



HUMAN
RIGHTS
WATCH

“One Shot to the Head”

Death Squad Killings in Tagum City, Philippines



“One Shot to the Head”
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Map of Mindanao



Map of cities in Mindanao with reported targeted killings of suspected criminals.

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Summary

Just one shot to the head.

—Romnick Minta, former Tagum Death Squad member, describing the October 2011 killing of Roberto T. Onlos in which he was involved

If you are stealing, buying, or selling drugs, or committing wrong things in Tagum, someone is going to kill you.

—Tagum police officer, Davao City, May 12, 2013

On the night of April 11, 2011, a man approached 12-year-old Macky Lumangtad in Freedom Park, a plaza in Tagum City on the southern Philippines island of Mindanao. Witnesses said the man told the child that he needed his help to find “Kokey” Lagulos, a nine-year-old suspected of theft. The next day, residents found Lumangtad’s body in a vacant lot with a bullet wound to his head. Lagulos’ body was found in the nearby town of Maco. It bore at least 22 stab wounds.

On December 11, 2013, a man shot controversial talk show commentator Rogelio Butalid at point-blank range moments after Butalid stepped out of a radio station in Tagum City. A witness saw the gunman speed away on a motorcycle driven by an accomplice.

The murders of Lumangtad, Lagulos, and Butalid are just a few of the nearly 300 killings reported in official police records in Tagum City from 2007 to 2013. Police sources caution that this figure is conservative because other killings are likely to have been unreported.

Human Rights Watch research found that many of the targeted killings could be attributed to a “death squad” operating in and around Tagum City with support from the highest levels of local government.

In our research, we interviewed three self-proclaimed members of the Tagum Death Squad (TDS) and obtained the affidavit of a fourth. We also interviewed two people who had insider knowledge of the group, police officers who investigated its activities over the years, and the families and friends of victims. These interviews paint a detailed and grisly picture of the death squad and its killing operations. At its height, the death squad

consisted of 14 hit men and accomplices on the government payroll, with active involvement from local police all the way up to Tagum City's former mayor, Rey "Chiong" Uy, who was in office from 1998 to June 2013.

Despite the dispersal of TDS members after Uy left office, TDS-style killings have continued, although less frequently, sparking concerns that elements of the death squad remain operational and are continuing to kill for financial gain. However, the paymaster for these post-Uy era hits is not known.

Many of the extrajudicial killings through June 2013 appeared rooted in Mayor Uy's public anti-crime campaign, which sought to rid Tagum City of what the mayor frequently referred to as "weeds": suspected petty criminals, drug dealers, small-time thieves, and children living or working on the streets. The killings seem intended to send an anti-crime message to the general population as much as to eliminate specific individuals: many were carried out in broad daylight in public places, including near Tagum's City Hall, by motorcycle-riding gunmen using .45 caliber pistols.

Others targeted by the Tagum Death Squad were victims of guns-for-hire operations. Among these were a journalist, a judge, and a tribal leader as well as local politicians and businessmen. TDS members who refused to carry out orders, sought to quit, or otherwise fell into disfavor were themselves likely to become death squad victims.

Former death squad members told Human Rights Watch that the Tagum Death Squad at its peak consisted of 14 people, and included ex-convicts, street children, and former members of the communist New People's Army. Several TDS members were officially employed with the city's Civil Security Unit (CSU), which is responsible for keeping the peace in public places such as markets, bus terminals, and schools.

Insiders say Uy directed the operations of the death squad with the help of two trusted aides as well as several officers with the Tagum City police. Uy allegedly provided payment and equipment for the operations, using the Civil Security Unit as cover to lawfully issue guns and motorcycles used in killings. Human Rights Watch found that while Uy did not approve or have knowledge of all TDS killings, there is compelling evidence that he knew and approved many of them.

The structure and operations of the TDS were similar to that of the Davao Death Squad, which Human Rights Watch documented in *“You Can Die Any Time”: Death Squad Killings in Mindanao* in 2009. Reports of similar killings in other Philippine cities suggest that the Davao Death Squad, which boosted the popularity of Davao City Mayor Rodrigo Duterte, has motivated other municipal officials to adopt extrajudicial killings as a crime control method.

Local and national authorities have failed to seriously investigate the vast majority of Tagum City’s killings and have not arrested any suspects. While police routinely cite a lack of witnesses to explain the absence of prosecutions, victims’ relatives and witnesses say they fear testifying, largely due to the perceived links of the death squad to local officials.

In 2012, after a TDS member was ambushed by his colleagues and subsequently surrendered to the Davao del Norte Provincial Police, families of several victims filed administrative cases with the Office of the Ombudsman against Uy and others. The ombudsman, who can recommend filing criminal charges, has yet to act on the complaint.

Apparent death squad killing operations have dropped since Uy stepped down as mayor in June 2013, but still continue. Sources say that many TDS members left Tagum and relocated to Compostela Valley, an adjacent province where Uy’s brother is governor. However, some TDS members have remained in Tagum and are allegedly operating on a contract killing for-profit basis. A woman who claimed to have witnessed the December 2013 killing of Rogelio Butalid (described at the start of this report), for example, identified the gunman as a key TDS member.

On April 28, 2014, Philippines media reported that the Philippines National Bureau of Investigation had recommended the prosecution of four security guards employed by the Tagum City government for their alleged role in the “abduction, torture and murder of two teenaged boys last February.” Mayor Allan Rellon reportedly stated that he was “bewildered” by the allegations and responded by saying that “As a local chief executive, I abhor any form of summary killing.”

The national government’s response to death squad killings in Tagum City and elsewhere in the Philippines has been grossly inadequate. President Benigno Aquino III should send a clear message that combating crime needs to be done within the confines of the law. He

should direct the National Bureau of Investigation to conduct criminal investigations into death squad killings in Tagum City and other cities, including of police and local government officials. The Commission on Human Rights should publicly report on death squad activity and make recommendations for reform. And other relevant government agencies, including the Justice Department and the Philippine National Police, need to adopt measures that would curtail death squad activity, end involvement by local authorities, and facilitate prosecutions, such as by improving victim and witness protection programs.

Donor countries and institutions have been all too silent on the issue of death squads and extrajudicial killings, and should publicly raise their concerns. Death squads clearly will not simply disappear on their own.

Key Recommendations

The Philippine government should take immediate measures to investigate and prosecute death squad killings in Tagum City and conduct a broader investigation into death squad activity in the Philippines. Specifically, Human Rights Watch urges that:

- President Aquino should publicly denounce extrajudicial killings and local anti-crime campaigns that promote or encourage the unlawful use of force.
- The Department of Justice, through its National Bureau of Investigation, should conduct thorough investigations into extrajudicial killings of alleged drug dealers, petty criminals, street children, residents, local officials, journalists, businessmen and tribal leaders and investigate the alleged involvement and complicity of police officers and municipal government officials in such killings.
- The Commission on Human Rights should conduct a public inquiry, akin to a “truth commission,” and report publicly and promptly on the Tagum killings and the involvement of the PNP and city government officials.
- Tagum City’s incumbent mayor, Allan Rellon, and other local officials should cease all support, verbal or otherwise, for anti-crime campaigns that entail violating the law, including targeted killings of alleged drug dealers, petty criminals, and street children.

- The Office of the Ombudsman for Mindanao should investigate these killings by acting on the case filed against Uy and several others and mete out necessary discipline.
- The United States, European Union, Japan, Australia, the World Bank, and the Asian Development Bank should keep their pledges on human rights, the rule of law, and good governance, and press the Philippine government to initiate investigations into alleged targeted killings in cities, and to publicize the results of its investigations and plans to dismantle these death squads.

More detailed recommendations are set forth at the end of the report.

Methodology

From September 2011 to November 2013, Human Rights Watch investigated 12 killings that occurred in Tagum City, in the southern Philippine island of Mindanao, from 2010 through 2013. We supplemented the on-site research with follow-up telephone and desk research through March 2014.

Our investigations focused on killings that bore the hallmarks of extrajudicial executions we had investigated elsewhere in the Philippines and that implicated “death squads,” small, organized groups that have apparent links to local authorities. These cases also shared characteristics with killings reported as early as 2005 that police and other sources had attributed to the Tagum Death Squad (TDS).¹

Human Rights Watch interviewed more than three dozen people who had knowledge of TDS operations. They included victims who survived an attack, victims’ relatives and friends, witnesses, local government officials, police officials, members of the clergy, local residents, and businessmen.

Human Rights Watch also spoke with three people who identified themselves as former TDS members, as well as an associate of a current TDS member who had knowledge of some of these killings. We also interviewed human rights activists in neighboring Davao City who are monitoring the situation in Tagum City, as well as journalists who covered these incidents.

We conducted the interviews mainly in Cebuano, the predominant local language, and Filipino, the national language of the Philippines. All interviews with former TDS members, witnesses, and relatives of victims were one-on-one. Some follow-up interviews were done over the phone or the Internet. Human Rights Watch neither offered nor provided incentives to persons interviewed, although we did reimburse the travel or telecommunication costs of interviewees who in some cases traveled substantial

¹ Although the name “Tagum Death Squad” was rarely used publicly to refer to the group implicated in the killings, Human Rights Watch is using it as a clear and accurate reflection of the group and its activities.

distances to meet with us or who provided testimony via long distance telephone calls. All participants provided oral informed consent.

For security reasons we have used pseudonyms to protect the identities of a number of those interviewed.

Human Rights Watch also used official documents for this report, among them police reports, court documents, and sworn statements. We also drew on past research, particularly the 2009 report “You Can Die Anytime,” about death squad killings in Davao and other cities in Mindanao.

Human Rights Watch provided a summary of the report’s findings and recommendations to the following Philippines government officials prior to its publication. These included:

Rey Uy, former mayor, Tagum City

Allan Rellon, incumbent mayor, Tagum City

Solomon de Castilla, police chief, Tagum City

Alan Purisima, chief, Philippine National Police

Mar Roxas, secretary, Department of the Interior and Local Government

Leila de Lima, secretary, Department of Justice

Etta Rosales, chairperson, Commission on Human Rights

Rodolfo M. Elman, Office of the Ombudsman for Mindanao

I. Background

If you are stealing, doing drugs, committing wrong things in Tagum, someone is going to kill you.

—Police intelligence officer, Davao City, May 2013

The killings documented in this report attributed to the Tagum Death Squad (TDS) have their roots in historical, social, and political factors in the southern Philippine island of Mindanao. A Human Rights Watch report published in April 2009, *“You Can Die Any Time:” Death Squad Killings in Mindanao* extensively documented these factors in a series of murders in Davao City, the largest city in the southern Philippine island of Mindanao, between 1998 and 2009.

