constitutional obligation of the police authorities to protect its citizens, it is also their utmost responsibility to ensure that investigations into cases they are handling also result in effective prosecutions.

Thus, the police should refrain from justifying their failures by using the excuse of the lack of, or refusal of the witness to cooperate, but rather they should rather exhaust all means to ensure witnesses come forward. It is extremely disappointing though that the police investigators are not pursuing this path. We are not aware of any situations so far of witnesses being assisted or in any way assured of their safety by the police in such a manner that might urge them to give evidence.

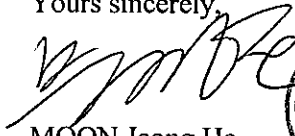
The police must also work towards ensuring that the potential witnesses are also recommended to be covered by the Witness Protection Programme of the Department of Justice (DOJ). To do so, for instance, the police must make interim arrangement for protection while the application for protection is being processed. I am aware that in order for any witnesses to apply and to qualify for the programme, the case to which he or she is testifying should be filed in court first. Providing interim protection would encourage witnesses to come forward even before a case is filed in court.

Even though the programme is already in existence, the circumstances reveal that the programme falls short to what is required and it is not effectively functioning to address matters involving vigilante killings. The possibility for witnesses to come forward and to cooperate is negligible. The lack of protection has already resulted in witnesses being unwilling to cooperate or get involved because they fear for their lives and that of their family as well. Although the police are aware of this, they have been unable to address this matter effectively.

Thus, the concerned authorities must ensure that necessary arrangement for protection is made available to encourage witnesses to testify. Also, the families of the slain persons should be afforded with adequate protection for them to be able to file a complaint in court without fear of reprisal.

Finally, the AHRC urge you to also take adequate action to ensure that the recommendations of the UN's Special Rapporteur are implemented without delay. Unless the authorities take immediate action and are conscious of this urgent need, we are deeply concerned about the continuing occurrence of this type of killings.

Yours sincerely,



MOON Jeong Ho  
Programme Officer  
Urgent Appeals Programme



CC:

1. Mr. Rodrigo R. Duterte, City Mayor, Office of the City Mayor, San Pedro Street, Davao City, PHILIPPINES
2. Sr. Supt. Ramon Apolinario, City Director, Davao City Police Office (DCPO), Davao City, PHILIPPINES
3. Mr. Alberto Sipaco Jr., Regional Director, Commission on Human Rights, Davao City, PHILIPPINES
4. Deputy Director General Avelino Razon, Chief, Philippine National Police (PNP), Quezon City, PHILIPPINES
5. Mr. Raul Gonzalez, Secretary, Department of Justice (DoJ), Manila, PHILIPPINES
6. Mr. Philip Alston, Special Rapporteur on Extra-judicial, Summary, or Arbitrary Executions, OHCHR-UNOG, Geneva, SWITZERLAND

## **LIST OF VICTIMS IN DAVAO CITY:**

1. **OSMER TABUCLIN**, 28 years old, of Ma-a, Davao City. On February 3, an unidentified man shot Osmer in the right side of his face, killing him instantly. The gunman fled on motorcycle. **LOREX ASUNCION**, 19 years old, of South Villa Subdivision. On February 2, a Davao City vigilante group reportedly shot dead Lorex in a crowded passenger terminal for jeepneys (small public bus) in Catalunan, Davao. Police prematurely concluded that he was a member of the Bloods Gang.
2. **MICHAEL MELECIO**, 22 years old; of Talomo, Davao City. On February 4, when he was on his way home from a carnival, he was waylaid by four unidentified men, one of whom was carrying an improvised gun. One attacker shot him on the neck when he tried to run. Michael said before he was attacked, he received a text message from an unknown mobile phone number asking him where he was. The police, however, claim that the motive for attacking him could have been revenge but no proper investigation was made in this case.
3. **REGINALD**, alias **DING DONG**, of Purok 51, National Housing Authority (NHA) Bangkal, Davao City. On March 15, while he was playing billiards, an unknown gunman suddenly appeared behind him and shot him in the back. As he tried to run, he was shot two more times which finally killed him. The attacker rushed from the scene of the crime after Reginald fell to the ground. Effective police investigation was not instigated.
4. **MARLON LARA**, 32 years old, of Talomo, Davao City. On March 31, as he was sitting outside a Sari-Sari store, three unknown armed men, at close range, shot him dead. The suspects then fled by motorcycle in an unrecognized direction. Police looked into his background to see whether or not he been involved in any illegal activities which could have contributed to his execution by vigilantes.
5. **RICHIE CORDOVA**, 26 years old, of Dona Pilar, Davao City. On April 19, as Cordova, a machinist, was driving home, an unknown man on a motorcycle tapped the side mirror of his car before fleeing. He ran after the man and cornered him near a local bank somewhere in Lanang. However, the said person suddenly turned and shot him. The suspect fled by motorcycle and Cordova died on his way to the hospital. In this case there was no substantial investigation by the police.
6. **DEXTER JARANILLA**, 22 years old, of Arellano Street in Davao City. On May 13, he was stabbed by three unidentified men as he was hanging out with his friends on Jose Abad Santos Street. He died instantly. The three men fled on motorcycle after the incident. Investigators from the Scene of the Crime Operatives (SOCO) claimed that Jaranilla had been jailed in several cases including gang war, robbery and rape.
7. **JUNIE OLORES**, 24 years old; of Royal Valley in Bangkal, Davao City. On May 15, when he was crossing the road with his live-in-partner, he was repeatedly shot in multiple places in his body by an unidentified gunman. As he lay dead, the gunman casually walked away from the scene to board a motorcycle waiting for him nearby. His partner had no idea why he had been killed. Again it is noted that adequate police investigation was not taken.
8. **HERODEL VELEZ, JR.**, 24 years old; **VICTORIANO VELEZ JR.** 52 years old; of Bayside, Tibungco, Davao City. On May 17, when they were sitting outside their shack selling a

local delicacy, Herodel, who was a vendor, was shot dead by an unidentified gunman. His uncle, Victoriano was wounded during the incident. The investigators prematurely announced that once again revenge could have been the motive for the murder of Herodel as he has just been released from jail for stabbing a young man.

