

THE PHILIPPINE COUNTRY REPORT

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Member Organizations

- Buklod Center, Inc.
 - KAISA KA
- WomanHealth-Philippines, Inc.
- Women's Education, Development, Productivity & Research Organization (WeDpro), Inc. (Secretariat)

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I Introduction: The US Military Presence in the Philippines

As a background to the discussion points to follow, allow us to quote parts of the AFFIDAVIT of MARY NANCY P. GADIAN, a commissioned officer in the reserve force (Women Auxilliary Corps) of the Philippine Navy in 1991.¹ The affidavit was completed in support of her claims regarding corruption in the use of the VFA funds, and evoked in the process some details about the history and presence of the US military in the Philippines. As Gadian pointed out:

The continuous presence of the US troops in the country has been justified to us as part of the counter-terrorism measures of the United States and is framed outside of the Balikatan Exercises but within the Visiting Forces Agreement. But many officers of the AFP know that the interest of the United States is in the oil and natural gas exploration going on in Sulu and Tawi-Tawi and Palawan and because Mindanao is a strategic area in relation to Southeast Asia....

The Philippine government can easily provide funds for infrastructure projects and the medical and dental missions that are conducted by the US military in Mindanao since the majority of the manpower is provided anyway by the AFP and the US only gives supplies and materials. It appears, however, that to justify the US military presence in Southern Mindanao, they have to engage in infrastructure projects and medical and dental missions...

The R & R (called "Liberty" by the Americans) of the US troops is included in the planning of the Balikatan exercises. In the Balikatan exercises where I was involved, the specific areas where they could go were pre-determined. This was not disclosed to the media. In 2002, it was Angeles and the American soldiers could go as far as Subic. In 2002-1, the R & R places were Angeles, Subic and Cebu. The Americans decide where their troops can go and we are only informed about it. The so-called "Public Affairs Guidance" approved by both sides focus on prescribed public behavior for the troops and on cultural sensitivity. Nothing is said about prostitution. They are simply told that they should be aware of the cultural sensitivity of Filipinos. But I witnessed how officers and enlisted personnel of the US military pick up women prostitutes and how women prostitutes go to their hotel rooms. I also received reports of many "sexual activities" of US troops in all sorts of places during their "R & R."

The continuing presence of the foreign military troops in the country has affected many aspects of the Filipino's lives. One of the key issues that many communities face related to the theme of keeping ourselves safe from the harm wrought by this presence.²

II Military Exercises and Violence against Women and Children

The rape in Subic in 2005 ("Nicole's" case) caught the attention of the media and the people the most. This was because it was the first rape case under the VFA, this happened in Subic, a former base where many reports of abuses before 1991

happened and the first case that prospered in court and even got a conviction from a regional trial court.³ Another woman in her early twenties (Vanessa) reported on national television in April 2009 that she was raped by an American soldier who participated in the *Balikatan* held that month. How the government bungled Nicole's case, however, discouraged the girl from further pursuing her case against the soldier.

Included in the list of abuses and violations include involvement of US troops in the massacre in Ipil, Maimbung, Sulu on February 4, 2008. The Ipil Massacre took the lives of nine people including those of a pregnant woman and two children.

According to the VFA Com, US troops will not be employed in any combat operations and they will not fire their guns against rebels or terrorists unless these are aiming their guns at them. But aside from that incident in Maimbung, US soldiers figured in several other incidents that showed that they are involved in combat.⁴

Moreover, it is not in combat operations only that they harm civilians. As early as the year 2000, two boys died and another was injured when US Navy SEALs and their Philippine Navy counterparts held secret exercises in the former Atlas Mine at Toledo in Cebu. They left an unexploded rocket-launched grenade behind, local kids found it and it blew up. Stray bullets or mistaken firing by US troops hit several civilians on different occasions. In one instance, in September 2006, shrapnel hit Bizma Juhan, a 52-year old Muslim woman resident of barangay Tagbak, Indanan, Sulu. American troops admitted that they mistakenly bombed the community during a test mission fires.

Several other incidents show these US soldiers' low regard for people's rights or their utter arrogance against the people of their host country. As early as March 2000, three US soldiers were arrested for bashing up a taxi driver on a dispute over taxi fare. On several occasions, soldiers' side swiped or rammed their vehicles against motorbikes and tricycles or pedicabs. The latest victim of such "king of the road" act was a woman and her two companions on a motorbike which was rammed by a truck driven by a US soldier on August 5, 2009. According to the woman, when she confronted the US soldier, they had a heated argument and the soldier pointed his gun at her.

A glaring display of arrogance by the US troops is seen in their order to close the Panamao District Hospital for a month and the threat to shoot anyone who defies their order. Dr. Silak Lakkian, a woman director of the Panamao District Hospital recounted the horrible experience she went through before the fact finding mission of the Citizens' Peace Watch.

Many more problems, abuses and violations that came with the increased US military presence and exercises have to be systematically documented. The enlivened prostitution, the abuses committed against women in bars and brothels and the social problems that accompany this has yet to be documented. Overall, the impact on women of the exercises and of the US-supported war in Mindanao has yet to be measured. Hushed reports about cases of rape in a province need careful investigation given the culture in the Moro-dominated provinces that remains victim-blaming. And although much have been written about the mass exodus of people,

mostly women, from Mindanao to Malaysia and other nearby countries, the number of war-related cases or military exercises-related have to be established.

Sexual Exploitation in the former Baselands

Although the bases had been closed for seventeen years now, Subic Bay is still being use by the U.S. Military Servicemen for their exercises through the Visiting Forces Agreement (VFA) signed by the Philippines and the United States. Every month, 1 or 2 US Ships docked at the Alava Pier to enhance their fighting skills with their Filipino counterparts.

During their "rest and recreation", commonly known as "R&R" or "liberty", US troops spend their time in hotels or bars and take women who will serve as their "companions". Reports by some of the women in contact with Buklod Center in Olongapo attest to the fact that some servicemen no longer take them to a hotel but instead use the park or the dark side of the chapel inside the Freeport for their sexual intercourse. The situation has gone down to its basest and grossest form of sexual exploitation. Aside from the existing bars inside the former naval base, some pimps hire a vehicle and ask the driver to get two or three women from different bars outside the freeport and bring the women in a particular venue where some of the US servicemen were waiting; the transaction would often last for about three or more hours depending on the desire of the client.

Reviving gambling/entertainment-related activities is marked in the development course of the former Naval Base. The soon-to-rise Ocean 9 is a five-star hotel and casinos owned by a group of Korean businessman. Environmental havoc to be caused by such "development" strategy has been cited, for example, the potential destruction of some 300 endangered *narra* trees, apart from the oft-cited problem of corruption in the wheeling and dealing for such contracts. The presence of the increasing numbers of hotels and casinos have contributed to the rise of prostitution inside the Freeport area.

The same is true in Angeles City, site of the former Clark Air Base, where US troops also do their "R&R" or "liberty" time. There is an international airport in the former Baselands where foreign male tourists from nearby Asian cities come in for their sex tourism jaunts. The presence of hotels and casinos has become a magnet for the internal migration of young women from economically-poor provinces looking for jobs in the cities such as Angeles. Younger women, mostly migrants, dot the sex industry landscape. Communities cite the continuing disruption of normal lives of families and the effect on the youth who are constantly exposed to sexually exploitative and socially crippling activities around them as if they were the average and normative landscape of their youth into adulthood.

Latest Development On The Toxic Contamination And Other Environmental Issues: New Face Of Oppression

Today, Subic Bay is now seen as a model for converted military bases worldwide. Declared the Philippines's pioneer Freeport soon after the last U.S. military ship departed

in November 1992, it is a home to a thriving light and heavy industry enclave and tourist spot and is working to achieve 3 Billion Pesos revenue by 2010 and be the First World "Eco-Urban" Center by 2030 while Central Luzon is touted as the **global gateway of Asia**-- an international transshipment hub for the Asia-Pacific region similar to Hong Kong. According to the Central Luzon Development Program, the region has world-class facilities as well as ample agricultural resources which can use to its advantage. The former bases, Subic and Clark would play a major role in this grand design.

According to SBMA report, in the face of economic slowdown in 2008, SBMA has witnessed increased interest by foreign investors. Hotel occupancy increases by 26% for the year 2008. President Arroyo's executive order no. 675 enables Freeport Zone to enjoy tax and duty-free privileges. Also, renewed interest of Taiwanese investors, continued business interest of Korean investors and business commitment of Hanjin to deliver ~36 ships between 2009 -2011 makes the Freeport competitive.

