

The Philippine Human Rights Situation: Threats & Challenges

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Introduction

Case 1: Gafhar Mundi was an ordinary student in Isabela, Basilan in Mindanao prior to his arrest and detention at the Camp Bicutan Detention Center in Bicutan, Metro Manila, on suspicion that he was a member of the Abu Sayyaf Group (ASG). The ASG is an armed group based in Muslim Mindanao which has been actively engaged in kidnap for ransom activities.

Today, Gafhar Mundi at age 23 is dead. He was one of the 25 Muslims killed during the Camp Bicutan siege last March 14-15, 2005.

The case of Gafhar Mundi clearly illustrates the state of human rights in the country under the Gloria Macapagal Arroyo (GMA) government which has been committed in the fight against terrorism.

Gafhar Mundi, a resident of Tabuk, Isabela, Basilan and a minor (He turned 18 in prison.) at the time of his arrest, just finished saying his prayers at the mosque when he was arrested by the military on March 2000 in Basilan. He was hog-tied and brought to the detachment of the Scout Rangers, after which he was brought to the headquarters of the 103rd Brigade. While under the custody of the 103rd Brigade, he was made to sign a waiver, his finger and palm prints and his picture taken. After going through the routine, his ordeal in the hands of the military began. He was tortured while undergoing interrogation, forcing him to admit membership in the ASG. Denying his involvement with the ASG, Gafhar was kicked, hit with a rifle butt and poked a gun on his head. Hot pepper was applied in various parts of his body causing him pain. Not satisfied with the inhuman treatment on Gafhar, his military torturers nailed him and broke his fingers using pliers. One time, gasoline was doused on his right shoulder up to his chest. He was tortured for three days.

At the time of his death, Gafhar was still undergoing trial and has not been proven guilty for the crime he was charged, i.e. being a member of the ASG. However, with how the detainees at Camp Bicutan were treated and projected in the mass media during the siege, Gafhar and the rest of the 24 detainees killed during the incident have already been judged guilty and sentenced to death by State agents.

Case 2: Ibrahim Joe, 25 years old and a resident of Isabela, Basilan, suffered the same fate as Gafhar Mundi. He was one of the Muslim detainees killed by law enforcement agencies and the military during the Camp Bicutan siege last March 14-15, 2005.

At 5:30 a.m. of July 15, 2001, Ibrahim Joe was awakened by members of the Philippine Marines with their armalite rifles poked on his head. He was brought to the headquarters of the 103rd Brigade where his finger and palm prints and his picture were taken. Thereafter, he was tortured and forced to admit being a member of the ASG.

Like Gafhar, Ibrahim was still undergoing trial and had not been convicted by the Philippine court trying his case at the time the Camp Bicutan siege took place. However, with how he was treated during the siege, state agents have already found him guilty and sentenced to death even before the handing down of the court's decision on his case.

Gafhar Mundi and Ibrahim Joe, like millions of Muslim Filipinos, have lived under an environment of violence and discrimination. During their arrest and detention, they experienced torture in the hands of the military. And now that they are dead, Mundi and Joe have again experienced the iron fist of the state by the manner through which the Camp Bagong Diwa incident had been resolved by law enforcement agencies, i.e. the massive use of force, inhuman treatment and punishment.

The cases of Gafhar Mundi and Ibrahim Joe illustrate the state of human rights in the Philippines and the intensifying problems and difficulties of the Filipino people in the exercise and defense of their rights as individuals and as a collective.

The changing economic and political landscape towards the end of the 20th century has posed new threats and challenges to the human rights of the Filipino people. Globalization and the war against terror have created conditions and provided justifications for governments worldwide to adapt national policies and programs resulting to their non-compliance to and abandonment of their human rights obligations. In the name of global competitiveness, states have pursued the liberalization of agricultural products, privatization of public utilities and social services like water, transportation and health, freezing of workers' wages, reduction of national allocation for basic social services like health, education, housing, and the imposition of new taxes.

Meanwhile, in the name of national security and public safety, governments have passed anti-terrorism laws, pushed for the institutionalization of a national identification (ID) system, conducted illegal and arbitrary arrest, search and seizure activities, and authorized the use of torture on suspected terrorists.

