



COMMISSION ON HUMAN RIGHTS
REPUBLIC OF THE PHILIPPINES

HUMAN RIGHTS SITUATIONER REPORT

CHR REGION IV-A

(First Semester 2019)

Part I.

REGIONAL PROFILE

Philippines

Calabarzon Region



Region IV-A, also known as CALABARZON, was created by virtue of Executive Order 103 which was approved on May 17, 2002, creating Region IV-A and Region IV-B and transferring the province of Aurora under the territorial and administrative jurisdiction of Region III. The region is located in south-western part of Luzon, just south and east of Metro Manila, on the east by the Philippine Sea and Bicol Region, on the

south by Verde Island Passage, and on the west by Luzon Sea. It is practically accessible via all types of land transportation.¹

CALABARZON consists of five (5) provinces, twenty four (24) congressional districts, nineteen (19) cities, twenty four (124) municipalities, and four thousand eleven (4,011) barangays.²

POLITICAL SUBDIVISION OF REGION IV-A						
Province	Land Area (sq. kms.)	Provincial Capital	Number			
			Cong. Dist.	Cities	Mun.	Bgy.
Cavite	1,287.55	Trece Martirez City	7	7	16	829
Laguna	1,759.73	Sta. Cruz	4	6	23	674
Batangas	3,165.81	Batangas City	5	3	31	1,078
Rizal	1,308.92	Antipolo City	4	1	13	188
Quezon	8,706.60	Lucena City	4	2	39	1,242

The latest Population Census recorded about 14 million Filipinos living in CALABARZON in 2015. The pace of growth has fluctuated for the past three decades and now displays a decreasing trend, from 3.07% annual growth rate in 2000-2010 period to 2.58% in 2010-2015. An indication that there are about 300 thousand Filipinos added to the region's population every year.

Province /HUC	2000	2010	2015
Cavite	2,063,000	3,091,000	3,678,000
Laguna	1,966,000	2,670,000	3,035,000
Batangas	1,905,000	2,377,000	2,694,000
Rizal	1,707,000	2,485,000	2,884,000
Quezon (exc. Lucena City)	1,483,000	1,741,000	1,857,000
Lucena City (HUC)	196,000	246,000	266,000

About one-third of Filipinos in the region were residing in the provinces of Cavite and Laguna, both relatively near Metro Manila and can be accessed easily through land travel. The numerous housing projects situated in the said provinces also relates to the increase in population due to in-migration.³

Among the five provinces comprising the region, Cavite had the biggest population in 2015 with 3.68 million, followed by Laguna with 3.04 million, Rizal with 2.88 million, and Batangas with 2.69 million. Quezon (excluding Lucena City) had the smallest population with 1.86 million.

Cavite was the fastest growing province in the region with an average annual population growth rate (PGR) of 3.37 percent during the period 2010 to 2015. It was followed by Rizal (2.88 percent), Laguna (2.47 percent), and Batangas (2.41 percent). Quezon (excluding Lucena City) posted the lowest provincial PGR of 1.23 percent.

¹ <http://calabarzon.denr.gov.ph/index.php/about-us/regional-profile/reg-profile-physical-socio-eco>

² Id.

³ <http://rpo4a.popcom.gov.ph/2015-05-26-08-42-52/2015-05-26-09-21-46?showall=1&limitstart=>

Part II.

THE HUMAN RIGHTS SITUATION OF DISADVANTAGED, MARGINALIZED AND VULNERABLE SECTORS IN CALABARZON

A. Women

1. Women in Region IV-A (CALABARZON)

I. Number of Docketed Cases

As the Philippine's Gender *Ombud*, the Commission on Human Rights is mandated to ensure the promotion and protection of women's human rights and to investigate on all violations of human rights against women.

From January 2019 – June 2019 a total of 457 cases have been docketed and forwarded for either investigation or appropriate legal assistance. Ninety-one (91) of which or 19.91% of the cases involved female victims. Only one client from the LGBTI community has been logged.

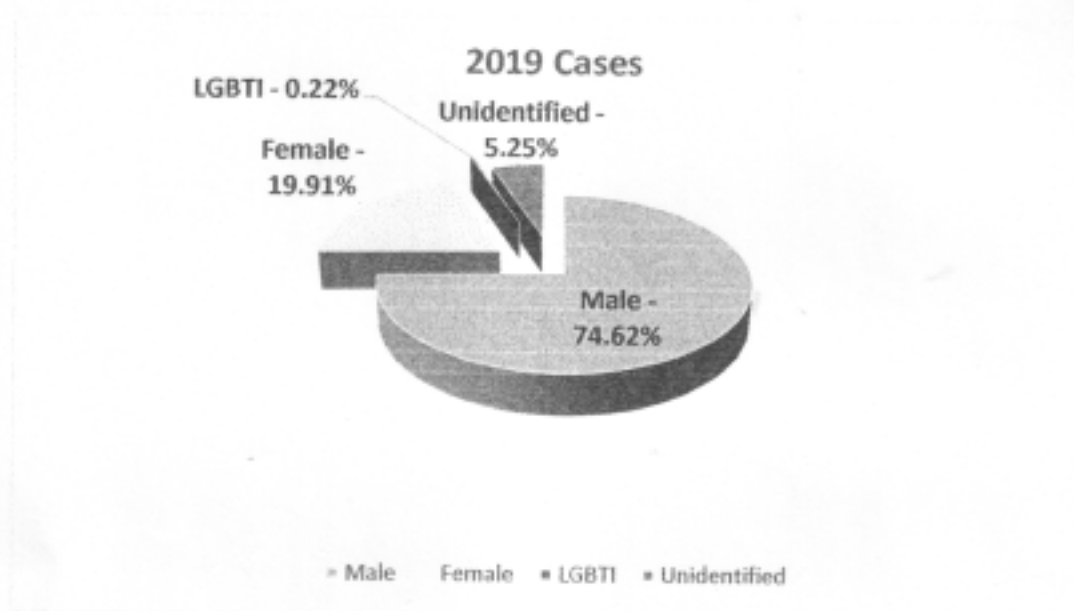


Chart 1: Disaggregated Data of Victims (as of 30 June 2019)