They include:

- A legacy of violence linked to Mindanao’s long history as a focal point for insurgencies and conflict;
- The operations in Mindanao of local and international drug syndicates producing, marketing, and trans-shipping methamphetamine, which contribute to corruption and low morale among police and prosecutors in the area; and
- The influence of Davao City’s long-time mayor, Rodrigo Duterte, who has been a vocal proponent of the use of violence to rid areas of common crime.²

The summary killing of suspected criminals is not a new phenomenon in the Philippines. Alfredo Lim, a former police officer and chief of the National Bureau of Investigation (NBI), was implicated in using similar tactics while mayor of the capital, Manila, from 1992 to 1998. He was never prosecuted for his alleged role in the summary executions of dozens of suspected drug dealers and other criminals, which earned him the nickname “Dirty Harry.”³ Instead, his reputation as an anti-crime crusader buoyed his election to the

² Human Rights Watch, *Philippines—“You Can Die Anytime” Death Squad Killings in Mindanao*, April 6, 2009, <http://www.hrw.org/reports/2009/04/06/you-can-die-any-time>.

³ “‘Dirty Harry’ hails arrest of son over drugs,” *South China Morning Post*, March 17, 2008, <http://www.scmp.com/article/630181/dirty-harry-hails-arrest-son-over-drugs> (accessed on February 21, 2014).

Philippine senate in 2004. Three years later, he was again elected Manila's mayor, a post he held until 2013.

But Lim and other politicians who also used a tough anti-crime approach have not matched the popularity of Rodrigo Duterte, the tough-talking mayor of Davao City who is now serving his seventh and unprecedented term. That success is largely due to his anti-crime program that encouraged, and possibly even sanctioned, the operations of the Davao Death Squad (DDS).⁴

Investigations by Human Rights Watch and other rights organizations found evidence that government officials and members of the police were passively or actively complicit in 28 killings by the Davao Death Squad (DDS) from 2007-2009.⁵ Frequently, the victims had earlier been warned that their names were on a "list" of people to be killed unless they stopped engaging in criminal activities. Government employees, including police and municipal government officials, delivered such warnings to the targeted victims.⁶

Duterte's popularity, built on his seeming willingness to engage in unlawful violence to eliminate common crime—a serious problem in many urban areas in the Philippines—has an appeal that extends far beyond Davao City.⁷ His name is often floated as a potential presidential candidate for his seeming ability to solve challenges that stymie other politicians.⁸ In February 2014, Duterte told a Senate hearing on rice smuggling in the Philippines that he would "gladly kill" an alleged smuggler who tried to smuggle rice into his city.⁹ Instead of criticizing Duterte for suggesting the use of extrajudicial killings, the

⁴ Human Rights Watch, *You Can Die Any Time*.

⁵ *Ibid.*, p.2.

⁶ *Ibid.*, p.3.

⁷ "A man of many names: Davao's controversial, colorful Mayor Duterte," *Asian Correspondent*, January 14, 2014, <http://asiancorrespondent.com/118316/davaos-colorful-duterte/> (accessed February 21, 2014).

⁸ "Duterte on becoming President: 'stop it.... I do not want it,'" *Mindanews.com*, February 9, 2014, <http://www.mindanews.com/top-stories/2014/02/09/duterte-on-becoming-president-stop-it-i-do-not-want-it/> (accessed February 21, 2014).

⁹ "Duterte on 'smuggler' Bangayan: I will gladly kill him!" *Rappler.com*, February 3, 2014, <http://www.rappler.com/business/industries/247-agriculture/49577-duterte-tags-bangayan-smuggler-senate-hearing> (accessed February 21, 2014).

committee chairperson appeared to express support for Duterte’s “tough” anti-crime measures in Davao City.¹⁰

The Davao City model of extrajudicial killings as a crime-fighting strategy appears to have spread to other cities in the Philippines. United States State Department cables released by WikiLeaks in 2005 noted the apparent rise of municipal government-sanctioned death squads in cities including Cebu City, Toledo, and Carcar.¹¹ Then-Cebu Mayor Tommy Osmena told police officers in 2005: “Go ahead, pull the trigger. As mayor, my warning to anybody doing a crime is I will see to it that you'll be dead on the spot. If we catch you, you will be so sorry—you won't be around.”¹²

Tagum City

In April 2009, the United Nations special rapporteur on extrajudicial, summary or arbitrary executions reported that death squad killings in the Philippines were a legacy of the perceived success among some Philippine government officials and security forces of extrajudicial executions as an acceptable mode of crime control.¹³ Human Rights Watch believes that such a perspective has been adopted in Tagum, a city with a population of 254,000 located one hour’s drive north of Davao City in Davao del Norte Province.¹⁴

Human Rights Watch’s investigations have found that Rey Uy, the mayor of Tagum from 1998 to 2013, created his own death squad. Uy deployed the death squad to reduce the presence of perceived criminals and others that he referred to as “weeds” of his city—drug

¹⁰ “Senators rapped for not taking Duterte to task,” *Philippine Daily Inquirer*, February 10, 2014, <http://newsinfo.inquirer.net/576070/senators-rapped-for-not-taking-duterte-to-task> (accessed February 21, 2014).

¹¹ “Uptick in Extrajudicial Killings in Davao and Cebu,” *WikiLeaks*, undated, https://www.wikileaks.org/plusd/cables/05MANILA3754_a.html (accessed February 13, 2014).

¹² “More vigilante-style killings reported in Davao City,” *WikiLeaks*, January 20, 2005, http://www.wikileaks.org/plusd/cables/05MANILA312_a.html (accessed February 23, 2014).

¹³ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, A/HRC/11/2/Add.8, April 29, 2009, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/130/39/PDF/G0913039.pdf?OpenElement> (accessed February 3, 2014).

¹⁴ This means that the province retains administrative control of some aspects of the city, like the Tagum City Police Station, which is under the supervision and control of the Davao del Norte Police Office.

dealers, petty criminals, and those who openly inhaled solvents like glue as a cheap high.¹⁵ Many of these were children living on Tagum’s streets.

Human Rights Watch uncovered compelling information that local police and government officials, on Uy’s orders, organized and operated the Tagum Death Squad. The death squad consisted of as many as 14 members. Criteria for being a target were violating Uy’s perceptions of acceptable behavior on the streets of Tagum, regardless of whether the victim’s conduct violated any laws. Indeed, many of the victims had never been convicted of any crime.

By 2005, the Tagum Death Squad had morphed into a guns-for-hire operation whose targets included businessmen, police officers, a leader of an indigenous tribe, a judge, and former TDS members.¹⁶ According to several sources, some of them former TDS members, Uy assigned people whom he trusted and knew well from his previous career as a gold-mine operator to operate the death squad. These men later ordered several killings—often without Uy’s knowledge—as a personal revenue generating scheme outside of Uy’s control.¹⁷

The TDS was an unlawful outgrowth of Tagum City’s Civil Security Unit (CSU).¹⁸ The CSU was part of Uy’s effort during his 15 years as mayor to transform Tagum from a sleepy

¹⁵ Affidavit of Leotinda Cabayacruz subscribed to the Panabo City Prosecutor’s Office, November 12, 2012; Human Rights Watch interviews with two police officials, Davao City, May 11, 2013, and one top government official (names withheld), Davao del Norte, August 12, 2013.

¹⁶ Human Rights Watch interviews with police officials and former TDS members, May 11-12, 2013.

¹⁷ Human Rights Watch interviews with former death squad members, Romnick Minta, Davao City, May 11, 2013, and Jomarie Abayon, Manila, January 2014.

¹⁸ The CSU is a para-police organization formally tasked with duties including traffic management and securing public infrastructure. Under Republic Act 6975, which created the Philippine National Police, the city mayor has the authority to create units such as the CSU to support the police in law enforcement. Many cities and provinces in the Philippines have CSUs and all have a role to play—some more benign than others—in keeping the peace, especially in public areas. The CSU of Tagum as well as of other cities such as Davao City should not be confused with the Civil Security Unit of the Philippine National Police, which provides “administrative services and general supervision over organization, business operation and activities of all organized private detectives, watchmen, security guard agencies and company guard houses.” An Act Establishing the Philippine National Police Under a Reorganized Department of the Interior and Local Government, and for Other Purposes http://www.lawphil.net/statutes/repacts/ra1990/ra_6975_1990.html, undated, (accessed March 8, 2014).

agricultural town into a modern city.¹⁹ Uy's focus on municipal improvement extended to a campaign aimed to rid the city of indigents and street people, many of them children.

It is not entirely clear when Uy created the death squad, using the CSU as cover.²⁰ Members of the TDS claim that the killings by the group began a few years after he took office in 1998. Police records beginning in January 2007 collected by investigators from the Davao del Norte Provincial Police Office indicated what a police official said was an increasing number of killings of indigents, children, and suspected criminals.²¹

Police officials interviewed by Human Rights Watch blamed the TDS for these killings, most of which have not been fully investigated by the Tagum City police.²² In February 2011, Uy issued an explicit warning to "criminal" elements in the city advising them to "go somewhere else."²³

"If you are stealing, buying or selling drugs, committing wrong things in Tagum," a police officer told Human Rights Watch, "someone is going to kill you."²⁴ A senior official of the Commission on Human Rights in Southern Mindanao described these killings as "silent killings" because these murders were hardly reported in the press. "There is no media there that talks about it," the official said. "All the [journalists] there are terrorized by Uy."²⁵

Official police records obtained by Human Rights Watch show 298 killings between January 2007 and March 2013 that officials of the Davao del Norte Provincial Police Office

¹⁹ A palm tree-lined national highway cuts through the city, shopping malls have sprouted, and improvement in municipal-funded public works resulted in wider, cleaner streets. City Government of Tagum, "Tagum City History," undated, <http://www.tagumcity.gov.ph/about-lgu/history/> (accessed February 3, 2014).

²⁰ Human Rights Watch interview with a Tagum police official (name withheld), Davao City, May 12, 2013.

²¹ Case vs Uy, filed before the Office of the Ombudsman.

²² Human Rights Watch interview with a senior police official and intelligence officer (names withheld), Davao City, May 12, 2013. Although the Tagum City Police Station is under the Davao del Norte Provincial Police Office, there is discord between many of their officers and officials, mainly because Mayor Uy is not a political ally of the governor of Davao del Norte, Rodolfo del Rosario. Some in the Davao del Norte Provincial Police Office privately complain of the abuses by elements of the Tagum City Police Station. Some provincial officers, on orders of their superiors, started compiling evidence and testimony on the activities of the Tagum Death Squad. It was not surprising, therefore, that when a TDS member was himself targeted, he decided to seek the protection of the provincial police.