Hanjin: Spectre of Doom

In Subic, Hanjin, a South Korean conglomerate, has built the 4th largest ship building facility in the world through its Philippine counterpart, the Hanjin Heavy Industries and Construction-Philippines Incorporated (HHIC-Philippines).The Philippines government leased the facility to the HHIC-Philippines Incorporated for fifty years. Hanjin represents the biggest single influx of investment that the Arroyo administration has brought to the country.

The HHIC-Philippines Incorporated began its operations at the Subic Freeport Zone in Zambales in 2005. By 2006, the construction of building and shipyard facilities began. In the first phase of its operations employed around 7,000 to 10,000 construction workers and up to 3,000 shipbuilders. For its second phase, beginning 2008, approximately more than ten thousand ship-building workers have been hired. Accordingly it is expected to generate employment (direct and indirect) of around 45,000 by year 2015. Thus, Hanjin is touted as the biggest direct foreign investments (FDI) project in the region. However, hundreds of families were displaced in the surrounding areas without proper compensation and adequate alternative housing.

In the beginning, Hanjin promised permanent full-time and direct employment to workers but what happened was the opposite. Workers are funneled to various subcontractors (sometimes they are shuttled back and forth between sub-contractors) and work on a contractual or part-time basis. They are subject to skills training at Skills Development Centers of Hanjin in Subic, Zambales and another training facility inside SBMA. Some workers are sent to training in South Korea, with a promise of full time employment under Hanjin. Their salaries are pegged at US\$5 to US\$7, far less than their South Korean counterparts.

Workers Issues and Concerns

The recent spate of reported abuses, accidents and deaths prompted the workers to come together and form a union in their bid to end and improve the subhuman conditions prevailing at HHIC-Philippines but the management intensified its repression

among workers especially to the union members. The management terminated 14 HHIC Workers, Union leaders and active members and barred from entry into the facility; their photos are displayed in security posts throughout the facility.

Below are the issues that hound Hanjin and the Subic Bay Metropolitan Authority:

- Sub-contracting / contractualization scheme;
- Of the 5,000 incidents inside the Hanjin Shipyard, 28 workers died and eight (8) workers survived since its operation in 2006 up to this writing; there are three (3) other Health and safety related deaths and one (1) mysterious death;
- There are sexual harassment incidents among women workers but only one (1) woman spoke publicly about the incident;
- Cases filed against Hanjin Management:
 - 9 cases for illegal dismissal
 - 3 cases for illegal suspension
 - 2 cases for harassment
 - 5 for financial claims;
- The management terminated 14 HHIC Workers Union leaders and active members
- Five (5) workers reported maltreatment and abuse in the hands of their Korean bosses for the second quarter of 2009 alone;
- The Hanjin Shipyard is malaria infested area;

The cases at Hanjin admittedly are not isolated cases; workers all over the country have the same issues and concerns brought about by the globalization. But what is most disconcerting is that despite media expose and supposed investigations by the government authorities, no effective measures have been installed or the cases filed have been resolved to date.

Globalization has worsened the conditions of the Filipino workers. Some of the harshest impact are summarized as:

- Further stunted the growth and development of the Filipino worker as a productive force.
- Unemployment and Underemployment worsens.
- Intensifying Cheap Labor and the Continued Depreciation of Wage.
- Aside from low wages and lack of benefits, they suffer from untenable working conditions.
- Harsher and more ruthless laws to repress workers and the trade union movement.

The Bataan Nuclear Power Plant

“The Subic-Clark Corridor will be the most competitive international service and logistics center in the Southeast Asian Region”. This was part of President Gloria Macapagal Arroyo’s inaugural speech. Indeed the GMA administration has expanded especially the two former U.S. Bases as the agro-industrial enclave of the country and integrated Subic and Clark touted to be a world-class logistics infrastructure. The aim ostensibly is to create an economic hub that takes advantage of Central Luzon’s abundant flat

lands. This economic design gave way to the revival of the Bataan Nuclear Power Plant (BNPP).

The BNPP is a 357- hectare facility at Napot Point in Morong, Bataan, built by Westinghouse Electric Co. from 1974 to 1984 at the cost of USD 2.3 Billion or four times the initial bid of USD 600 Million. For the Filipino people, the BNPP symbolized what was wrong with the Marcos regime, a testimony to the greed and corruption of a two-decade old dictatorship. The risk posed by the BNPP to the public has not been dimmed by the passage of 35 years. The location of the BNPP makes it vulnerable to earthquakes, faulting and volcanic eruptions.

- It sits on Mt. Natib, a caldera-forming volcano like Mt. Pinatubo, which makes up the whole northern Bataan Peninsula.
- It is very near the Manila Trench-Luzon Trough tectonic structure
- It is bracketed by significant and very strong (high magnitude) historical earthquakes within a hundred kilometre radius. In 1970, an earthquake occurred within 1-2 kilometers of that was the site. The movements can be attributed to either the movement of faults or magma.
- Earth satellite data suggest the existence of a probable fault under the site.

Nearby Subic Bay has several documented geologically active faults, movements occur every 2,000 years; the last movement documented 3,000 years ago. Accordingly, the high risk of earthquakes and the probable presence of a fault beneath the site itself may lead to structural failures causing extensive damage to the plant, at worst, may cause the release of radioactive materials.

The structure and design of the BNPP was also found riddled with defects. This was revealed in a series of technical audits in 1986, 1988 and 1990 conducted by the National Union of Scientists. The plant had 'serious defects in its cover design, construction, quality assurance, workmanship and project management '. The report also commented on the lack of allotment for auxiliary expenses such as the cost of insurance, training, permanent disposal of nuclear wastes, decommissioning, emergency planning and accidents.

If the plant became operational, disposing of the wastes, averaging 20–30 tons a year would be a problem. This was articulated as far back as 1977 by the Philippine Atomic Energy Commission (PAEC). In fact, there has yet to be demonstrated technology for permanent and safe disposal of radioactive waste.

Thermal pollution would sterilize nearby water sources as massive amounts of water are needed to cool the intensely heated reactors. These plants also produce weapons-usable plutonium, wherein an amount of plutonium the size of a tennis ball can make a device which could kill thousands.

This is also the reason for close ties between government and nuclear corporations. Political-backing is needed for this risky business to move forward. Nuke deals are being signed here and there with powerful countries like US, France, Canada and Russia leading the pack. Emerging powers like China and India are not to be left behind with large amount of State-funds directly being allotted for nuclear industry development. Competition for the nuclear market rather than meeting the energy needs in a time of

crisis explains the resurgence in the nuclear energy industry worldwide – a battle by big industry players to win overseas contracts.

In the Philippine energy/power sector, the economic elites are also the big players – the families of the Zobel, Lopez, Pangilinan, Ongpin and very recently, the Cojuangco through the family-owned San Miguel Corporation (SMC) has diversified into the energy business and “big-time” investments are involved. Big-time means gaining a stronghold in the power sector, considered to be one of the high-growth businesses.⁵

Also, nuclear power plants end up being too expensive to operate; the sheer size of the project makes it vulnerable for corruption and shady deals. Most probably, like the first BNPP deal, the estimated USD 1 Billion may balloon when the refurbishing is underway. We may find ourselves replacing oil dependency with uranium dependency as we would need to import uranium in order to make our reactors work.

There are no logical reasons to revive the BNPP. In fact, the reasons for its rejection in the past still stand despite the passage of time. With a nuclear plant such as the BNPP in our midst, the public would be in a perpetual state of insecurity. Thus, once more we need to muster enough strength to repel all moves to resuscitate a mistake. It is prudent action to protect our communities from the risks and danger of the BNPP and put our tax payer's money into renewable, community-based, sustainable sources of energy!

Mining and Militarism

Carried out by the Republic Act 7942 known as the Mining Act of 1995 and the Executive Order No.270 gave way to 100% ownership of foreign national and aggressive influx and operation of multinational mining company together with local corporations in our land. All over the country, there are 762 sites allotted for mining and 32 of those belong to priority mining project designed by the government. Large mining now will cover 13 million hectares, almost half of national territory.

Below are the current issues of mining in the province of Zambales alone:

1. Effect on the livelihood and the environment
 - a. Minimum of 80,000 hectares of mountain will be covered by the mining act in the province and a minimum of 5 million tons of nickel and chromites will be dig per year.
 - b. Erosion, forest denudation, siltation of the rivers and pollution on the water supply of the area.
 - c. Low production in agriculture which is the prime source of livelihood in the province.
2. It is the multinational company who will benefit from the mining industry.
 - a. The minerals will be sent to US, Japan and other countries to address their needs on raw materials.
 - b. It is the foreign companies who will develop the mining industry therefore it is them who will enjoy the profit and not the our country.

