

Philippines - The Masbate landmining incident two years hence: Go beyond propaganda, render justice, if not peace yet

Sunday 4 June 2023, by [SANTOS Soliman, Jr](#) (Date first published: 2 June 2023).

Contents

- [Both Sides Not Disposed \(...\)](#)
- [What is to be done? If not yet](#)
- [Revolutionary justice still](#)
- [Coddling vs. punishing one's](#)

Two years after the 6 June 2021 Masbate landmining incident — resulting in the New People's Army (NPA) admitted killing of two Absalon civilian adult family members and injuring of another who was a minor, starting with what appears to be a command-detonated anti-personnel mine directed at them followed by assault rifle fire while they were cycling by a coastal roadside — it is time to go beyond the usual propaganda and counter-propaganda by the warring protagonists of the local communist armed conflict. Going beyond that, at this juncture, may have to do more with seeking truth, accountability and justice rather than achieving peace that resolves that armed conflict more politically than militarily, if that can be helped, to significantly reduce the human and economic costs to the country.

Both Sides Not Disposed to Peace Talks

Peace, if it can be helped. But realistically both sides are clearly not disposed to honest-to-goodness peace negotiations to resolve their armed conflict. Just ask them or their top leaders. President Bongbong Marcos, Vice-President Sara Duterte, Defense Secretary Carlito Galvez and National Security Adviser Eduardo Año are all going for the National Task Force to End the Local Communist Armed Conflict (NTF-ELCAC) way of simply ending the local communists, especially the top central and regional leaders of the Communist Party of the Philippines (CPP), in the process junking national-level peace talks in favor of “localized peace efforts” to win over the local-level CPP-NPA rank and file, and their local mass bases. And those top Government of the Republic of the Philippines (GRP) security officials say that they are winning this war. Even some independent observers say the “Communists [are] crumbling in the Philippines.” So, why still talk peace with them, especially the hardline top leaders who stick to protracted people's war (PPW) and its main form armed struggle?

But the CPP-NPA also say that they are winning this war, despite admitted setbacks in some guerrilla fronts and the undeniable loss in the field or due to illness of a significant number of senior leaders, including octogenarian CPP guru Jose Maria Sison himself and his successor leaders the septuagenarian spouses Benito Tiamzon and Wilma Austria, in the past year. The more than five decades protractedness of their people's war is seen by the CPP-NPA, at least officially in their usual anniversary statements on December 26 and March 29 respectively, as a reaffirmation rather than a

refutation of its correctness, because it has continued to survive, persevere, and even thrive, regularly replenished by new blood from the student youth and the peasantry. The two most recent CPP and NPA anniversary statements post-Sison hardly mention the peace talks even as a tertiary tactic under the PPW strategy, currently waged against “the second US-Marcos regime.” Sison’s widow Julieta de Lima, who is the Interim Chairperson of the peace panel of the National Democratic Front of the Philippines (NDFP) which is led by the CPP and NPA, had already said last year “There is yet no basis for the resumption of the GRP-NDFP peace talks... So far Marcos II wants to continue Duterte’s all-out war policy and the revolutionary movement has no choice but to fight the counterrevolution.” The CPP has in fact called on the NPA at its 54th anniversary last March 29 to “Stir up and spread the flames of people’s war for national freedom and democracy,” though admittedly still in the PPW first stage which is the strategic defensive. Two more stages to go: strategic stalemate and then strategic offensive.

What is to be done? If not yet peace, perhaps justice

In the meantime, what is to be done? What can be done? We had already previously advocated that both sides should follow the rules of war as one of the paths to peace - a minimum necessary trust and confidence building measure of addressing concerns arising from continuing armed hostilities by way of better respect for human rights and international humanitarian law (IHL). These are, among others, matters of truth, accountability and justice. The problem, to start with the truth, is that both sides cannot be relied on for the truth because this is the proverbial first casualty in war, where propaganda is more important than the actual military or human rights-IHL score. Both sides also do not trust each other’s mechanisms for accountability and justice, and so they both assert their own respective mechanisms to deal with violations of the laws of war by both sides. But their respective justice systems, including military justice systems, do not inspire enough confidence in them.

