2024 REPORT THE HUMAN RIGHTS SITUATION OF THE INDIGENOUS PEOPLES IN THE PHILIPPINES

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SUBMISSION TO THE UNITED NATIONS SPECIAL RAPPORTEUR ON THE RIGHTS OF INDIGENOUS PEOPLES



# **2024 Report** on the Human Rights Situation of the Indigenous Peoples in the Philippines

SUBMISSION TO THE UNITED NATIONS SPECIAL RAPPORTEUR ON THE RIGHTS OF INDIGENOUS PEOPLES

Report on the Human Rights Situation of the Indigenous Peoples in the Philippines

July 2024 Quezon City, National Capital Region



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Photos of the Academic Forum, courtesy of the UP Institute for Human Rights

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#### **Executive Summary**

During the National Academic Forum on the Human Rights of the Indigenous Peoples last July 2024, over 60 representatives of Indigenous Peoples communities and organizations discussed cases of human rights violations and plunder of natural resources. The forum with the United Nations Special Rapporteur on the Rights of Indigenous Peoples, Hon. Jose Francisco Cali Tzay, and Dr. Pichamon Yeophantong of UN Working Group on Business and Human Rights provided a platform for the Indigenous Peoples, advocates, and community members to discuss their challenges and propose actionable solutions. Discussions highlighted the importance of genuine Free, Prior, and Informed Consent (FPIC), the need to address land and resource conflicts, and the imperative to cease militarization and human rights abuses against the Indigenous Peoples. Following the forum, Indigenous Peoples Rights International, Panaghiusa Philippine Network to Uphold Indigenous Peoples' Rights, and Legal Rights and Natural Resources Center, submitted a report to the Special Rapporteur citing cases from various Indigenous Peoples organizations.



From left to right: Beverly Longid of Katribu Kalipunan ng Katutubong Mamamayan ng Pilipinas, Atty. Raymond Baguilat of UP Institute of Human Rights, Dr. Pichamon Yeophantong of the UN Working Group on Business and Human Rights, United Nations Special Rapporteur on the Rights of Indigenous Peoples Hon. Jose Francisco Cali Tzay, Joan Carling of Indigenous Peoples' Rights International, and Atty. Mai Taqueban of Legal Rights and Natural Resources Philippines.

The Indigenous Peoples in the Philippines play a crucial role in environmental conservation, with significant portions of their ancestral domains overlapping

with protected areas and key biodiversity areas, thus sustaining the nation's ecological health. Despite their vital contributions, the Indigenous Peoples face systemic discrimination and oppression from the Philippine Government, which allows destructive projects on their lands and implements laws and policies that violate their rights. Businesses often bypass protective laws and violate the Indigenous Peoples' Free, Prior, and Informed Consent (FPIC). The 2023 State of Indigenous Peoples Address (SIPA) reported an increase in land and environment conflicts, primarily driven by mining, highlighting gaps in the recognition and protection of ancestral domains. A World Bank report revealed that a majority of Indigenous households perceive themselves as poor, facing significant socio-economic challenges compared to non-Indigenous populations.

Human rights abuses against the Indigenous Peoples have risen, with forced evacuations, militarization, and other violations affecting tens of thousands. Despite international and national efforts, including the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Indigenous Peoples Rights Act (IPRA) of 1997, these issues persist. In the 41st Universal Periodic Review in 2022, the Philippine government supported recommendations to respect FPIC and protect Indigenous Peoples' rights and Human Rights Defenders (IPHRDs), but significant challenges remain in ensuring their implementation and safeguarding the Indigenous Peoples' rights and well-being.

Significant concerns over land and environmental conflicts encroaching into ancestral domains are driven by the government and businesses' disregard for the Indigenous right to genuine FPIC. Under President Ferdinand Marcos Jr.'s administration, efforts to transition to renewable energy and extract minerals have exacerbated these violations, with public authorities often being the perpetrators. Multiple government agencies, including the National Commission on Indigenous Peoples, Department of Environment and Natural Resources, Department of Agrarian Reform, and others, have been instrumental in FPIC violations and land-grabbing. Cases where national government-imposed fast-tracked processes pressured Indigenous communities highlight the widespread violations of Indigenous rights across provinces such as Ilocos Norte, Kalinga, Nueva Vizcaya, Palawan, Romblon, and Aklan. Despite existing laws and guidelines to protect their rights, Indigenous communities face escalating threats and abuses.

In Negros Occidental, a forest plantation operates without securing FPIC from the Bukidnon-Ituman and Bukidnon Karul-anon tribes, while in Misamis Oriental, the Higaonon community faces land rush threats due to a newly developed highway. In Bukidnon, the Manobo-Pulangiyon community has been displaced by a pineapple plantation company, leading to dire living conditions and violent repression. Other cases include FPIC violations against the Matigsalug Manobo tribe by a watershed project, numerous FPIC violations against the Mansaka community in Davao de Oro, and harassment of Indigenous communities in South Cotabato, Sultan Kudarat, and Maguindanao by paramilitary groups. The report also highlights ongoing land disputes in the Bangsamoro region, with the Teduray tribe suffering from forced displacement and violence. Additionally, illegal mining operations threaten the Subanen tribes in Zamboanga del Norte, while the Tampakan copper-gold mining project in South Cotabato poses significant environmental and social risks, potentially displacing 4,000 Blaan tribespeople.

