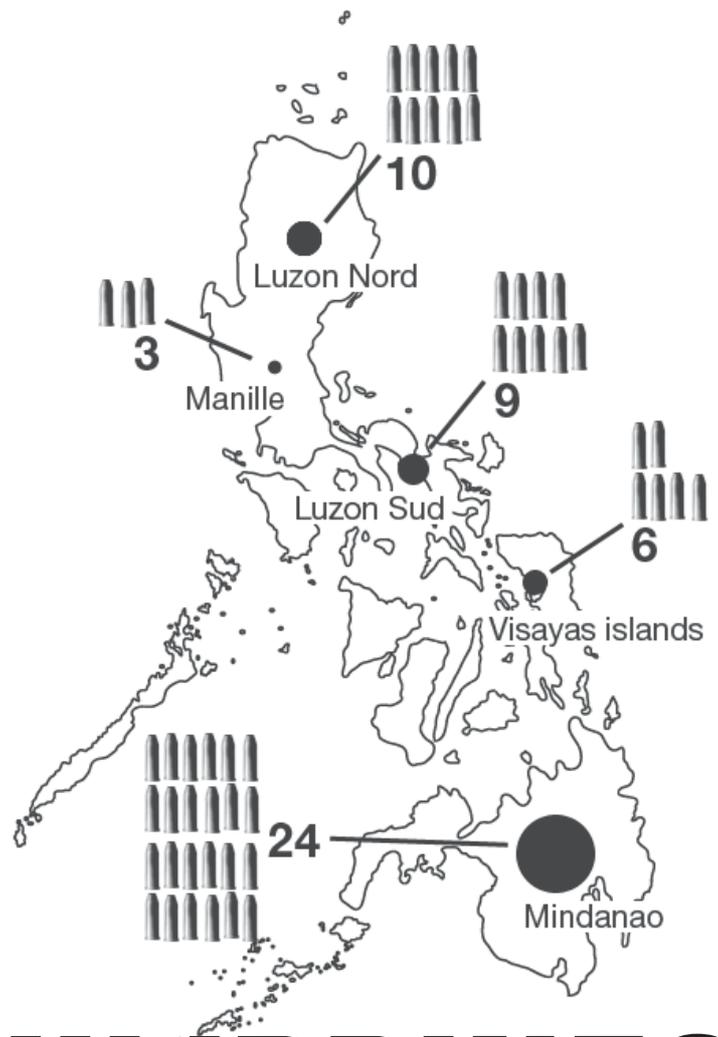




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# PHILIPPINES

## AN END TO IMPUNITY

“Justice for Marlene Esperat  
and the 51 other journalists  
killed since 1986»



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### “Justice for Marlene Esperat and the 51 other journalists killed since 1986”

Not a day goes by without the Philippine press reporting a murder, physical attack or threat against a journalist. Although one of the freest in Asia, the press is in danger. At least 52 journalists have been killed because of their work since the return to democracy in 1986, six of them in 2004 alone. And three journalists were murdered in the first three months of 2005, including **Marlene Esperat**, who was well known for her coverage of corruption.

These figures are exceptionally high for a democratic country. Only countries at war such as Iraq, the former Yugoslavia or Algeria have had figures this high. Worse still, perhaps, is the inability of the police and judicial authorities to arrest most of the perpetrators of these murders and bring them to justice. Not to speak of those behind the murders, who continue to enjoy complete impunity.

This dramatic situation has not had any real impact on the free reporting style of the national media. But it has become hard to practice independent journalism in some regions outside the capital. This continuing series of murders – on average three a year – has failed to elicit any energetic reaction from the authorities, at least until recently. The Philippine state has let more than 50 journalists die with outrageous indifference. National and international pressure must be stepped up in order to break the vicious circle of violence and impunity.

These targeted murders have been part of a broader and more general wave of violence against political and human rights activists of whom at least 32 have reportedly been gunned down since the start of 2005.

In several regions, journalists work in a hostile environment that is the result of clashes between the security forces and armed or terrorist groups, especially the Abu Sayyaf group, which is linked to the nebulous Al-Qaeda and is active in the southwest of the country (Basilan and the Sulu Islands). The southern island of Mindanao has also been shaken for several decades by fighting between the army and separatist movements, including the Moro Islamic Liberation Front (MILF). There are also clashes between the security forces and the communist New People’s Army (NPA) in the

north of the island of Luzon and some of the Visayas Islands.

On the political front, President Gloria Arroyo came to power after Joseph Estrada’s removal for corruption in 2001 and was re-elected in May 2004. She had to face a military mutiny in 2003 and a wave of bombings on Mindanao island and in the capital in 2004.

A Reporters Without Borders team went to the Philippines from 8 to 14 April to meet with the families of the murdered journalists, human rights organizations and officials. The team went to Manila, General Santos, Tacurong, Cagayan de Oro and Laguna province. The officials they met included justice secretary Raul Gonzalez and police director general Arturo Lomibao, who promised Reporters Without Borders that the justice department and the police would step up their work in the cases of murdered journalists.

Reporters Without Borders also wanted to clarify the motives of some of the murders. It emerged that in a not insignificant number of cases – seven of the 13 registered by the International Federation of Journalists in 2004 – the motives were unrelated to the victim’s work as a journalist, and in some of these cases were linked to extortion practices. The organization is convinced that it is vital to make this distinction, or otherwise the credibility of our struggle on behalf of press freedom will be endangered. For this reason, Reporters Without Borders registered “only” six cases of journalists killed in 2004 and a total of 52 since 1986.