²³ "Corporate governance' behind Tagum take-off," *Philippine Daily Inquirer*, February 20, 2011, <http://newsinfo.inquirer.net/inquirerheadlines/regions/view/20110220-321350/Corporate-governance-behind-Tagum-take-off> (accessed April 24, 2014).

²⁴ Human Rights Watch interview with a Tagum police officer (name withheld), Davao City, May 12, 2013.

²⁵ Human Rights Watch interview with a senior official of the Commission on Human Rights in Southern Mindanao (name withheld), Davao City, May 12, 2013.

attributed to the TDS.²⁶ Fourteen others were wounded in attacks in the same period. All of these cases remained unsolved and not one perpetrator—except an individual who later agreed to testify in a case filed against Uy and other people involved in the TDS—has been arrested, according to the documents.²⁷ An overwhelming majority of these cases involved the use of .45 caliber pistols and motorcycles.²⁸

A provincial police official said this death toll is “conservative” as more killings occurred from March 2013 onwards while others may not have been reported to the police.²⁹ Members of the TDS told Human Rights Watch that the killings began as early as 2005 and continued up to the time Uy stepped down as mayor in 2013.³⁰ A former TDS member said that he had heard the TDS started as early as 1998.³¹ Indeed, in August 2004, residents of Tagum, led by the Catholic Church, held a rally against the killings.³² One local media report claimed that the TDS killed as many as 40 people in four months in 2004.³³

The deployment of the TDS, particularly in the latter part of Uy’s 15-year term, coincided with corruption allegations linked to Uy.³⁴ The murders also occurred at a time when Uy was making politically unpopular moves, such as raising taxes to finance the construction of a sprawling and modern city hall.³⁵

²⁶ “List of unsolved shooting incidents/murder cases in Tagum City.” This list is culled from the “National Crime Reporting System” database maintained by the Tagum City Police Office.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Human Rights Watch interview with police official (name withheld), Davao City, May 11, 2013. The source explains that the 300 figure was based only on what was recorded in the crime registry. A lot more were not documented, he said.

³⁰ Human Rights Watch interviews with residents, police and government officials (names withheld), Davao City, May 11-13, 2013.

³¹ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

³² “‘Enough is enough’: Tagum to raise clenched fists vs. summary killings,” *Philippine Information Agency*, August 14, 2004, <http://archives.pia.gov.ph/?m=12&sec=reader&rp=1&fi=po40814.htm&no=7&date=08/14/2004> (accessed February 23, 2014).

³³ “Vigilantes Descend on Tagum,” *Bulatlat.com*, September 26, 2004, <http://www.bulatlat.com/news/4-34/4-34-tagum.html> (accessed February 23, 2014).

³⁴ Human Rights Watch interviews with local businessmen and church leaders (names withheld), Davao and Tagum cities, May 2013. Sources in Tagum have alleged that City Hall under Uy would not approve a new business permit if Uy or his relatives did not receive a part of the profit. This allegation has not been proven but most sources Human Rights Watch interviewed asserted that this was “common knowledge” in the city.

³⁵ Human Rights Watch interviews with local businessmen and residents, Tagum City, May 2013. Flyers discretely distributed in Tagum City by local businessmen and religious leaders denounced the exorbitant cost of the city hall. Many also criticized the taxes being collected, including one on any fruit-bearing tree a resident is growing in his backyard.

Uy brooked no challenges to his style of governance and removed or sidelined officials whom he perceived as hindrances to his political agenda.³⁶ In 2008, Uy physically removed office equipment of the Tagum City Police Station to signal his dislike for the new police chief.³⁷ Uy also solidified his political influence through family connections. In 2007, his brother Arthur became the governor of Compostela Valley, a province next to Tagum City where the Uys first made their fortune in small-scale gold mining.³⁸

Those factors were powerful and intimidating deterrents against challenges to Uy's mayoralty, and to his impunity for abuses.³⁹ As the number of TDS killings rose and extended beyond the originally targeted "weeds," they created a fear-enforced public silence about Uy's abuses.⁴⁰

Revelations that the TDS included former members of the New People's Army (NPA), the armed wing of the Communist Party of the Philippines, compounded public reluctance to speak out about the killings because the NPA is known for its assassination squad called "Sparrows."⁴¹ But an NPA leader in the Southern Mindanao region told Human Rights Watch that the rebel group did not support the TDS killings and that the NPA considers as "fair targets" former members who are with the TDS, as well as the death squad's leaders.⁴²

Uy's term of office as mayor ended in 2013. His son De Carlo lost in his attempt to succeed his father in the mayoral election that same year, due in part to public concern about the death squad killings.⁴³ Because of that political loss, TDS members lost their official protection and left City Hall's CSU to seek refuge in other provinces, particularly Compostela Valley, where Uy's brother is governor.⁴⁴

³⁶ Human Rights Watch interview with a local businessman (name withheld), Tagum City, May 13, 2013.

³⁷ Human Rights Watch interview with a provincial police official, Davao City, May 13, 2013.

³⁸ "League of Provinces of the Philippines," undated, <http://www.lpp.gov.ph/directory-mosets/region-xi/arturo-t-uy>.

³⁹ Human Rights Watch interview with a local businesswoman (name withheld), Tagum City, May 13, 2013.

⁴⁰ Human Rights Watch interview with two Catholic priests and two police officials (names withheld), Tagum City, May 13, 2013.

⁴¹ Human Rights Watch interview with a police official (name withheld), Davao City, May 11, 2013.

⁴² Human Rights Watch interview with top NPA leader in Southern Mindanao (name withheld), Manila, February 13, 2014.

⁴³ Human Rights Watch interviews with a local businesswoman (name withheld), Tagum City, May 13, 2013; with an official of the interior department, August 2013; a Tagum-based Catholic priest (name withheld), August 2013; and an official of the Commission on Human Rights (name withheld), Davao City, August 2013.

⁴⁴ Human Rights Watch interview with a police official (name withheld), Davao City, May 12, 2013.

The new mayor, Allan Rellon, officially disbanded the CSU, but in June 2013 created two entities in its place: the Security Management Office (SMO) and the Traffic Management Office (TMO). Rellon has divided the responsibilities of the CSU between these two new agencies. The SMO regulates public security, particularly in public markets where many of petty criminals operate, and matters including police auxiliaries and school guards.⁴⁵ The TMO is mainly responsible for the city's traffic system.⁴⁶

Despite the “disbanding” of the CSU and the dispersal of TDS members after Uy left office, TDS-style killings have continued. Those murders have sparked concerns that elements of the TDS remain operational.⁴⁷ As already noted above, on April 28, 2014, as this report was being finalized, Philippines media reported that the Philippines National Bureau of Investigation had recommended the prosecution of four members of the Tagum City SMO for their alleged role in the “abduction, torture and murder of two teenaged boys last February.”⁴⁸ Mayor Allan Rellon reportedly stated that he was “bewildered” by the allegations and responded by stating that “As a local chief executive, I abhor any form of summary killing.”⁴⁹

On December 11, 2013, gunmen shot dead Rogelio Butalid at a busy street in Tagum City. Butalid was a radio commentator known for his on-air criticism of Uy and his associates at the Davao del Norte Electric Cooperative.⁵⁰ A woman who claimed to have witnessed the killing identified the gunman as a key TDS member.⁵¹ The paymaster for these post-Uy era killings is not known. However, there is speculation that former TDS members are continuing to commit killings for financial gain.⁵²

⁴⁵ “Tagum’s peace, security among Rellon’s top agenda for 1st 100 days,” *Philippine Information Agency*, July 1, 2013, <http://pia11davao.blogspot.com/2013/07/tagums-peace-security-among-rellons-top.html> (accessed February 13, 2014).

⁴⁶ Ibid.

⁴⁷ Human Rights Watch interviews with Romnick Minta, January 2014, and Jomarie Abayon, January 2014.

⁴⁸ Frinston L. Lim, “NBI eyes murder, child abuse raps vs Tagum guards for 2 teens’ slay,” *Philippines Daily Inquirer* (Manila), April 28, 2014, <http://newsinfo.inquirer.net/597999/nbi-eyes-murder-child-abuse-raps-vs-tagum-guards-for-2-teens-slay#ixzz3oBAJbli> (accessed April 29, 2014).

⁴⁹ Ibid.

⁵⁰ “DANECO row behind journalist’s killing, says colleagues,” *Davao Today*, <http://davaotoday.com/main/2013/12/23/daneco-row-behind-journalists-killing-says-colleagues/> (accessed February 5, 2014).

⁵¹ Human Rights Watch interview with witness (name withheld), Manila, January 2014. This witness said she personally knew the assailant and that she saw him and another man on a motorcycle seconds before gunning down Butalid. Although she turned her back momentarily, she said she saw the killers flee.

⁵² Human Rights Watch interview with a police official and a government official, Davao City, August 2, 2013.

II. Pattern of Killings

All you had to do was apologize to them and promise them to never create trouble again.

—“Toto,” a teenager who discovered his name had been on the Tagum Death Squad hit list, Tagum City, September 2011

Warnings and Intimidation

The targets of the Tagum Death Squad—at least the petty criminals, indigents, and street children—often knew that they were under some form of surveillance or actually on a TDS death list.⁵³ There were also explicit warnings to targets and potential targets from members of the Civil Security Unit (CSU), a para-police group within City Hall that Mayor Rey Uy used as cover for TDS operations. CSU personnel would contact would-be victims or their relatives to admonish them to stop their alleged criminal activities.⁵⁴ Sometimes, village officials warned them and their families.⁵⁵

The TDS drew its list of targets from what its members and some of its future victims referred to as the “order of battle” or OB.⁵⁶ The OB was a list of targets drawn from sources including local community leaders, neighborhood watchmen, and police intelligence officers. The police chief of Tagum City at the time, Gilbert Clarin, confirmed that such a list existed and that it had the names of drugs suspects from the Philippine Drug Enforcement Agency and the Department of the Interior and Local Government.⁵⁷

Ordinary citizens could also contribute names of alleged criminals to the OB by texting a certain mobile phone number publicized by City Hall as an anti-crime hotline. Mayor Uy

⁵³ Human Rights Watch interviews with former members of the TDS, Davao City, May 11-12, 2013, and Manila, January 31, 2014.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ The order of battle is a list of enemies or potential enemies, usually maintained by the military. Many of the victims of extrajudicial killings and enforced disappearances in the Philippines had been on such lists.