All these state actions have resulted to the curtailment of people's civil and political rights and freedoms, and the violations of their economic, social and cultural rights.

Like its predecessors, Pres. Gloria Macapagal Arroyo has not had any clear-cut human rights program from the very start she assumed power. What is stark clear is the GMA government's unflagging commitment and its all-out support to globalization and the US-led war against terror

as manifested in its priorities, policies and pronouncements. Trade liberalization, payment of the country's huge external debt, privatization of government owned and controlled corporations and facilities, concessions to the military and the employment of militarist strategies in the handling of the Moro problem, have dominated the concerns of the GMA administration.

Consequently, human rights violations continue to be unabated in the Philippines with the members of the Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP) remaining as the top human rights violators in the country. Human rights violations cover the whole range of the people's rights ---- civil, political, economic, social and cultural rights.

Political and Civil Rights Violations: A Persistent Reality

Political Arrest and Detention

The state of civil and political rights under the GMA administration is reminiscent of the martial law years under former Pres. Ferdinand E. Marcos. Human rights violations like illegal arrest and detention, extrajudicial executions, disappearances, excessive use of violence, trumped up or fabricated charges, criminalization of political offenses, torture and other forms of inhuman treatment and punishment, of suspected criminal elements and those considered as "enemies of the state", have never disappeared from the political realm of the Philippines.

According to the Task Force Detainees of the Philippines, as of the December 31, 2004, a total of 225 political prisoners/detainees continue to languish in 55 detention centers and prisons throughout the country. In terms of geographical distribution, 96 of the political prisoners/detainees are in Luzon, 59 are in the Visayas and 70 are in Mindanao. Included in the 225 are prisoners/detainees belonging to vulnerable sectors like the elderly (7), women (6), children (8), the sickly (7) and Muslims (49).

Majority of the political prisoners has been languishing in jail/prison under subhuman conditions for more than a decade. Many of them have no prospect of immediate release despite the ongoing peace negotiations between the Philippine government and the National Democratic Front & Communist Party of the Philippines.

Political Prisoners/Detainees Update TFDP, December 31, 2004	
Total number of political prisoners/detainees	225
Total number of detention centers	55
Luzon	96
Visayas	59
Mindanao	70
Vulnerable political prisoners/detainees:	
Elderly (70 years and above)	7
Women	6
Minor	8
Sickly	9
Muslim	49
Tortured	15
Political prisoners on death row	6

Death Penalty: A Violation of the Individual's Right to Life

Way back in 1987, the Philippine government took a historic step in protecting the people's right to life by abolishing the death penalty with the ratification of the 1987 Philippine Constitution [Article 3, section 19(1)] and becoming the first Asian country to do so. However, 7 years after due to the clamor of certain sections of the population, the death penalty was reimposed on January 1994 by virtue of the passage of RA 7659 (*An Act to Impose the Death Penalty on Certain Heinous Crimes, Amending for that Purpose the Revised Penal Code as Amended, Other Special Penal Law, and for other Purposes*) by the Philippine Congress.

Under RA 7659, 46 crimes considered heinous are eligible for the death sentence although 25 of these crimes are labeled "mandatory death offenses", meaning anyone who is charged and found guilty for any of the 25 crimes will surely be meted out with the death sentence. Crimes classified under "mandatory death sentence" include qualified robbery, 11 types of rape, 12 types of crimes related to illegal drugs, and 2 types of kidnapping, and destructive arson.

As of January 5, 2005, 1,081 Filipinos (1,051 males and 30 females) are on death row, and most of them come from poor families who did not have the resources to get the services of competent lawyers during their defense, if ever there was one. One of the 30 women on death row is an 83 year old woman convicted for drug trafficking. At the time of her conviction, the old woman was more 70 years old which means she should not have been sentenced to death but given the next lower sentence of *reclusion perpetua* or life imprisonment in accordance with a provision of RA 7659.

Meanwhile, as of the end of 2004, the Philippine Action for Youth Offenders reported 21 children have been meted out the death sentence. Fourteen of them are together with the adult death row inmates at the state penitentiary for males in Muntinlupa while 6 are imprisoned at Camp Sampaguita. There is one female minor who is staying at the Correctional Institute for Women. The presence of the 21 children on death row is clearly a violation of the death penalty law.