The scene of the murder

The most recent murder at the time of writing, that of journalist Marlene Esperat, has traumatized the press community, in which a high proportion of journalists are women. “If they are capable of gunning down an investigative journalist while she was under police protection, we women journalists are all in danger. Who can protect us?” said Diosa Labiste of Iloilo City, who has written a report about the murders of journalists in the Philippines.

The Esperat murder is a real test for President Gloria Arroyo, the police and the justice department. The arrest and trial of the perpetrators and instigators of Esperat’s murder would bring hope that the terrible cycle of violence against



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the press was coming to an end. But the Philippine authorities have remained indifferent for too long and one wonders if they will be capable of doing their duty until the bitter end in this case.

## Marlene Esperat – death foretold of the Philippine news media’s Erin Brockovich

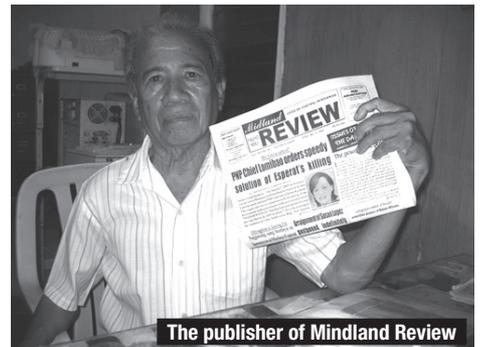


The killer, his face half hidden by a cap, entered the dining room at 7:30 p.m. on 24 March. Marlene Esperat was having dinner with her two sons, Kevin Jorge, 13, and James Derek, 10. The killer said, “Good evening, Madam,” drew a revolver from his jacket, aimed it at Marlene’s head, and shot her once, above the right eye. She died immediately, under the helpless gaze of her two sons and her daughter, Rhyne Arcones, 23, who was also present. More than 2,000 people, including her parents who are both in their 80s, marched behind her coffin as it was taken to the cemetery in Tacurong (in the southwest of Mindanao island) on 9 April.

Esperat had received constant police protection ever since a grenade attack on her home in early 2003 that was never solved. She knew she was still in danger and never went out without one or two armed policemen with her. But on the eve of her murder, she told the policeman responsible for protecting her that he could stay at home and spend Easter with his family. He accepted on condition that she did not leave her home.

Esperat suspected she was going to die. She wrote to President Arroyo on 14 February reiterating her commitment to combat corruption. “I am ready to die for this cause but you can never stop the will of the Lord,” she said at the end of the letter. Two months before her murder, she moved all her files to her lawyer’s office, and was planning to request visas for Switzerland and Canada.

Esperat got into journalism in order to publicize her campaigning against corruption, especially corruption in Mindanao’s agriculture department. She also used to say that she began to understand the importance of the news media from her first husband, **Severino Arcones**, the manager of *Radio Bombo-DYFM* in Iloilo City (in the centre of the country), who was himself murdered in 1989 for criticizing local politicians.



The publisher of Mindland Review

She began presenting a programme on the local FM radio station *DXKR* in 2001 and then, at the end of 2002, she began writing a column called “Madam Witness” for the local weekly, the *Midland Review*. A chemist by training, Esperat attached a great deal of importance to her work as a journalist, said her lawyer, Nena Santos. “It enabled her to get more information, to defend small farmers who are the victims of corruption, and to make her voice as a courageous citizen heard,” she told Reporters Without Borders.

“She never stopped looking for new cases of embezzlement,” Santos said. “Armed with the evidence, she would hand over the file to the Ombudsman in charge of corruption cases. As that was not enough, she would reveal her information in her weekly newspaper column, she would talk about it on the radio or she would share the information she had with journalists from Manila. She knew no limits in her fight against corruption.”

Taking account of just the most recent cases Esperat had been working on, Reporters Without Borders compiled a list of 25 people she had directly implicated: three officials in the agriculture department in Cotabato City, 14 agriculture department officials at the national level, a cabinet minister, an army officer, a parliamentary representative, two Manila businessmen, two Tacurong politicians including Angelo Montilla, and a police officer. “Who had the most reason to kill her?” asked a Manila-based journalist friend who did not want to be identified. “I’m afraid the police will concentrate on local leads although Marlene had implicated national figures. The fertilizer scandals and the chicken trafficking made the front pages and must have upset more than one national politician. But to go so far as to kill her?”

A family member said: “Now that she is dead, what will happen with the dozen or so cases she had filed with the Ombudsman’s office? If her husband or her children do not take them over, the people implicated will be very relieved.” Santos, her lawyer, said: “Her death



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must not be in vain. It is a test for Gloria Arroyo’s government in its fight against corruption. Marlene Esperat was a model. She never let herself be bought although she was offered hundreds of thousands of pesos to withdraw her complaints.”

Pressed by Gen. Lomibao, the national police director general, who went to Tacurong just three days after the murder, the Criminal Investigation and Detection Group (CIDG) immediately went after the murderers. One of the suspects, Randi Grecia, turned himself into the police on 8 April. Three more suspects were arrested in the week that followed, including the presumed gunman, Jerry Cabayag. When Reporters Without Borders met Col. Danilo Galapon at Koronadal, near Tacurong, he said: “We are optimistic about the outcome of this investigation, despite our limited resources. We have the killers, the murder weapon and vehicle, and eye witnesses. We just need the instigator or instigators.” Galapon, the police investigator in charge of the case, ruled out any possibility that Esperat had been blackmailing people. “She lived humbly and her house was mortgaged,” he said. He also reported that the four suspects had confessed to receiving 120,000 pesos (about 2,500 euros) to kill Esperat.

Accompanied by the police director general, interior minister Angelo Reyes presented the four suspects at a news conference in Manila on 12 April. “I am pleased with the arrest of the four perpetrators in the Esperat case,” he said. “We have given it special attention because press freedom is involved. They have confessed to their crime. We will continue to look for the instigators.”