- c. Only few local capitalists will benefit from the mining being part of the multinational companies engage in mining.
3. People of Zambales will face immense poverty more than development because of the current laws that governs mining industry in the country.

Along with mining operation came the militarization in the province since 2007. The 7th Infantry Division of the Philippine Army operates in the area after their stretch in Pampanga, Bulacan and Nueva Ecija. The same areas show many cases of extra-judicial killings.

The year 2009 marks the military operation of 24th IBPA in Zambales that resulted to cases of harassment and torture, biting, intimidation and arrest of civilians without basis that violates their human rights. There are 2 company of 24th IBPA, Philippine National Police (PNP) Action Force, PNP Provincial Mobile Group and 17 army detachments in deployed in the mining sites, streets and piers.

Toxic Contamination

Despite of keeping the balance between development and environmental protection of the Freeport Zone and behind favorable views to Subic Bay, however, the issues on toxic contamination remain until today. Clean up remains very elusive for the issue is very complicated not only in that Subic Bay Metropolitan Authority but also with the stand point of the U.S. government.

The responsibility of clean up in Subic legally passes to the Philippine government after its complete withdrawal. The U.S. government through its ambassador to the Philippines stressed that the U.S. military cleaned up Subic at cost of \$6 million before its withdrawal and no hazardous waste, therefore, was left behind. As one of the grounds of the U.S. Navy stewardship over the facility responsibilities, the U.S. Navy was able to preserve 5,000 acres of virgin forest and maintain 10,000 of forested areas. Yet, the Philippine government and the SBMA tend to focus on economic development rather than cleanup.

Since the Philippine government has invited the U.S. military back to the Philippines through the VFA, it is increasingly unlikely that the Philippine government will urge U.S. government to clean Subic. The longer the delay in cleaning up toxic sites is the greater the extent of contaminant migration and the more difficult and costly it become to clean.

New Face of Oppression

The recent development in the former Naval Base, the mining in the country and the toxic contamination are new faces of oppression. As the toxic contamination continue to spread in the peripheral communities that cause cancer, mental retardation and other diseases, the cruelty among workers, the danger of the nuclear power plant, militarism and mining in the country persist.

Stopping the workers to unite themselves and form a union also represses the people's right to self-organization. Although the right to create union is stipulated in the Philippine Labor Code, still, it is not followed by the government itself. Letting the workers die of explosion and accidents, the women who experience sexual harassment and contractualization clearly violates the very essence of human rights.

Livelihood Alternatives: Towards Freedom from a U.S.-Dependent Economy

When the US bases left in 1991, women in the "entertainment" industry and Amerasian children, -- especially those in the cities of Olongapo and Angeles -- underwent the most difficult weaning process from the sources of livelihood they were used to. It was not easy for these communities that used to make a living by servicing American soldiers' needs from food, clothing, accessories, entertainment, to housing and so forth to move towards renewal.

Especially the local governments in the former Baselands felt the severe impact as a result of closure of businesses. But the difficulty in weaning the Philippine economy from Uncle Sam served as a driving force for all the people that used to rely on that base-dependent industries to undertake different means of living beyond what the military bases taught or presented to them.

First Step towards Recovery

Through Republic Act 7227 or the Bases Conversion and Development Act of 2002, the national government prioritized the transformation of the former military bases in Olongapo, Baguio and Pampanga into Freeport zones, business districts and tourist destinations. The "human face" of the conversion – women, the indigenous people particularly the Aetas who lived in the forests of the former Baselands, and the base workers—were put in the backburner. More specifically, the women who "entertained" the US troops became the invisible sector; none of the proposed and approved conversion programs (housing, alternative livelihoods and training, special educational packages, among others) came to fruition.

With the facelift of the former Baselands came new forms of livelihood, in an effort to wean the populations from the base-dependent economy. The service sector, mostly as casual untenured workers, and dominantly female, soon became the face of the former Baselands: shop or sales force in duty-free shops, office personnel and in jobs that are related to house chores like hotel cleaning, domestic work in housing units and services in karaoke bars and restaurants. Very quickly, bars and similar establishments mushroomed.

In Angeles City, for example, in the middle of the volcanic ash (lahar) that was dumped by the raging Mt Pinatubo as the US personnel rushed out to flee the environmental disaster, bars, massage parlors, karaoke shops took shape, and cities were once more alive with "entertainment." Younger women were being recruited, while the older ones started to drop out of the prostitution scene, weary and confused about their lot. The survivors began to think of life beyond prostitution. They came together in organizations and aimed to raise the level of their living through work with which they were not

familiar. The women of Buklod Center and the Nagkakaisang Kababaihan ng Angeles City or NAGKA persevered in building and strengthening their organization.

The women of Buklod Center put up a laundry shop with help from a handful of friends and supporters. They also tried to open a store selling school supplies and offered photocopying. They sold campaign t-shirts and produced bags from juice tetrapacks and these are now being imported by organizations like the Women for Genuine Security and other friends abroad.

Another of Buklod's endeavor is the Alternative Learning System (ALS) that gives women the opportunity to finish elementary and secondary education by way of giving an evaluation test after a few months of review. Women who graduate from ALS may pursue college education or undergo vocational training.

The Nagkakaisang Kababaihan of Angeles City or NAGKA built a cooperative for women that used to work in bars. They put up food stalls that aimed to sell quality food at low prices not only to the greater population of Angeles City but also, and more so to women still working in clubs and karaoke bars. While they sell food, they also orient members of NAGKA on the rights of women who remain in prostitution and they organize women who are in the "entertainment industry". NAGKA also helps Amerasian Children.

Other organizations that persist in helping women are the *Belen* in Subic and Batangas and in other places. Meanwhile, other women in different parts of the Philippines like Lawig Bubai in Davao and Gen. Santos in Mindanao and others in Cebu and in other provinces in the Visayas tried sewing, manicure-pedicure, meat-processing and micro lending. There were a few initiatives by some local governments but on the whole non-government organizations were more consistent in supporting the victims-survivors of military prostitution and urban poor communities.

Communities' Efforts

Even if it took five years before the former military bases got a facelift, this also led neighboring communities to blend with the new face. Villages started to build and develop small stores we here would call *sarisari stores*, barangay drugstores small stalls selling food (like barbecue stalls). The cropping up and improvement of houses for rent catering to former base workers became very noticeable. Garage sales would be held from time to time in communities to augment income.

Among the bigger effort of the local governments, the entry of businesses like food chains, wellness centers, entertainment centers as well as department stores, big beauty parlors and chains of stores that are often present in big cities in the country are remarkable. Along with these came also the increase in the number of workers in the call centers.

The bigger part of Mindanao has more aggressive steps towards wider private plantations and entry of foreign investors which are viewed as alternative sources of living of the people.

Reckoning the overall development achieved in communities around the old military bases, it is significant to note that the so-called development is brought about by jobs that are tied to service provision.

Initial Assessment

Looking at what some quarters regard as “alternative economy” in the former bases, especially in Olongapo and Angeles—at the malls and other huge stores owned by the richest families in the country -- how would ordinary women who are just surviving from prostitution stand vis a vis Big Business? In terms of capitalization alone, the small funds that come from funding agencies are but a small drop compared to the gigantic barrels of capital of Big Business. If at all, their share of the market would be negligible.

While it is true that a few of these women have improved their lot, in general, those that these organizations have gathered are just trying to scrape whatever opportunity is left in the bottom. In a society replete with commercialism who and how many will patronize their products and services? How can their alternative trade be sustainable and growing amidst a big number of laundry shops, restaurants, stores of whatever and handicrafts that load into large container vans when being exported?

“Alternative livelihoods” should be studied further taking into account the economic domination of foreign capital in the country that strengthens the attitude of dependence on the so-called benefits from their dollars and power. The fantasy that foreign capital and military in the Philippines bring prosperity and the continuing presence of foreign troops in an increasing number of places in the country is attractive to the youth.

Challenges

In its search for alternative livelihoods and aiming to make use of the facilities of the former bases, the country faces the following issues that go hand-in hand with development:

- ❖ The economy that replaced the military bases depends on services and not founded on industries that would have been the solution to the long-term need for jobs;
- ❖ The increasing population cramped in small spaces is now a problem communities face as more and more people migrate to the cities;
- ❖ Only a small percent of women is really taking part in production particularly in Hanjin. If ever they are a part, they surely face the problem of contractualization;
- ❖ The government has little support for communities’ and women’s livelihood efforts since the closure of the bases;
- ❖ Although the former bases have become centers of development, businesses or jobs related to prostitution and other forms of sexual exploitation remain. The only difference now is: services are not limited to US soldiers who are here because of the VFA, these are for foreign investors also;

- ❖ The number of Korean children has increased following the entry of Hanjin, a Korean construction company that recently got entangled in a string of cases of violation of labor laws, management irregularities and accidents that resulted in workers' illnesses, disabilities and death;

Our Activism: Weaving our Strategies, Learning Our Lessons

Vigilance is a word that comes to mind when we speak about the presence of foreign military troops and the concomitant impact of heightened militarism. Since the official departure of the US military bases in the Philippines, social movements, women's groups, environmental organizations and communities in and around the former US baselands were never sure that the physical absence of bases' infrastructure meant the end of the US military presence in the country. The Philippine economy, political survival and even socio-cultural landscape had been for centuries tied up with that of Washington and the Pentagon as the country has always been touted as US major ally in the region.