Rape (44%), murder (20%) and kidnapping (17%) are the top three crimes for which the death row inmates have been convicted.

Profile of Death Row Convicts, Philippines, January 2005

Age	Male	Female	Total	
			No.	%
18 years & below	2	0	2	.2
19-21 years	32	0	32	3.0
22-39 years	544	21	565	52.3
40-59 years	376	8	384	35.5
60 years & above	25	1	26	2.4
Unknown	72	0	72	6.6
Total	1,051	30	1,081	100.0

The continued imposition of the death penalty by lethal injection has resulted to a very disturbing development. Since 2004, six (6) political prisoners have been meted out with a death penalty sentence, a consequence of the criminalization of political offences which became rampant starting the Cory Aquino government and persisted up to the present in the treatment of political offenders. To deny the existence of political prisoners/detainees or individuals arrested and imprisoned because of their political beliefs and activism, the State through the police and the AFP have been filing criminal charges like murder, illegal possession of firearms, arson, kidnapping, robbery, etc. instead of political crimes like rebellion, sedition and insurrection against alleged members and leaders of the CPP-NPA-NDF, Moro Islamic Liberation Front (MILF) and other rebel groups in the country. This political maneuver of the State has made political offenders not only vulnerable to being given the death penalty sentence like what happened to the 6 political prisoners but has also made it doubly hard for them to be released on bail and defend themselves in court.

Although no death row convict has been executed under the GMA administration, the likelihood that executions will take place in the near future is high because of the presence of a death penalty law. Besides, the inability of the present government to withstand political pressure especially if this comes from highly influential groups in society has been exposed during the last quarter of 2003. To appease the Filipino-Chinese business community which has been victimized by a series of kidnapping for ransom activities in 2003, Pres. Arroyo lifted the moratorium on the death penalty and ordered the resumption of executions particularly of kidnapers on death row. It was difficult for the president to ignore the clamor of this very

powerful economic and political block considering that 2004 presidential election was fast approaching and the support of this sector in Philippine society was critical in her bid for the presidency in the May 2004 election.

The State's position to maintain the death penalty in the country's jurisprudence is unmistakably a violation of the fundamental right to life of every Filipino citizen. Contrary to claims of the State and supporters of death penalty, the law, which has primarily affected the impoverished and marginalized sections of the population, has not been an effective deterrent to crime in society as shown in crime statistics particularly for heinous crimes like murder, rape and kidnapping. As anti-death penalty advocates in the country argue, the most effective deterrent to the commission of crimes in any society lies not in the gravity of the punishment but in the guarantee that offenders or criminals are quickly and properly apprehended, brought to trial and punished.

Extrajudicial Executions and Disappearances

Under the Arroyo government, the Philippines has started to gain the reputation of being the summary execution capital of the world with the increasing number of unsolved cases of summary killings in various parts of the country. Three groups have often been the targets and victims of the series of summary executions in the Philippines: journalists, small-time criminal elements like petty thieves and cell phone snatchers, and members of militant organizations and political parties.

The attack on the right to information and freedom of expression has been evident with the series of killings of journalists earning for the country to be identified by the Paris-based *Reporters Sans Frontieres* (Reporters without Borders or RSF) as one of the most dangerous places for journalists to practice their profession. Also, recently, the Committee to Protect Journalists (CPJ), a New York-based NGO dedicated to the defense of press freedom worldwide, labeled the Philippines as "the most murderous country for journalists", followed by Iraq, Colombia, Bangladesh and Russia.

Since 1986 after the overthrow of the Marcos dictatorship, a total of 66 Filipino journalists in the line of duty were summarily executed. Seventeen (17) journalists were killed during the Aquino administration, 14 under the Ramos, 5 during the unfinished term of deposed Pres. Estrada and 30 since the start of Pres. Arroyo's rule in 2001. In 2004 alone, a total of 13 journalists have been assassinated while 3 have been murdered during the first quarter of 2005. During the first quarter of 2005, three journalists have already been killed. The most recent to be included in the long lists of journalist killed in the line of duty is Klein Cantoneros, a broadcaster of a local radio station DXAA in Dipolog City, Misamis Occidental in Mindanao.

Except for 8 cases which occurred in Metro Manila, the killings of journalists predominantly took place in the provinces.