Through the press, the justice ministry asked the police not to limit its investigation to the perpetrators but to keep going until the intermediaries and instigators are identified. The police for its part criticized the National Bureau



Angelo Reyes presents the suspects

of Investigation (NBI) – which comes under the justice department – for prematurely announcing to the press the identity of the person supposedly behind the murder, agriculture department official Sumail Sekak. “The NBI only participated in the autopsy but not in the investigation so how can they know the instigators’ identity,” the police director general asked.

One of Esperat’s sisters told Reporters Without Borders: “I’m afraid the investigation will stop if the police see that the person behind her murder holds too high a position.”



The family of Marlene Esperat

### Complete impunity for instigators

The overwhelming majority of the 52 journalists slain since 1986 were gunned down by hired killers. None of the instigators has even been brought to justice. This total impunity is the main reason why the cycle of press killings keeps turning. The culture of violence that is often cited as an explanation for these murders would disappear if impunity was brought to an end.

*The murders of Edgar Damalerio and Edgar Amoro – instigators who cannot be touched*



**Edgar Damalerio**, a journalist based in Pagadian (in western Mindanao) who wrote about corruption cases, did not know the police officer, Guillermo Wapile, who shot him dead at point-blank range on 13 May 2002. Wapile, now in prison, was allegedly paid

100,000 pesos (about 2,000 euros) to do the job, but he still refuses to name the person or persons who hired him. Two witnesses of the killing, journalist Edgar Amoro and militiaman Jury Ladica Lobitaña, were subsequently eliminated physically, Amoro in 2005 and Lobitaña in 2002. Both had agreed to testify in court against Wapile. Edgar Ongue, a friend of Amoro, is the sole surviving witness.

“Everyone in Pagadian has an idea of the identity of the persons behind the murders of Edgar Amoro and Edgar Damalerio except the local police, who never looked any further than the suspect named by the witnesses,” someone familiar with the cases said. Only a few journalists in Manila dare to give any clues to the identities of the possible instigators. “The po-



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lice obviously should have investigated the activities of the Cerilles husband and wife team, who dominate local politics,” said Sheila Coronel of the PCIJ that carried out an investigation in Pagadian after Damalerio’s murder. “The former mayor should also have been questioned as Wapile was his bodyguard,” she added.

The authorities also overlooked the role of Wapile’s police superior, former local police chief Asuri Hawani. “Right from the outset he helped Guillermo Wapile elude the authorities,” said someone close to the Damalerio family who did not want to be identified. “The police or the NBI should have arrested him for complicity or for obstructing justice, but it didn’t happen. He was dismissed from the police force but he became a special adviser to the mayor of Pagadian. And many of us think he was also implicated in Edgar Amoro’s murder. But the police have done nothing.”

Wapile’s trial finally began on 26 April, with an initial hearing before Judge Ramon Codilla in Cebu, a safer city for witnesses than Pagadian, after Wapile’s lawyers had twice managed to get a postponement on procedural grounds. The prosecution and defence both presented a list of their witnesses which they will no longer be able to change. The trial was expected to last no more than a few weeks. “Media pressure made possible the transfer of the trial from Pagadian to Cebu, protection for the witnesses and preparation of the trial in a proper manner,” said Damalerio’s widow, Gemma, the mother of a three-year-old girl. “And, above all, it will not drag on too long,” she added.



But it has taken more than three years to bring this Pagadian policeman to trial although he was identified from the first

#### Death threats by telephone text message

“If you don’t die outside, you will die inside the courtroom!” This was the telephone text message received in December 2004 by Edgar Ongue, the last surviving eye-witness of journalist Edgar Damalerio’s murder. In a country where more than 10 million text messages are sent every day, killers threaten their victims by mobile phone. Ongue, who is now being protected by the justice department, received even more specific messages on his mobile. One said: “Duha ka grupo ang maghanting nimu karm pads, basta ayaw jud kumpyansa laag pagadian, kablonka sa isa ka grupo, balhen ug puyo kay naheblo cla naa ka tangub.” (There are two groups looking for you. You are not safe in Pagadian. You know the first group but the others know you have moved home and that you are in Tangub.) A farmer and the father of three children, Ongue was offered 10,000 dollars by one of the uncles of the suspect, Guillermo Wapile, if he refused to testify in the trial. He turned down the offer. After surviving a third murder attempt on 9 February, Ongue is careful to keep the messages on his mobile. Proof that even after the suspect’s arrest, his life hangs by a thread.

moment by the two witnesses, Amoro and Ongue. There is little doubt that Wapile has had many accomplices in Pagadian. He turned himself in after a national and international press campaign but he continues to plead innocent and he refuses to name his accomplices and the instigators of the murder. Worst of all, he has succeeded in having two witnesses eliminated, one of them Amoro, Damalerio’s colleague and fellow journalist.

The surviving witness, Edgar Ongue, now in the justice department’s witness protection programme, is adamant: “They’ve sent two groups of killers to get me. I live in fear. But I am going to testify for

Edgar Damalerio. I am patient and I still believe in justice.” One of the witness protection programme’s officials put in bluntly: “If the last eye-witness is killed, the case will be closed.”

The physical elimination of two witnesses is the tragic consequence of the lack of any local or national will since May 2002 to pursue the investigation any further than the suspected contract killer. First, Jury Ladica Lobitaña was murdered in August 2002 after telling the NBI that a local police official had offered him the equivalent of 1,000 euros to kill Damalerio. Then Amoro was gunned down outside a Pagadian school. “By killing my husband, they eliminated a key witness in the Damalerio case and a courageous man who was continuing to denounce corruption and social injustice in Pagadian,” Elvira Amoro told Reporters Without Borders. “During his programme on radio *DXKP* five days before he died, he read out an open letter criticizing the lack of the rule of law in Pagadian,” she said. She fled Pagadian with her six children and was taken under the wing of the witness protection programme.