From the single focus anti-bases movement in the 1960s onward to the early 1990s, today many other social movements have taken on the issue of the US bases from different angles: from women's and human rights perspective, from a development approach, from the lens of governance and social justice to a much broader anti-neocolonial struggles.

That the issue of foreign domination is regarded as a contemporary socio-political and economic issue within the country is a truism. Fueled by the so-called global anti-terrorism military campaigns launched by the superpowers led by the US, and beefed up by the hysteria of the national government, more and more people are getting involved in the issue of foreign military troops. The people of Mindanao are most especially affected by the militarism that has wrought havoc on their livelihoods and the environment. Internally displaced people come in and out of refugee centers, emergency resettlement areas and make shift temporary shelters. This has contributed to centuries-old animosities between Muslim communities and Christian enclaves, with the former enraged by the depiction of their island as a haven of terrorists. Extreme fundamentalist responses from insurgent groups and armed Muslim-led rebel organizations are to be viewed from the lens of historical marginalization of the Muslims from mainstream Philippine society on the one hand, and the historical resistance of them from any colonizing powers.

Among the survivors of military prostitution, certain strategies have been evolved. The lessons of the past, the first few years after the bases pulled out, enabled the rethinking about doing direct advocacy with the local government units which have direct authority over the Baselands. In Olongapo, Buklod has been actively working with local government mechanisms such as the Task Force on Anti-Prostitution in support of the City Ordinance No. 51, the Anti-Nude Show campaign and the Task Force on Anti-*"Bugaw"* (Pimp). Buklod in particular has been accompanying city authorities when the latter would conduct raids in entertainment establishments suspected of prostitution or hiring minors. The women and particularly minors are taken to the Department of Social Work and Development (DSWD) where programs and services are given to them – counseling, legal assistance if necessary and others. Unlike in the past, women and

minors are not anymore arrested; the establishment owners are the ones arrested. However, clients generally go unpunished. Buklod also go with local authorities to visit bars and like establishments to inspect whether there is a "VIP" room; the VIP room is often the place used for prostitution. However, there have been reports by Buklod where bar owners are able to go scot free even if found violating the anti-VIP room campaign by simply changing management and/or changing the name of the establishment. In the Anti-Nude Show campaign, the authorities ensure that women are not dancing in the nude, as it was and to an extent still is the practice.

The advocacies that are in place in Olongapo are not exactly of the same level as those in Angeles City. While efforts are extended by the local authorities to ensure that the Anti-Trafficking law is implemented, the climate for government and NGO collaboration is less conducive, and while there are task forces (e.g., Task Force on HIV/AIDS), the local authorities are more wary of NGO intervention and advocacies. In both cities, there are Gender and Development (GAD) Code which theoretically is the basis for a more gender-sensitive governance. However, the actual implementation rests heavily on how responsive and pro-active the local government units are. For example, the food stalls of NAGKA, which served as an alternative livelihood for the survivors of military prostitution, were bulldozed by local authorities in 2004/05. This action was prompted and pushed by the association of bar owners who obviously has "closer" ties with the local authorities. The property on which the food stalls stood were planned to be the site for new hotels and other entertainment and tourism-related businesses. NAGKA filed a case against the local government for the illegal demolition, but as expected, lost the case in what was perceived as a "hometown" decision by the local courts.

The new strategy of sitting down with the local government officials and collaborating closely with them, albeit with extreme vigilance and patience at the same time, has been positive for Buklod. This success by Buklod has been a result of several factors, including their gambit of engaging in electoral politics (the head of Buklod ran for a local office, lost but gained a network of allies in the process). Lessons are being learned in the new ways of struggle and in insisting on their rights as citizens and ensuring that certain laws -- such as the Anti-Violence against Women and their Children -- national or local, are implemented. Certainly there are gaps and continuing challenges. Trafficking for sexual exploitation is a massive problem in the country and need more efforts from all sectors of society.

The work and advocacies around the issue of militarism have gathered more supporters from peace groups, social movements including the women's movement, the academe, youth, and social development activists. In all these groups and sectors what could be a running thread the weave through is the women and gender perspective. We have learned our lessons well from the past: when the US bases left, the so-called benefits of rehabilitation and conversion only worked for the political and economic elites.

CALL TO ACTION: CHALLENGES TO OUR INTERNATIONAL NETWORK

Express our Solidarity with Mary Nancy P. Gadian!

Let not the voice of courage of Mary Nancy P. Gadian fall on deaf ears. Her life is at risk more than ever. The Philippine Delegation calls on the participants to this meeting to issue a statement expressing solidarity and support for Ms. Gadian.

Development for Human Security!

The Filipinos want development but we are against on development that causes destruction on the lives of the people and the environment. We need infrastructures, ship building industry, mining and other industrialization and development initiatives, programs and projects that enhance our lives, especially the lives of our women and their communities. We need the job for our people but certainly we don't need jobs that stole lives of the workers just because the capitalists and our economic and political system are not following Philippine Law on Health and Safety Standards. We need jobs, security and democracy that protect our human rights and our peoples' interests.

Unite to Protect Women and Children against Military Violence

The US government is aware of the presence of section of the population that "creates noise" whenever abuses are committed. It is also aware that a strong anti-bases and anti-US intervention movement exists. These, they always consider whenever they brief their troops during trainings, before R&R or whenever they are asked by the media after reports or complaints of abuses.

But abuses are still being committed. The US Armed Forces, as far as attitude towards women is concerned, has not changed. Their R&R still consists of getting women not only to release tension but also as their prize for perseverance in training or valor in battle. If only the women in bars in Subic and in other places knew that they could complain!

The US government pushed for the VFA precisely to make it difficult for the laws of our government to operate whenever US soldiers violate laws or commit offenses against the people. The "law of the flag" operates to maintain the high morale and loyalty of its troops.

For us, the unwilling hosts, the best protection against these US military violence is to abrogate all the agreements⁶ that the US government uses to force US military presence on us. The troops, whether in main operating bases or by any other arrangement should be out.

Meanwhile, it is this noisy section, the anti-US militarism activists, so far that prove to be the best deterrent against violence on the population, especially on women and children. Perhaps this is the best reason why a Vanessa happened more than three years yet after Nicole.

So let us create more noise, by raising the consciousness of more women against rape and other military sexual assaults and by making potent, such international networks of women such as this. Let us create noise against US militarism around the world.

Condemn Militarism in all its Forms!

We call on the peoples of the world to join us in our quest for genuine human security!

Women of the World Unite!

¹ Attached as Annex A; what is provided in the main body of the report are the salient points.

² The following sections have been culled from the panel presentation papers written for the meeting. The complete papers are to be translated by the meeting organizers into different languages to be used by the participants.

³ See Annex B, statement of the Scrap VFA! Movement.

⁴ Participation in Combat Operations

- a. In June 2002, the Los Angeles Times reported that US troops exchanged gunfire with alleged Abu Sayyaf members, confirming that in at least one known incident, US troops have already engaged in direct combat inside Philippine territory. (also in **US troops kill rebels in Basilan**, Mark Baker, Herald Correspondent in Singapore. June 19 2002)
- b. **July 27, 2002.** A Moro farmer was hit in the thigh with a bullet during a combat operation being carried out against suspected Abu Sayyaf in Tuburan, Basilan. According to the victim, Buyung-buyung Isnijal, an American soldier leading the operation, identified by witnesses as a certain Sgt. Reggie Lane, shot him.
- c. April, 2003, American soldiers in Philippine uniform patrolled Liguasan Marsh after the government announced its Liguasan Development Program.
- d. In June 2005, locals claimed to have seen US troops join Filipino soldiers in their operations against alleged Abu Sayyaf members in Maguindanao – even when no training exercises or humanitarian missions were announced.
- e. In 2005, US troops did another reconnaissance patrol in Palimbang, Sultan Kudarat when it was reported that large shipment of arms for MILF landed along the coast of Palimbang, Sultan Kudarat.
- f. November, 2005, locals saw four US troops with Filipino soldiers in the very same place at the very same time when the Marines were in an all-out pursuit of alleged Misuari Breakaway Group members in Barangays Bunsu and Kagay in Indanan, Sulu. Locals spotted American soldiers with Filipino soldiers aboard trucks and Hummers or aboard rubber boats, mounting heavy artillery, operating military equipment and removing landmines. Gen. Nehemias Pajarito, then commander of Filipino troops involved in the operation, corroborated the witnesses' statements but claims that the Americans were only repairing water pipes as the fighting raged.
- g. August 15, 2007 Inquirer report: Jolo—Heavily armed US Special Forces troops were seen leading a military convoy Tuesday in Indanan town, Sulu Province, where Philippine security forces are fighting insurgents. The American troops were part of a convoy of Philippine Marines hunting members of the terrorist group Abu Sayyaf. An Agence France-Press photographer filmed the US troops aboard a Humvee armored jeep as two soldiers manned a vehicle top-mounted with a machine gun with a miniature US flag clearly visible on the back of one soldier's helmet.
- h. February 4, 2008. Barangay Ipil, Maimbung, Sulu. Nine people, including a pregnant woman and two children, massacred by the Philippine military. "We note that at least one person, Rawina