Number of Journalists Killed, Philippines, 1986-May 2005

Period	No. of Cases
Corazon C. Aquino (Feb 1986-June 1992)	17
Fidel V. Ramos (July 1992-June 1998)	14
Joseph E. Estrada (July 1998-January 2001)	5
Gloria M. Arroyo (January 2001 – June 2004)	15
Gloria M. Arroyo (July 2004- present)	15
Total	66

Source: TFDP

The series of killings of journalists have compelled the Brussels-based International Federation of Journalists (IFJ) together with the National Union of Journalists of the Philippines (NUJP) to conduct a fact-finding mission late last 2004. The IFJ stated that: *When such a culture (of violence) is allowed to flourish at an official level, it is little wonder that aggrieved local strongmen or political figures turn to hitmen to get even with media.*

It is important to note that at the time of their death, most of these journalists have been vigilant in reporting or exposing cases of corruption, abuse of authority, drug-trafficking, organized crime, smuggling, etc. which oftentimes involved local government officials, military and police officers. Thus, the basis for the statement made by the IFJ since most of the journalists murdered seriously endangered the economic and political interests of powerful and highly influential persons in society with their exposes.

What further aggravates the situation is the persistence of a culture of impunity and the seeming indifference of the government that allows the murderers to go scot-free. Since 1986, not a single perpetrator of these killings had been apprehended and convicted for killing a journalist.

Besides journalists, members and leaders of militant groups and political parties have also been the targets of summary executions. For 2004, the TFDP documented 7 cases of these cases involving 8 victims. Included in the list are two (2) members of the party list Bayan Muna in Mindoro, namely, Vice-Mayor Atty. Juvy Magsino and Bayan Muna Coordinator Leima Fortu.

On August 24, 2004, Rashid “Jun” Manahan, the Davao coordinator of *Mamamayang Tutol sa Bitay* (Citizens Against the Death Penalty)-*Movement for Restorative Justice* (MTB-MRJ), a broad network of anti-death penalty advocates, was gunned down in broad daylight at the Ponce Suites, Davao City. Mr. Manahan together with two human rights defenders and a member of the European Commission were about to proceed to a human rights forum organized by Manahan himself on the death penalty and summary executions, when the incident took place. A gunman without any cover on his face casually approached Rashid and fired 4 shots from a .45 caliber pistol, all hitting the victim’s upper body.

Extrajudicial killings or summary executions have become commonplace in Davao City with street children, youth gang members from urban poor communities, suspected small-time criminal elements such as petty thieves, cellphone snatchers, illegal drug peddlers, as the usual

victims. In this city alone, more than 320 people suspected of petty crimes have reportedly been killed since 1998.

The Davao City-based NGO Coalition Against Summary Execution (CASE) was able to compile 247 cases of summary execution in the city from August 1, 1998 to June 30, 2004.

Number of Victims of Summary Executions, 1998-2004, Davao City

Year	Male	Female	Total
1998	2	-	2
1999	14	2	16
2000	11	-	11
2001	27	2	29
2002	56	3	59
2003	92	6	98
2004	31	1	32
Total	233	14	247

Source: CASE Report on summary executions, 2004

The seeming indifference on the part of local government and police officials on the series of killings taking place in the city have caused local human rights NGOs to suspect the approval and involvement of the former in the use of summary executions as an effective method of combating crime. Up to now, no perpetrator has been apprehended and brought to trial. The families and loved ones of those killed are still waiting for justice. This includes a mother whose three teenage sons, the youngest of whom was 14 years of age, were summarily executed. The youngest son, Bobby Alia, was accused of theft and possession of a knife.

Perpetrators of the series of killings have been attributed to local vigilante groups tagged as the “Davao Death Squads” (DDS), judging from the manner by which the killings have been executed. Witnesses to the killings report that the gunmen with no masks covering their faces are usually on board motorcycles.

Furthermore, pronouncements made by the local chief executive of Davao City, Mayor Rodrigo Duterte, indicate his support for this inhuman way of dealing with criminal elements. In a 2004 election rally, Mayor Duterte was reported to have told a crowd:

If I win, more criminals will get killed because I have vowed to protect the people of the city..... I've been telling criminals it's a place where you can die any time. It that's a cue for anybody, that's fine.