Amoro’s widow also revealed that in 2002, just a few days after Hawani’s dismissal as Pagadian police chief, her husband received a death threat in the form of a telephone text message.



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“You have ruined our lives,” the message said. “Your family and you will pay for this with your precious lives.”



Edgar Amoro

Reporters Without Borders is able to affirm that Amoro was eliminated by Wapile’s friends and police superiors acting with the connivance of the police. The two killers were inside the school where Amoro, 46, taught English. They could only have entered with the complicity of the two guards posted at the entrance, who are employees of Sikatuna, a privately-owned security agency run by a Hawani associate.

The gunmen shot Amoro in the presence of dozens of witnesses, including Samuel Porsuelo, a municipal police officer responsible for traffic control outside the school. He gave the police an initial statement after the murder and then fled town. He was reportedly pressured not to testify by Hawani, who by then was in charge of security at the city hall.

Worse still, one of Amoro’s two presumed murderers, contract killer Madix Maulana, had previously been arrested by a Pagadian police officer for another shooting. Amoro had welcomed his arrest on the air. But local figures protected Maulana and he was released a few weeks before Amoro’s murder. One of the Pagadian prosecutors had deliberately played down the charges so that he could be freed on bail. Today, Maulana is reportedly “under surveillance” by one of his associates. Norhan Ambol, the other suspect in the Amoro murder, has never been detained or questioned by the police.

### Political will

On the eve of the Reporters Without Borders team’s arrival in the Philippines, President Arroyo told an assembly of the Inter-Parliamentarian Union (IPU) in Manila that she had a message for those who murder journalists: “Your days are numbered.” After two decades of inaction, the authorities in Manila finally seem to realize the gravity of the situation and to be voicing a readiness to put an end to violence against the media.

The government initially proposed solutions that were quickly rejected by journalists. In early 2004, for example the police suggested modifying the law on the carriage of firearms to

let journalists defend themselves. In May 2004, a presidential spokesperson called on radio journalist to check their information with more care in order to avoid provoking violence. And the government promised large rewards for the capture of suspects.

The police also created a “Newsmen Task Force” in January 2004 with the job of coordinating from Manila investigations into the murders of journalists and working with a specific task force for each case at the local level. During a meeting with Reporters Without Borders representatives, the person in charge of this unit said 90 per cent of the murders of journalists had been solved since its creation. The Philippine National Police (PNP) claim to have solved 30 of the 58 cases since 1986 that have been identified. The other 28 cases are supposedly either still being investigated or are deemed to have been linked to armed clashes. The police say two journalists were killed during the 1986 and 1989 coup attempts, while five others were killed by communist guerrillas or in fighting. Apolinario Pobeda is included in this group, although the most likely explanation for his death is that it was prompted by his criticism of local officials. The police should clear up this point.

The “Newsmen Task Force” claims that 37 suspects have been arrested since 1986 but it acknowledges that only five cases led to convictions. The police blame the impunity on judicial ineffectiveness.

The PNP has also established mechanisms for providing better protection for journalists and making investigations more dynamic. “We want to reinforce the system of financial rewards and to better identify the journalists most at risk, in order to protect them,” Gen. Lomibao told Reporters Without Borders.

Reporters Without Borders noted the initiatives taken by the authorities in Manila to combat violence against journalists more effectively. The organization also welcomes the personal commitment shown by the head of the PNP, Gen. Lomibao, who went to Tacurong three days after Esperat’s murder. He also went to Legazpi (in Albay province) on 14 April to relaunch the investigation into the murder on 11 February 2004 of **Rowell Endrinal**, a presenter for the local radio station *DZRC* who was shot five times in the mouth. Endrinal was known his blistering attacks on local politicians, often made at the behest of the opposition. His targets included governor Francis Bichara and Legazpi mayor Noel Rosal.



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The police quickly identified the contract killer in this case, Clarito Arizobal, also known as Boy Zapanta. But a year later, Arizobal has still not been arrested and the investigation has not identified those behind the murder. “Rowell Endrinal was not a model journalist because he sold his services to opposition politicians but there is not doubt he was killed because of his scathing comments about local politics,” said Dean Bernardo, a Manila journalist who has investigated the case.

The efforts of the police also led to the arrest of the three presumed killers of **Apolinario “Polly” Pobeda**, a radio commentator who was shot seven times on 17 May 2003 near Lucena (southeast of Manila). They are all linked to the Talaga family, one of whose members is the mayor of Lucena. The three suspects are being held, but they have not yet been brought to trial and the police has not identified those behind the murder.

Pobeda, 35, practised a virulent style of journalism on the local radio station, *DWTI*, often accusing local officials of embezzlement or incompetence. In August 2002, he began urging listeners to send him telephone text messages identifying local drug traffickers. “As a journalist, he defended the interests of the Ojeda family in opposition to the powerful Talaga family,” a Lucena journalist explained to Reporters Without Borders.

At the end of August 2004, the police detained Michael Garcia, a contract killer suspected of the 5 August murder of **Arnel Manalo**, a correspondent for radio *DZRH* and the tabloid newspaper *Bulgar* in Batangas province (south of Manila). Garcia was identified by Manalo’s brother, who witnessed the murder. The presumed instigator, Edilberto Mendoza, turned himself in to the authorities on 2 September. They have not yet been tried.

Ephraim “Toto” Englis and Alfonso Toquero, two suspects in the June 2004 murder of **Ely Binoya** in General Santos (on Mindanao island), also turned themselves in during August but insisted on their innocence. The police believe Englis, a former police officer and village chief, masterminded the killing of Binoya, who accused him and other local dignitaries of corruption. The police sent their conclusions to the judicial authorities but no trial has yet been held.