Wahid, the widow of one of the victims who also directly witnessed the massacre, has claimed that US troops were present during the operation. Apart from them, we also spoke with a number of other residents who also claimed to have seen US troops in the vicinity of the fighting in other operations in other parts of Sulu." -Citizens' Peace Watch

- i. On December 18, 2007, a helicopter carrying US troops was attacked in Bohe Suyak and Silangkom villages in Unkaya Pukan and Tipo-Tipo towns respectively in Basilan province – the location of a camp of the Moro Islamic Liberation Camp, and at that time, the site of a Philippine military offensive against alleged Abu Sayyaf members. The US embassy claims the soldiers were only on a routine support and logistics mission; the town mayor said they were on their way to sign a memorandum of agreement for a road repair work. What were Americans doing in the very same village where fierce fighting was raging?
- j. A US soldier embedded in a combat unit of the 9th Infantry Battalion of the Philippine Army was wounded last April 15 after joint US and government troops attempted to encircle and attack a unit of the New People's Army (NPA) in Barangay Baras, Esperanza, Masbate, April 28, 2009. The Red fighters were able to fight back, resulting in the death of three government soldiers and the wounding of the US trooper. An NPA fighter was martyred in the clash. -*Fight Back News Service*

⁵ SMC has acquired 27% share of Meralco or Manila Electric Co. (the country's biggest power retailer) making it the second largest shareholder after the Lopezes with 33%. A certain investment company called the Global 5000, believed to be an ally of SMC bought the other 7% share of Meralco from SSS, Land Bank and Development Bank of the Philippines (DBP). The combined stake of SMC and Global 5000 could definitely make a management takeover of MERALCO from the Lopezes.

⁶ The three US military Agreements with the US are:

The Mutual Defense Treaty of 1951

The Visiting Forces Agreement of 1999

The Military Logistics Support Agreement of 2002

Republic of the Philippines)
Quezon City) SS.

AFFIDAVIT

I, **MARY NANCY P. GADIAN**, Filipino and of legal age, under oath freely and voluntarily depose and state:

1. I became a commissioned officer in the reserve force (Women Auxilliary Corps) of the Philippine Navy in 1991. From 1992 until 1993, I underwent a Fillership Training in the Philippine Navy and I was assigned at the Naval Intelligence and Security Force at the Fort Bonifacio, Taguig. After the termination of my Fillership Training in 1993, I stopped working in the Philippine Navy and got married. In 1995, I went back to the Philippine Navy and applied for call to active duty. I was called to active duty in 1996 and became part of the regular force of the Philippine Navy until April 2009.

2. Prior to and during my stint as an active officer of the Philippine Navy, I received various awards and medals as well as letters of commendation from various commanders and agencies. Among the significant awards and medals that I received are the AFP Cadette of the Year 1989,¹ Philippine Navy Midshipwoman of the Year 1989, Flag Officer in Command Certificate of Merit for graduating number 1 in the Naval Officers Qualification Course "B," Certificate of Merit for graduating number 1 in Political Warfare Course, Certificate of Merit for graduating number 2 in the Naval Intelligence Collection Course, Gawad sa Kaunlaran Award, 11 Military Merit Medals on various occasions, Military Commendation Medals and Basic Awards, and Recognition for my being a member of the Technical Working Group that formulated the AFP CMO Doctrine.

3. In 1996, I was assigned at the Office of Ethical Standards and Public Accountability of the Philippine Navy until 1997. From July 1997 until October 1998, I was in the Naval Reserve Command as Deputy Personnel Officer. I taught at the Naval Education and Training Command, Naval Station San Miguel in San Antonio, Zambales in October 1998 until March 2001. After March 2001, I was assigned as Deputy Operations Officer and Chief of the Operations Center of the Civil Relations Service (CRS) of the AFP at Camp Aguinaldo. I was also Acting Commander of the Special Operations Group of the CRS. **In 2001, I was designated one of the planners of the Balikatan 2002 which was held in Clark Field, Pampanga and of the Balikatan 2002-1 which was held in Mindanao. I was also the Public Affairs Officer of the Balikatan 2002 for the RP side.** As one of the planners, I was involved in the series of

¹ Awarded by then President Corazon C. Aquino.

conferences between Philippine and US military officials where the latter presented the plans and activities of the Balikatan for execution or implementation. The planning conferences involved discussions of the details of the execution or implementation of the plans and activities that the Americans presented. I was also responsible for the administrative, operational and financial requirements of the specific activities involving the public and the media in relation to the Balikatan exercises.

4. Subsequently, I asked to be relieved from the CRS because I could not stand the corruption over Balikatan funds involving Army officers assigned to the CRS. I asked to be transferred back to the Navy. **When I returned to the Navy, I was assigned at the Naval Forces South in Zamboanga. That was in May 2002.** I was the personnel officer, public information officer, unit historian and Commander of the Civil Military Operations Group 6. My involvement with the US military was in planning joint humanitarian projects of the US and Philippine military in Western Mindanao. I was there until June 2003, when I underwent schooling on Political Warfare Course at the Civil Affairs Group at Fort Bonifacio, Taguig City until October 2003. After my schooling at the Civil Affairs Group, **I was assigned at the headquarters of the Southern Command in Zamboanga City. I was chief of the Internal and External Division of the Office of the Assistant Chief for Civil Military Operations, Southern Command in Zamboanga City until February 2004.** Again, I was involved in the planning and implementation of humanitarian and infrastructure projects of the US and Philippine military in Western Mindanao.

5. **I was recalled by the Philippine Navy in February 2004. I was assigned at the Naval Forces Western Mindanao, also in Zamboanga City. I was the Public Information Officer of the Command and Assistant Chief of Staff for Civil Military Operations. I stayed there until January 2005.** In January 2005, I was assigned at the Navy Headquarters at Roxas Boulevard, Manila. I was designated as the Chief of Public Affairs and PsyOps (Psychological Operations) Branch of the Office of the Assistant Chief of Naval Staff for Operations and Training. I was there until September 2005. In September 2005, I was assigned at the Department of National Defense (DND) at Camp Aguinaldo as military assistant to the Defense Intelligence Officer of the DND, until February 2006. From March 2006 until October 2006, I took up my Naval Command and Staff Course at the Naval Education and Training Command in Zambales. **From November 2006 until July 1, 2007, I was in Zamboanga City as Deputy Chief, Civil Military Operations of the Western Mindanao Command. I was designated as Officer-in-Charge of the Civil Military Operations Task Group of the Balikatan 2007.** I was involved in the planning of the Balikatan 2007, and I supervised the civil military operations events involving the Balikatan exercises in the entire Mindanao.

Those included medical and dental missions and infrastructure projects. I was transferred to Camp Aguinaldo in July 2007 when I was placed on floating status.

6. The AFP Western Mindanao Command is based in Camp Basilio Navarro, Calarian, Zamboanga City. It is a unified command of the AFP composed of the army, air force and navy with operations covering Zamboanga, Sulu, Basilan, Taw-Tawi and part of Lanao. Before 2006, the command operating in the entire Mindanao was called the Southern Command based in Camp Navarro.

7. As one of the officers involved in the planning and implementation of the Balikatan exercises and related activities, I had to study the history of the Balikatan.