In a radio interview, Mayor Duterte stated that in his city, there are no human rights for criminal elements and dared human rights advocates to charge him formally in court.

The phenomenon of extrajudicial killing as a means of curbing criminality and maintaining peace and order has likewise been used in Cebu City, another key city in the Philippines. During

the last week of December 2004, five (5) suspected criminals were shot dead in various parts of Cebu City. These events took place after Mayor Tomas Osmeña announced his plan to create a team that will “seek and destroy” criminal elements operating in the city. The team which has been referred to in the local media as Osmeña’s “Hunter Team” will be composed of 16 sharpshooters from the Cebu City police force. As an incentive, a policeman on-duty who is able to capture a person committing a crime will be given Php 20,000 (about US\$372.00 or 285 Euros) while for those who are not on-duty will receive half of the promised amount.

Undeniably, these developments in both cities of Cebu and Davao have serious human rights implications, especially since those victimized are children, adolescents and young adults who belong to poor families. Most of those killed have not been given a day in court and up to this day justice has not been served.

Aside from summary executions, involuntary disappearance is another human rights violation which has persisted in the country. Since the time Pres. GMA assumed power in 2001 up to December 2004, the Families of Victims of Involuntary Disappearances (FIND), a human rights NGO, recorded a total of 31 cases involving 78 victims of involuntary disappearance in various parts of the country. All 78 victims were affiliated with either militant groups or political parties like Bayan Muna and Alab Katipunan or suspected members and/or sympathizers of non-state armed opposition groups like the NPA and the MILF.

**Number of Cases & Victims of Involuntary Disappearance, Philippines,
February 2001- December 2004**

Year	No. of cases	No. of victims
2001	6	10
2002	4	5
2003	9	33
2004	12	30
Total	31	78

Source: FIND Report on Involuntary Disappearance, 2005

The National ID System

Like other world leaders aligned with the “Coalition of the Willing” led by the US, the GMA government has recently issued EO 420 euphemistically called “a multi-purpose ID system” instead of the negatively perceived National ID System. The presidential directive is part of a package of anti-terrorism measures together with several anti-terror bills filed in the Philippine Congress that has been taken by the current dispensation.

Although the imposition of the ID system had been justified as a measure to facilitate business transactions with government offices, there are apprehensions on the part of human rights NGOs that this will be used to violate the human rights particularly of individuals, groups and political parties critical of government programs and policies. By the very nature of the system it is a part of, i.e. corrupt and abusive, there is a high probability that the multi-purpose ID system will be used by State agents to gather information and build up dossiers against those labeled “terrorists”

and “enemies of the state”. Moreover, the ID system can be used as a tool to ban legitimate dissent and to control movements of individuals.

The Erosion of the People’s Economic, Social & Cultural Rights

The Right to Work and Decent Wages

Employment and income are two critical factors for people to be able to satisfy their basic needs and for them to be able to live decently like human beings. The table below gives you an idea of the state of the people’s economic and social rights based on the minimum wage they are receiving, if ever the said amount is complied with by employers, and the living wage, i.e., the amount pegged by the National Wages and Productivity Commission for a family of six to be able to meet the essential requirements for human existence. As shown in the table below, there is a big gap between the minimum and living wages. For instance, in Metro Manila, the daily wage that an ordinary factory worker receives is Php300 or Php363 short of the living wage. The situation is even worse in the Autonomous Region in Muslim Mindanao (ARMM) since the gap between the minimum wage pegged at Php170 and the living wage set at Php824 is a staggering Php654 or almost 500% difference (National Wages & Productivity Commission, March 2005).

MINIMUM AND LIVING WAGES IN PESOS (as of March 2005)

Region	Minimum Wage	Living Wage
Metro Manila	300.00 = 4.30 Euros	663.00 = 9.50 Euros
CAR	205.00 = 2.93	645.00 = 9.21
Region I	200.00 = 2.86	618.00 = 8.83
Region II	193.00 = 2.76	553.00 = 7.90
Region III	243.50 = 3.48	582.00 = 8.31
Region IV-A	255.00 = 3.64	587.00 *= 8.38
Region IV-B	196.00 = 2.80	587.00 *= 8.38
Region V	194.00 = 2.77	563.00 = 8.04
Region VI	190.00 = 2.71	497.00 = 7.10
Region VII	208.00 = 2.97	638.00 = 9.11
Region VIII	195.00 = 2.78	419.00 = 5.98
Region IX	180.00 = 2.57	578.00 = 8.26
Region X	202.00 = 2.88	554.00 = 7.91
Region XI	209.00 = 2.98	551.00 = 7.87
Region XII	200.00 = 2.86	538.00 = 7.68
CARAGA	189.00 = 2.70	
ARMM	170.00 = 2.43 Euros	824.00 = 11.80 Euros