The report underscores extensive militarization and human rights violations against Indigenous Peoples across the Philippines, often triggered by corporate projects or development plans. Internal security forces, including the Armed Forces of the Philippines, Philippine National Police, and Citizen Armed Force Geographical Unit, frequently perpetrate these abuses, using counterinsurgency operations to suppress dissent and opposition to land encroachments. Specific incidents in Cagayan Valley, Rizal, Oriental Mindoro, Capiz, Negros Island, and Sultan Kudarat exemplify the severity of these violations, including extrajudicial killings, harassment, and intimidation.



Dr. Pichamon Yeophantong and Hon. Jose Francisco Cali Tzay pictured alongside organizers and delegates of the Academic Forum.

Despite existing protective laws, Indigenous communities continue to face significant threats to their rights and livelihoods. Efforts to support Indigenous education and rights have met severe opposition. Lumad schools in Mindanao, built to address limited access to education, were falsely labeled as rebel training grounds, leading to their closure and the harassment of educators and students. Incidents of violence and wrongful convictions have instilled fear within Indigenous communities. Given this crisis, there is an urgent request for the support of Hon. José Francisco Calí Tzay, the UN Special Rapporteur on the Rights of Indigenous Peoples, to conduct a full-scale investigation in the Philippines. This investigation should address land and environmental conflicts, cease militarization and red-tagging, ensure fair trials, and provide support for local Indigenous initiatives and humanitarian assistance. It is crucial to uphold the Indigenous Peoples' right to FPIC, address tenurial overlaps and land grabbing, and protect the rights of Indigenous Peoples Human Rights Defenders to ensure their safety and well-being. In the Philippines, the Indigenous Peoples (IP) belong to 110 ethnolinguistic groups, comprising around 15 million people, or 12% of the 114 million of the country's population. Their territories cover as much as 44% of the country's land area. The Indigenous Peoples of Mindanao, collectively called the Lumad, are projected to be the largest collective group, at 63% of the country's total IP population. 34% of the Indigenous Peoples are from the collective group of the Igorot in Northern Luzon, while there are also diverse groups in Central Luzon, the Palawan Islands, Mindoro, and along the Sierra Madre Mountain Range, which spans through numerous provinces across Luzon. At least 3% of the country's Indigenous People's population are in the Visayas region.<sup>1</sup>

The Territories of Life Report demonstrated how 1,440,000 hectares of ancestral domains (ADs) under Certificate of Ancestral Domain Titles (CADTs) overlap with Protected Areas, while 1,345,198 hectares of Key Biodiversity Areas (KBAs) or an estimated 29% of the total likewise overlap with CADTs. It further showed that 75% of our remaining forest cover is within ADs. The report's spatial analysis noted how Indigenous community conservation serves as a de facto governance regime in most KBAs not covered by protected areas, demonstrating the invaluable role of Indigenous People in sustaining our nation's ecological health and natural wealth.<sup>2</sup>

Indigenous Peoples of the Philippines have long experienced discrimination and oppression under the Philippine Government (GPH). The GPH also continues to allow private corporations to conduct destructive projects in Indigenous Peoples' ADs and territories. Moreover, the GPH has implemented laws and policies that exacerbate the violations of the IPs' individual and collective rights. Businesses are allowed to circumvent protective laws and policies and consider mere consultations as the Free, Prior, and Informed Consent (FPIC) of the IP communities.

The 2023 State of Indigenous Peoples Address (SIPA) report<sup>3</sup> revealed at least 1.3 million hectares of ADs faced various land and environment conflicts. This was a net increase of over 70,345 hectares or a +6% increase compared to the previous iteration of the report. Mining was the biggest driver of this surge of conflicts.

The report cited data from the National Commission on Indigenous Peoples (NCIP), the Philippine government agency tasked to address Indigenous concerns, which revealed serious gaps in the recognition and protection of ancestral domains. Only 33% of the NCIP's target of 1,531 ADs were issued formal titles, and only 30% of a targeted 980 Ancestral Domain Sustainable

<sup>&</sup>lt;sup>1</sup> Indigenous Peoples Movement for Self-Determination and Liberation (IPMSDL) (2023, June 14-16).

*IP Tenurial Rights, Key Initiatives, Issues, & Challenges* [Report]. Fighting the Big Fight: Regional Workshop on Lands, Territories, and Resources (LTR) Strategy, Chiang Mai, Thailand.

<sup>&</sup>lt;sup>2</sup> The Philippine ICCA Consortium. (2021) The Philippines: A national analysis on the status of territories of life. From https://report.territoriesoflife.org/national-and-regional-analysis/philippines/

<sup>&</sup>lt;sup>3</sup> Taqueban, E.M. and Dulce, L. (December 2023). State of Indigenous Peoples Address 2023 Report. Legal Rights and Natural Resources Center. https://www.lrcksk.org/publications

Development and Protection Plans (ADSDPPs) were assisted and accomplished. A recent report by the World Bank (WB)<sup>4</sup> further showed that only 22% of these approved Certificate of Ancestral Domain Titles (CADT) were fully registered with the Land Registration Authority, leaving the remaining 78% vulnerable to overlapping land tenures.

The World Bank report further delves into the socio-economic status of the Indigenous Peoples in the country, showing that at least 59% of Indigenous households perceive themselves as poor, with 81% reporting that they are unable to transition out of poverty. In terms of food poverty, hunger, illiteracy, and inaccessibility of education, health services, employment, and social services, the IP rate significantly worse compared to non-Indigenous Peoples.