Year	GBV Cases	Non-GBV Cases	Total
2013	86	193	279
2014	73	199	272
2015	87	212	299
2016	53	257	310
2017	73	298	371
2018*	75	359	434
2019	70	361	431

Table 1: Number of Docketed Cases for Investigation from 2013-2019

*2018 Cases - as of 04 October 2018 (Excludes Cases for Legal Assistance)

II. Nature of Cases Filed

For the first half of 2019, the top three (3) nature of cases involving women which was taken cognizance by this Office are: a) *Rape or Violation of Republic Act No. 8353 (21.98% or 20 cases)*, b) *Violation of Republic Act No. 9262 or Anti-Violence Against Women and their Children (Anti-VAWC) (7.69% or 7 cases)*, and c) *Pre-demolition cases (PDC) (6.59% or 6 cases)*. Other cases docketed for the year include Violation of Republic Act No. 7610 or Anti-Child Abuse Law, Sexual Harassment, Human Trafficking, *et. al.*

In comparison with last year, there has been a reduction in the number of Child Abuse cases which ranked 3rd in the early part of 2018. For this year, only one (1) Child abuse case docketed, in exclusion of Rape cases reported.

Nature of Cases involving Women Clients (2019)

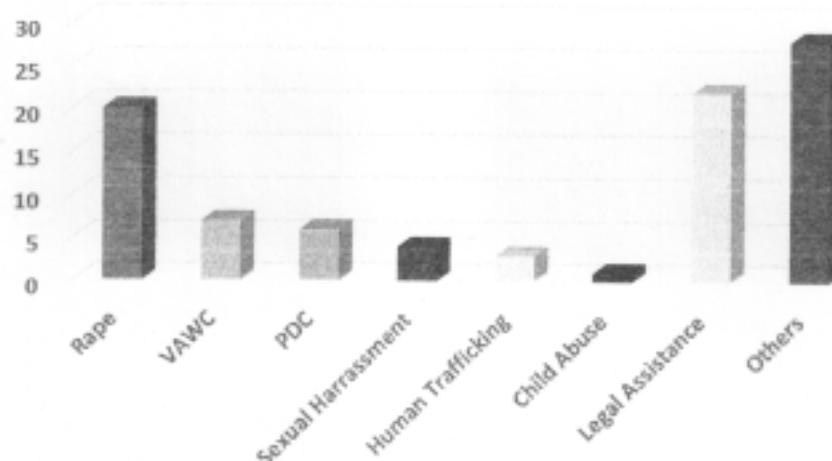


Chart 2: Nature of Gender-Based Violence Cases docketed for the first Semester of 2019.

Nature of Case	Count	%
RAPE	20	21.98%
VAWC	7	7.69%
PDC	6	6.59%
EJK	5	5.49%
SEXUAL HARRASMENT	4	4.40%
HUMAN TRAFFICKING	3	3.30%
HOSPITAL DETENTION	3	3.30%
PHYSICAL INJURIES	2	2.20%
OTHER KILLINGS	2	2.20%
LAND DISPUTE	2	2.20%
CHILDAUSE	1	1.10%
ABUSE OF AUTHORITY	1	1.10%
LIBEL	1	1.10%
OTHERS	12	13.19%

Table 2: Breakdown of docketed cases for the first semester of 2019

A. Rape or Sexual Abuse

The crime of Rape or Sexual Abuse which ranked first in 2018 topped the list of cases received this year by this Office. Compared, however, to last year's number of rape cases, the docketed cases of said nature was reduced by 41.18%.

OFFENSE	2013	2014	2015	2016	2017	2018*	2019
Rape/Sexual Abuse*	13	8	11	6	26	34	20
RA 9262	45	35	33	25	19	11	7
RA 7610	19	23	39	18	19	20	1

Table 3: Nature of Cases from 2013-2019, as of 30 June 2019.

*Records for 2018 is until 04 October 2018 only

B. VAWC

For 2019, this Office has received seven (7) VAWC cases, majority of which involve Economic Abuse or failure to provide Financial Support, a reduction of 27.27% from last year's records.

C. Extra Judicial Killing case involving a member of the LGBTI Community

On 26 March 2019, this Office received a directive from Strategic Communication Division noted in Memorandum No. SDC-M-26C19-094 to investigate on the case of Ferdinand Legaspi who was killed in a buy-bust operation by the Lucena City Police on 24 March 2019 after reportedly resisting arrest in Barangay Dalahican, Lucena City.

In response, this Office took cognizance of the case docketed as CHR-IV 2-19-0250 pursuant to its mandate to conduct *motu proprio* investigations on all forms of human rights violations. As a *prima facie* illustration thereof, a subpoena was sent to PSupt. Reydante E. Ariza, Chief of Police, Lucena City Police Station requesting for a Comment on the aforementioned case. The case remains pending to date.

III. Intersection with Other Vulnerable, Marginalized and Disadvantaged Sectors

A. Persons Deprived of Liberty (PDL)

Jail visitations were conducted by this Office in thirty-six (36) detention facilities within CALABARZON to ensure that the human rights condition of women and LGBTI inmates presently detained therein are protected. It has been reported that there are seventy-nine (79) members of the LGBTI community detained in the said jail facilities.

Among the assistance given to women and LGBTI PDLs include free legal advice and providing recommendations to cell leaders and jail officials to ensure that the human rights of these people are safeguarded.