The expressions of resolve by police and judicial authorities are sometimes contradicted

by the statements of President Arroyo’s allies or advisers. For example, Rodrigo Duterte, the mayor of Davao, who is also a presidential adviser on security matters, often criticizes journalists who question the way he runs his city, the biggest on the island of Mindanao. He was the first person everyone thought of when radio presenter **Juan Pala**, one of his political opponents, was murdered in September 2003. More recently, the mayor described the International Federation of Journalists and the National Union of Journalists of the Philippines as idiots after they said there were death squads operating in the Davao region.

## At least 42 cases have not been concluded

Despite the PNP’s claims of a 90 per cent success rate since the creation of the “Newsmen Task Force,” Reporters Without Borders confirmed that the investigations of at least 42 of the 52 killings of journalists have not been successfully concluded, above all because of a lack of will or effectiveness on the part of the national police. The responsibility for this lies with previous officials since most of the unsolved or “badly solved” cases date back to the 1986-2002 period.

Ten months before Endrinal’s murder, another radio presenter in Albay province, **John Bellen Villanueva** of *DZBB*, was gunned down on 28 April 2003. *DZBB* manager Henry Maceda said Villanueva had not been threatened and was widely appreciated for his conversations with listeners on the air and his cultural programmes. Two years later, the police still have not found out who killed him or why. Journalists in Legazpi say he may have been killed because of presumed links with the communist guerrillas or because of his regional electoral ambitions.

In Mindanao, the police never made any progress in the investigation into the murder of **Rico Ramirez**, a 25-year-old reporter and cameraman with the local station *DXSF TV*, who was shot five times on 20 August 2003 in San Francisco (Agusan del Norte province). *DXSF TV* manager Max Tutor always maintained that Ramirez, the father of two-year-old child, was gunned down because of his investigations into drug trafficking in the region. The local police, who waited two weeks before making a report on the murder, never identified the motives or perpetrators.

The case of **Nelson Nadura**, the presenter of a news programme on local radio *DYME* who



was shot five times and killed on 2 December 2003 on the island of Masbate (southeast of Manila) never received any attention from the police after the shock of the first few days. Police insisted he was shot by communist guerrillas of the New People’s Army (NPA), of which he was once a member. Colleagues told Reporters Without Borders that the police set up a “Task Force Nadura” but never considered any possibility other than an NPA killing. *DYME* manager Chang Enciso confirmed that the NPA denied doing it. Nadura’s wife and four children pointed out that he had often criticised several local politicians.

Reporters Without Borders thinks the work of the police has been insufficient or unsatisfactory (because of botched investigations, a failure to make arrests or a failure to identify instigators) in the following cases: Pete Mabazza, Wilfredo Vicoy (1986), Dioniso Joaquin, Leo Palo, Narciso Balani, Rogelio Sagado (1987), Noel Miranda, Ruben Manrigue, Severino Arcones, Josef Aldeguer Nava (1988), Eddie Talan (1989), Reynaldo Catinding, Jean Ladrigan (1990), Nesimo Paulin Toling (1991), Greg Hapalla, Gloria Martin, Danilo Vergara (1992), Romeo Legaspi (1993), Ferdinand Reyes (1996), Regalado Mabazza (1997), Rey Bancarin, Dominador Bentulan (1998), William Yap Yu, Olimpico Jalapit (2000), Muhammad Yusop, Rolando Ureta, Candelario Cayona, Dennis Ramos (2001), Benjaline Hernandez, Edgar Damalerio, Sonny Alcantara (2002), John Belen Villanueva, Apolinario Pobeda, Bonifacio Gregorio, Noel Villarante, Rico Ramirez, Juan Pala, Nelson Nadura (2003), Rowell Endrinal, Roger Mariano, Gene Boyd Lumawag (2004), Edgar Amoro (2005).



### Continual violence

While the Reporters Without Borders team was in Tacurong (on Mindanao island) on 10 April, local *Radjo Natin* presenter **Alberto Martinez** was shot and seriously wounded a few kilometres away. Martinez, who is also a Protestant

pastor, used to speak out on the air, criticizing drug trafficking and the influence of the region’s communist and Islamist armed movements. He survived, but one of the shots hit his spinal column and he could be paralysed for life. From his hospital bed, he accused a soldier and a neighbour of being his assailants. Both denied it. Local journalists questioned by Reporters Without Borders were also sceptical.

A few weeks earlier, on 28 January, **Maximo Quindao**, the editor of the regional weekly *Mindanao Truck News*, survived a murder attempt in Davao Norte province (Mindanao). He described the attack to Reporters Without Borders in Manila, where he took refuge. “I was going to the home of a local politician when a man wearing a helmet and sunglasses approached me and fired with a 45 calibre revolver,” Quindao said. “He wounded me in the left shoulder and tried to shoot me again, but his gun jammed. I was still standing so I ran. The killer chased me and shot me again three times. I was able to find refuge in a closed building so he left.” The local police and the NBI have not so far made any arrest. “I’d never received any direct threats. Did my articles on illegal logging in the province have anything to do with it? I don’t know. All I know is that I cannot carry on living in Mindanao until this killer is identified. I had to flee my home town but at least I’m alive.”

Reporters Without Borders registered a record number of attempted murders and physical attacks on journalists in 2004 – a total of 20. In September, for example, *Bombo Radjo* correspondent **Gary Fuertas** was beaten up in Mid-sayap (Mindanao) because of his reports on drug trafficking. In November, **Eric Tenerife**, a presenter on *Progressive Channel*, a cable TV station in Bacolod City on the central island of Negros, survived a murder attempt in which three shots were fired at his car.