In terms of civil and political rights, the SIPA 2023 report raised alarm over the increasing number of IP who suffered human rights abuse compared to the previous year. At least 45,070 people, or a 62% increase, were monitored to have been forcibly evacuated, affected by militarization, or subjected to threats, harassment, intimidations, and various other human rights violations.

These widespread violations of Indigenous rights persist despite the adoption of the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the enactment of the Indigenous Peoples Rights Act of 1997 (IPRA), and the Government of the Philippines' (GPH) acceptance of the previous Universal Periodic Review (UPR) recommendations on Indigenous Peoples. In the 41st session of the Universal Periodic Review in 2022, the GPH has supported recommendations to ensure the respect for the Free, Prior, and Informed Consent of Indigenous Peoples, and their full and meaningful participation in all the stages of development projects that affect them, especially in mining and energy. It further supported recommendations to protect Indigenous Peoples Human Rights Defenders from harassment and intimidation and promote the protection of law of Indigenous Peoples.<sup>5</sup>

The following sections summarize this report's compiled cases of threats to ancestral lands and domains, militarization in Indigenous territories, and the criminalization and red-tagging of Indigenous Peoples and Indigenous Peoples' Human Rights Defenders across the Philippines.

<sup>&</sup>lt;sup>4</sup> The World Bank. (May 2024). No Data, No Story: Indigenous Peoples in the Philippines. From

https://thedocs.worldbank.org/en/doc/baa43cc91ec55266a538e9023c528bd7-0070062024/no-data-no-story-indigeno us-peoples-in-the-philippines

<sup>&</sup>lt;sup>5</sup> UPR of Philippines (4th Cycle - 41st Session). United Nations Human Rights Council. Universal Periodic Review - Philippines. From https://www.ohchr.org/en/hr-bodies/upr/ph-index.

#### Territories under threat

Majority of cases compiled in this report raise concerns over land and environment conflicts encroaching into ancestral domains, affirming the longstanding trend of governments and businesses denying the Indigenous right to Free, Prior, and Informed Consent (FPIC) that should be a guaranteed condition before any project should be able to start within Indigenous territories.



The ancestral lands of Cordillera, highlighting the rich waters and lands, captured during the field visit of United Nations Special Rapporteur on the Rights of Indigenous Peoples.

An observed trend across many of the cases indicates that under the Pres. Ferdinand Marcos Jr.'s administration (from 2022 to the present), the race to transition to renewable energy and harness 'energy transition' minerals have already begun to escalate violations of the IPs' right to Free, Prior and Informed Consent (FPIC) and worsen the encroachment on IP territories. Public authorities were oftentimes found to be the perpetrators of human rights violations themselves, heightening the distrust of IPs. The National Commission on Indigenous Peoples (NCIP), the government agency mandated to "protect and promote the interest and well-being of the ICCs/IPs," Department of Environmental and Natural Resources (DENR), Department of Agrarian Reform (DAR), Land Registration Authority (LRA), Department of Energy (DOE), National Irrigation Authority (NIA), Department of Public Works and Highways (DPWH), the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP), and various Local Government Units, are among the agencies that have become instrumental in FPIC violations and the land-grabbing of ancestral domains.

The FPIC guidelines state that the Indigenous communities are allowed to determine and utilize their customary laws in decision-making. Submitted cases, however, report how fast-tracks and other time constraints set by the national government pressure the Indigenous communities, cause division, and allow the NCIP to ultimately neglect the genuine FPIC process. The NCIP's recent efforts to revise FPIC guidelines went without proper consultations with IP communities, in essence disregarding the IPs' Right to Self-determination.<sup>6</sup>

The numerous cases of violations against the Indigenous Peoples' Right to FPIC have snowballed into ever-multiplying violations of their individual and collective rights, from their socio-economic rights to their right to practice and develop their cultures.

In Ilocos Norte province, the Cabacanan Small Reservoir Irrigation Project (CSRIP) is a project of the National Irrigation Administration (NIA) that is planned to be built in the ancestral domain of the Isnag-Yapayao tribe. In the three community meetings facilitated by NCIP to conduct the FPIC process, the NIA failed to provide complete information on the environmental and social impacts of the project. Elements of the PNP – Municipality of Pagudpud were even present in the dialogue, a blatant violation to the very nature of *freedom from threat* of the FPIC. After the community opposed the project and released a statement to call out the NCIP for pressuring the tribes into giving their FPIC, community leaders faced harassment and intimidation from elements of the 4th Marine Brigade, interrogating them regarding their opposition to the dam project. One community member was invited to their headquarters. Subsequently, they illegally arrested the brother of the said civilian, for reasons that the brother of the arrested did not comply with their summons.

In another part of Ilocos Norte, the Pasuquin-Burgos Solar PV Park, a 232-MW project of Energy Logics Philippines, Inc. (ELPI), has encroached on the ancestral land of the Masamuyao tribe. The Department of Environment and Natural Resources awarded the land to the ELPI, while the NCIP issued a Certificate of Non-Overlap (CNO) to the company, which certified that no ancestral lands would be affected by the project. The company also prohibited the community from accessing the area, impeding their livelihood.

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<sup>&</sup>lt;sup>6</sup> A Call for Effective and Genuine Consultations on the Revised FPIC Guidelines. (May 2024). Joint Statement signed by 68 indigenous people's and civil society organizations in the Philippines. From https://iprights.org/index.php/en/all-news/a-call-for-effective-and-genuine-consultations-on-the-revised-fpic-guidelin



United Nations Special Rapporteur on the Rights of Indigenous Peoples Hon. Jose Francisco Cali Tzay engages in meaningful dialogue with an Indigenous community in Cordillera during his field visit.