B. Persons with Disabilities (PWD)

On 17 June 2019, this Office conducted a Livelihood Workshop and Lecture on the rights of PWD Women. The participants were apprised of their rights under the Magna Carta for Disabled Persons.

IV. VAWC Desks Monitoring

As Gender Ombud of the country mandated to advocate the promotion and protection of human rights of all women within the Philippines as well as Filipinos abroad, this Office conducted monitoring of the availability of VAWC Desks in several barangays within its jurisdiction. A total of nineteen (19) barangays were visited.

It was discovered during the said visits that nine (9) of the 19 barangays or 47.37% do not have VAWC Desks. But only one (1) or 11% does not have a trained VAWC Desk Officer. Such problems arise due to lack of funding or financial assistance to provide the facility necessary from the LGU.

V. Assistance Given to Women and LGBTI

This Office, in relation to its Constitutional mandates, continually and continuously provides the following assistance to its women clients, namely: a) Information, advocacy and trainings to stakeholders, b) Financial Assistance, c) Legal assistance and Referrals, and d) Issuance of Human Rights Policy Advisory.

A. Information, advocacy and trainings

Through the initiative of the Promotions Division with the assistance of the Speaker's Bureau, a total of Eight (8) lectures and activities were conducted by this Office for 2018. In fact, for the celebration of the Women's Month alone, seven (5) orientations were conducted by this Office with relevant activities to enhance awareness of different sectors and stakeholders on women's rights and to consequently depict the greater importance of commemorating the celebration of the National Women's Month.

Lecture Conducted	Date
National Awareness Week and Prevention of Child Sexual Abuse and Exploitation at Pag-ibig and Pag-asa School	19-Feb-19
Women's Day/ Purple Action Day: Panawagan sa Halalan: Agenda ng mga Kababaihan	8-Mar-19
Women's Month Celebration: VAWC Lecture at Del Remedio National High School	1-Mar-19
Women's Month Celebration: Lecture on Women's	15-Mar-19

Rights at PSA, San Pablo City	
Women's Month Celebration: T-Shirt Project at Gumaca Crisis Center	22-Mar-19
Women's Month Celebration: Human Rights Symposium on Gender Equality at Philippine High School for the Arts	25-Mar-19
International Day Against Homophobia, Biphobia and Transphobia (IDAHOT) Celebration at Dalubhasaan ng Lungsod ng San Pablo, Laguna	31-May-19
Discussion of Rights of Women Persons with Disability at Batangas City	17-Jun-19

Table 4: List of Gender-Related Lectures and Activities

B. Financial Assistance

Financial assistance is an ancillary measure to a case for human rights violation with the objective of giving assistance to the victims or their families and to cushion the economic impact thereof. When the evidence engenders a well-founded belief that a human rights violation was committed, a request for financial assistance must be granted. To date, since the start of the year 2019, a total of nineteen (19) resolutions granting financial assistance have been promulgated by this Office.

C. Legal Assistance and Referrals

Pursuant to its mandate, this Office endeavors to constantly provide appropriate legal measures for the protection of women's rights of all persons within the Philippines, as well as Filipinos residing abroad, and provide for preventive measures and legal aid services to women whose human rights have been violated or need protection. A total of twenty-two (22) cases were docketed as Legal assistance for the first semester of the year. Concerns include land disputes, financial support inquiries, labor concerns, and others.

D. Human Rights Policy Advisory

On 04 June 2019, this Office issued a Human Rights Advisory *"On the issuance of Ordinances by the Local Government Units of Region IV-A (CALABARZON) prohibiting Home-Birthing and Imposing Penalties for violation thereof pursuant to the "No Home-Birthing Policy" of the Department of Health to promote the rights of mothers and their children under the UDHR and ICCPR.*

B. CHILDREN**1. Children in Region IV-A (CALABARZON)**

In the Philippines, of the household population in 2010, 33.4% were under 15 years of age or 30.7 million. Children aged below 5 years old comprised 11.1% of the household population in the entire country. Children with ages 5 to 9 years accounted for 11.2% of the household population, and those aged 10 to 14 years, another 11.0%. By comparison, in 2000, children under 15 years old accounted for 37.1 percent of the household population in the country. Children below 5 years of aged comprised 12.7 percent of the total household population.⁴

Children in CALABARZON under the age of 15 years old comprised 13.19% of all children in the country or approximately 4.05 Million. In terms of the distribution by age and sex, there were more males than females in age groups 0 to 14 years in 2010, with the male children comprising 51.71% of these age groups and 48.29% female children.

CALABARZON	Both Sexes	Male	Female
Under 5 y.o.	1,367,365	709,756	657,609
5-9	1,355,308	701,696	653,612
10-14	1,326,341	682,374	643,967
Total	4,049,014	2,093,826	1,955,188

Table 1: Population of Inhabitants aged (0-14) as of 2010.⁵

Cavite has the highest number of children under the age of 15 years old comprising 23.77% of children within CALABARZON while Quezon had the lowest number of children under the same age group, consisting 15.11% of children in the region.

PROVINCE	Both Sexes	Male	Female
Batangas	760,986	393,989	366,997
Cavite	962,389	496,551	465,838
Laguna	829,726	429,939	399,787
Quezon	612,200	316,269	295,931
Rizal	802,398	415,188	387,210

Table 2: Population per Province of Inhabitants per aged (0-14) as of 2010.⁶

⁴ The Age and Sex Structure of the Philippine Population, PSA, accessed online at <https://psa.gov.ph/content/age-and-sex-structure-philippine-population-facts-2010-census> on 11 October 2018.

⁵ Household Population by Age Group and Sex by Province, PSA, accessed online at <https://psa.gov.ph/sites/default/files/attachments/hsd/pressrelease/Region%20IVA%20-%20CALABARZON.pdf> on 11 October 2018.