⁵⁷ “‘Enough is enough’: Tagum to raise clenched fists vs. summary killings,” *Philippine Information Agency*, August 14, 2004, <http://archives.pia.gov.ph/?m=12&sec=reader&rp=1&fi=po40814.htm&no=7&date=08/14/2004> (accessed February 23, 2014).

himself often received complaints from the public about alleged criminality through personal text messages and would forward the names to the TDS to investigate.⁵⁸

The existence of the OB was terrifying, particularly for the street children who frequented Freedom Park in central Tagum and who were the TDS' frequent targets. Many of those children who eventually were murdered had been on the OB death list.⁵⁹ "I and my friends were worried that our names were in the list," said Toto (pseudonym), a teenager who witnessed the TDS murder one of his friends.⁶⁰ "We wanted our names to be taken off the list."

Some of the children who ended up on the OB, including Toto, tried desperately but unsuccessfully to get their names removed.⁶¹ The person who informed Toto that he was on a hit list advised him that someone at the Tagum City market could help him remove his name. Toto told Human Rights Watch:

There was a store and I went in. I talked to an old person. I told him I want to clear up my name. He said he'll contact a friend. I told him, 'Uncle, I don't want to end up like my friend, I want off the list.' But he insisted that I should be on the list because all the Vulca Boys" of Third Avenue are on the list.⁶²

Toto said a friend who knew somebody inside the TDS told him that the advice the contact at the Tagum City market gave him was deceptively easy: "All you had to do was apologize to [the TDS] and promise them to never create trouble again."⁶³ At the time that Human Rights Watch interviewed him, Toto had still not received a call from somebody in the TDS that would confirm the deletion of his name from the OB list. He eventually decided to leave Tagum City but returned weeks later to find out if he was still a target.⁶⁴

⁵⁸ Human Rights Watch interview with Jomarie Abayon, a former member of the TDS, Manila, January 31, 2014.

⁵⁹ Human Rights Watch interview with "Toto," (name withheld), Tagum City, September 14, 2011.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid. The Vulca Boys refers to the street children often seen on Third Avenue sniffing solvents and sealants like Vulcaseal.

⁶³ Ibid.

⁶⁴ Human Rights Watch unsuccessfully attempted to resume contact with Toto in May and August 2013. His safety and whereabouts remain unknown.

In at least one case, Mayor Uy himself allegedly warned of the impending TDS hit on a target through the victim's mother. Leotinida Cabayacruz, the mother of Jesus Cabayacruz, said in her affidavit that during a meeting with Uy at City Hall, the mayor warned her that her son was being watched because he was a drug dealer and advised her to tell him to leave Tagum City.⁶⁵ A short time later, on April 24, 2012, the TDS killed him.

Locations

Most of the killings Human Rights Watch documented took place within Tagum City and often in broad daylight. The murders typically occurred outdoors, on the streets, and usually by men on motorcycles.

The TDS frequently committed their killings in the plaza called Freedom Park behind Tagum City's city hall. The plaza was a natural magnet for children to congregate in. It is no bigger than three basketball courts but offers trees, benches and wide spaces for children to play or hang around in. At night, the park comes to life, illuminated by karaoke bars, restaurants, barbecue stalls, food carts, and an outdoor market. Many children, including nearby residents and homeless children, stayed in the park the whole day. At 10 p.m. the children would leave the plaza due to the curfew hour, which began at that time.

The city's Social Welfare Department monitored the activities at the plaza because of the constant presence of children. A social worker at City Hall, told Human Rights Watch:

There's a lot of them there. Dozens of them. Some would go away but others would take their place. Many are not from here. They're not supposed to be there. We would chase them away. Some would leave but they eventually return. We would ask their parents to move them to other places.⁶⁶

That social worker said her office had developed a system for classifying the children, based on their presence at the plaza: If they stayed for about hour, they were just sightseeing. If they stayed for more than two hours, they were considered street children or vagrants who had come from other places.

⁶⁵ Affidavit by Leotinida Cabayacruz, subscribed to the Davao City Prosecutors Office, November 12, 2012.

⁶⁶ Human Rights Watch interview with a Tagum City municipal social worker (name withheld), Tagum City, September 14, 2011.

Crime, mostly petty, was an inevitable consequence of the presence of so many unsupervised children. In the first half of 2011 alone, police reported nearly 150 children who stayed regularly in the park to the social welfare office for various offenses including curfew violation, possession of deadly weapons, shoplifting, and acts of lasciviousness and theft.⁶⁷

The social worker told Human Rights Watch that the social welfare office tried to encourage the children to go back to their homes “but it got very exhausting.” Often, she sought out the parents and told them to move to another town or city to ensure the safety of their children. The city has a shelter for children but the social worker said many of the children would just leave and return to the streets.

A few of the killings investigated by Human Rights Watch occurred outside Tagum City, such as in Maco, a town of Compostela Valley province adjacent to Tagum City. One took place in Kapalung, Davao del Norte, a province to which Tagum used to belong.⁶⁸ Death squad members told Human Rights Watch that they had murdered targets as far away as Butuan province in northern Mindanao.

Perpetrators

The overwhelming majority of death squad killings reported in the Philippines—including in Tagum City—are carried out by gunmen operating in pairs riding on motorcycles. Philippine authorities have described such murders as “riding in tandem” killings.⁶⁹

Extrajudicial, targeted killings by these motorcycle-riding gunmen have become so common across the Philippines that authorities have responded with special traffic control measures as a means to identify and arrest the perpetrators. In some cases, police erect roadblocks on major streets and perform body searches of motorcyclists for weapons.⁷⁰ Public concerns about such killings have prompted proposals for legislation aimed

⁶⁷ Human Rights Watch interview with a Tagum City social worker (name withheld), Tagum City, September 14, 2011.

⁶⁸ Tagum is now what is called a composite city of Davao del Norte.

⁶⁹ PNP declares all-out war vs. criminals riding in tandem on motorbikes, *Interaksyon.com*, <http://www.interaksyon.com/article/22575/pnp-declares-all-out-war-vs--criminals-riding-in-tandem-on-motorbikes> (accessed April 24, 2014).

⁷⁰ Metro cops to conduct 24-hour checkpoints, *Philippine Daily Inquirer*, January 16, 2014, <http://newsinfo.inquirer.net/564937/metro-cops-to-conduct-24-hour-checkpoints> (accessed April 24, 2014).

specifically to prevent such murders.⁷¹ The Manila city government at one point tried to more tightly regulate or to outright ban the use of motorcycles to prevent further killings.⁷²

The majority of the TDS members were neighborhood petty criminals recruited into the death squad after brushes with the law on minor offenses.

One child whose friends were killed by the death squad and who himself felt threatened told Human Rights Watch:

Men on motorcycles would stop by the shop or across the street and just look around. Many of these motorcycles have plates, but when they are out to kill, they wrap the plates with [a] plastic bag.⁷³

Philippine National Police statistics issued in 2013 indicated that in 2011 alone, motorcycle-riding gunmen murdered 2,089 people nationwide, an increase from 1,819 killings the year before.⁷⁴ Police have attributed these “riding in tandem killings” to the growing problem of contract killings or “guns for hire” operations in the Philippines.

The National Bureau of Investigation has linked a few of these contract killings to some members of state security forces.⁷⁵ In January 2014, it exposed the activities of a group of police officers in Batangas province south of Manila who hired themselves out as paid killers for between 50,000 pesos (US\$1,108) to 150,000 pesos (US\$3,320) per murder.⁷⁶ In Tagum City, the price of a contract killing can cost as little as 5,000 pesos (about US\$110).⁷⁷

⁷¹ Philippines Congress, “Riding-in-Tandem Interdiction Act of 2012 to help arrest criminality: Castelo,” press release, <http://congress.gov.ph/press/details.php?pressid=6576> (accessed April 24, 2014).

⁷² “Anti-crime group seeks temporary ban on ‘riding in tandem’ on motorcycles,” *Philippine Daily Inquirer*, April 17, 2012, <http://newsinfo.inquirer.net/178363/anti-crime-group-seeks-temporary-ban-on-%E2%80%99riding-in-tandem%E2%80%99-on-motorcycles> (accessed April 24, 2014).

⁷³ Human Rights Watch interview with “Toto” (name withheld), Tagum City, September 14, 2011.

⁷⁴ “PNP declares all-out war vs. criminals riding in tandem on motorbikes,” *Interaksyon.com*, January 22, 2014, <http://www.interaksyon.com/article/22575/pnp-declares-all-out-war-vs--criminals-riding-in-tandem-on-motorbikes> (accessed 24, 2014).

⁷⁵ “4 hired killers fall; elusive boss from Army,” *Philippine Daily Inquirer*, June 5, 2013, <http://newsinfo.inquirer.net/421355/4-hired-killers-fall-elusive-boss-from-army> (accessed April 24, 2014).

⁷⁶ “Gun-for-hire gang busted in Batangas,” *Philippine Daily Inquirer*, January 16, 2014, <http://newsinfo.inquirer.net/564673/gun-for-hire-gang-busted-in-batangas> (accessed February 5, 2014).

⁷⁷ Human Rights Watch interview with Romnick Mintia, a former member of the Tagum death squad, May 12, 2013.

III. Victims

They shot him first from behind; he didn't see them. He turned around and the other killer shot him, too, hitting him in the armpit. He was shot four times in the body. They took turns shooting him.

—Toto, witness to shooting of Jerome, a Tagum teenager, Tagum City, September 2011

Macky Lumangtad, 12, Killed on April 12, 2011

Macky Lumangtad, 12, was one of the many children who frequented the Freedom Park behind City Hall in Tagum City in the evenings. There he would play computer games with his friends at Net Central Café, a nearby Internet café.

According to Lumangtad's mother, Carmelita Lumangtad, on the night of April 11, 2011, some of Lumangtad's friends saw him being approached by a man they knew by the name of "Wacky." Wacky frequented the plaza and would fence items such as cellphones stolen by the boys who hung out at the plaza.⁷⁸ There were also rumors that Wacky had connections to the Tagum Death Squad.⁷⁹ The next day, residents of Mipangi, a village in Maco town, Compostela Valley province, which is adjacent to Tagum City, found Lumangtad's body in a vacant lot bearing a gunshot wound to the head.