8. The Balikatan exercises started in 1981. It was held every year since then, for less than a month. Even after the RP-US Military Bases Agreement was terminated in 1991, the Balikatan exercises continued every year, also for less than a month, until 1995. No Balikatan exercises occurred in 1996, 1997, 1998 and 1999 because the Visiting Forces Agreement was then under discussion. The Balikatan exercises resumed in 2000, after the Senate concurrence to the VFA. In 2002, the Balikatan exercises lasted for more seven months. The first Balikatan in 2002 occurred in Luzon for less than a month. The second Balikatan in 2002, called 2002-1 Balikatan Exercises, occurred in Mindanao for more than six months. In 2007, the Balikatan exercises lasted 45 days.² I was not involved in the 2003 to 2006 Balikatan exercises.

9. After the 2002-1 Balikatan Exercises, the US troops stayed and established a permanent and continuous presence in Southern Mindanao. This is particularly described below.

10. After the 2002-1 Balikatan Exercises, the United States established a Joint Special Operations Task Force Philippines (JSOTFP) which is based in Camp Navarro. The JSOFTP is under the US Pacific Command which is based in Hawaii. Prior to the establishment of the JSOFTP, the US had a forward unit with about 500 men in Edwin Andrews Air Base in Sta. Maria, Zamboanga City. Their base is in Okinawa, Japan. In military parlance, a "forward unit" is an advance command unit that is installed to serve as the first line of defense against the enemy. The forward unit serves as the central command's operating arm in the area.

² The 2007 Balikatan was almost cancelled because of the Nicole rape case against four US servicemen and the detention of L/CPL Daniel Smith in the Makati City Jail in December 2006. But after Smith was transferred to the US Embassy (on 29 December 2006), the preparation for the 2007 Balikatan was rushed in the early part of 2007.

11. Prior to their presence in Camp Navarro, the US military built permanent and temporary structures³ in the Edwin Andrews Air Base to house their personnel and equipment (which included tanks and communication equipment) and they also built a small permanent structure near the airstrip of the Air Base. In 2001, they already had open access to the airstrip and they had planes coming in and out almost every other day. Their aircraft (C-12, C-130 and Chinook helicopters) were parked in the base operations center of the Air Base. After they established their continuous presence within Camp Navarro starting in 2002, the US continued to maintain their office and warehouse near the airstrip in Andrews Air Base. This area is fenced and secured by Filipinos and Americans hired by Dyn Corporation, an American private military contractor. Filipinos have no access to this area.

12. The American camp in Camp Navarro consists of two permanent structures, built by the Americans, located near the office of the Headquarters Service Group of the Western Mindanao Command. The two permanent structures are fenced off by barbed wires and guarded by US Marines. Filipinos have no access to those two structures except that on occasions a few Filipino officers are invited inside the bigger structure (but still on a limited access) which has the name of the Joint Special Operations Task Force Philippines.

13. In Camp Malagutay, Barangay Malagutay, Zamboanga City, the training camp of the Philippine Army, the US also has occupied since 2002 an area consisting of about 200 to 300 square meters where they maintain a temporary structure (made of wood and GI sheets with a container van beside it) which they use as an office. This area is also fenced off and generally not accessible to Filipinos. I also visited this area and was able to enter the lounge and conference room. The Americans have access to the training facilities of the Philippine Army.

14. In the Philippine Naval Station in Batu-Bato, Panglima Sugala, Tawi-Tawi, the Americans also have a temporary structure (made of wood and GI sheets) in an area of about 200 square meters, which they maintain continuously and man 365 days a year. They have advance satellite communication equipment and rubber boats inside the structure and land vehicles parked outside within the vicinity. They have approximately seven US navy personnel in the area. I first saw their structure and equipment in 2004. I visited this area many times.

15. The Americans also have a temporary structure (made of plywood and GI sheets with a container van beside it) in the Naval Forces Western Mindanao Command (where I was assigned in 2002-2005) based

³ Permanent structures are those with fixed foundations made of concrete and cannot be easily removed. Structures that are not of this nature are referred to as temporary.

at Lower Calarian inside Camp Navarro. It is in that structure where they keep their rubber boats and naval equipment. The place is maintained continuously by U.S. Navy personnel. The Americans were already operating this structure in 2002.

16. In Busbus, Jolo, Sulu, the Americans have temporary structures in an area of about 1000 square meters inside Camp General Bautista (under the Joint Task Force Comet) which house military personnel of the U.S. Special Operations Command Pacific 365 days a year. I visited this place several times prior to and during the 2007 Balikatan Exercises. The U.S. Special Operations Command Pacific provides intelligence reports to the Joint Task Force Comet, a special task force created by the AFP General Headquarters to address the problems in Sulu. I sat in a couple of situation briefings of the Philippine military where military personnel of the U.S. Special Operations Command gave intelligence reports on the location of the Abu Sayaf and secessionist groups in Mindanao. The military personnel of the U.S. Special Operations Command also conduct training exercises with Filipinos outside the Balikatan Exercises.

17. In all, the US troops stationed inside Camp Navarro and other parts of Mindanao total about 500 at each particular time, on a rotating basis of three months each. These troops are stationed in Mindanao even without any Balikatan exercises going on.

18. The Philippine Government does not monitor the deployment and movement of US troops in Southern Mindanao. As an officer of the Western Mindanao Command, I had no idea of the deployment and movement of the US troops in our area of responsibility. In one incident in 2007, I rode in a helicopter with three US servicemen to go to Sulu. We came from Zamboanga City. On the way to Sulu, we descended to a beach area beside a forested and uninhabited place. I saw a rubber boat approaching from the open sea, with four armed US servicemen. One of the four got out of the boat and rode with us. I did not see any ship around the area. I asked my American counterparts where the men came from. He just responded that the man who joined us is a US Navy Seal.

19. The airstrips and runways of the Zamboanga City International Airport can accommodate military aircrafts bigger than the biggest commercial plane and have been used by the US military for their aircrafts. US warships that dock in Philippine ports are exempt from the payment of docking fees. I do not know of any case where the US paid docking fees.

20. Some members of the Philippine military confirmed to me that US troops are embedded in Philippine troops who are engaged in actual combat in Mindanao.

21. The US is allowed to use intelligence equipment within the Philippine archipelago even outside of the Balikatan exercises. One of these is the *unmanned aerial vehicle (UAV)*, a special intelligence aircraft exclusively used by the Americans. In joint military briefings that I attended, military officers from the Philippine and US military often mention the use of UAVs by the Americans to monitor and track down the location of the target enemy (particularly the Abu Sayaf and Muslim secessionist groups). In 2007, a fisherman found parts of an AUV that crashed somewhere in Zamboanga del Sur. A retired army personnel informed me about it. In my capacity as deputy chief of the CMO (Civil Military Operations) of the Western Mindanao Command, I facilitated the recovery of the parts and coordinated for the purpose with the American liaison non-commissioned officer of the Joint Special Operations Task Force Philippines. I was informed that they had a problem with transportation and security in going to the area. Until I left in July 2007, I had no more knowledge of what happened to it.

22. The Americans also maintain a *presence along the borders of the Philippine archipelago*. US warships called frigates (frigates are for war and equipped with missiles) operate within the Philippines' exclusive economic zone. Frigates are utilized as "fleet in being," which means it is a show of force. I do not know their activities in the area. Once a junior officer in the Philippine Navy (from the operations center of the Naval Forces Western Mindanao based in Zamboanga) called me up and asked me if we were aware of the presence of the US warships along the borders of the Philippines. I said no. I referred him to the operations center in charge of the air, land and sea forces. He called back and said that they did not know either. I referred him to the Western Mindanao Command. He did not call up again. A staff mine also informed me that he and several others went to the aircraft carrier anchored at the border, upon the instructions of superiors, and that they sold Tanduay rum to the American military personnel inside.

23. The continuous presence of the US troops in the country has been justified to us as part of the counter-terrorism measures of the United States and is framed outside of the Balikatan Exercises but within the Visiting Forces Agreement. But many officers of the AFP know that the interest of the United States is in the oil and natural gas exploration going on in Sulu and Tawi-Tawi and Palawan and because Mindanao is a strategic area in relation to Southeast Asia.

24. Outside the Balikatan Exercises, splintered exercises are conducted. Some of these exercises are Combined Readiness at Sea (CARAT), which is conducted annually involving the US and Philippine Navy; Balance Piston, an annual army-to-army exercise; PALAH (*Panglupa, Dagat at Himpapawid*) Exercise, an annual exercise of the

composite units of the US and Philippine military, which last about two weeks each. In addition to these annual exercises, the US military, through the JSOTFP, also does community relations projects (outside of the Balikatan exercises) in different areas of Mindanao, which include medical missions, minor repainting of schools and visitations to orphanages.

25. The Philippine government can easily provide funds for infrastructure projects and the medical and dental missions that are conducted by the US military in Mindanao since the majority of the manpower is provided anyway by the AFP and the US only gives supplies and materials. It appears, however, that to justify the US military presence in Southern Mindanao, they have to engage in infrastructure projects and medical and dental missions.