In Kalinga province in the region of Cordillera, the Department of Energy (DOE) has awarded numerous hydroelectric power generation projects to private firms, such as the DPJ Engineers and Consultants and the JBD Water Power, Inc., in Indigenous territories which will affect several Kalinga tribes. The NCIP excluded opposing communities in the consultations, hand-picked the Council of Elders, pressured the opposing communities to reconsider their positions, and disregarded petitions and resolutions filed by the opposition. To further silence the opposition, the 5th Infantry Division of the AFP has militarized several barangays, harassing and intimidating the civilians, and bombing, aerial strafing, and mortar shelling their territories.

In Nueva Vizcaya province, the Tuwali community formed a people's barricade against the forced and illegal entry of diesel tankers from the OceanaGold Philippines, Inc. More than a hundred police personnel escorted the diesel tankers, violently dispersed the Tuwali, illegally arrested protesters, and caused severe injuries to the civilians, including women. The company has been operating open-pit mining in the Tuwali's ancestral domain, causing destruction to the forests and their food and water resources. Thus, the Tuwali Indigenous People's organizations, along with the Diocese of Bayombong, challenged in court the 2021 renewal of the Financial or Technical Assistance Agreement (FTAA) granted by the national government. The petition cites the mining corporation's disregard for consent and consultation processes and a lack of environmental clearances. However, their actions remain unheeded.

Worse, some of the local government unit officials who are pro-mining, along with the PNP, repeatedly threaten and red-tag members of Indigenous Peoples' organizations.

In Palawan province, the Puerto Princesa City Water District (PPCWD), a government-owned corporation, has started its water supply expansion project without FPIC nor conducting consultations with the Tagbanua Central community whose ancestral land it will trespass. The community has surveyed the beginnings of the operations, passed petitions, resolutions, and requests from the local government to discuss the conflict. The PPCWD and the local government unit have yet to respond.

In the Municipality of Coron, another part of Palawan, private companies, namely the Palawan Aquaculture Corporation, RBL Fishing Corporation, and Peninsula Shipyard Corporation, asserted ownership to over 8 hectares of the ancestral lands of the Calamian Tagbanwa Indigenous People in Sitio Makwaw, Barangay Buenavista. The companies have engaged in several lawsuits against the Calamian Tagbanua since 2016 which the community lost mainly because the recognition of their rights to their Ancestral Lands and Waters through the issuance of the CADT has been neglected by the NCIP. In 2023, the companies issued a demolition order, and several houses were demolished. Around 300 households of the Calamian Tagbanwa are now threatened to be demolished as well. Furthermore, their access to their livelihood activities within their traditional fishing grounds is now hampered by the presence of corporate armed security personnel who are continuously harassing them.

In Romblon province, the Romblon Electric Cooperative (ROMELCO) established a hydropower project on the ancestral domain of the Sibuyan Mangyan Tagabukid without their FPIC. The company also refuses to commit to its obligation of paying royalties to the affected community, despite the community's adherence to laws and fulfilling requirements.

In Aklan province, despite a CADT and Certificate of Land Ownership already awarded to the Ati community in Boracay Island in Aklan, DAR Regional Director Shiela Enciso allowed various claimants to their ancestral land to apply for the cancellation of the Ati community's CADT. These claimants are private firms owned by Gabriel Singson, Elizabeth Digna Ventura, Henry Chusuey of Bohol Regal Inc., Y Investment Philippine Inc., and JECO Development Corporation. The Ati has already started cultivating and enriching the land. Without giving prior notice, hired guards headed by Ricky Libratar implemented the DAR's orders, and forcibly evicted the Ati community members. Due to their rapid, violent methods, three minors were accidentally enclosed and trapped as the guards barricaded the area with galvanized irons. They did not allow the youth's mothers to enter and retrieve their children, nor give food to their children entrapped inside. The guards also destroyed property owned by the Ati. Prior to this incident, Dexter Condez, one of the youth leaders and spokesperson of the community, was gunned down by a security guard of the Crown Regency Boracay Resorts.

In Negros Occidental province, an 8,000-hectare Integrated Forest Management Agreement (IFMA) forest plantation owned by Mosser Environmental Corporation operates despite not securing the FPIC from the Bukidnon-Ituman and Bukidnon Karul-anon tribes. The DENR issued the IFMA to Mosser even if there are already pre-existing CADT applications in the area. Mosser held a dialogue with the Indigenous Peoples regarding the proposed extension of the IFMA, and used signatures in the activity's attendance sheets as a basis for securing the community's FPIC.

In Misamis Oriental province, the Higaonon Indigenous community faces threats due to a land rush spurred by the development of the area known as Route 955. This now-developed and -paved highway has facilitated land acquisition by outsiders, leading to the destruction of sacred sites. Despite holding a CADT from 2009, the community struggles to protect their territory. Bureaucratic delays and lack of government support in registering their land with the LRA leave them vulnerable to displacement. The community appeals for proper FPIC for projects within their domain.