Carmelita told Human Rights Watch that her son's murder followed police suspicions that he was part of a group of children who carried out thefts, an allegation she denied. "The police thought he was part of the group that stole 40,000 pesos [US\$900] as well as cellphones from a store on April 8, 2011. But he was not. [The thieves] were his friends, but he was not with them when the alleged crime happened," she said.⁸⁰ Carmelita said she believes that her son's abductor must have been familiar to him as he would never have consented to leave the plaza in the company of a stranger.⁸¹

⁷⁸ Human Rights Watch interview with Carmelita Lumangtad, Tagum City, September 14, 2011, and "Toto" (name withheld), Tagum City, September 14, 2011.

⁷⁹ Ibid.

⁸⁰ Human Rights Watch interview with Carmelita Lumangtad, Tagum City, September 14, 2011.

⁸¹ Ibid.

Carmelita's efforts to get the police to investigate her son's murder proved futile. She said that each time she visited the Maco police station, she was told there were no new developments in the case. Instead, the police officers would often attempt to solicit information from her about her son's case. "I don't think the police have investigated properly," she said.⁸² She tried asking the National Bureau of Investigation but she said she lacked the money for legal representation or even just transportation costs to follow-up on the case. About the only assistance Carmelita received was from the Social Welfare and Development Office of the City Hall, which paid for her son's "pauper's burial."⁸³

When queried about Lumangtad's death, the police precinct at City Hall could not produce any investigation report. The boy's family could not even get a copy of the official police blotter of the murder. Even the Social Welfare and Development Office, which handles child safety and welfare matters, could not locate any report on the killing in its files. According to a social worker, police often just filed official reports of killings of poor people like Lumangtad to funeral homes.⁸⁴

Jenny Boy "Kokey" Lagulos, 9, Killed on April 12, 2011

Although only 9 years old, Jenny Boy "Kokey" Lagulos was implicated by people interviewed by Human Rights Watch in the April 8, 2011, theft of money and phones from a store at the Trade Center in Tagum City.⁸⁵ Residents found Lagulos's body on April 12, 2011, on Tagum's Lapu-Lapu Street just hours after the discovery of Macky Lumangtad's body. Media reports quoting the police stated that Lagulos's body bore 22 stab wounds.⁸⁶

According to a report by John Paul Seniel, a journalist for GMA News Television in Davao City, two boys saw the abduction of Lagulos on the night of April 12.⁸⁷ An employee at the Gold City bowling alley in Tagum who also worked as an informant for the death squad

⁸² Human Rights Watch interview with Carmelita Lumangtad, September 12, 2011.

⁸³ Human Rights Watch interview with a Tagum City social worker (name withheld), Tagum City, September 14, 2011.

⁸⁴ Ibid.

⁸⁵ Human Rights Watch interviews with Carmelita Lumangtad, Tagum City, September 14, 2011 and Jomarie Abayon, Manila, January 31, 2014.

⁸⁶ "Pagpatay sa duha ka minor de edad sa Tagum City, masulbad pa ba?," *GMA-7 Davao*, May 13, 2011, <http://www.gmanetwork.com/news/story/220503/ulatfilipino/davao/special-report-pagpatay-sa-duha-ka-minor-de-edad-sa-tagum-city-masulbad-pa-ba> (accessed February 5, 2014).

⁸⁷ Ibid.

brought Lagulos to a dark corner of Lapu-Lapu Street where two men on motorcycles were waiting.⁸⁸ One of them, allegedly a member of the Tagum Death Squad named Renster “Renren” Azarcon, then stabbed Lagulos repeatedly.⁸⁹

Seniel said that his efforts to get government officials to comment on Lagulos’s murder proved futile: “There was no police investigation, but they also denied that such a killing was committed by the government.”⁹⁰ In his television report, Seniel said social welfare officials responded to his queries by saying that they could not comment about the case.

Jomarie Abayon, a former TDS member, told Human Rights Watch that he was one of four members tasked to look for the children who stole from the store, including Lumangtad and Lagulos. “[Lagulos] had become notorious. We had been receiving a lot of complaints against him and his group,” Abayon told Human Rights Watch.⁹¹ Those complaints included allegations by store owners and residents near the plaza that Lagulos and his group of friends frequently created disturbances in and around the plaza by fighting with each other, snatching cellphones and, according to a Tagum City social worker, sometimes harassing female passersby.⁹²

Romnick Minta, another former member of the death squad, also alleged that Azarcon killed Lagulos.⁹³ Minta said Azarcon used a knife he called a “Rambo” knife because it resembled the one Sylvester Stallone used in the movie *First Blood*.

According to Lagulos’s relatives, the police could not explain the boy’s murder and that they had not identified any suspects.⁹⁴

⁸⁸ Ibid.

⁸⁹ Human Rights Watch interview with Jomarie Abayon, Manila, January 31, 2014.

⁹⁰ Human Rights Watch interview with John Paul Seniel, Davao City, August 2013.

⁹¹ Human Rights Watch interview with Jomarie Abayon, Manila, January 31, 2014.

⁹² Human Rights Watch interview with a Tagum City social worker (name withheld), Tagum City, September 14, 2011.

⁹³ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

⁹⁴ “Pagpatay sa duha ka minor de edad sa Tagum City, masulbad pa ba?,” *GMA-7 Davao*, May 13, 2011, <http://www.gmanetwork.com/news/story/220503/ulatfilipino/davao/special-report-pagpatay-sa-duha-ka-minor-de-edad-sa-tagum-city-masulbad-pa-ba> (accessed February 5, 2014).

“Jerome,” 16, Killed in August 2011

“Jerome” was another of the children and teenagers who frequented the plaza and who worked at the carwash on Third Avenue near Tagum City plaza.⁹⁵ One day in August 2011, when Jerome was 16 years old, a gunman shot and killed him while he was working at the carwash.⁹⁶ There were multiple witnesses to Jerome’s murder, including “Toto,” a fellow carwash boy and friend.⁹⁷ Toto told Human Rights Watch that he watched as two men carrying handguns approached Jerome and killed him execution-style in broad daylight.

Toto said the assailants used .45 caliber pistols, rode motorcycles, and wore baseball caps. Two men who acted as backups for the gunmen—one of them Toto described as an “asset” or informant for the death squad—watched the attack from across the street. Toto said:

The asset arrived at around 5 p.m. and stayed by the [car wash] billiards table.... I had no idea that they were planning to kill [Jerome]. When Jerome came out after his nap, the asset left because somebody called him [from outside of the car wash].... Two men then appeared at about 6 p.m. But we learned afterward [from other carwash employees] that they were already casing the place as early as 4 p.m. When Jerome took his nap, [the assailants] were already here.⁹⁸

Jerome, who also frequented Freedom Park and knew Macky Lumangtad, was among those who had earlier witnessed Macky’s abduction, according to Toto and Macky’s mother, Carmelita.⁹⁹ Carmelita told Human Rights Watch that Jerome disappeared for several days after Macky’s body was found. She said Jerome later told her that police officers had abducted and tortured him in an effort to discover if he indeed witnessed Macky’s abduction. Carmelita said Jerome denied he knew anything about Macky’s abduction and subsequent murder.¹⁰⁰ But the police who abducted Jerome, according to a former TDS

⁹⁵ Jerome only went by his apparent first name. Human Rights Watch could not establish Jerome’s full name, which even his friends were unaware of. Jerome had no known relatives in Tagum City.

⁹⁶ Witnesses could not recall the exact date of Jerome’s murder except to say it was in August 2011.

⁹⁷ Human Rights Watch interview with “Toto” (name withheld), Tagum City, September 14, 2011.

⁹⁸ Ibid.

⁹⁹ Human Rights Watch interview with Carmelita Lumangtad, September 14, 2011, and “Toto” (name withheld), September 14, 2011.

¹⁰⁰ Human Rights Watch interview with Carmelita Lumangtad, September 14, 2011.

member, were not out to investigate the killing. Instead, they were part of part of a cover-up, to ensure that no one witnessed Lumangtad's abduction.¹⁰¹

Carmelita asserted that Jerome's murder was a result of his witnessing her son's abduction. Toto told Human Rights Watch that Jerome had become a target because TDS members had decided that he had become too deeply involved in criminal activities. Romnick Minta, a former member of the death squad, remembers the killing of Jerome. Minta denied participation in the murder but said he was present during discussions about the murder in which TDS members expressed their belief in Jerome's criminality.¹⁰² But he added that the TDS decision to kill Jerome was also due to their concern about his knowledge of their involvement in the murders of Lumangtad and Lagulos. "That's why we had to kill [Jerome] too," Minta told Human Rights Watch.

These murders have traumatized the street children, including Toto, who spent time at the Freedom Park: "I'm extra careful now. I don't go out at night. I make sure that I'm done with work by 6 p.m."¹⁰³

The deaths of Lumangtad, Lagulos, and Jerome are not part of the case filed against Uy and others in relation to the Tagum Death Squad. But the sheer brutality of these killings prompted the Commission on Human Rights to investigate them.¹⁰⁴ Nothing, however, has come out of the investigation after the investigators submitted their findings to the commission's legal division.¹⁰⁵

Roberto T. Onlos, 62, Killed on October 28, 2011

On the afternoon of October 28, 2011, Roberto Onlos was driving his Mitsubishi Pajero along Apokon Road in central Tagum with his wife Rizalina, their three daughters, and four other relatives en route to a funeral. Suddenly, Rizalina, who was sitting next to Onlos,

¹⁰¹ Human Rights Watch interview with Romnick Minta, Manila, March 7, 2014.

¹⁰² Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

¹⁰³ Human Rights Watch interview with Toto (name withheld), Tagum City, September 14, 2011.

¹⁰⁴ Human Rights Watch interview with Alberto Sipaco, former head of the Commission on Human Rights in Southern Mindanao, Davao City, September 2, 2013.

¹⁰⁵ Human Rights Watch interview with Emil Cajés, chief of the investigation division of the Commission on Human Rights in the Southern Mindanao Region, Davao City, August 2013.

heard a loud popping sound. Simultaneously, Rizalina felt a sharp pain in her head and thought that she had been hit by a rock.¹⁰⁶ She turned to her husband and saw him with his head dangling forward over the steering wheel, a gunshot wound to his head spurting blood with a faint hissing sound.

One of the daughters who was in the back had the presence of mind to force herself into the front seat, take the wheel and stop the SUV. “I frantically got out and ran to the driver side and opened the door,” Rizalina said. “I knew right there and then that my husband was dead.”¹⁰⁷ Onlos was later pronounced dead on arrival at Davao Regional Hospital.

A Tagum City police investigation determined that a gunman riding pillion on a motorcycle fired a single shot at Onlos as he was traversing Apokon Road, a major highway in Tagum City.¹⁰⁸ The gunman was only a few feet from the victim when he fired his gun. The motorcycle sped away, followed by another motorcycle with two men on the back.