* Amount is for the whole of Region IV

Source: *National Wages & Productivity Commission*

Unemployment and low and unstable incomes are two of the major problems which have resulted to the perpetuation of poverty and gross violations of the people's economic, social and cultural rights, especially the rights to food, water, housing, health and education.

As of the end of October 2004, the unemployment rate of the country was 10.9%, a slight improvement from the 11.7% rate of July 2004 (National Statistics Office, 2005). During this period (October 2004), the National Capital Region (NCR) registered the highest unemployment rate at 12.2%, followed by Central Luzon at 9.4% (Philippine Labor Force Survey, October 2004) (<http://www.census.gov.ph/data/pressrelease/2004/lf040tx.html>).

The lack of good paying jobs has served as a major push factor for the flight of millions of Filipinos abroad. It is estimated that there are about 7-8 million Filipinos working in different parts of the globe mostly as domestic helpers, entertainers, professionals, construction workers and seafarers.

Concomitant with unemployment is the problem of mass poverty. According to the National Economic and Development Authority (NEDA), as of 2001, 34% or 25.8 million Filipinos were living below the poverty threshold.

Right to Food and Right to Health

In urban and rural poor communities, malnutrition continues to affect a significant portion of Filipino children and youth having detrimental consequences on their intellectual and productive capabilities. The subhuman existence of many Filipino families is further illustrated by their inability to eat breakfast every morning. According to the Commission on Population, about 15.3 million Filipinos start their day without any breakfast on the table (Sarmiento, 2001, p. 1).

If ever they are able to eat, this would constitute food of low nutritional quality like instant noodles and other forms of junk food due to their high salt, sugar and fat contents. The rising costs of basic goods and services have resulted to these food items gradually becoming the staple food of poor Filipino families, next to rice. A single pack of instant noodle costing Php 5.00 a pack (.07 Euros) plus rice, can feed a family of 5-6 members. Thus, it is not surprising that based on the 2003 Food and Nutrition Research Institute (FNRI) Report on the Nutritional Status of Filipinos, for every 100 preschoolers, 32 are anemic, 30 under height, 28 underweight and 1 is overweight; and for every 100 young school children, 41 are under height, 33 underweight and 1 is overweight.

Furthermore, the 2003 FNRI Report revealed that among pregnant and lactating women, 40 in every 100 are anemic.

The government's failure to create jobs for its labor force and ensure decent wages to its workers resulting to the inability of the latter to buy enough quality food on the table, has likewise made the population more vulnerable to all kinds of communicable but preventable diseases. A classic example is tuberculosis (TB) which continues to be the 6th leading cause of mortality and morbidity in the Philippines affecting the productive age group, 25-49 years, despite decades of implementation of a National TB Control Programme. It is estimated that 75 Filipinos die of TB daily, making the Philippines the 8th among 22 countries with the highest TB burden (National

Statistics Office, 2003)

Diarrhea, a filth-related disease, has consistently been the number 1 leading cause of morbidity especially among infants and children, an indication of the people's inability to access and afford basic social services particularly safe drinking water, proper waste disposal and sanitation systems, and decent housing. As of 2000, about 24% of households throughout the country still do not have access to safe water supply, while 31% of households nationwide do not have sanitary toilets. Among the regions, the ARMM has the highest percentage of households with no access to water supply at 38% and with no sanitary toilet at 57% (http://www.doh.gov.ph/data_stat/html/fhsis_environment.htm) as derived from the Field Health Service Information System, National Epidemiology Center).

The government's negligence to make clean water available and accessible to the local population can be demonstrated with the outbreak of cholera and gastroenteritis in a number of northern Luzon provinces last year (2004).