In Bukidnon province, a pineapple plantation company, the Kiantig Development Corporation, owned and managed by the incumbent Mayor of Quezon Municipality, Pablo Lorenzo, has displaced the community of Manobo-Pulangiyon from their Ancestral Land, leading to their loss of livelihood, and subjecting them to inadequate, inhumane living conditions, starvation, malnutrition, sickness and disease, and the loss of cultural integrity. In one instance, the community tried to enter a part of their claimed area. However, they were met with indiscriminate firing by the private security forces of the Kiantig Development Corporation, leading to injuries to the civilians. The NCIP has been slow and ineffective in enforcing the recognition of their ancestral land. The agency's inaction has left the community vulnerable and without the necessary legal backing to reclaim their land. Failing to give response or support, the local and national government's neglect has also exacerbated their dire situation.

For over a century, the Manobo-Pulangiyon of Bukidnon have been marginalized, living on the fringes of their ancestral lands. Displacement has forced them into precarious conditions along a busy highway. Amnesty International Philippines highlights the plight of 1,490 Manobo-Pulangiyon families, condemning the local government's failure to protect their rights.<sup>7</sup> Their ancestral domain, transformed into a cattle ranch in the 1920s, remains under private control. Despite the expiration of a subsequent lease in 2018, the tribe faces violent repression from private security forces. The community

<sup>&</sup>lt;sup>7</sup> Driven from their Ancestral Land, the Manobo Pulangiyon Struggles to Surive by the Side of A Road. (September 2022). Amnesty International. From https://www.amnesty.org.ph/2022/09/mp-1490-ancestral-domain/

endures daily threats to their safety, thus they urge the government to enforce the IPRA and award the CADT.

Meanwhile, the Quezon Water District, a government-owned corporation, has violated the Matigsalug Manobo tribe's right to FPIC, as it initiated a watershed project covering 5,000 hectares of their ancestral domain in Bukidnon. This led to the harmful restrictions of the corporation to their ancestral lands, leading to the impediment of subsistence and livelihood for the whole community. Moreover, the corporation has commitments of infrastructure and basic services which it has not yet fulfilled to the community.

In Davao de Oro province, the indigenous Mansaka community is facing numerous cases of FPIC violations, ranging from road opening by the DPWH, the encroachment of Apex Company's underground mining operations in CADT areas, and small scale mining operations in their ancestral domain, in the midst of NCIP forcefully removing and replacing a genuinely recognized Indigenous Political Structure (IPS) representative.



Indigenous Peoples delegates from Mindanao engage in a focused discussion about critical issues affecting their communities.

In the tri boundary area of the provinces of South Cotabato, Sultan Kudarat, and Maguindanao, the Taboli Manobo, Teduray, and Dulangan Manobos' right to their ancestral domains is undermined by the continuing usurpation of the Magsaysay & Sons Company (M&S) of their lands through the intervention of the DENR. This is instrumentalized under the IFMA No. 18-2007, which covers the aforementioned area. The Indigenous communities are being harassed by

the Magsaysay and Sons Co. the Special Citizen Armed Forces Geographical Units (CAFGU) and the Special CAFGU Active Auxiliary (SCAA) paramilitary groups. Members of the three Indigenous communities have been red-tagged, threatened, and prevented from utilizing their own ancestral domain.

The Non-Moro Indigenous Peoples (NMIP) in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), specifically, the Teduray, the Lambangian, and the Dulangan Manobo, have long been experiencing land disputes in their ancestral domains caused by various resource interests and development projects by the BARMM government. Such are plantations, logging and mining, and the expansion of Moro Islamic Liberation Front (MILF) camps. The NMIP also experienced harassment from various armed groups, such as the Bangsamoro Islamic Armed Forces (BIAF), AFP, and other local armed groups. Such land conflicts have led to forced displacement, disruption and loss of their traditional livelihood, cultural degradation, red-tagging, and numerous extrajudicial killings.

Since 2005, the Teduray tribe has lobbied for formal recognition of their ancestral domain. Tragic landslides triggered by Severe Tropical Storm Paeng in October 2022, killing 27 Tedurays, highlight their plight. The death of Jocelyn Palao, a passionate Teduray advocate, further exemplifies the dangers of fighting for indigenous land rights. The Teduray-Lambangian Ancestral Domain Claim (TLADC), spanning 208,258.58 hectares, remains unrecognized, leading to continuous displacement and violence. Despite receiving housing units in July 2023, many survivors remain homeless. Calls for an IP Code to facilitate the processing of claims face bureaucratic delays and political inaction.

In Zamboanga del Norte province, Subanen tribes and local public officials of Gutalac Municipality protest against illegal mining operations by Florjenmar Mining and Development Corporation and Zamboanga Nickel Corporation. These operations threaten a vital watershed in the area and risk displacing the Subanen from their ancestral domain. Despite lacking permits, the companies have deployed heavy equipment and militiamen. Local officials, including Gutalac Mayor Eddie Justin Quimbo, accuse the firms of operating illegally and failing to secure business permits. Subanen leaders have already appealed to President Ferdinand Marcos Jr. for intervention.

In the quadriboundary area of the provinces of South Cotabato, Davao del Sur, Sultan Kudarat, and Sarangani, the Tampakan copper-gold mining project covering 23,571 hectares is set to extract vast amounts of copper and gold, threatens to displace approximately 4,000 Blaan tribespeople. The project also jeopardizes five major riverheads, exacerbating environmental and social consequences. Violence has already occurred, such as the Capion massacre in 2012. Gibo Teodoro, chairperson of SMI Tampakan Mining and the current Secretary of National Defense under Marcos Jr., plays a significant role in this controversial project.