⁶ Household Population by Age Group and Sex by Province, PSA, accessed online at <https://psa.gov.ph/sites/default/files/attachments/hsd/pressrelease/Region%20IVA%20-%20CALABARZON.pdf> on 11 October 2018.

VI. Number of Docketed Cases

For the first semester of 2019, this Office received a total of at least thirty-seven (37) cases or 8.09% of the 457 docketed cases. This is a decrease of 47.89% from last year's 71 cases involving child victims.

Victims	2017	2018*	2019
Children	55	71	37
Adult	316	363	423
Total	371	434	457

Table 1: Number of Docketed Cases 2017-2019

*Data for 2018 is until 04 October of 2018 only and excludes cases for Legal Assistance

Majority of the child victims are females. 29 of the 33 docketed cases or 78.38% of the cases involved female victims. No case involved any LGBTI child victim. While 18.92% or 7 involved male victims.

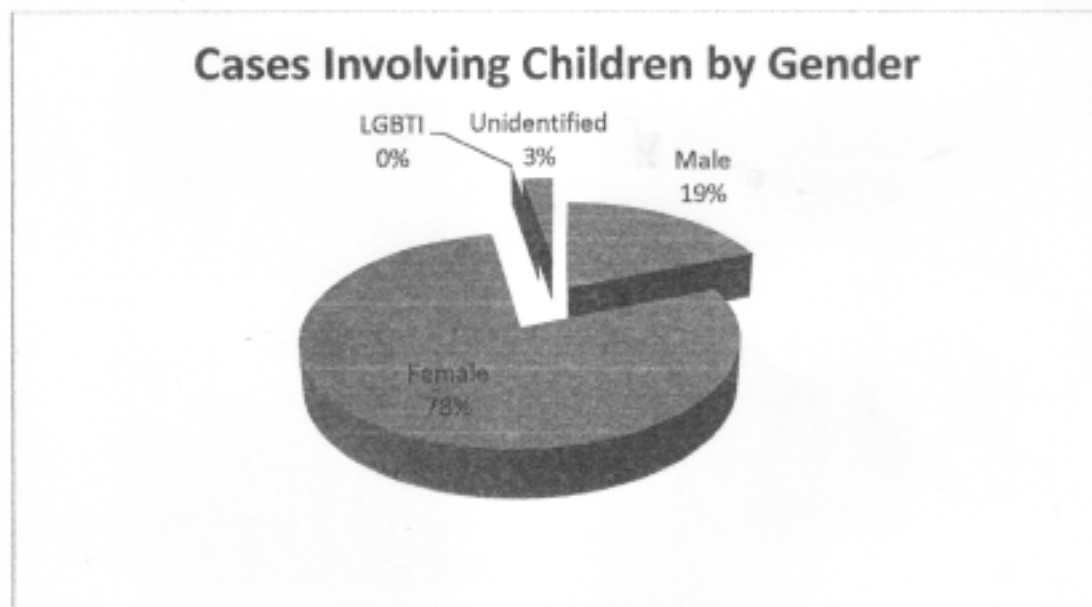


Chart 1: Disaggregated Data of Victims (as of 30 June 2019)

VII. Nature of Cases Filed

As of 30 June 2019, the top three (3) nature of cases involving child victims which were taken cognizance by this Office are: a) *Rape or Violation of Republic Act No. 8353 (37.84% or 14 cases)*, b) *Sexual Harassment (18.92% or 7 cases)*, and c) *Violation of Republic Act No. 9262 or Anti-Violence Against Women and their Children (Anti-VAWC) (16.22% or 6 cases)*. Other cases docketed for the year include *Violation of Republic Act No. 7610 or Anti-Child Abuse Law, Hospital Detention, Child Trafficking, Other killings, and others.*

In comparison with last year, there has been a reduction in the number of Child Abuse cases which ranked 1st in the early part of 2018. For this year, only one (1) Child abuse case docketed, in exclusion of Rape cases reported.



Chart 1: Nature of Cases involving Child Victims as of 30 June 2019.

A. Rape

Rape of minors has been reported as the recurring predicament raised before this Office. Ages of victims ranged from as young as nine (9) years old up to seventeen (17) years old.

Nature of Case	Count	%
RAPE	14	37.84%
SEXUAL HARRASMENT	7	18.92%
VAWC	6	16.22%
LEGAL ASSISTANCE	3	8.11%
HUMAN TRAFFICKING	2	5.41%
OTHERS	2	5.41%
EJK	1	2.70%
HOSPITAL DETENTION	1	2.70%

Table 2: Breakdown of cases for the 1st Semester of 2019

Ten (10) or 71.43% of the victims are from Quezon Province as endorsed by Ramon P. Baldovino, M.D., Head of Women and Children Protection Unit of Quezon Medical Center. Other modes of cognizance of these type of cases are through walk-in clients, endorsement from the Central Office and social media posts.

Case Type	2017	2018	2019
RA 7610	42	52	1
Hospital Detention	3	6	1
Child Trafficking	1	5	2
RA 9262	3	3	6
Homicide		2	
Unlawful Arrest		2	
Bullying		1	
Alleged EJK	1		1
Child Custody	3		
Other Killings			1
Rape			14
Sexual Harassment			7
Maltreatment	1		
Oral Defamation	1		

Table 4: Cases involving Children from 2017-2019

VIII. Child in Conflict with the Law

A. Facility Visit at Bahay Pag-Asa, Tanay, Rizal

On 18 April 2019, the Jail Visitation Team visited the Rehabilitation and Care for the Youth Center "*Bahay Pag-asa*" (BPA) located at Sitio Batangasan, Barangay Cuyambay, Tanay, Rizal to utilize the tool prepared by the JJWC in order to determine the condition of CICLs housed therein.