9. **LAYNEL ROMANO**, 22 years old, of Bunawan, Davao City. On May 21, when he was watching a basketball game in a crowded place in his village, two young men suddenly shot him in the head using an improvised gun. The gunmen escaped by mixing with the panicked crowd. The police concluded it was a "gang war" without thorough investigation.

10. **NERITO CALIMBO**, his wife **JOCELYN**, and brother-in-law **AARON**. On May 22, Nerito, were shot dead in San Pedro Corner Legaspi Streets in Davao City after he was released from police detention. Jocelyn and Aaron, who had fetched him, were also killed by gunmen riding on motorcycle who fired at the taxi they were riding. Only his son, Norman survived.

An hour before Nerito was killed, Jose Jorge Corpuz, chief of the Criminal Investigation and Detection Group (CIDG) in Southern Mindanao warned him that he had to be careful as he had been targeted for a kill. Corpuz, however, when he was interviewed about the warning he had given to the victim claimed it was only his "presumption" that the victim was at risk.

The police nevertheless have concluded that it was Nerito's colleagues in Chigo Gang who had killed him even before the investigation was completed. They however did give neither explanation nor justification why his wife, Jocelyn and Aaron had to be killed also. Nerito's colleague, Bernado Chigo has also been killed on May 22 as he had reportedly attempted to grab a gun from his police escort. This, once again, has not been thoroughly investigated.

11. **JULIUS CANTEROS**, alias ODOY, 17 years old; **JOHN PHILIP**, alias JEPOY, 15 years old, Dona Asuncion Village, Davao City. On May 28, they were drinking at a videoke bar when they were attacked by two unidentified men who arrived by motorcycle. One of them entered the bar and started shooting at the two as they were drinking. John was shot in the chest. Julius died on his way to the hospital due to a fatal gunshot wound. The attackers escaped by motorcycle. The police prematurely claimed their deaths had something to do with a gang war because they had previously been involved in a riot. At that time some illegal drugs were allegedly found from the victims' possession.

12. **FELIPE REBUCAS**, 30 years old, laborer of Buhangin, Davao City. He was queuing up at a government retail store at the Upper Malagamot, Panacan to buy rice when he shot dead by one of the two unidentified armed men riding on a motorcycle. His parents and siblings and several witnesses were present during the shooting. The attackers escaped on board a black motorcycle. During investigation, the police looked into the victim's criminal record rather than identify who were responsible for the killing.

13. **JUNARD CALACAR**, 19 years old; **MELVIN CAPUYAN**, 38 years old of Mintal, Davao City. On June 2, they were shot dead by gunmen inside their house when they were watching television. Junard's cousin, John Carlo Calacar was also injured as he was present during the attack. Police Office (PO3) Edgar Genova of the Tugbok police station claimed that there were four identified men who shot the victims. Junard's mother said his son was the real target as he was a gang member and had received death threats before the attack.

14. **RICHARD BALDELOBAR**; 22 years old, of Dona Salud Village, Davao City. On June 3, while Felipe and his friends were standing on a street in their village, unidentified gunmen, who

were riding on a motorcycle, suddenly approached and shot him in the head at close range. The attacker was described as about 30 years old, 5'4 tall and was wearing white sleeveless shirt. He escaped with another person who had waited for him close by. Senior Police Officer Demetrio Palomar of Sasa Police Station described the victim as a "known troublemaker" since, according to the police, he had been involved in theft cases and had criminal records for beating and had been part of a "6425 Gang".

15. **ROMEO AGUINALDO**, 44 years old, of Hillside subdivision, Davao City. On June 13, he was shot in the shoulder and forehead and killed at close range by unknown gunmen outside his own store. The suspects escaped towards a nearby village in NHA Buhangin. It is reported that the police have not yet identified the attackers. But they were already looking into the victim's background which could help them in solving the case.

16. **TIRSO REPONTE**, 26 years old; of Barangay Ma-a in Davao City. On June 15, Tirso, who was reported to have been allegedly involved in the sex trade of women, was stabbed repeatedly by unknown suspects as he was standing at the corner of Quirino and Palma Gil Streets. He died of his injuries.

17. **AN UNKNOWN MAN**. On June 15, while he was walking along the Metro Circle in Magallanes street, Davao City, unknown persons suddenly attacked him. The victim could not be identified as he did not have identification documents with him when he was found dead. The place where he was killed, Bankerohan Public Market, is a place where vigilante killings had been taking place. Even though there are police foot patrols in the area they do not prevent this type of attack.

18. **BRYAN MASIGA**, 26 years old; of Samuel Street, Emily Homes Subdivision , Cabantian, Davao City. On June 15, when he was on his way to a store, two unidentified men shot him several times. The gunmen fled on foot after the shooting incident. The victim's family is clueless as to the motive for the killing and the neighbors believe he could have been killed over mistaken identity.

19. **ALIAS JR**, 16 years old; of Barpa, Agdao, Davao City. On June 16, when he was playing a local coin gamble game "taksi" together with three other minors, an unidentified man armed with knife stabbed him nine times killing him instantly. The attacker had two other companions, one served as a lookout while the other one was on board a motorcycle which the attacker boarded when they escaped. The victim was described as one of "Bakal Boys (steel boys)" for earning money allegedly for stealing steel from cargo vehicles.