

Philippines: Rights workers challenge arrest warrants in Davao court

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These were the sentiments of human rights workers who were recently issued with arrest warrants based solely on shady testimonies.

Karapatan's national chairperson Elisa Lubi and Karapatan-Southern Mindanao Region secretary general Jayvee "Jay" Apiag were slapped with attempted murder charges by Corporal Elvin Jay Claud on June 3, 2020.

Claiming that the charges are absurd, Lubi and Apiag challenged the warrants through a local court in Davao City, asking for the court to recall the warrants and to conduct a reinvestigation on the case filed against them.

Apiag filed his petition last March 12 while Lubi filed hers yesterday, March 29.

Karapatan described the complaint as "utterly absurd trumped-up charges only meant to harass and threaten them as the Duterte government has done to other human rights workers."

In a statement, Cristina Palabay, secretary general of Karapatan, called on the Davao City Regional Trial Court to recall the warrants against Lubi and Apiag and to reinvestigate the case and allow them to disprove what they call as the "military's absurd fictional accounts."

"Human rights workers from Karapatan are being targeted by these lies and fabricated charges in order to stop us from doing our work," Palabay said.

"We are being branded as 'terrorists' to vilify us — and they have killed many of our colleagues in their desperate efforts to silence us. The facts, however, are on our side, and we will not stop in defending and advancing people's rights especially in the face of persecution, judicial harassment, and State repression," she added.

No evidence of Apiag, Lubi's participation in the 'ambush'

Based on the complaint, the alleged murder attempt happened on May 20, 2018 during an armed encounter between elements of the New People's Army and the Philippines Army's 89th Infantry Battalion and 10th Infantry Division in Sitio Balite, Barangay Salapawan, Paquibato District, Davao City.

According to Karapatan, based on the complainant's sworn statement, the incident happened at 6:20 p.m. as military unit was conducting combat operations when they were ambushed allegedly by an "undetermined number of communist terrorist armed groups."

Claud claimed that while taking cover and exchanging fire with alleged rebels, he was able to identify with certainty Lubi and Apiag along with three other individuals implicated in the attempted

murder charge.

Impossible

Apiag and Lubi, however, were puzzled on how this could happen as they were in places far from the alleged place of incident, as evidenced by testimonies and documents.

In a joint motion with Cristony Jun Monzon, secretary general of indigenous people's confederation Pasaka, Apiag said that on May 20, 2018, he was in barangay Madaum, Tagum City, Davao del Norte interviewing the relatives of Ariel Maquiran.

Maquiran is an industrial worker in a banana plantation who was shot dead by suspected agents of the Philippine Army's 16th Infantry Battalion on May 17, 2018.

<https://www.bulatlat.com/2018/05/22/plantation-worker-murdered/>

Lubi, meanwhile, said that she was in Metro Manila during the date of the encounter and that "there is an abundance of evidence showing [her] presence in Metro Manila in the days, weeks and months preceding and following the alleged incident."

The motion also stated that Lubi is turning 76 years old, overweight and is suffering from various conditions such as hypertension and arthritis. Therefore, the motion added, it is physically implausible for Lubi to engage in armed combat.

"How could she had been an NPA, more so, participate in an ambush? Verily, wielding a heavy high-powered firearm, ambushing military personnel at their prime, and engaging in a running gun battle with them are activities that the movant is simply unable to do at her advanced age?" the motion read.

Denied due process

Their motion also stated that Apiag and Monzon found out of the charges against them on Feb. 22 when they went to the Hall of Justice in Davao City to check cases that may have been filed against human rights defenders.

"They were later informed of this criminal case for attempted murder, on which they are among the named respondents. The checking of cases has become a routine of human rights advocates because they have been subjected to red-tagging and filing of trumped-up charges," the motion read.

Both have not received any subpoena.

"The respondents were categorically deprived of their right to procedural due process, most particularly their right to present evidence for their defense - when they were not furnished with a subpoena containing the complaints and accusations against them," the motion read.

Palabay reiterated that Apiag and Lubi are human rights workers and not combatants.

"Many human rights workers like them are facing constant red-tagging and trumped-up charges from perjured and fabricated testimonies and even planted evidence supposedly seized during police raids on their offices," Palabay said, adding that there are still the perjury case against Karapatan filed by National Security Adviser Hermogenes Esperon Jr., as well as similar trumped up cases against National Council Members Daisy "Jacky" Valencia (Cagayan Valley), Teresita Naul (Northern Mindanao), and Alexander Philip Abinguna (Eastern Visayas), and the recent arrests of Karapatan paralegals Nimfa Lanzas in Laguna and Renalyn Tejero in Cagayan de Oro City.

“Clearly, these charges are pure hogwash and judicial harassment targeting human rights workers,” Palabay said.

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