The said facility caters to CICLs awaiting court disposition of case or transfer to other agencies, and presently houses nineteen (19) CICLs with ages ranging from fifteen (15) to twenty (20) who are being assisted by ten (10) house parents. Charges filed against the youth offenders vary from Crimes against Persons, Property, and Chastity.

The team also answered legal questions and queries of the CICLs. Some were referred to appropriate courts and agencies for the speedy disposition of their cases.

During the jail visits conducted by this Office, minors were also found detained in police custodial facilities: three in Mulanay Police Station, and one in General Luna Municipal Police Station, both in the province of Quezon. Appropriate measures were undertaken by this Office to transfer the said minors.

IX. Inter-Agency Activities and Programs

This Office was recently informed of the promulgation of Ordinance No. 2017-15 by the City of San Pablo City Government entitled "*An Ordinance Creating the San Pablo City Council for the Welfare and Protection of Children and Allocation Funds thereof*". The said Council is tasked to formulate projects, programs and activities which

shall aim to promote the general welfare and protection of children in the City of San Pablo, Laguna. The Council's approved projects, programs and activities shall be included in the City's Annual Investment Plan.

For 2019, a total of five (5) meetings were attended and participated by the CHR IV-A focal representative together with different governmental and non-governmental agencies catering to the needs and welfare of children. These activities include:

- a) 1st Quarterly Meeting of RSCWC and RJJWC at DSWD IV-A, Alabang on 22 February 2019;
- b) 1st Quarterly Meeting of Regional Inter-Agency Committee Against Trafficking and Violence Against Women and Their Children (RIACAT-VAWC) and Regional Inter-Agency Council Against Child Pornography (RIACAP) – CALABARZON held on 19 March 2019;
- c) 2nd Quarterly Meeting of RSCWC and RJJWC at Lucban, Quezon on 24 April 2019;
- d) Laguna Provincial Council Against Trafficking and Violence Against Women and Their Children (PIACAT-VAWC) Meeting held on 21 June 2019, Sta. Cruz, Laguna;
- e) 2nd RIACAT-VAWC Meeting at DSWD IV-A, Alabang on 25 June 2019.

X. Assistance Given to Children

This Office, in relation to its Constitutional mandates, continually and continuously provides the following assistance to child victims, namely: a) Information, advocacy and trainings to stakeholders, b) Financial Assistance, and c) Legal assistance and Referrals.

E. Information, advocacy and trainings

As spearheaded by the Promotions Division with the assistance of the Speaker's Bureau, this Office conducted a *Kabataan, Karapatan* Caravan (KKC) at San Pablo Science High School, Laguna on 12 February 2019 which were attended by students from primary and secondary education. KKC aims to widen the knowledge of the student-participants on their rights as a child as well as on relevant laws which ensure and safeguard these rights.

Aside from the KKC, this Office also indulged and accommodated invitations from different institutions to be resource person on Children's Rights topics. The following are the lectures/trainings/activities attended by this Office:

Lecture Conducted	Date
National Awareness Week and Prevention of Child Sexual Abuse and Exploitation at Pag-ibig and Pag-asa School	19-Feb-19
Camp Giting at Bay, Laguna	23-25 Feb-19
Discussion of the UNCRC at Del Remedio National High School, San Pablo City	9-Mar-19

Discussion on Human Rights and Gender Equality at Philippine High School for the Arts, UPLB	25-Mar-19
Regional Celebration of World Day against Child Labor	17-Jun-19

F. Financial Assistance

Financial assistance is an ancillary measure to a case for human rights violation with the objective of giving assistance to the victims or their families and to cushion the economic impact thereof. When the evidence engenders a well-founded belief that a human rights violation was committed, a request for financial assistance must be granted. To date, since the start of the year 2019, a total nineteen (19) resolutions granting financial assistance has been promulgated by this Office.

G. Legal Assistance and Referrals

Pursuant to its mandate, this Office endeavors to constantly provide appropriate legal measures for the protection of rights of all children within the Philippines, as well as Filipinos residing abroad, and provide for preventive measures and legal aid services to children whose human rights have been violated or need protection. For the year, the Legal Division has assisted a number of CICLs who experienced frequent resetting of hearings which caused delay in the resolution of cases against them. Letters to appropriate courts and the Public Attorney's Office were sent to relay their concerns.

C. PERSONS WITH DISABILITIES

The *UN Convention on the Rights of Persons with Disabilities* ("CRPD") was adopted on 13 December 2006 at the United Nations Headquarters in New York with 82 signatories, one of which is the Philippines.⁷ The CRPD changed the attitudes and approaches to persons with disabilities (PWDs) by viewing them as "subjects" with rights, who are capable of claiming those rights and making decisions for their lives based on their free and informed consent as well as being active members of society.⁸ It adopts a broad categorization of persons with disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms. It clarifies and qualifies how all categories of rights apply to persons with disabilities and identifies areas where adaptations have to be made for persons with disabilities to effectively exercise their rights and areas where their rights have been violated, and where protection of rights must be reinforced.⁹

Persons with disabilities ("PWDs"), according to CRPD, include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. This disability refers to **disability** as "an umbrella term covering

⁷ UN Convention on the Rights of Persons with Disabilities (CRPD)

⁸ Ibid.