26. Technology-wise, Filipino soldiers benefit from the Balikatan by learning to use small pieces of military equipment such as sophisticated guns, which the AFP does not have and does not acquire, and night vision goggles. But Filipino soldiers are not allowed to handle the US military's intelligence equipment. Neither is there any capacity building in intelligence gathering for the Philippine military. Filipino soldiers also get free rides in US military aircraft for Medevac and the Black Hawk, which the Philippine military does not have. But it is the US military that primarily benefits from the exchange of techniques, tactics and procedures in the joint exercises.

27. The R & R (called "Liberty" by the Americans) of the US troops is included in the planning of the Balikatan exercises. In the Balikatan exercises where I was involved, the specific areas where they could go were pre-determined. This was not disclosed to the media. In 2002, it was Angeles and the American soldiers could go as far as Subic. In 2002-1, the R & R places were Angeles, Subic and Cebu. The Americans decide where their troops can go and we are only informed about it. The so-called "Public Affairs Guidance" approved by both sides focus on prescribed public behavior for the troops and on cultural sensitivity. Nothing is said about prostitution. They are simply told that they should be aware of the cultural sensitivity of Filipinos. But I witnessed how officers and enlisted personnel of the US military pick up women prostitutes and how women prostitutes go to their hotel rooms. I also received reports of many "sexual activities" of US troops in all sorts of places during their "R & R."

28. Sometime in 2003, an American serviceman (a member of the special forces called "green beret") was killed by a bomb while eating in a restaurant by the road. Before the 2003 incident, US soldiers freely roam around Zamboanga City and patronize prostitution places in the city. After the 2003 incident, soldiers are generally restricted to camp although

some are able to go out to patronize establishments engaged in prostitution. Because of the restrictions, Filipino women prostitutes now go to Camp Navarro to "service" US servicemen. This is common knowledge among Philippine and US military officials. The sexual servicing occurs in different areas in the Camp. Many think that "nababastos ang kampo" because of the prostitution going on within the Camp.

29. Over the years, I saw an increase in the number of establishments in Zamboanga City catering to US servicemen, and many of these are obviously involved in prostitution.

30. I experienced and witnessed the arrogant, high-handed and imperious conduct, behavior and attitude of many US military officers and enlisted personnel as well as their civilian employees towards us Filipinos. Generally, they call us like they are summoning their servants. They often impose on us their wishes and expect us to submit to their commands. On the whole, their assertions of power and authority appear like they rule over us and the country.

MARY NANCY P. GADIAN
Affiant

SUBSCRIBED AND SWORN TO before me this 26th day of August 2009 at Quezon City, Philippines after the affiant exhibited to me her Philippine Passport No. XX1323298 issued in Manila on 4 June 2008 and which expires on 3 June 2013 as competent evidence of her identity.

Doc. No. ____;
Page No. ____;
Book No. ____;
Series of 2009.

VFA: Rape of Women, Rape of our Sovereignty

Anger and surprise swept the country over Nicole's alleged recantation. Bitter, largely sexist recrimination and condemnation for her supposed "betrayal" has threatened to overshadow the RP-US Visiting Forces Agreement (VFA).

Let us not forget that the VFA was the context in which Nicole's rape took place, and that as long as the onerous provisions of the VFA are in effect, there will be more Nicoles, other forms of collateral damage, and ever-present threats to the rights of our women and to our basic freedoms as a sovereign people.

Nicole experienced discrimination as a woman and as a Filipino. Just as rape rendered Nicole homeless in her own body, the VFA renders us all Filipinos homeless in our own country. For such is the VFA – an act of rape, an assault on the body politic, a usurpation of people, territory and sovereignty.

Lop-sidedness of the VFA

The Nicole case highlights the gross lop-sidedness of the VFA. Immediately after the rape on November 1, 2005, Philippine authorities could not take custody of the suspects. After a case was filed against them, the Philippine government could not detain the accused.

In December 2006, an agreement between US Ambassador Kristie Kenney and Philippine Foreign Affairs Secretary Alberto Romulo allowed the transfer, in the dead of night, of her convicted rapist Daniel Smith from the Makati City jail to the American embassy. All these happened with the US and Philippine governments using as basis a VFA provision that any accused US personnel shall remain in American custody until completion of all judicial proceedings.

This is clearly a breach of the Philippine Constitution, which mandates that those convicted in a Philippine court, as Smith was, be kept under Philippine custody. The Supreme Court's decision overturned the Kenney-Romulo deal, but it continued to allow Smith to stay in the US Embassy for an undefined period of time, pending the outcome of DFA negotiations with the US.

Senior officials of the GMA administration have alarmingly suggested that the Court of Appeals may free Smith after reviewing his case, and render the issue of custody moot. Contradicting itself, the SC also decided to uphold the constitutionality of the VFA, the very measure which had given Smith entry in the country as part of a foreign military force, as well as his transfer to US custody despite his being convicted of a crime by a Philippine Court.

This was the bone of contention of the suit filed by Nicole et. al. -- questioning the constitutionality of the VFA. The Supreme Court decision affirms the belief that the Philippines and US governments equally recognize the VFA as a binding treaty. However, the US legal system itself bars the VFA from being enforced by and within U.S.' jurisdiction in the absence of an enabling law (*Medellin v. Texas*, 128 S.Ct. 1346, 170 L.Ed.2d 190).

Unity Statement of the Scrap VFA Movement

VFA Turns the Whole Philippines into a US Military Base

Almost ten years of VFA operation has now turned the entire Philippine archipelago into a US military installation, and American troops and military personnel can choose to be present where they please. Large areas are fenced off from local populations, for use by American troops, facilities and equipment.

The Philippine government cannot give definite figures about the size of US troops in the country at any one time, nor the kind of military armaments and equipment brought in. This conveniently rationalizes the supposedly temporary or fleeting nature of US presence in the country, for any semblance of permanence would be a violation of the constitutional provisions restricting the presence of any foreign troops and facilities in Philippine territory to specific conditions.

It is well-documented though, that the Philippines hosts the largest number of exercises and activities with US troops as compared to any other Southeast Asian country. A steady, rising stream of US troops have been arriving in the country for regular military exercises since 2001. These derive legal mandate from the VFA, through which the US commits to conducting these exercises.

Both the US embassy and the Arroyo government play up the humanitarian and peace building side of the missions. They assume that civil society is too naïve to see how US forces are being positioned to defend US economic and political interests in the region. At the same time, they conveniently downplay reports about the involvement of troops in killings of civilians including women and children. They ignore the exploitation of women in and for prostitution, to sexually service US soldiers on R and R.

Dubious Timing of Nicole's "retraction"

Nicole's "retraction" came out just when clamor from a broad range of sectors has been gaining ground for a review of the VFA. Her alleged affidavit is immaterial to the review of the Court of Appeals of Smith's case, so the intent behind hanging Nicole up for public persecution to blunt the opposition to the VFA is more than obvious. The GMA administration has apparently found its trump card vis-à-vis the US, or the leverage it needs to gain various concessions from the newly installed Obama presidency.

The Nicole case has concretely exposed the VFA to the public for what it really is -- a sham agreement. We resist this crudely mounted diversion that— for Nicole's public condemnation might perhaps redound to VFA's gain.

We know better than to be duped by the machinations of powerful but threatened interests of the Arroyo government colluding with US interests to perpetuate their control over Philippine sovereignty.

We demand the investigation into the highly suspicious circumstances that brought about Nicole's alleged retraction, and the dubious disclosure of a draft decision for Smith's acquittal.

We call for the immediate termination of the Visiting Forces of Agreement.

PRIMER
Republic Act. No. 9262
ANTI-VIOLENCE AGAINST WOMEN AND
THEIR CHILDREN ACT OF 2004

Q: What is the Anti-Violence Against Women and their Children Act of 2004 (Anti-VAWC Act)?

A. It is the law penalizing acts of violence against women and their children as a public crime. These acts include physical violence, sexual violence, psychological violence and economic abuse

These acts are punishable even if committed outside the house.

Q: What is violence against women and their children or “VAWC” under the law?

A: this refers to any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had a sexual or dating relationships, or with whom he has a common child, or against her

child whether legitimate or illegitimate, inside or outside the family residence, which result or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse.

It includes threats of the above acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty.

Q: Who are protected by the law?

A: Women and their children.

“Children” means the children of the abused woman, below 18 years old, legitimate or illegitimate, or 18 years old and above who are incapable of taking care of themselves, including children who are not her biological children but who are under her care.

If the acts are committed in the presence of the woman’s child, or if the woman or child is pregnant, the penalty shall be the maximum period prescribed by law.