Let us take the Masbate landmining incident as a case in point. On the GOVERNMENT SIDE, this case has reached the Philippine courts where it is still undergoing trial. Actually, there are no less than six (6) cases against all 24 alleged NPA Masbate elements led by Eddie Rosero a.k.a. “Ka Star” — one Crime Against Humanity (RA 9851), one War Crime (RA 9851), two counts of Murder, one Attempted Murder, and one Terrorism charge (RA 11479). Initially, there were two (2) more criminal charges: illegal possession of firearms (RA 10591) and of explosives (RA 9561), but the Masbate City Prosecution Office dismissed them as already “absorbed” in the other charges. The thing is that the Terrorism case is being heard in RTC Branch 23 Naga City because this is the Supreme Court-designated lone “Anti-Terrorism Court (ATC)” for the Bicol region, while all the five other remaining cases are being heard in court of origin RTC Branch 48 Masbate. Against this segmented or disjointed arrangement, we wonder whether all the cases had better be consolidated in just one court for considerations of consistency, convenience and economy for the courts, the prosecution and the defense. Actually, before the transfer of the Terrorism case to the Naga ATC, the Masbate court had already rendered a Demurrer Resolution acquitting the first arrested accused alleged NPA spotter Mariel Suson, who is a public elementary school teacher, in all six cases due to the materially inconsistent and not credible testimony of the lone prosecution witness who purportedly identified her.

Thereafter, several more accused were arrested or surrendered voluntarily, including two more Suson sisters. Their cases are still be heard before the Masbate court (the five non-Terrorism cases) and the Naga ATC (the lone Terrorism case). In the meantime, early last May 9, a certain Dindo Monsanto alias “Boy” or “Ka Ruel,” alleged commanding officer of the Regional Operations Command (ROC) of the Bicol Regional Party Committee (BRPC) and also a member of the Central

Committee (CC) of the CPP, was arrested in Malabon City by a collaborative Philippine Army (PA) 9th Infantry Division (9ID) and Philippine National Police (PNP) Criminal Investigation and Detection Group (CIDG) targeted operation. The 9ID said Monsanto “played a pivotal role in coordinating and executing” several major operations of the CPP-NPA in the country, including the Masbate landmining incident. The problem is that he is not among the named 25 accused Eddie Rosero, et al., with no other accused listed by only an alias name, no accused alias “Boy” and “Ka Ruel” that may correspond to Monsanto. This new development, aside from the above-said segmented or disjointed trials of the related terrorism and non-terrorism cases arising from just one incident, as well as the early dismissal of the dubious charges against a public elementary school teacher, certainly do not inspire confidence in the government’s cases against the charged perpetrators of the Masbate landmining incident - on whether these cases will result in justice deserved by the two killed and one injured civilian victims and their Absalon family and by the true NPA perpetrators.

Revolutionary justice still unheard from

This brings us to the CPP-NPA-NDFP SIDE of the quest for justice, they call it “revolutionary justice,” for the Masbate landmining incident. It will be recalled that five days after, on 11 June 2021, the NDFP through no less than its Chief International Representative Luis Jalandoni and its Negotiating Panel Interim Chairperson de Lima issued the statement “NDFP expresses condolences to the Absalon family, asserts its authority and duty to investigate the case.” They said: “It is correct for the people and all other entities to expect the investigation of the Masbate incident within the NPA command structure and within frameworks of the CPP, NDFP and the People’s Democratic Government. Under the responsibility and direction of the NDFP and within the legal system of the People’s Democratic Government, the investigation must be started and completed within the NPA command structure to fully and completely establish the facts and prepare any appropriate charges before any procedure to prosecute and try the case before the military court of the NPA or people’s court.”

They further said: “The NDFP will make sure that certain questions are answered by a thoroughgoing investigation. The questions include the following: 1) If true, which NPA unit and personnel are involved?; 2) Is there no case of the enemy committing the crime and falsely ascribing it to the NPA?; and 3) Is there no local feud involved? There should be no rush to judgment, presumption or insinuation to the effect that the entire revolutionary movement and entire revolutionary forces are guilty of a criminal offense, negligence or error for which certain individuals may be liable on the basis of a full and complete investigation. Crimes or errors of individuals cannot be taken against the whole organization or movement.”