⁹ Ibid.

impairments, activity limitations, and participation restrictions. An impairment is a problem in body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual in involvement in life situations".¹⁰ This denotes a negative interaction between a person (with a health condition) and his or her contextual factors (environmental and personal factors). A comprehensive approach in interventions is then necessary for persons with disabilities (PWDs) as it entails actions on helping them to overcome difficulties by removing environmental and social barriers.¹¹

I. PERSONS WITH DISABILITIES (PWDs) IN REGION IV-A (CALABARZON)

Globally, over 1 billion people have some form of disability or approximately 15% of the world's population.¹² In the Philippines, the results of the 2010 Census of Population and Housing (CPH, 2010) show that out of its household population of 92.1 million, the PWDs were 1.443 million Filipinos or 1.57% has a disability. Specifically, the recorded figure of PWDs in 2000 CPH was 935,551 persons, which was 1.23 percent of the household population.¹³

Region IV-A (CALABARZON), among the 17 regions, was recorded to have the highest number of PWDs having 192,664 PWDs, while the Cordillera Administrative Region (CAR) had the lowest number with 26,000 PWDs.¹⁴ There were more PWDs females in Region IV-A (CALABARZON) with 97,407 of the total PWD in 2010, compared to males with 95,257. Kindly see details of Chart 1 below:

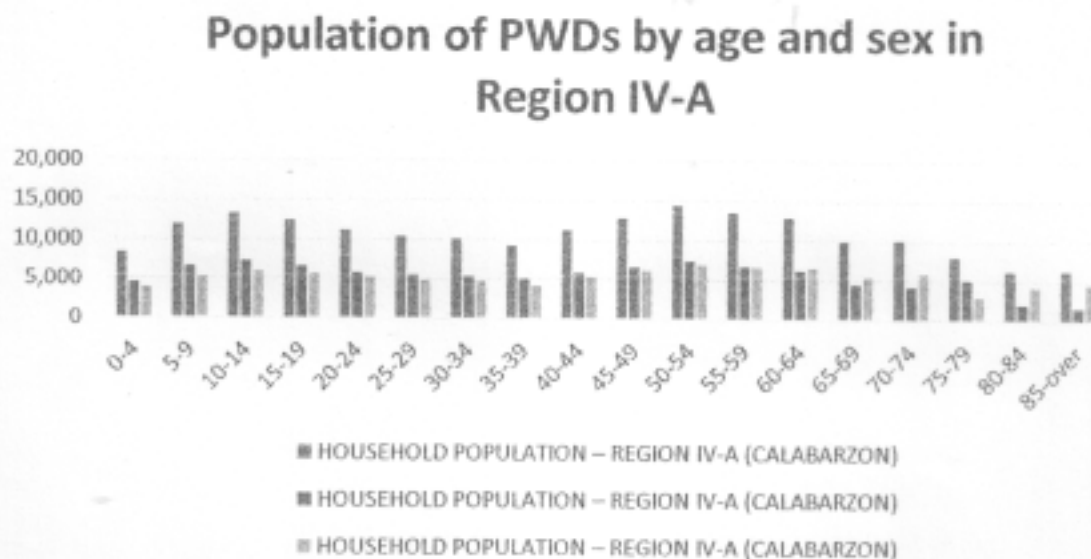


Chart 1: Household Population of PWDs in Region IV-A (CALABARZON) by age and sex based on 2010 Census (PSA).¹⁵

¹⁰ Definition of disability by International Classification of Functioning, Disability and Health (ICF) in relation to PWDs

¹¹ Ibid.

¹² Based on World Health Organization (WHO) 2012 cited in DOH Health and Wellness Program for Persons With Disabilities (PWD), accessed online at <https://www.doh.gov.ph/persons-with-disabilities> on 13 June 2019.

¹³ Philippine Statistics Authority (PSA) Persons with Disability in the Philippines (Results from the 2010 Census) accessed online at <https://psa.gov.ph/content/persons-disability-philippines-results-2010-census> on 13 June 2019.

¹⁴ Ibid.

¹⁵ Supra, note 8

regarding the alleged arrest and detention of _____ a
PWD, in Sta Cruz Municipal Police Station ("Sta. Cruz MPS") on 08 April 2019.²⁷

Accordingly, this Office, on 09 April 2019, immediately proceeded to the said MPS to inquire on the status of _____ detention.²⁸ At that time, _____ had already undergone an inquest proceedings and the case has already been filed in court. However, the medical certificate showing that _____ is a PWD was not promptly presented during the inquest. Nevertheless, _____ was apprised that the case will be referred to the Public Attorney's Office (PAO). Thus, on 11 April 2019, a letter was sent to the PAO of Sta. Cruz for possible legal representation and assistance.

_____ on 15 April 2019, informed this Office that the PAO could not handle her son's case due to conflict of interest and thus, the case was endorsed to the Integrated Bar of the Philippines (IBP) Laguna Chapter thru its President, Atty. Jerwin Lopez.²⁹

5. Alleged Violation of Sections 39 and 40 of RA 9442 (Magna Carta For Disabled Person)

On 15 April 2019, a memorandum letter dated 12 April 2019 from the Legal Office (LO), Central Office was received by this Office referring the alleged human rights violation committed against PWDs committed by _____³⁰

_____ posted a video clip in the social media wherein he was making fun, contemptuously imitating and making mockery of person with disability.³¹ Such act _____ is violative of the right of PWDs and is tantamount to public ridicule under *Sections 39 and 40 of RA 9442 (Magna Carta for Disabled Person)*.

Upon receipt of the letter, this Office then issued a letter _____ requesting him to appear before this Office on 03 June 2019 in order to discuss the matter. However, _____ failed to attend the same. To date, the investigation of the case is still on-going and another letter was already sent

III. ACTIVITY INVOLVING PWDs

Only one (1) activity involving PWDs was conducted by this Office for the first half of 2019. This activity/survey and focal group discussion entitled "*Documenting the Human Rights Situation of Persons With Disabilities (PWDs) in the Province of Batangas*" was held on 27 March 2019, headed by Atty. Mila J. Punzalan, *Attorney IV*, Liberata Baluyut, *Special Investigator II*, and Lea E. Liabres, *Information I*.³² There were

²⁷ CHR Region IV-A Memorandum dated 15 April 2019 (Subject: After Mission Report: Complaint of Evangeline Fuentes) ("Memorandum")

²⁸ Paragraph 1, Page 1 of the Memorandum

²⁹ Par. 4, Page 4 of the Memorandum

³⁰ Paragraph 1, Page 1 of the Legal Office Memorandum dated 12 April 2019

³¹ Ibid.