In her sworn statement, Rizalina alleged that Onlos had received several death threats from Voltaire Rimando, the mayor of Maco, a town next to Tagum City in Compostela Valley province.¹⁰⁹ She said Rimando had wanted Onlos replaced as chairman of the Maco Ancestral Domain Council Inc., a tribal group involved in mining operations in the province.¹¹⁰ Rimando, she alleged, wanted to assign someone close to him to head the council “but my late husband did not heed [sic].” Rizalina said her husband suspected Rimando wanted him out of the way in order to control the mine-rich tribal land that the council owned.¹¹¹

Rizalina also alleged that then Mayor Rey Uy, together with his brother Arturo Uy, the governor of Compostela Valley province, and Onlos’s own brother Rudy, called Onlos to a

¹⁰⁶ Human Rights Watch interview with Rizalina Onlos, widow of Roberto Onlos, Davao City, May 11, 2013.

¹⁰⁷ Ibid.

¹⁰⁸ “Naglubong gipatay,” *Sun Star Davao*, October 29, 2011, <http://www.sunstar.com.ph/superbalita-davao/balita/2011/10/29/naglubong-gipatay-187781> (accessed January 23, 2014).

¹⁰⁹ “Affidavit-complaint” filed by Rizalina Onlos at the Panabo City Prosecutors Office on January 29, 2013.

¹¹⁰ Under Philippine laws concerning indigenous peoples, mining operations in tribal areas need to have the consent and cooperation of the tribal community. This cooperation is usually done through the formation of a council or group that would then work closely with the mining company.

¹¹¹ Human Rights Watch interview with Rizalina Onlos, Davao City, May 11, 2013.

meeting two weeks before the murder to ask him to resign his post at the council “but he again declined.”¹¹² Onlos started receiving death threats from Rimando’s representatives soon after that meeting.¹¹³ Onlos’ brother Rudy worked with Mayor Uy and took Onlos to meet with Uy in Tagum weeks before the murder. During that meeting, Uy urged Onlos to step down and also not to get involved in the mining company’s union problems.”¹¹⁴

Romnick Minta, a self-confessed TDS member, told Human Rights Watch that he had acted as support and lookout for Onlos’s killer. Minta identified that gunman in a sworn statement and in his interview with Human Rights Watch as Renster “Renren” Azarcon.¹¹⁵ Minta said Onlos’s shooting was a contract killing “personally ordered” by Conrado “Rading” Palen and Victor “Kulot” Cuaresma, close aides of then-Mayor Uy.

Minta also identified Tagum City Senior Police Officer 1 (PO1) Rolly Sabitsana as having “personally ordered” the Onlos murder.¹¹⁶ In her affidavit, Rizalina named Minta, Palen, Cuaresma, Sabitsana, PO1 Alexis Manigo, Azarcon, Jomari Abayon, Junald Cuaresma, Eduardo Cabutad, and Allan Palen as the murderers.¹¹⁷ She asserted the murder occurred with the “approval” of Special Officer 3 (SPO3) Jose Bengil, SPO1 Divina Agocoy and PO3 Leonardo Abrenica, all assigned at the Tagum City Police Station.¹¹⁸ Minta also named these individuals in his affidavit about the Onlos murder.¹¹⁹

Jomarie Abayon, another former TDS member, confirmed Minta’s account to Human Rights Watch and confessed he was driving the motorcycle carrying the killer. Abayon also attributed the contract killing to Palen’s orders. “It was Rading who contacted us for the killing of Onlos,” he said.¹²⁰

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Human Rights Watch interview with Rizalina Onlos, Davao City, May 11, 2013; affidavit of Rizalina Onlos subscribed to Panabo City Prosecutors Office, January 29, 2013. Rudy Onlos is now the indigenous people’s representative in the Tagum City Council and remains an ally of Uy.

¹¹⁵ Human Rights Watch interview with Romnick R. Minta, former death squad member, Davao City, May 12, 2013.

¹¹⁶ Affidavit or sworn statement by Romnick R. Minta subscribed to the Davao City Prosecutor’s Office, October 2, 2012.

¹¹⁷ All are alleged members and leaders of the Tagum Death Squad.

¹¹⁸ Affidavit by Rizalina Onlos subscribed to the Panabo City Prosecutor’s Office, January 29, 2013.

¹¹⁹ Affidavit or sworn statement by Romnick R. Minta subscribed to the Davao City Prosecutor’s Office, October 2, 2012.

¹²⁰ Human Rights Watch interview with Jomari Abayon, Manila, January 31, 2014.

Rizalina’s and Minta’s affidavits, as well as those of several other relatives of victims, were used to support the case for “grave misconduct” Rizalina filed against Uy and several others before the Office of the Ombudsman.¹²¹ Other families of victims also filed separate cases against Uy and company, also before the ombudsman.¹²²

Minta described Onlos in his affidavit as a “drug pusher suspect.” However, he told Human Rights Watch that Sabitsana, their handler, had fabricated that justification for the hit on Onlos. “He was just a rival in mining of my team leader’s associates,” referring to Sabitsana. “He ordered us to do it. They just made up the drug story against him and the mayor believed it,” Minta said.¹²³ “Just one shot to the head,” he said.

Based on information provided by Minta, Rizalina alleged that Uy ordered her husband’s killing allegedly as a favor to Rimando, who was Uy’s political ally.¹²⁴ Minta alleged that Uy relayed the order to kill Onlos to Sabitsana, who in turn relayed it to members of the death squad. The Tagum City police had a direct role in the killings, according to Minta, Abayon and Marlon Hepalago, another former member of the death squad.¹²⁵ At least four more of these “handlers”— squad members who receive orders from Uy and his close aides, Cuaresmo and Palen, who then assign the hit men for the specific target—are also members of the Tagum City police force.¹²⁶ Another Tagum City police officer was present when the group held their first briefing on the planned killing, on October 14, 2011, two weeks before the murder.¹²⁷

Rizalina said she believed Minta’s testimony because the former killer told her details that only she could have known, such as when Minta claimed to have had his first surveillance job on Onlos. Minta said he was peering through the gate of Onlos’s home when Rizalina

¹²¹ The Office of the Ombudsman receives complaints against elected officers or employees of the government, including public officials. It then determines whether civil or criminal cases can be filed against the accused.

¹²² Affidavits by other relatives of victims filed before the Office of the Ombudsman.

¹²³ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

¹²⁴ Human Rights Watch interview with Rizalina Onlos, Davao City, May 11, 2013.

¹²⁵ Human Rights Watch interviews with Romnick Minta, Davao City, May 2013 and Jomarie Abayaon, Manila, January 31, 2014. Affidavit of Marlon Hepalago subscribed to the Davao City Prosecutors Office, October 25, 2012.

¹²⁶ Human Rights Watch interviews with former squad members Romnick Minta, Davao City, May 11, 2013 and Jomarie Abayon, Manila, January 2014.

¹²⁷ Human Rights Watch interview with Rizalina Onlos, Davao City, May 11, 2013.

noticed him. She went to check and saw a man walking away. “It was me,” Rizalina quoted Minta as telling her.

Rizalina and police sources told Human Rights Watch that the motive for Onlos’s murder is related to the tribal land that Onlos’s tribe controlled in Compostela Valley province. The tribe, through the Maco Ancestral Domain Council Inc., had entered into an agreement with a mining company to operate within the tribe’s land. Rizalina and these sources said Rimando wanted to control the council.¹²⁸

Besides Minta, there have been no additional arrests for the Onlos killing. The police, according to Rizalina, never concluded its investigation into the murder.¹²⁹

The .45 caliber bullet that killed Onlos also hit Rizalina in the head; the slug ended up embedded in the Pajero’s door. While her injury was not serious, she was traumatized by the killing enough to leave Tagum City, which had been their home for decades.

The murder also tore her family apart. Rizalina said her husband’s death had brought the family immeasurable grief and financial hardship. “We barely have enough food to eat these days,” she told Human Rights Watch. Two of her six children dropped out of school. She said she had to force her children to leave Tagum City and live with relatives in other places. “They did not only kill my husband,” Rizalina told Human Rights Watch. “They also killed the future of my children.”¹³⁰

She said she had not seen her daughters for a long time and would talk with them only on the phone and exchange text messages. “They would text me that they are scared all the time.”¹³¹

¹²⁸ Under the Indigenous People’s Rights Act, the law protecting the Philippines’ tribal people, mining companies need to get the “free and informed prior consent” of indigenous peoples in areas where they want to operate. Most of these companies would end up entering into agreements with these tribes, through councils such as the one Onlos headed. Three other tribal leaders had also been murdered in the three years before Onlos was shot dead.

¹²⁹ Human Rights Watch interview with Rizalina Onlos, Davao City, May 11, 2013.

¹³⁰ Ibid.

¹³¹ Ibid.

Epifanio Salmin, 47, and Dennis Angeles, Age Unknown, Killed on November 20, 2011

On the afternoon of November 20, 2011, four gunmen shot dead Dennis Angeles while he was playing cards in a gambling parlor in Purok Narra, Gabuyan, Kapalong town in Davao del Norte province.¹³² Epifanio Salmin, Angeles's bodyguard, was outside the building, in the street, when the shooting started. He managed to draw his gun, but the other assailants quickly gunned him down as they exited the scene of the crime. Both Salmin and Angeles died on the spot.

Angeles had hired Salmin after receiving death threats that, according to Angeles's wife, originated from Nick Clemente, an employee of the Provincial Agrarian Reform Office.¹³³ In a sworn affidavit, Merylaine Angeles said her husband was the chairman of the Alberto Soriano Farming Reform Beneficiaries Multipurpose Cooperative in Kapalong, Davao del Norte, an agricultural province to which Tagum City belongs.¹³⁴ Merylaine said that it was in that capacity that her husband had conflicts with Clemente, whose office runs the agrarian-reform program of the province. The conflict had grown so intense, she said, that Angeles at one point filed a case against Clemente before the Office of the Ombudsman.¹³⁵ Merylaine said that prompted threatening text messages from Clemente who warned that "[Dennis Angeles] would be killed if he pursued [sic] his complaint." Angeles and Salmin's murders occurred few days after the receipt of those text messages.¹³⁶ In a separate affidavit, Salmin's common-law wife, Jinny Rodulfo, said that she also knew of the antipathy between Angeles and Clemente.¹³⁷

Romnick Minta, who admitted to being one of the killers, told Human Rights Watch that Mayor Rey Uy had knowledge of the murder of Angeles and Salmin.¹³⁸ Clemente met with Uy in the mayor's house, Minta said, although he did not know what was discussed in that meeting. After that meeting between Uy and Clemente, Minta said that Uy told the TDS

¹³² Human Rights Watch interview with Romnick Minta, a former member of the Davao Death Squad, Manila, February 11, 2014.