Based on an article in the Philippine Daily Inquirer (PDI Northern Luzon Bureau, January 5, 2005, A15), in the Ilocos region alone, from May – September 2004, 13,682 people were afflicted with acute gastroenteritis and 619 with cholera, both water-borne diseases. The province of Pangasinan was the hardest hit by the epidemic with 8,819 cases of acute gastroenteritis and 464 individuals afflicted with cholera.

The people's access to quality and affordable health care services has not been that encouraging, too, during the past years especially with the implementation of neoliberal policies and programs by the Arroyo government and manifested in the privatization or "corporatization" of public health facilities and services.

According to the 2003 National Demographic and Health Survey, 77% of mothers with children under-5 said they encounter problems in accessing health care when they are sick and 67% shared this was primarily due to lack of money for treatment. Other related problems cited by the respondents were not wanting to go alone (28%), distance of the health facility (27%) and having to commute to go to the health center (26%).

Poverty and lack of education of mothers have been identified as major factors for the high infant and under-5 mortality rates of the Philippines which are among the highest in Southeast Asia. As revealed in the 2003 National Demographic and Health Survey, for every 1,000 births, 29 children will die before reaching their first birthday (infant mortality rate) and 40 will die before reaching the age of 5 (under-5 mortality rate).

Infant mortality rate & under-5 mortality rate, Philippines, 1993-2003

Survey Year	IMR Deaths per 1,000 Live Births	Under-5 Mortality Rate
1993	34	54
1998	35	48
2003	29	40

Source: *2003 National Demographic and Health Survey*

Although there has been a decline in both the infant and under-5 mortality rates from 1993-2003, the change has not been that significant.

The rising costs of health goods and services have made it more difficult for poor families to go see a doctor, even in public health facilities because more often than not, they will be given prescriptions for drugs or medicines needed for their treatment. Despite the passage of the Generics Act of 1988 which was intended to provide safe and effective but affordable drugs particularly to low income households, the prices of drugs and medicines in the Philippines continue to be one of the highest in Asia. According to a former secretary of health of the country, Dr. Alberto Romualdez, the prices of drugs and medicines in the Philippines are 250 to 1,600 percent higher than in neighboring Asian countries like Indonesia, Malaysia, India, Bangladesh and Sri Lanka. Moreover, hospitalization cost has likewise increased with the shift to user-fee schemes of government hospitals to compensate for the dwindling government budget for health. There is nothing free now in government hospitals even for those classified as indigent or charity patients. They have to pay for every cotton ball, needle, syringe used in their treatment. Patients also have to go through very stringent screening procedures with a lot of paper work before they can be classified as indigent to avail of the decreasing benefits provided by government health facilities.

Furthermore, due to the rising costs of health goods and services, 54% of deaths in the country are not medically attended. This means that people die without being seen by a doctor or health care provider. In remote rural areas of the country, large numbers of women and children die without being seen by a doctor or a health care provider. Also, 62% of infants are born at home, because of economic and cultural reasons.

What is ironic is the fact that the Philippines is one of the leading producers of doctors and nurses. However, due to low income and lack of professional growth, there is a mass exodus of nurses and doctors to the USA, UK Canada, Ireland and Saudi Arabia, which is expected to continue in the coming years. Between 2000 and 2003, it is estimated that more than 50,000 nurses left the country (Tan, Balanon & Sanchez, 2004).

A disturbing development in the health sector during the past several years is the phenomenon of doctors, many of whom are already consultants or specialists, taking up nursing as a second course and with the objective of working abroad. At least 9,000 doctors have become nurses or are about to become nurses and nursing medics. Out of this number, 1,500 have left the country, while another 1,500 have just completed taking the nursing licensure examination. The 6,000 are enrolled in shortened 1½ to 3-year nursing courses offered by nursing schools catering to the needs of doctors wanting to become nurses (Tan, Balanon & Sanchez, 2004).

The mass exodus of nurses and doctors has contributed to the worsening state of health care delivery in rural areas due to the lack or non-availability of health professionals. For instance, 3 hospitals in Mindanao and 2 hospitals in Isabela have stopped operations because they have no more doctors and nurses. The nurse-patient ratio in many government hospitals has also worsened as a consequence of the brain drain problem in the country. The ideal nurse-patient

ratio is 1:4, but in the country's leading state training hospital for health professionals, the Philippine General Hospital (PGH), it is now 1:15-26; at the Jose Reyes Memorial Medical Center, it is 1:30-40 while in some hospitals in Davao del Sur, the nurse-patient ratio is 1:45-55 (Medical Action Group & INAM, 2005).