#### Militarization in Indigenous territories

Throughout the nation, military operations follow after the entry of corporate projects or after the intentions of companies to enter IP communities are known. Across the cases compiled in this report, various internal security forces of the GPH such as the AFP, PNP, and CAFGU are documented as the chief suspects of human rights violations against the Indigenous Peoples. Their conduct of counterinsurgency operations are seen to be instrumentalized for stifling criticism and dissent, especially in areas where opposition from the communities and the defense of their rights to their ancestral lands and self-determination are robust and steadfast.

Forms of militarization in Indigenous territories range from the deployment of military troops, military encampment and the use of public and civic spaces, armed military operations, indiscriminate bombings and strafings, the formation of paramilitary troops, recruitment of civilians as intelligence agents, and forced and faked surrenders of civilians–a form of red-tagging where civilians are made to appear as parties to insurgencies–through manipulation or threat.



Indigenous Peoples from Luzon, including the Dumagat, Mangyan, Palaw'an, and Igorot, hold a discussion to assess their current human rights situation and explore pathways toward justice for their communities.

In Cagayan Valley province, the Military "Balikatan" exercises (an annual military exercise between the Armed Forces of the Philippines and United States military) and the installation of 3 new US military bases in Region 2 under the Enhanced Defense Cooperation Agreement (EDCA) between the

two countries have led to militarization of Indigenous territories and the criminalization of Indigenous rights activists. Bombings and strafings have caused fear among the Indigenous Peoples and forced them to evacuate, thus disrupting their livelihood. The National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), the AFP, and the PNP launched campaigns of faked surrenders - presenting civilians as members of the New People's Army (NPA) who voluntarily surrendered to the government without their knowledge. The 17th Infantry Battalion of the AFP, led by its Commanding Officer Lt. Col. Angelo Saguigit, with the assistance of the Citizen Armed Force Geographical Unit (CAFGU), have surveillanced, threatened, harassed, and red-tagged several members of the Indigenous communities. Such harassments include hanging streamers stating a civilian as a terrorist and persona-non-grata in the province. The AFP have also violated the people's right to freedom of expression and opinion, prohibiting them from relaying their situation through social media, and even impeded the entries of humanitarian missions.

In Rizal province, two Dumagat community members who actively opposed the Kaliwa-Kanan-Laiban Dam project and other environmentally destructive projects were shot to death in their home by joint elements from the Criminal Investigation and Detection Group Regional Field Unit 4A (CIDG RFU-4A), PNP Special Action Force (SAF), and the Rizal Provincial Mobile Force Company (PMFC). The armed elements attacked their home in the night, forced the family of the victims out, and killed the two victims left inside. The armed elements planted a gun and grenade in the scene, which the family denied to have in possession of, as there are 4 minor children in their household. The minor children also witnessed the violence. The huge dam project threatens to destroy the ancestral lands and farms of the Dumagat and Remontado communities. The NCIP has manipulated the FPIC process in order to allow the project to push through.



Delegates from Mindoro, Aklan, and Mountain Province make final preparations as the academic forum commences.

In Oriental Mindoro province, Hanunuo-Mangyan youth Jay-el Maligday was mercilessly killed by the 4th Infantry Battalion of the Philippine Army during an anti-insurgency combat operation in Sitio Suryawon, Nasucob, Bulalacao on April 7, 2024. According to eye-witnesses, the soldiers surrounded their homes at 4:00 AM and ordered the villagers to move out of their homes while threatening them at gunpoint. Gunshots rang out from the home of the Maligday family, killing Jay-el instantly. The soldiers then reported the incident as a legitimate armed encounter and that Jay-el was a member of an armed group that engaged in a firefight with them. The soldiers' statement was discredited by the eyewitnesses including Indigenous elders and relatives of the victim saying that Jay-el was not in any way connected to an armed group and that he was killed without the capacity to defend himself. The incident left profound trauma among the villagers including the children who witnessed their parents threatened at gunpoint and heard the gunshots that killed their brother.

In Capiz province, combined forces of the AFP and PNP massacred 9 Tumandok community leaders and arrested 16 Tumandok community members, and left 9 communities in grief and shock from the brutal attacks. The 9 community leaders were also leaders of their political organization, the Indigenous Peasants in Defense of Land and Life (TUMANDUK), which was the most vocal and consistent in the Tumandok people's struggle against the militarization of their ancestral domain and the incursions of destructive projects such as the South Korean Eximbank-funded Jalaur River Mega Dam Project. Three years after the massacre, the AFP continued to deploy its forces en masse in the Tumandok communities, threatening, harassing and intimidating the civilians through psywar activities, such as blatantly giving threats of repeating the massacre. The military has also shelled and bombed areas near communities that were historically vocal in opposing the military reservation, human rights violations, and the construction of the Jalaur River Mega Dam Project.

Since the placement of provinces in the Negros Island under the Office of the President's Memorandum Order 32, which aim to "suppress lawless violence and acts of terror in the provinces...and prevent such violence from spreading and escalating elsewhere in the country," there has been an escalation of militarization and human rights abuses against the Indigenous Peoples in the area. This militarization has led to mass arrests of community members, especially Bukidnon-Ituman and Bukidnon-Karul-anon who have opposed the proposed hydroelectric power dam on the Hilabangan River. The combined elements of the 2nd Provincial Mobile company and the Bravo company of the 62nd Infantry Battalion accused the arrested civilians of being members of the NPA, and falsely charged them of murder, in connection to an ambush allegedly launched against the military elements. Their counterinsurgency operations have led to the cruel torture of civilians, extrajudicial killings, and a massacre of an Indigenous Peoples family.