¹³³ Affidavit of Merylaine Angeles, Angeles's widow, subscribed to the Panabo City Prosecutor's Office, November 23, 2012.

¹³⁴ Ibid.

¹³⁵ Ibid. Angeles did not specify in her affidavit the nature of the case she filed against Clemente but the Ombudsman handles mostly administrative complaints.

¹³⁶ Ibid.

¹³⁷ Affidavit of Jinny Rodulfo, Salmin's live-in partner, subscribed to the Davao City Prosecutor's Office, November 21, 2012.

¹³⁸ Human Rights Watch interview with Romnick Minta, Manila, February 11, 2014.

leaders to provide Clemente men “because he had a problem.” That’s when Minta and the three other hit men went to see Clemente at his home “so we could discuss the [planned killing] formally.”¹³⁹ “I was present when Nick Clemente talked to us about killing Angeles,” Minta said. Minta said Palen told them that Angeles was the biggest seller of methamphetamine, locally known as *shabu*, in Kapalong town and Tagum City.¹⁴⁰

Despite multiple witnesses to the murder of Angeles and Salmin, no witness has come forward to offer testimony to the police. One of the bullets grazed the foot of a female passerby, but even she refused to testify.¹⁴¹ Rodulfo said no one from the police or any government agency, such as the Department of Justice, has sought to interview her about the killings.¹⁴² She said she did not know the status of the “grave misconduct” case she filed against Uy and the others before the Office of the Ombudsman when she learned that Minta had been arrested and agreed to testify against the killers and those who allegedly planned the murder. Relatives of other victims of the Tagum Death Squad had also filed separate allegations of “grave misconduct” against Uy and his alleged accomplices before the Office of the Ombudsman.¹⁴³

Jovanni T. Mejos, 27, Killed on March 20, 2012

On March 20, 2012, a man with a pistol approached Jovanni Mejos on the basketball court in Purok Talisay, a section of Barangay West, Tagum City. The gunman shot Mejos once in the head and he fell to the ground. The gunman then shot Mejos twice more in the head, splattering his brains all over the ground. “It was a painful sight, to see him killed like that,” a relative of Mejos who witnessed his murder, told Human Rights Watch. “He was defenseless and was shot from behind.”¹⁴⁴

The alleged gunman, Renster Azarcon, is a member of the Tagum Death Squad.¹⁴⁵ Police revealed Azarcon’s alleged involvement in Mejos’s murder after the arrest of fellow death

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² Human Rights Watch interview with Jinny Rodulfo, Davao City, May 11, 2013.

¹⁴³ Affidavits of relatives of victims and witnesses presented to the Office of the Ombudsman. These are administrative cases. The Ombudsman is supposed to then investigate and recommend the filing of either a criminal or civil case.

¹⁴⁴ Human Rights Watch interview with a relative (name withheld), Davao City, May 11, 2013.

¹⁴⁵ Affidavit of the relative subscribed to the Davao City Prosecutor’s Office, October 11, 2012.

squad member Romnick Minta in September 2012.¹⁴⁶ Minta confessed that he had ridden Azarcon to the site of the killing on the back of a motorcycle. Minta is now a witness in the case filed against former mayor Rey Uy and others suspected of involvement in the Tagum Death Squad. In his affidavit, Minta said the death squad had targeted Mejos because he was a “drug pusher suspect.”¹⁴⁷

Mejos’s relatives dispute the accusation. They point out that he was the chairman of their village’s Sangguniang Kabataan Federation, a government youth council.¹⁴⁸ Rather than being a drug dealer, his family described Mejos as a devoted husband and a salesman in the nearby city of Panabo.¹⁴⁹

A relative expressed dismay at the death squad’s willingness to kill for what he considered such small sums of money. “They’re doing all these killings for just 2,000 pesos [\$44]. If we don’t pursue this case, if we don’t file this, maybe a person’s life may just be worth 1,000 pesos [\$22] next time,” the relative said.¹⁵⁰

To date, there have been no arrests or prosecutions for Mejos’s murder.

Jesus H. Cabayacruz, 23, Killed on April 24, 2012

The Tagum Death Squad murdered Jesus H. Cabayacruz, a Tagum City lumber dealer, on April 24, 2012. A gunman riding pillion on a motorcycle shot Cabayacruz dead while he was riding his motorcycle along the national highway in Magdum, Tagum City, shortly after sundown.

According to affidavits of former TDS members, the death squad had targeted Cabayacruz based on reports that he was a drug dealer.¹⁵¹ Cabayacruz’s mother, Leotinida Cabayacruz,

¹⁴⁶ Affidavit of Romnick Minta subscribed to the Davao City Prosecutor’s Office on October 1, 2012; Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

¹⁴⁷ Affidavit of Romnick Minta subscribed to the Davao City Prosecutor’s Office on October 1, 2012.

¹⁴⁸ Sangguniang Kabataan or Youth Council is the government’s outreach program for young Filipinos.

¹⁴⁹ Human Rights Watch interview with a relative (name withheld), Davao City, May 11, 2013.

¹⁵⁰ Ibid.

¹⁵¹ Human Rights Watch interviews with Romnick Minta, May 12, 2013, and affidavits of Minta and Leotinida Cabayacruz.

told Human Rights Watch that the allegation was incorrect. “It’s true he used to be a drug user,” she said. “But he stopped that when he became a businessman.”¹⁵²

Leotinida directly implicated then-Mayor Rey Uy in her son’s murder. She said Uy sought her out “shortly” before the murder, while she was visiting Tagum City Hall for a business transaction. She said that Uy specifically asked her how her son had been able to afford the purchase of a new motorcycle.¹⁵³ When she replied that he had bought it with a loan from her husband, Uy “shook his head and would not believe me.”¹⁵⁴ Leotinida said that Uy then referred to her son as one of the city’s “weeds”¹⁵⁵ and bluntly warned her “not to allow my son to go to Tagum City or he would be killed.”¹⁵⁶

Romnick Minta told prosecutors as well as Human Rights Watch that he was one of four members of the squad tasked to murder Cabayacruz.¹⁵⁷ Minta alleged that the other death squad members who took part in the shooting were Renster Azarcon and Allan Rosillo. Minta said they attacked Cabayacruz while he was riding his motorcycle with a uniformed member of the Philippines military on the back. The soldier, an unidentified friend of Cabayacruz’s, was armed with a pistol. Minta said that one of the killers, Rosillo, fired his pistol at Cabayacruz while a second gunman, Azarcon, fired at the soldier.¹⁵⁸ Minta said in his affidavit:

They both fell into [sic] the road and the gun of the army soldier also fell down. Jomari [sic] Abayon took it and shot with it Jesus Cabayacruz and the army soldier who were both lying on the road already seriously wounded.¹⁵⁹

In his affidavit, Minta said Cabayacruz’s murder was “directly ordered” by Uy “because he was suspected of being a drug pusher and had been making large amounts of [money from

¹⁵² Human Rights Watch interview with Leotinida Cabayacruz, Davao City, May 11, 2013.

¹⁵³ Human Rights Watch interviews with Leotinida Cabayacruz, Davao City, May 11, 2013; affidavit of Leotinida Cabayacruz subscribed to subscribed to the Davao City Prosecutors’ Office, November 12, 2012.

¹⁵⁴ Affidavit of Leotinida Cabayacruz subscribed to the Davao City Prosecutor’s Office on November 12, 2012.

¹⁵⁵ Leotinida’s affidavit is in English, but she was clearly referring to a popular Visayan expression “sagbot sa katilingban,” literally “weeds of society” that needed to be uprooted.

¹⁵⁶ Affidavit of Leotinida Cabayacruz subscribed to the Davao City Prosecutor’s Office on November 12, 2012.

¹⁵⁷ Human Rights Watch interview with Romnick R. Minta, member of the Tagum Death Squad, Davao City, May 12, 2013.

¹⁵⁸ Affidavit of Romnick Minta subscribed to the Davao City Prosecutors’ Office, November 12, 2012.

¹⁵⁹ Ibid.

the] sale of drugs.”¹⁶⁰ He said Uy ordered Cabayacruz’s murder because his mother, Leotinida, refused to heed Uy’s instruction to forbid Cabayacruz from coming to Tagum City.¹⁶¹

Minta also claimed that before Cabayacruz’s killing, members of the death squad had “sent text messages to SPO3 Jose Bingil, PO3 Leonardo Abrenica and SPO1 Divina Agocoy—all members of the police intelligence team of the Tagum City Police Station—to alert and inform them that we were about to do a summary killing at that particular vicinity.”¹⁶² He added:

In fact, every summary killing that we made, these said police officers fully knew beforehand of the execution of such killing and that in every summary killing investigation they always appeared at the scene of the killing to see if we are positively identified by witnesses or not.¹⁶³

A police officer who had been tasked to investigate a few of the killings could not confirm to Human Rights Watch the alleged involvement of the three police officers Minta named as actively complicit in Cabayacruz’s murder. However, he confirmed that some unidentified members of the Tagum Police cooperated with Uy and the death squad in many of the death squad’s killings.¹⁶⁴ “You can’t disobey the mayor’s order,” he said. “His power is higher than the chief of police. If the mayor gives his order, it gets implemented.”¹⁶⁵ He also echoed Leotinida’s claim that her son could have been killed without any evidence that we was involved in wrongdoing.

Leotinida said they decided to fight back by filing a case against Uy and the others before the Office of the Ombudsman, even though they are against “big people.” Cabayacruz, she said, “was a good kid, always helpful.”¹⁶⁶ Besides, she said, she’s had enough of all the killings.

¹⁶⁰Ibid. Minta reiterated this charge in an interview with Human Rights Watch on February 3, 2014.

¹⁶¹ Ibid.

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ Human Rights Watch interview with a police officer (name withheld), Davao City, May 12, 2013.

¹⁶⁵ Philippine law empowers mayors to appoint chiefs of police, drawing from the names of nominees submitted by the Philippine National Police.

¹⁶⁶ Human Rights Watch interview with Leotinida Cabayacruz, Davao City, May 11, 2013.

According to Leotínida, the police had not completed its investigation into her son's murder nor had they officially identified or arrested any suspects in the killing.

Wilfredo Derecho, 41, Killed on July 2, 2012

On July 2, 2012, a lone gunman approached Wilfredo Derecho on Sobrecarey Street in Tagum City and shot him five times, killing him instantly.