Many of the attacks against the press occur in the most troubled areas of Mindanao island, where violence is an intrinsic part of daily life for the media. The wife of documentary filmmaker and human rights activist Joey Lozano referred to the permanent danger: “He has survived three murder attempts on the island of Mindanao. You know, being married to a journalist is tough, but never boring.”

Half of the 52 cases of journalists killed since 1986 took place on Mindanao island. While only three journalists have been killed in Manila and its surrounding region in the last 18 years, 10 have been killed in the north of the island of Luzon. In all, no less than 24 journalists have



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been killed on Mindanao island since the return to democracy, while in the central part of the Visayas Islands, at least six have been killed.

Although Mindanao is the most dangerous region, the situation is not the same throughout the island. “Here, in Cagayan de Oro, our politicians are more civilized,” said the correspondent for a national daily who lives in this city in the north of the island. “They make a complaint or bring pressure to bear to remove bothersome journalists. At least the don’t hire hit men.”

Reporters Without Borders also noted a surge in violence in the election period. 2004, when elections were held for president and parliament, was the deadliest year for the press. Diosa Labiste, a journalist based in Iloilo City, explained: “Before and during the elections, radio commentators rail against the candidates, Afterwards, both losers and winners take revenge on those who opposed them on the air.”

### Journalists with more than one hat

“Journalists in the provinces have three choices – to be poor, to be corrupt or to be killed,” said Froilan Gallardo, a photojournalist who has been covering the news on Mindanao island for more than 20 years.

It is impossible for a provincial journalist to live reasonably on just one salary. National press correspondents are badly paid, rarely receiving more than 5,000 pesos (100 dollars) a month. It is even harder to survive on a local press salary. “I rear chickens, while some of my colleagues work for an NGO, or for international media or own restaurants,” said Hernan de la Cruz, the editor of the Pagadian-based regional newspaper, the *Zamboanga Scribe*. “This is our weakness. We are at the mercy of all those who have money and power,” said the correspondent of a national daily who lives in Cagayan de Oro (Mindanao).

Most of the journalists killed in the part 20 years had a second or even a third job. **Noel Villarante**, for example, who was shot in the neck on 19 August 2003 in Santa Cruz (in Laguna province), was also a police informer. He colleagues and relatives are still convinced that he was killed because of his articles on drug trafficking, illegal gambling and local government embezzlement. But one cannot rule out possibly that his death was linked to his activity as an informant, especially for the narcotics police.

Senando Palumbarit, who was formally identified as the killer by Villarante’s partner, was arrested a few days after the murder and was taken before a judge in Santa Cruz. But, according to several people close to the case, the investigation was botched and did not progress, and Palumbarit was released on bail in December 2004. He is now reportedly on the run. Thereafter, the investigation was shelved for lack of evidence. Despite their failure, the former Santa Cruz police chief and three other policemen shared a reward of 200,000 pesos (about 4,000 euros) for having arrested the presumed killer of a journalist.

Reporters Without Borders was able to confirm that Villarante would not have been able to meet his needs and those of his family just from his journalistic activities. He was a “block timer,” that is to say, he rented air time by the hour on a local FM radio station and got his money from the personalities he interviewed or about whom he talked favourably while on the air. “He rarely did any investigation, but he regularly reported information – perhaps for payment – which he got from the lawyer of the provincial governor’s political opponent,” a friend of Villarante said.

### Firearms against fear

Many Philippine journalists say they have colleagues who always carry firearms for protection against attack. All local press freedom organizations, like their international counterparts, condemn this practice.

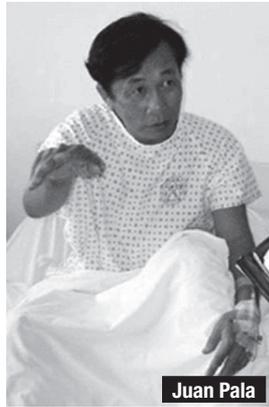
This argument is brushed aside by those in charge at the press club in Cagayan de Oro (in northern Mindanao), who officially encourage their members to carry firearms. Richard Vallas, the club’s president and former manager of radio *DXPR* in Pagadian, even helps journalists to get firearm licences. “When I was still running my radio station, I announced on the air that we journalists were armed and were holding training sessions in shooting,” he explained to Reporters Without Borders. “So people knew we were armed and that we knew how to fire. That’s protection.” He also said a well-known Mindanao journalist regular racked his gun on the air so the noise of the charger could be clearly heard and people would know he was ready to defend himself.

Former press club president Jerry Orcullo is also strongly in favour of journalists carrying firearms: “The position of the international organizations on this issue is fine and legitimate, but it is not realistic or applicable here. Being armed is the only way for us to continue



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practising our trade. In Iraq, you are better off not being armed, because it's war there and it would put you in danger because you would be taken for a combatant. Here, your chances of being killed fall if you carry a gun." In support of his argument, Orcullo recounts how three journalists were not killed during an attack in 2004 in Cebu (in the centre of the country) because



Juan Pala

they had guns and were able to fire back. Vallas mentioned the case of Juan "Jun" Pala, killed in Davao (Mindanao) on 6 September 2003: "He had already survived two murder attempts because he was armed and returned fire. The third time he did not have his gun with him and was killed."

The Cagayan de Oro press club pointed out that none of the 14 journalists killed in 2004 was armed. Organizations in Manila contest this. The Centre for Media Freedom and Responsibility (CMFR) said at least seven of the journalists killed over the past two years were armed, and three had bodyguards.