In Sultan Kudarat province, more than 20 elements of the 7th Infantry Battalion in full battle gear led by Lt. Col. Tristan Rey Vallescas opened fire at a group of Dulangan Manobo youth, mostly of minor age, resulting in the death of a 16-year old. The soldiers even planted a Garand rifle near his deceased body, to claim that the youth and his companions were a group of insurgents with whom they had an armed encounter. Contrary to the story posed by the Armed Forces of the Philippines on national media, the youth was due to enroll at the local school on that day. Moreover, soldiers from the same unit arrived in the community on the same day of the killing, and established an encampment at the local church.

### Criminalization and red-tagging of Indigenous Peoples Human Rights Defenders and Indigenous Peoples' rights advocates

As with previous administrations, Pres. Marcos Jr. identified Indigenous Peoples as among focus sectors in his 'whole of nation' National Security Policy.<sup>8</sup> Through the implementation of Executive Order No. 70, the NTF-ELCAC and its regional counterparts, coincided with the enactment of the Anti-Terrorism Law, numerous Indigenous Peoples Organizations, Indigenous Peoples Human Rights Defenders (IPHRDs), and advocates for Indigenous Peoples rights, are continuously being vilified and criminalized using trumped-up charges and accusations of terrorism. The NTF-ELCAC has also caused fear of reprisals and being red-tagged among the IP, causing incidents of human rights abuses to remain unaddressed. Impunity thus continues to worsen as perpetrators remain at large.

The office of the Sabokahan (Unity of Lumad Women) from the island of Mindanao, was raided and ransacked by suspected government agents involved in strategic surveillance and intelligence infrastructure–a suspicion shared by human rights organizations such as Karapatan who the Lumad women consulted following the incident. Since 2023, the NTF-ELCAC and NCIP, together with government-backed groups like the Mindanao Indigenous Peoples Council of Elders and Leaders (MIPCEL) and Mindanao Indigenous Peoples Youth Organization (MIPYO), have launched a red-tagging campaign against Sabokahan, and attempted to criminalize them of holding Bai Bibyaon Ligkayan Bigkay, a renowned woman chieftain of the Talaingod-Manobo tribe, against her will, and of subsequently being responsible for her death.

In Quezon province, 2 drunk officers of the PNP accused 2 Dumagat civilians, one of whom was 15-years old, as members of armed groups. After chasing and overtaking the Dumagat civilians, the officers forced them to open the motor trunk, saying that they had guns there. The police officers held them at gunpoint and forced them to strip down to their underwear.

<sup>&</sup>lt;sup>8</sup> National Security Policy 2023-2028. National Security Council. From

https://nsc.gov.ph/images/NSS\_NSP/National\_Security\_Policy\_Manual\_FINAL\_E-COPY\_with\_WATERMARK\_1 40823.pdf



A Dumagat woman, the mother of a political prisoner, shares her emotional testimony about her son's arbitrary detention and the torture he endured.

In Capiz, elements of the AFP forcibly entered the residence of Panay Bukidnon civilians, and demanded, "Are there NPA here?" The troops claimed they were actively looking for a certain civilian. The community was unable to file a report with local authorities for fear of further red-tagging and other retaliations from the military.

In Agusan del Sur province, 468 individuals including Indigenous People were charged in the Sibugat Municipal Trial Court with kidnapping and serious illegal detention of 2 soldiers and 12 militias captured by the NPA in the province, in what would be known as the 'Sibugat Case'. Among those charged were Lumad leaders, activists, people's lawyers, officers of peoples' organizations and Non-Government Organizations, and Indigenous Peoples' rights advocates. These charges not only psychologically and mentally affected those unjustly charged but also imposed a heavy financial burden on the families of the accused, covering legal costs and bail.

In Mindanao, the Lumad together with advocates of IP rights built community-based schools to address the limited access to education among the Lumad children. Instead of appreciating these efforts, the government launched a vicious campaign against the Lumad schools. During President Rodrigo Duterte's term, the government and military labeled the Lumad owned and operated schools as "training grounds for rebels" or "New People's Army (NPA)" and threatened them of closure. In response, Salugpungan, CTCSM, and other Lumad schools and their supporters formed the Save Our Schools Network (SOS Network) to defend these schools from attacks and closures. Despite this effort, the escalating attacks lead to forcible closure of 215 schools in 2020.

In November 2018, The SOS Network called for an urgent National Solidarity Mission (NSM) to the Dulyan and Nasilaban Lumad school campuses. The mission aimed at supporting students, teachers, administrators, and community leaders facing severe militarization, food blockades, and aerial bombings by the Armed Forces of the Philippines and its paramilitary group, the Alamara, who were also encamped in these communities. The state security forces in the communities created a climate of fear by threatening and harassing the Lumad communities. During the solidarity mission, 18 participants of the solidarity mission including 9 teachers of the Salugpongan indigenous schools were illegally arrested by elements of the 56th Infantry Battalion. They were held overnight at the Talaingod Municipal Police Station, and faced trumped-up charges of trafficking, kidnapping, and failure to return a minor. On July 15, 2024, the court unjustly convicted 13 of the Talaingod 18. This wrongful conviction deepens the fear within Lumad communities, hindering their ability to organize, advocate for their rights, and establish development partnerships. This criminalization of solidarity has also a chilling effect among the advocates of IP rights.