Nothing but *dedma* has been heard from the CPP-NPA-NDFP since then on the Masbate landmining incident. To ask again whatever happened to their promised investigation thereof, is like speaking to a wall or to the wind. One cannot but think how this continuing silence instead speaks volumes about the CPP-NPA-NDFP sense of transparency, accountability and justice, or lack of it. What is at stake here is not only primarily the justice that the Absalon family cries for, but also the consequential credibility of the CPP-NPA-NDFP and their so-called “revolutionary justice” system. This system will also be judged by at least the minimum judicial standards applicable to the prosecution and punishment of criminal offenses related to the armed conflict per the 1977 *Protocol II of the Geneva Conventions* which the CPP-NPA-NDFP avow adherence to. Will this system allow independent competent observers such as human rights lawyers and peace advocates? It is correct for the people to expect knowing more about this system being the harbinger of an offered alternative future. Can this system render justice? Can it be trusted to render justice? Is it revolutionary justice or “revolutionary” impunity?

Coddling vs. punishing one's own forces

Impunity, just like wisdom, is not the monopoly of one side. In fact, on the government side, its prosecution of war crimes and crimes against humanity under RA 9851 appears to be selectively limited to rebel (e.g. NPA, MNLF, Maute Group) perpetrators. There appear to be no such war crimes and crimes against humanity cases prosecuted against government soldiers and police officers. Surely, not all of them were/are immaculately clean in terms of counter-insurgency operations just like not all police officers and drug enforcement agents were immaculately clean in the Duterte “war against drugs” now being investigated by the International Criminal Court (ICC) Office of the Prosecutor (OTP). This ICC investigation, prosecution and trial would proceed basically if it were established that the Philippines is “unwilling or unable genuinely to carry out the investigation or prosecution” of crimes against humanity in the Duterte drug war. On the other hand, might the CPP-NPA-NDFP be “unwilling or unable genuinely to carry out the investigation or prosecution” of its NPA-Masbate Jose Rapsing Command (JRC) Red commanders and fighters who perpetrated the Masbate landmining incident two years ago?

“He may be a son of a bitch, but he’s OUR son of a bitch” - was/is the old protect-our-own syndrome. Both the NPA and the Armed Forces of the Philippines (AFP) have a long way to go to reach the exemplary level of organizational self-accountability and self-discipline of the Australian Defence Force (ADF) shown in its 2020 inquiry into the unlawful killings by its own special forces for counter-terrorism in Afghanistan, with likely eventual prosecution. Can the NPA and the AFP rise to the challenge of emulating that kind of organizational self-accountability and self-discipline? Your military contest in the field of battle against each other might as well be also a “contest” of which side is better in compliance with human rights and IHL, in following the rules of war, in fighting cleanly, in observing military discipline, in rendering accountability and justice. May that kind of better side win, as it should.

The sides of this war are really not only the warring parties or forces of the government and of the CPP-NPA-NDFP. There is also the side of the general public or civilian population, especially in the local countryside communities affected by the armed conflict of the two main protagonist sides. It is the human security interests of the local communities and people there in the conflict-affected areas of the countryside that are served by human rights and IHL. Ultimately, it is they the people who will judge which between the two warring sides is better serving and protecting them the people. This will have a bearing on the eventual end of the local communist armed conflict, whether by military victory/defeat for one side or the other, or by a political process that need not be limited to the usual mode of peace negotiations. — #

Naga City, 2 June 2023

Soliman M. Santos, Jr.

P.S.

• SOLIMAN M. SANTOS, JR. is a retired Judge of the Regional Trial Court of Naga City, Camarines Sur; a long-time human rights and IHL lawyer as well as a peace advocate on both the Communist and Moro fronts; and author of several books on those fronts of war and peace, the latest being *How do you solve a problem like the GRP-NDFP peace process? Part 2* (2022) published by Sulong Peace Inc., Quezon City.