At the end of this fact-finding mission, Reporters Without Borders had the impression that this debate has lost steam within the Philippine press. All of the journalists it met said the decision whether or not to carry a gun should be an individual one and should take account of the particular circumstances of each situation. None of the journalists met by the team was armed, even journalists in Mindanao who, according to everyone in Manila, went around with a gun in their belt.

### **“Responsibility is our best protection”**

The Freedom Fund for Filipino Journalists (FFFJ), a network of national groups dedicated to the protection of journalists, published a booklet at the end of 2003 entitled, "Staying alive: Journalism is a dangerous trade. Responsibility can be our best protection." In it, the FFFJ says press freedom organizations are

constantly confronted by a dilemma: one the one hand, the Philippine media are among the freest in the region, while on the other, some journalists "abuse their right" by using this freedom to "enrich themselves or for personal vendettas." The organization also recognizes that, "The media must make efforts. Otherwise, their excesses and their abuses will serve as excuses for the murders of journalists."

Several observers have reached the same conclusion. The system of "block-timers," for example, under which journalists rent air-time and use it as they see fit, impoverishes the quality of some Philippine radio stations. Many radio commentators do not hesitate to attack local politicians, businessmen or private individuals on the air, without any proof and with a significant degree of verbal violence.

The journalistic community uses at least half a dozen expressions to designate those who practice extortion or let themselves be bought: "ATM journalism (from the American term, au-

### **“Take us to court but don't kill us”**

tomated teller machines, for cash dispensers), "envelope journalism", "ACDC journalism" (attack, cash, defence, cash) and so on. Media organizations condemn these practices, which reflect badly on the entire profession. Not an insignificant number of the journalists murdered in the last 20 years practised this kind of black-mail.

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The FFFJ qualifies its position by stressing that nothing justifies the murder of a journalist and that many of those killed each year were doing an excellent job.

### **“Know the enemy” – when the army threatens the press**

At the start of April 2005, the Philippine press revealed the existence of a PowerPoint presentation entitled "Knowing the Enemy, Are we missing the point?" that was produced by the military intelligence service (ISAFP) for use within the army. It described the activities of the Communist Party of the Philippines (CPP) and the National Democratic Front (NDF) – which are both waging armed struggle against the government – and recent initiatives taken by army to combat them and their military wing, the New People's Army (NPA).



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**An end to impunity**

**“Justice for Marlene Esperat and the 51 other journalists killed since 1986”**

In the presentation, the army said that the National Union of Journalists of the Philippines (NUJP) was directly controlled by the Artista at Manunulat Ng Sambayanan movement, an NDF front organization working in the field of arts and culture. The presentation included a page taken from the NUJP website showing its organization chart. The Philippine Centre for the Investigation of Journalism (PCIJ) and some 30 other religious, cultural, social or political groups were also accused of links with these armed movements.

A few days later, the army held a news conference to present a new, expurgated version of this presentation. The PCIJ was not mentioned in the new version. Lt. Cmdr. Teddy Quinson told journalists that “the people in these organizations are not aware there is a party member among them.” The army’s job was “to cleanse these organizations,” he added.

NUJP president Inday Espina-Varona is concerned. She fears the military will henceforth regard members of her organization as the enemy and this will expose them to dangers. Reporters Without Borders shares her concern and condemns the army’s attitude. In very militarized and tense regions such as western Mindanao and the far north of Luzon, soldiers could take this information literally and treat members of the NUJP or PCIJ or other journalists as the enemy.

During the army press conference, a journalist with the *Philippine Daily Inquirer* expressed his colleagues concerns: “What do you expect by telling soldiers these organizations are infiltrated by the NPA or the communists? The media will become targets just because they are supposed to have been infiltrated.” Army spokesman Brig. Gen. Jose Honrado simply replied, “That’s your interpretation and we respect it.” Sheila Coronel, the head of the PCIJ, played down the problem, saying it was a standard practice with few consequences. She said soldiers often suspect journalists of supporting the guerrillas.

## **Other dangers from the anti-terrorism struggle**

Prodded by the US government (one of whose representatives in Manila recently called Mindanao a “future Afghanistan”), the Philippine authorities have stepped up their war against terrorism. Military operations have increased after the indiscriminate bombings that have killed more than 350 people since February 2004, whether or not claimed by the terrorist group

Abu Sayyaf.

The authorities, especially the army, are trying to control media coverage of these operations. “In the space of less than a year, we have had to campaign against the proposed embedding of journalists in military units, the ban on interviewing terrorists and now a very repressive anti-terrorism law,” said the NUJP’s Inday Espina-Varona. Carlos Conde, another NUJP member, added: “President Arroyo is attacking the very foundations of democracy by trying to rush through this Philippine version of the Patriot Act.”



On 5 March 2005, President Arroyo personally warned the media against carrying interviews with “terrorist groups.” A few days before, the Philippine army had called for a law punishing news media guilty of talking to rebel groups. Such a provision is envisaged in a draft anti-terrorism bill currently before the Philippine congress. Even if presidential spokesman Ignacio Bunye subsequently stressed that the provision would only be applied “case by case, on the basis of the interview’s content,” the sanctions envisaged are not yet known and the concept of “terrorist group” is very vague.

The bill poses a serious threat to the private nature of journalists’ communications, the confidentiality of their sources and coverage of counter-terrorism operations by the security forces.

“For years, the government’s No. 1 priority has been the struggle against armed groups, now called terrorists, but a global policy against the criminalization of local political life has never been on the agenda. Why?” asked another NUJP member.