³² Paragraph 1, Page 1 of the After Activity Report: Conduct of Survey and Focal Group Discussion with PWDs dated 23 April 2019 ("After Mission Report - PWDs")

forty (40) participants from different PWD groups (together with their personal aides) who attended the said activity.³³

During the said activity, the issues on housing, livelihood program, health, water and employment were raised, as follows:³⁴

1. Lack of housing programs for PWDs³⁵
 - The houses built by the government housing programs fails to meet the needs of the PWDs.³⁶
 - Houses has no ramps, doors are not appropriate for wheelchair users, etc.³⁷
2. Lack of services for PWDs³⁸
 - Non-provision of interpreters in court for deaf-mute.³⁹
 - Insufficiency of braille materials in public schools for the blind.⁴⁰
 - Lack of trainings of public school teachers to handle PWDs.⁴¹
3. Non-Exhaustion of the 1% required employment for PWDs in government agencies under the Magna Carta for PWDs.⁴²
4. Discrimination of PWDs in availing health care and social services.⁴³
5. Insufficiency of budget for the implementation of programs, projects and activities under Republic Act (R.A.) No. 10070 – An Act requiring the creation of Person with Disability Affairs Office (PDAO) by local government units.⁴⁴

D. INDIGENOUS PEOPLES

"Indigenous peoples" refer to a group of people or homogeneous societies identified by self-ascription and ascription by others, who have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, became historically differentiated from the majority of Filipinos.⁴⁵ Simply put, they are inheritors and practitioners of unique cultures and ways of relating to people and the environment.⁴⁶

³³ Par. 3, Page 2 of the After Mission Report - PWDs

³⁴ Par. 5, Page 2 of the After Mission Report - PWDs

³⁵ Par. 5, No. 1, Page 3 of the After Mission Report - PWDs

³⁶ Ibid.

³⁷ Ibid.

³⁸ Par. 5, No. 2, Page 3 of the After Mission Report - PWDs

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ Ibid.

⁴² Par. 5, No. 3, Page 3 of the After Mission Report - PWDs

⁴³ Par. 5, No. 4, Page 3 of the After Mission Report - PWDs

⁴⁴ Par. 5, No. 5, Page 3 of the After Mission Report - PWDs

⁴⁵ Section 1, Rule II, Rules and Regulations Implementing Republic Act No. 8371 or The Indigenous Peoples' Rights Act of 1997.

⁴⁶ <https://www.un.org/development/desa/indigenouspeoples/about-us.html>, accessed on 10 October 2018.

They have retained social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live.⁴⁷

Like all human beings, IP's are instilled with both collective and individual rights.⁴⁸ The rights of indigenous cultural communities/indigenous peoples are universal, indivisible, interdependent and interrelated.⁴⁹

I. Demographics of IPs in Region IV-A (CALABARZON)

In CALABARZON, five (5) known IP Communities are inhabitants thereof, namely: a) Dumagats, b) Dumagat/Remontado, c) Aeta, d) Badjao, and e) Igorot.

As of 2010, more or less 62% of the IPs residing within CALABARZON or 10,402 IP individuals are situated in Rizal. Majority of which, particularly the Dumagats/Remontados are highly populated in Tanay with 6,880 IP inhabitants.

Province	Municipality	Ethnolinguistic Group	No. of Brgy/Sitio	Total Population	Total Per Province
RIZAL	1. Tanay	Dumagat/Remontado	10 brgys	6,880	10,402
	2. Antipolo	Dumagat/Remontado	2 brgys/ 3 sitios	916	
	3. Rodriguez	Dumagat/Remontado	3 brgys/12 sitios	2,606	
QUEZON	1. Gen. Nakar	Dumagat/Remontado	613	2,814	6,159
	2. Real	Dumagat	38	156	
	3. Infanta	Dumagat	10	52	
	4. Polillo	Dumagat	68	303	
	5. Panukulan	Dumagat	27	120	
	6. Burdeos	Dumagat	268	1,610	
	7. Mauban	Dumagat	8	35	
	8. Tayabas	Aeta	58	264	
	9. Catanauan	Aeta	66	306	
	10. Alabat	Aeta	19	142	
	11. Atimonan	Aeta	3	11	
	12. Lucena	Badjao, Aeta	65	233	
	13. Buenavista	Dumagat	23	113	
	14. Lopez				
BATANGAS		Aeta, Badjao	50	193	193
LAGUNA		Badjao	No data	No data	No data

Table 1: Population per Municipality/City as of 2012 (Source: NCIP)

⁴⁷ *Ibid.*

⁴⁸ 2017 National Inquiry on the Human Rights Situation of the Indigenous Peoples in the Philippines.

⁴⁹ Section 1, Rule I, Rules and Regulations Implementing Republic Act No. 8371 or The Indigenous Peoples' Rights Act of 1997.

A. Dumagats/Rementados

The Dumagats/Rementados are dispersed within the three (3) provinces of CALABARZON particularly in Quezon, Rizal, and Laguna. This group has NICP recognized and/or awarded Ancestral Domains in Barangays Umiray, Lumutan, Canaway, Sablang, Magsikap, Pagsangahan, Maligaya, San Marcelino and portions of Catablingan, Minahan Norte, Mahabang Lalim, and Minahan Sur, all in the municipality of General Nakar, province of Quezon; portion of municipality of Montalban, province of Rizal; Brgys. Puray, San Rafael, San Isidro and Mascap, Muns. of Rodriguez (Montalban) and portion of Brgy. Maly, San Mateo, Rizal, Brgys. Sampaloc, Santa Ines, Tinukan, San Andres, Santo Nino, Liaban, Alas Asin, Daraitan, portion of Brgy. Kamagong, Mun. of Tanay, Prov. Rizal and portion of Brgy. Santiago, Laguna.