Example: the woman’s niece who lives with her is a child under her care.

Q: Who are liable?

A: husbands, former husbands, present and former boyfriends or live-in partners, those with whom the woman has a common child, or anyone with whom she has/had sexual or dating relationship.

Women can also be liable under “sexual or dating relationship.” These are the lesbian partners or former partners of the victim.

Example: A woman who has a child by her rapist who harasses or abuses her is protected by this law because they have a common child.

Q: What is “sexual relationship?”

A: It refers to at least a single sexual act.

Example: A prostituted woman can avail of the remedies under the law if she is being harassed or abused or publicly humiliated by a man with whom she had a single sexual contact.

Q: What are examples of punishable acts?

A: Economic abuse: a) not giving adequate financial support to the wife and/or minor children, b) controlling the conjugal business or conjugal or community property or the woman’s own money

Psychological violence: a) marital infidelity, b) repeated verbal abuse, c) public humiliation, c) threatening the woman that she will lose her child, d) stalking or following the woman in her workplace, school or any public or private place without justification

Physical abuse: battery (physical injuries); frustrated parricide

Sexual violence : a) causing or attempting to make the woman or her child to perform sexual acts (that do not constitute Rape) by use of force, threats, intimidation directed against the woman, her child, or her immediate family, b) prostituting the woman or her child.

Q: What does “public crime” mean?

A: Any citizen who has *personal knowledge* of the crime can file a criminal complaint.

Q: What are the remedies of the victim?

She and/or her children can request for:

a) Barangay Protection Order, and/or b) Temporary Protection Order (TPO) and Permanent Protection Order with the court, and c) file a criminal action for violation of R.A. 9262.

Q: What is a Barangay Protection Order or BPO?

A: A BPO is issued by the Punong *Barangay*(PB) or the PB is unavailable, by *kawagad* ordering the offender to desist from committing or threatening physical harm to the victim. It is effective for 15 days and is not extendible.

Q: How does the victim get a BPO?

1. She or her child can go to the *Punong Barangay* or if he/she is not available, to any

kagawad, and apply for a *Barangay* Protection Order (BPO). The application must be in writing, signed and under oath.

2. If there is no notary or public prosecutor and the BPO is urgent, the applicant can attest to the truth of her statements before the PB.
(*manumpa – please supply the correct word in Filipino*))

Q: What is another option for the woman or her child?

A: Without or without a BPO, she can apply for a Temporary Protection Order (TPO) from the Family Court in her place of residence, or if there is no Family Court, in Regional Trial Court, the Municipal Trial Court or Municipal Circuit Trial Court or Metropolitan Trial Court.

Q: Who can apply for a protection order from the barangay or court?

A: the offended party; parents or guardians; ascendants, descendants or collateral relatives within 4th degree, social workers of DSWD or the local government; police, *Punong Barangay* or *Kagawad*

(for Temporary Protection Order in court); lawyer, counselor, therapist; healthcare provider of victim; or at least 2 citizens of the city who have personal knowledge of the commission of the crime.

Example: If the woman is unable to file for a protection order, her sister or first cousin can file for her, but the application must state that the woman consented.

Q: What should the Barangay Officials do when the victim applies for a BPO?

A:

1. Assist her in writing her application. If there is no notary public or it is an emergency, have the applicant take an oath before the PB that her statements are true.

2. Ask questions on the “*salaysay*” or statement of the applicant. Be sure the date of commission of the offense, place and specific circumstances are in the statement.

3. Allow a non-lawyer advocate or non-government organization worker to be with the victim during the proceedings. If a child, request for a social worker.

4. Do not send notice to the respondent. Do not allow the respondent or her/his representative to be present during the *ex-parte* proceeding.

5. Issue the BPO on the same day of application and immediately serve a copy to the respondent.

6. Assist the victim in applying for a Temporary Protection Order with the court as soon as possible.

Q: What if the BPO is violated?

A: The PB or any *kagawad* must file a criminal case for violation of RA 9262 in the Municipal Trial Court or Municipal Circuit Trial Court. Penalty: 30 days imprisonment.

Q: What does the BPO cover? Does it include an order for the respondent to give financial support to his wife and minor children?

A. It is an order for the respondent to stop committing or threatening physical harm only. It cannot include support for the woman and her minor children, or custody of minor children.

Q: So what is the best thing to do to help the woman wants financial support and other remedies?

A: Help her file for a Temporary and Permanent Protection Order in the court where she resides.

Q: What is a Temporary Protection Order (TPO) and Permanent Protection Order (PPO)?

A: A Temporary Protection Order shall be issued by the court on the same day of application. It is effective for 30 days but is extendible or renewable until the hearings on the Permanent Protection Order are finished and a Decision is rendered by the court to grant or deny the PPO.

It can include an order to: a) stay away from the woman and/or her child or any family or household member specified in the order, and from specific

places such as the woman's workplace, school of the children, b) give custody of minor children to the woman, b) give support to the wife and minor children, c) the respondent to leave the house temporarily or permanently (if PPO) regardless of who owns the house, d) give the woman one car or vehicle, e) surrender firearms, f) file a Bond to Keep the Peace.

Q: Where do you file for a TPO?

A. In the Family Court where the woman or her child resides. If there is no Family Court, file in the Regional Trial Court, Municipal Trial Court, Municipal Circuit Trial Court or Metropolitan Trial Court where the woman or her child resides.

Q: Is there a filing fee for a Petition for TPO and PPO?

A: Yes, but if the petitioner is an indigent or even if she is not an indigent but there is an immediate necessity for the issuance of a TPO, the law provides that she is exempt from paying the filing fee.

Q: What is a Bond to Keep the Peace for?

A It is for the purpose of ensuring that the respondent will not violate the TPO or PPO. The amount of the bond is up to the judge. If the respondent violates the TPO or PPO, this bond will be forfeited.

Q: *Can the barangay officials mediate or conciliate?*

A: No. conciliation and mediation of acts of violence against women and their children are not allowed under this law (Sec. 33, RA 9262). R.A. 9262 amended Secs.410-413 of the Local Government Code.

The *barangay* officials, police or social workers should not attempt to mediate or influence the woman to give up her legal action or application for a BPO,TPO or PPO.

Q: *What are the duties of barangay officials and law enforcers?*

A:

1. enter the house of the victim if necessary, whether or not a B PO or Temporary Protection Order has been issued
2. confiscate any deadly weapon
3. arrest the offender even without a warrant when the act is being committed, or they have personal knowledge that the abuse has just been committed
4. transport victim to a safe place or to a clinic
5. assist victim in getting personal things from the house
6. ensure the enforcement of Protection Orders issued by the *barangay* or by the courts.

Q: Can barangay officials arrest the perpetrator without a warrant?

A: Yes. Arrest him or her when any of the acts under R.A. 9262 is occurring, or when the barangay official has personal knowledge that any act of abuse has just been committed, and there is imminent danger to the life or limb of the victim.

Any citizen or law enforcer can also arrest the perpetrator if the situation also falls under the Rules on Warrantless Arrests, or when....(TO BE SIMPLIFIED HERE)

protection order in court without payment of court fees.

Q: Can barangay officials, police, social workers or private individuals be sued for trespassing if they enter the house of the victim?

A: No. They are exempt from civil, criminal or administrative liability. Even private individuals, including foreigners who intervene to help the victim are exempt from civil and criminal liability.

Q: When was the law signed by President Gloria Macapagal-Arroyo?

A: March 8, 2004. It took on March 27, 2004.

Q: What are the rights of victims under this law?

1. A: 1. to be treated with respect and dignity
2. legal assistance from the Public Attorney's Office or any public legal assistance, including from the local government unit.
3. support services from DSWD and local government
4. to be informed of their rights and services available, including their right to a protection order
5. if the victim is an indigent, or even if she is not but there is an immediate necessity to act on the protection order, the victim can file for a

AND LAWYERS AND NGOs **WHO AGREE TO PRINT THEIR NAMES AND PHONE NUMBERS IN THIS PRIMER**

CHAPTER TWO

COMMON QUESTIONS ASKED BY BARANGAY OFFICIALS

AFTER CHAPTER TWO:

TO BE SUPPLIED:

DIRECTORY OF PNP STATIONS IN METRO MANILA AND REGIONAL OFFICES WITH PHONE NUMBERS, DSWD METRO MANILA AND REGIONAL OFFICES

* This Primer was prepared for *barangay* officials by **Atty. Rowena V. Guanzon**, Consultant on Gender and Local Governance of the DILG. As Consultant on Women's Rights and Children's Rights to Senate President Franklin Drilon she helped draft RA 9262. She was former Mayor of Cadiz City, Negros Occidental (1986-1992).