## **Entire provinces that are hard to cover**

The Sulu Islands, the country’s most militarized province, have become a nightmare for the independent press. The main news media have been steadily pulling out and most of the news from the province in the national press now comes from military sources and is hard to verify. Similarly, it is very hard for journalists to access entire swathes of the island of Luzon and the centre of the Philippines where communist guerrillas are active. Although talks are currently under way between



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the government and the Moro Islamic Liberation Front (MILF), the state of war prevents complete and independent news coverage. “The local newspapers are under pressure from the local authorities and the military,” a *Mindanews* reporter based in Zamboanga

complained. “There is no longer any local newspaper in Jolo and Basilan, so the views of the local population cannot be expressed, while at Basilan, the local *DXOS* radio station is closely controlled by the army,” said a Basilan journalist who has worked for this station for five years.

When journalists try to cover these regions in an independent fashion, they become the target of killers. **Candelario Jhun Cayona**, a presenter on local radio *DXLL* in Zamboanga (in western de Mindanao), was killed on 30 May 2001 while investigating drug trafficking in the region. **Gene Boyd Lumawag**, a young photographer, was shot in the back and killed on 12 November 2004 in Jolo. He had arrived on the island with the editor of the *Mindanews* online publication and, according to the police, he was gunned down by Abu Sayyaf members Itting Sailani and Omar Sailani. A murder complaint was filed five days later. The police are looking for the suspects. Lumawag’s colleagues told Reporters Without Borders it was very hard to verify the police claims that Abu Sayyaf was involved.

In the field, the correspondents of the national media are caught in a crossfire. “Our correspondent in Jolo was first of all summoned for questioning by an army commander who did not like one of his articles, and then he received a telephone text death threat signed Abu Sayyaf, criticizing him for not paying part of his salary to the group,” said Leti Boniol of the *Philippine Daily Inquirer*. Mindanao-based reporter Froilan Gallardo said: “When your newspaper pays you 100 dollars a month and gives you with no insurance or protection, how can you expect to want to go and cover war zones?”

Two young journalists from Zamboanga and Basilan island told Reporters Without Borders they condemned the “war perspective” of the Philippine and international media. “They only come when there is shooting,” said Linda Bansil of Zamboanga. A young woman with an

NGO in Zamboanga said: “The government does not let the viewpoint of the Muslim majority be expressed, the majority that is neither for nor against the armed groups. And this idea of banning journalists from interviewing the rebels is stupid and counter-productive. Rumour will take over.”

## Recommendations

Only active campaigning by Philippine journalists will enable the vicious circle of violence and impunity to be broken. The indifference, if not complicity, of the police and judicial authorities has encouraged the contract killers and those who hire them to continue to physically eliminate journalists for nearly 20 years. They have had nothing to fear.

Murders, kidnappings and harassment of journalists by armed groups and terrorist groups pose a permanent danger for press freedom. The first to suffer are journalists based in regions where armed clashes take place.

Reporters Without Borders expresses its solidarity to the journalists and their families who are the victims of violence. The organizations calls on the Philippines’ most senior officials to reinforce the struggle against impunity. The police and the judiciary must do everything possible, in a coordinated action, to identify, arrest and bring to trial the contract killers and those who hired them in the 52 cases of journalists killed because of their work since 1986.

The Philippines must no longer be the exception in a world of press freedom and human rights. Violence against the press is not inevitable.

Reporters Without Borders therefore recommends:

### To the authorities:

- Take threats against journalists very seriously. Many of the journalists killed in the course of their work previously received threats. The authorities and the police must reinforce protective measures whenever journalists report serious threats to their physical safety.
- Speed up police and judicial procedures for those suspected of instigating or executing murders of journalists.
- Provide special protection for the witnesses of murders of journalists which, if needed, can begin before the police complete their preliminary enquiries.
- Reinforce the material and human resources



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es available for witness protection. As things stand, the justice department offers witnesses, and some plaintiffs, six months of protection in a safe house, a monthly allowance of 8,000 pesos and medical assistance.

- Make army and police personnel at all levels aware of the importance of press freedom and the need to protect journalists.
- Strike from the anti-terrorism bill any article that would violate press freedom, in particular, the right of journalists to protect their sources and the confidentiality of their communications.
- See the investigation into Marlene Esperat's murder through to completion. It is essential that the instigators of this murder be identified and brought to trial.
- Ensure that the trial of Edgar Damalerio's presumed killer proceeds properly and pursue the investigation in order to identify those behind the murder.
- Send a special team of judicial investigators and police to Pagadian to pursue the investigations into the cases of William Yu, Olimpio Palapi, Muhammad Yusop, Edgar Damalerio and Edgar Amoro.
- Issue warrants for the arrest of the two suspects in Edgar Amoro's murder, Madix Maulana and Norhan Ambol, and for the arrest of the presumed accomplice to Edgar Damalerio's murder, Asuri Hawani.

#### To the United Nations:

- Summon the Philippine ambassador to the Commission for Human Rights and remind him of his country's undertakings as regards the protection of human rights.
- Organize a fact-finding mission to the Philippine to be conducted jointly by the special rapporteur on the promotion and protection of the right to freedom of opinion and expression, the special representative for human rights defenders and the special rapporteur on extrajudicial, summary or arbitrary executions.

#### To the World Bank and the international community:

- Condition the granting of new financial aid on the solving of murders of journalists who exposed corruption, especially the murder of Marlene Esperat.

#### To the news media:

- Constantly evaluate the risks to which provincial correspondents are exposed. In some cases, it may be preferable to send a journalist from Manila to cover a story rather than use a

local correspondent.

- Keep press freedom on the front page. It is vital that the Philippine and international media cover investigations and judicial proceedings in the murders of journalists. Cases of threats against journalists must also be reported.
- Make a very clear distinction between cases of journalists killed because of their work and those killed for personal motives, in order to ensure that the campaign against impunity for crimes against the press is credible and lasting.
- Ensure that provincial journalists and correspondents get a reasonable basic wage.