B. Dumagats

Meanwhile, Dumagats have ongoing Ancestral Domain/Land Delineation Petition at Brgy. Calawis and portions of San Jose, Antipolo City (estimated area: 13,000 has) and So. Kalawines, Bgy. Tanawan, Real, Quezon and Brgys. Tignoan, Mapalad, Lubayat, Pandan, Real and Brgys. Cagsiay III, Mauban, Quezon (estimated area: 24, 650 has).

II. Number of Docketed Cases

Only one (1) case⁵⁰ involving several IP individuals is presently docketed for *motu proprio* investigation for the first semester of 2019. On 02 April 2019, this Office received a Memorandum (CHAD-M-01D19-00334) dated 01 April 2019 from the Citizen's Help and Action Division endorsing the request for Investigation on the Plight of IPs in relation to the Construction of the Kaliwa Dam and measles outbreak.

The Kaliwa Dam project, a \$211.21-million loan from China, is being touted as a solution to Metro Manila's water requirements.⁵¹ However, a number of protesters to the said project including the Dumagats, led by Marcelino Tena, call on the government to stop the project as it would affect thousands of lives and would destroy the serenity of the Sierra Madre mountain range. The group argued that aside from losing their livelihood, the project would pose great danger to the environment as it would increase the risk of flooding and landslide in addition to the damaging effects of global warming.⁵²

In response, this Office attended the Dialogue held at the Tanay Municipal Administrator's Office on 08 April 2019 which was attended by NCIP Region IV-A, Tanay Municipal Health Officer, different CSOs,

and several

Dumagats from Rizal.

⁵⁰ CHR IV-2019-0562.

⁵¹ <https://www.philstar.com/headlines/2019/04/02/1906682/coalition-rejects-china-funded-kaliwa-dam-project>, accessed on 26 July 2019.

⁵² <https://bayangpilipinas.com/kaliwa-dam-project-will-destroy-us-our-homes-dumagat-tribe/> accessed on 26 July 2019.

Regarding the issue of the *Kaliwa Dam*, the *Sangguniang Bayan* has reportedly issued a Resolution supporting the construction of a lower dam (called a wier dam) which will entail less adverse effects on the affected indigenous communities. The Free and Prior Informed Consent (FPIC) is still being processed according to Jennifer Gerones, NCIP Field Officer.⁵³

On the other hand, the Tanay municipal government, thru Mr. Ranillo Rodrigo Resuello, Municipal Administrator, reported that they have monitored measles cases and provided basic health services and preventive measures in upland barangays affected by the outbreak. Eighty-nine percent (89%) of the children population in nineteen (19) barangays have been inoculated during the Measles Rubella Supplemental Immunization Activity as of June 1, 2019⁵⁴ "in compliance with DILG Memorandum Circular 2019-047 dated 26 March 2019 vis-à-vis DOH-NCIP-DILG Joint Memorandum Circular No. 2013-02.

J. PERSONS DEPRIVED OF LIBERTY

From January to June 2019, this Office visited thirty-six (36) places of detention with 7,320 persons deprived of liberty (PDL).

Congestion continues to be the most common problem confronting the jail authorities. The average congestion rate based on the places of detention visited is 412.8%. The province of Rizal has the highest congestion rate at 785% while the province of Quezon is the least congested at 88%.

The most congested place of detention visited is the Santa Rosa City Jail with a 1,670% congestion rate, while the least congested place of detention visited (occupied) is the Catanauan Municipal Police Station with a 12% congestion rate. Several places of detention had no PDLs at the time of visit, namely: Agdangan Municipal Police Station in Quezon⁵⁵; Amadeo Municipal Police Station in Cavite, and Tingloy Municipal Police Station in Batangas.

Province	Places of Detention Visited	PDLs Visited	Congestion Rate
Cavite	7	1,377	542%
Laguna	7	1,528	456%
Batangas	6	342	193.5%
Rizal	5	3,841	785%
Quezon	11	232	88%

⁵³ Letter from the Tanay Municipal Administrator dated 18 June 2019.

⁵⁴ *Id.*

⁵⁵ Under renovation at the time of visit.

The congestion problem is partly caused by the slow disposition of cases.

Another contributory factor to the overcrowding is the lack of standard-sized places of detention, especially among the PNP custodial facilities

During the jail visit at the Dasmariñas City Police Station in Cavite, the jail visitation team from this Office encountered difficulties in properly inspecting the place of detention due to severe overcrowding, humidity and the unbearable stench of decaying human flesh inside the facility. It was discovered that several detainees were stricken with various skin diseases prompting this Office to request medical intervention on behalf of the PDLs from the City Health Office and the CHR Forensic Center. Aside from this, twenty (20) other PDLs were confined in a nearby hospital due to other medical conditions such as heart and lung ailments.

Furthermore, and despite intensified promotional activities among state agents, this Office continues to receive complaints of torture committed inside places of detention. Two cases⁵⁶ were reported at the Batangas Provincial Jail, two⁵⁷ at the Santa Rosa City Police Station, and one⁵⁸ at the San Pascual Municipal Police Station, also in Batangas.

Submitted on this 31st day of July 2019, San Pablo City, Laguna.

By:

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⁵⁶ CHR-IV-2019-0301 and CHR IV-2019-0462.

⁵⁷ CHR IV-2019-0420 and CHR IV-2019-0424.

⁵⁸ CHR IV-2019-0465.