The government's failure to comply with its obligations to protect and respect the people's right to health as demonstrated in its lack of decisive action to address the surmounting health problems is further manifested in the low priority given to the health sector based on the dwindling allocation for health through the years. Since the mid-1980s, the health budget has never gone beyond 4% of the total national appropriations. In 2005, the health budget got a measly 1.1% compared to debt servicing which got 33% and the Department of National Defense getting 5% of the total national budget (Medical Action Group & INAM, 2005).

Moreover, a 1993 World Bank study comparing the health care spending of 10 countries in the Asia-Pacific region revealed that the Philippines had the second lowest per capita health expenditure and also ranked as the second lowest in terms of health expenditure as percentage of GDP (PIDS, 1998). The share of health spending to GNP of the country does not come close to the WHO standard of at least 5% of GNP set for middle-income countries (DOH, 1999; PIDS, 1998).

Right to Education

Like the right to health, the state of the people's right to education has also not been given much attention by the national government although it may be receiving a higher budget compared to health but not as much as debt servicing.

The low value placed by the state on education will partly explain why through the years, the quality of public education has been deteriorating side-by-side with the deterioration in the school performance of students. Data from the Department of Education reveal that for every 1,000 Grade 1 entrants, 312 do not complete elementary education; 249 students finish the 6-year elementary education at an average of 9.6 years due to repetition. Less than half or 439 pupils are able to complete elementary schooling in 6 years out of 1,000 entrants.

Furthermore, the country's public school system has persistently been suffering from lack of teachers, classrooms, chairs, textbooks, oversized classes, and dilapidated and leaking school buildings. These problems have worsened during the past 6 years because of the rise in public school enrollment with the transfer of pupils to public schools on account of economic difficulties faced by families. Currently, there is a shortage of 49,212 teachers, 44,716 classrooms (based on a ratio of 1:45 pupils), 4.9M classroom chairs and 24.2M textbooks (ACT, Philippines, 2005).

The People's Response

The Filipino people in close collaboration with NGOs, people's organizations (POs) and progressive government officials, both at the national and local levels, have consistently

responded to the state of human rights in the country through the use of various means and methods, despite limited material and financial resources.

The dominant forms of people's response have been in the areas of human rights education, research, training and information work among youth and students, urban and rural poor residents, workers and peasants. Topics of education, information and research work have primarily focused on the impact of globalization and the war against terror on the people's civil and political rights, economic, social and cultural rights. Human rights NGOs have undertaken activities like the development and production of popular materials, training modules, short films, etc. which can be easily used in their education and information work.

Campaigns have likewise been conducted by various NGOs and Pos. In the recent past, among the major campaigns launched focus on the issues of mass poverty, ballooning foreign debt, privatization of public utilities like water, abolition of the death penalty law, anti-terrorist measures taken by the state like the national ID system and discrimination against Muslim Filipinos.

Finally, lobby work in the Philippine Congress has been an important activity of NGOs and POs. The Philippine Congress has been pressured to enact laws consistent with its human rights commitments based on the various international human rights instruments it has ratified. Notable achievements have been made by the women's movement through the passage of several important legislations during the past years. These include:

- ✍✍RA 7877 or the anti-Sexual Harassment Law of 1995
- ✍✍RA 8358 or the anti-Rape Law of 1997
- ✍✍RA 8369 or the Family Courts Act of 1997
- ✍✍RA 8505 or the Rape Victims Assistance & Protection Act of 1998 creating crisis centers nationwide
- ✍✍RA 9208 or Anti-Trafficking in Persons Act of 2003
- ✍✍RA 9262 or Anti-Violence Against Women and Children of 2004

Despite the increasing difficulties and hardships which millions of Filipinos face and need to surmount in order to survive, they have persistently and courageously struggled to assert and defend their rights. Where human rights violations persist and a culture of impunity remains, the Filipino people will continue fighting towards the attainment of a society where all individuals enjoy a life of dignity and worth.

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