Volunteer Lumad school teachers Chad Booc and Roshelle Mae Porcadilla, Lumad leaders Benito Bay-ao and Segundo Milong, and students Jomar Benag, Esmelito Oribawan, and Moddie Mansimuy-at were among those arrested during a raid of a Lumad evacuation camp school in 2021. They were falsely accused of training Lumad students to become child rebels. The charges were eventually dismissed, but these types of unfounded accusations have been leveraged to instigate widespread Lumad school closures, harassment, and violence. Chad Booc was later killed along with other victims by the AFP in February 2022.

In Davao City, Congressional District Representative Isidro Ungab criticized the NCIP for failing to address the violence caused by the military's support of the Bagani warriors. Ungab highlighted that his district, particularly Marilog, was peaceful before the creation of the Bagani, an armed paramilitary group trained and supported by the AFP. The presence of Bagani warriors led to increased violence and the wanton killings of tribal leaders and Indigenous Peoples. Ungab called on PNP chief Gen. Benjamin Acorda, the Department of Justice (DOJ), and the National Bureau of Investigation (NBI) to investigate these killings. At least 14 to 15 IP leaders, mostly tribal or council leaders of the Matigsalug tribe, have been killed. This escalation in violence underscores the urgent need for accountability and protection of Indigenous communities in the region.



A delegate from Mindanao raises a critical question about Indigenous Peoples' rights during the discussion.

An Indigenous community leader from Zamboanga del Norte province who was also the Deputy Secretary of the Salabukan nok G'taw Subanen (SGS) faces trumped-up charges due to her advocacy against a Canadian mining company. Her father was also accused of the same case.

In Maguindanao province, a Teduray woman leader and human rights defender has been going through red-tagging, surveillance, threat, harassment, and intimidation by the local government, particularly, the Bangsamoro Transition Authority. She, along with seven other Indigenous leaders who were reportedly in a "hitlist," were vocal about the critical issues in the Bangsamoro Autonomous Region of Muslim Mindanao (BARMM). In 2022, one Indigenous woman leader whose name was listed in the said list was shot and killed. These incidents have occurred in the context of numerous land conflicts in the ancestral domain of the NMIP in BARMM.

In Sarangani province, around 30 elements of the 38th Infantry Battalion of the AFP led by Lt. Col. Michael Angelo Q. Candole, and Task Force Gensan (General Santos), led by Lt. Redemtor Baligod, conducted a joint counter-insurgency operation, wherein they killed and tortured an abaca farmer. The soldiers shot him 4 times, thrusted his neck with a military knife, and hit his testicles/genitals using the butt of their firearms. This was witnessed by the victim's sons, one of whom is a minor. Prior to his murder, the military has been accusing him of being a member of the NPA. He was frequented by the military intelligence in their attempt to convert him as their intelligence asset.

#### Recommendations

Continuing under the Marcos Jr. administration, Indigenous Peoples Human Rights Defenders (IPHRDs) staunchly opposed to destructive and extractive projects continue to experience harassment, threats, intimidation, vilification in the form of red-tagging, criminalization through trumped-up charges and terrorist-tagging, enforced disappearances, torture, and extrajudicial killings. Their communities face militarization that exacerbates the human rights violations they face. Domestic remedies through government agencies and even the judicial system fall short of non-negotiable human rights standards and norms, oftentimes further aggravating the already dangerous situation of Indigenous Peoples.

Due to the worsening human rights crisis of the Indigenous Peoples of the Philippines, we therefore urgently request the support of Hon. José Francisco Calí Tzay, the United Nations Special Rapporteur on the Rights of Indigenous Peoples, to:

- 1. **Request an invitation for an official country visit** from the Philippine Government to conduct a full-scale, on-site investigation of the concerns raised in this submission and throughout the academic visit;
- 2. **Issue a communication** to the Philippine Government, should the 60-day deadline for a response lapse without a positive reply, to raise the following recommendations of Indigenous Peoples in the Philippines:
  - a. To uphold the Indigenous Peoples' right to genuine Free, Prior, and Informed Consent, particularly through expanding the duration and scope of the government's public consultations on revising the country's FPIC guidelines;
  - b. To address the tenurial overlaps, land and resource grabbing, and various other land and environmental conflicts that beset ancestral domains and undermine Indigenous Peoples' Right to Self Determination and Right to Clean and Healthy Environment;
  - c. To cease the militarization of Indigenous communities, and the red-tagging and criminalization of Indigenous Peoples' Human Rights Defenders (IPHRDs) and Indigenous Peoples' rights advocates;
  - d. To abolish the NTF-ELCAC through the repeal of Executive Order No. 70, and to repeal the Anti-Terrorism Law, the chief policy infrastructure for red-tagging and criminalizing IPHRDs; and

- e. Ensure the speedy and impartial trials of illegally arrested and detained IPHRDs and IP rights advocates.
- 3. Facilitate technical and advocacy support for local initiatives of Indigenous Peoples in the Philippines in their defense for their rights, such as through a **issuing a press release** together with other Special Mandate holders to raise global attention around the plight of Indigenous Peoples in the Philippines, or through coordinating with other United Nations offices to provide **humanitarian assistance** direct to Indigenous Peoples Organizations and Indigenous communities that continue to suffer human rights abuses, militarization, and displacement; and
- 4. **Provide technical advice** to the Philippine Legislature and the Philippine Commission on Human Rights with recommendation to **conduct national inquiries** on the Rights of Indigenous Peoples. #