Derecho had worked as a traffic aide with Tagum's Civil Security Unit.¹⁶⁷ As a traffic aide, Derecho was responsible for directing traffic in the city and for responding to minor public order concerns in the plazas and markets. Derecho was also an assistant to SPO1 Rolando Sabitsana, one of the alleged leaders of the Tagum Death Squad.¹⁶⁸ A relative of Derecho's told Human Rights Watch that through his job, Derecho became aware of Sabitsana's and the death squad's activities, including the killings. "He knew some things," the relative told Human Rights Watch. "Maybe that's why he was killed. [TDS members] might have been scared that their [criminality] might get known."¹⁶⁹

Derecho was aware that his life was in danger. On June 15, 2012, he gave his relative a piece of paper with a written list of eight names of people who he said should be held accountable in the event of his murder. Derecho told his relative that he had been the target of "threats" and that he had decided to immediately leave Tagum City for his safety. Derecho returned to Tagum on July 2 and was murdered 13 days later.

Among those Derecho listed was the man implicated in his murder. The list also included Romnick Minta, who served as the driver for the gunman.¹⁷⁰ In an affidavit Minta filed in November 2012 to support the "grave misconduct" case against Uy and several people with the Office of the Ombudsman, he listed Derecho's murder as one in which he had been actively complicit.¹⁷¹

¹⁶⁷ The CSU is a unit in the city government tasked with traffic management and ensuring order in the city's public infrastructure such as parks and markets.

¹⁶⁸ Human Rights Watch interview with a relative (name withheld) of Wilfredo Derecho, Davao City, May 11, 2013.

¹⁶⁹ Ibid.

¹⁷⁰ Photocopy of handwritten list, purportedly by Wilfredo Derecho, given to Human Rights Watch by a relative (name withheld).

¹⁷¹ Affidavit by Romnick Minta filed with Davao City Prosecutor's Office, November 2012.

Minta told Human Rights Watch that Derecho had no involvement with the death squad even though he was an employee of the Civil Security Unit.¹⁷² “He was just employed as a traffic aide, that’s all,” he said. “He left the group, displeased our handlers and so was killed.”¹⁷³ Derecho’s murder has terrified his family, the relative told Human Rights Watch. He said that Derecho’s wife and children did not want to pursue the case out of fear of reprisals. “That’s why I’m the one doing this. I’m the complainant, because he told me who killed him.”¹⁷⁴

The relative said he is committed to pursue the case against Uy and the others. “I want to give justice to him,” he said.¹⁷⁵ However, the police have not concluded their investigations and no one has been arrested for the murder.

Kennedy Casimina, Age Unknown, Killed on July 7, 2012

A gunman, later identified as Tagum Death Squad member Renster Azarcon, shot dead Kennedy Casimina at around 3 a.m. on July 7, 2012, while Casimina and several of his friends were drinking in a bar on Lapu-Lapu Street in Tagum City.¹⁷⁶

Casimina’s girlfriend, Moon Hsu, stated in an affidavit that the death squad killed Casimina because it suspected him of being a thief.¹⁷⁷ According to former death squad member Minta, the owner of a computer laptop had complained to leaders of the Tagum Death Squad that Casimina had stolen it.¹⁷⁸

In her affidavit filed before the Davao City Prosecutor’s Office in October 2012, Hsu said she and Casimina witnessed members of the death squad, specifically Minta and Azarcon, shoot two persons suspected of being thieves on June 6, 2012.¹⁷⁹ Hsu said Casimina had led Minta and Azarcon to the two victims, who were the ones who sold Casimina the laptop.

¹⁷² Human Rights Watch interview with Romnick Minta, Manila, February 3, 2014.

¹⁷³ Ibid.

¹⁷⁴ Human Rights Watch interview with a relative (name withheld) of Wilfredo Derecho, Davao City, May 11, 2013.

¹⁷⁵ Ibid.

¹⁷⁶ His girlfriend Moon Hsu told Human Rights that Kennedy’s name is actually spelled “Kennydy” but the affidavit she signed says “Kennedy.”

¹⁷⁷ Affidavit by Moon Hsu, girlfriend of Kennedy Casimina, subscribed to the Davao City Prosecutor’s Office, October 23, 2012.

¹⁷⁸ Human Rights Watch interview with Romnick Minta, Manila, February 11, 2014.

¹⁷⁹ Affidavit by Moon Hsu, girlfriend of Kennedy Casimina, subscribed to the Davao City Prosecutor’s Office, October 23, 2012.

It's not clear in Hsu's affidavit if the two died. "I saw Romnick [Minta] still holding his gun and the two men fell down [on] the road," Hsu said in her affidavit.¹⁸⁰ But according to Minta, one of the two men died, while the other managed to escape.¹⁸¹

Terrified at what they saw, Hsu said she and Casimina immediately went home to their apartment. A short time later, Azarcon, Minta and a "short, dark person" arrived at their door. Hsu said the third person with the two death squad members looked to her like a policeman because of the gun in a holster on his waist. Hsu said Azarcon then took out a knife, held it against Casimina's midsection and told him in the vernacular Visayan: "This knife is perfect for your body. Should you tell others, you will be next."¹⁸²

On July 7, Azarcon allegedly barged into the bar armed with a .45 caliber pistol and shot Casimina four times to the head in front of his friends.¹⁸³ Minta told Human Rights Watch that the Tagum Death Squad had wanted Casimina to witness the shooting of the two men so Casimina would stop stealing. "We did not want to kill Kennedy, only those two thieves," he told Human Rights Watch. "We knew he was stealing too and we warned him. We thought he had reformed because he left Tagum but then he came back and resumed stealing. We had no choice but take him out."¹⁸⁴

The police never completed its investigation into Casimina's killing, which remains unsolved.¹⁸⁵

Alicia Ang, 59, Killed on August 28, 2012

On August 28, 2012, just after 2 p.m., two unidentified gunmen shot to death businesswoman Alicia Ang at Super JJ Ukay-Ukay, a used-clothing store on Bonifacio Street in Tagum City.¹⁸⁶ The assailants immediately fled the crime scene on a motorcycle

¹⁸⁰ Ibid.

¹⁸¹ Human Rights Watch interview with Romnick Minta, Manila, February 12, 2014.

¹⁸² Affidavit by Moon Hsu, girlfriend of Kennedy Casimina, subscribed to the Davao City Prosecutors Office, October 23, 2012.

¹⁸³ Ibid.

¹⁸⁴ Human Rights Watch interview with Romnick Minta, Manila, February 12, 2014.

¹⁸⁵ Ibid.

¹⁸⁶ Affidavit by Oscar Ang, son of Alicia Ang, filed with Panabo City Prosecutor's Office, January 24, 2013.

with no license plates. Police found two empty caliber .45 shells and a bullet at the scene of the crime.¹⁸⁷

Police have not arrested any suspects in Ang's murder. However, police suspect the motive was a property dispute.¹⁸⁸ Ang's son Oscar affirmed this theory. In his affidavit to support the filing of a case against the alleged perpetrators, Oscar alleged that the other party in the property dispute allegedly paid the Tagum Death Squad 100,000 pesos (\$2,200) for the murder.¹⁸⁹ He identified the alleged killers as Renster Azarcon, Allan Palen, Jomarie Abayon, and Romnick Minta.¹⁹⁰ The latter two admitted to Human Rights Watch their involvement in Ang's contract killing. Abayon said Azarcon and Palen did the actual shooting and that he and Minta only served as drivers of the getaway motorcycles, but Human Rights Watch could not corroborate this.¹⁹¹

Oscar Ang, based on information provided by Minta, alleged that Leticia Peralta, Pepito Peralta and Shirley Peralta-Maghanoy paid the Tagum Death Squad to murder his mother. Ang further alleges and that murder contract was handled by Conrado Palen, police officers Rolando Sabitsana and Alexis Magno, and Victor Cuaresma, a close aide of then Mayor Rey Uy.¹⁹² Ang said his mother had had a disagreement with the Peraltas that a court had resolved in his mother's favor.¹⁹³ Ang alleged that after the court's decision, his mother started receiving death threats from the Peraltas. One such threat was, in the vernacular dialect of Visayan: "Two sacks of money should be enough to make her disappear."¹⁹⁴

According to police sources, the Ang case remains unsolved and no suspect aside from Romnick Minta has been arrested.

¹⁸⁷ "Woman slain in ukay-ukay shop," *Sun Star Davao*, August 29, 2012, <http://www.sunstar.com.ph/davao/local-news/2012/08/29/woman-slain-ukay-ukay-shop-240004> (accessed February 11, 2014).

¹⁸⁸ *Ibid.*

¹⁸⁹ Affidavit by Oscar Ang, son of the victim, subscribed to Panabo City Prosecutors Office, January 24, 2013.

¹⁹⁰ *Ibid.*

¹⁹¹ Human Rights Watch interviews with Romnick Minta and Jomarie Abayon, Manila, February 11, 2014.

¹⁹² Affidavit by Oscar Ang, son of the victim, subscribed to Panabo City Prosecutors Office, January 24, 2013.

¹⁹³ *Ibid.*

¹⁹⁴ *Ibid.*

Rogelio “Tata” Butalid, 46, Killed on December 11, 2013

A gunman fired several shots at point-blank range into the head and torso of Rogelio Butalid on December 11, 2013. The attack occurred as Butalid, a commentator for Tagum City’s 107.9 FM Radyo Natin was walking toward his motorcycle parked outside the Leonardia Building on Sobrecarey Street. He died on the spot.

Roy Obar, an employee of the radio station, told the *Philippine Daily Inquirer*: “We heard a single pop then a succession of gunshots down below minutes after he [Butalid] had stepped out of the announcer’s booth.”¹⁹⁵ Butalid was a “block timer” at the station, not a staff member.¹⁹⁶ His employer, the Davao del Norte Electric Cooperative-National Electrification Administration (Daneco-NEA), paid for the airtime of his year-old program, called “The Truth.”¹⁹⁷

Police said despite the many eyewitnesses to Butalid’s killing, only one had come forward to give a description of the assailants. Police said they were two men wearing dark sunglasses, who then fled the scene by motorcycle.¹⁹⁸

Colleagues described Butalid as a hard-hitting commentator, especially since another faction of Daneco, the Daneco-Cooperative Development Authority (Daneco-CDA), also had “block timers” criticizing him and officials of the Daneco-NEA.¹⁹⁹ Elmer Tandoc, a colleague at the radio station, said Butalid’s commentary against Daneco-CDA as “stinging.”²⁰⁰

¹⁹⁵ “3rd media slay in 2 weeks,” *Philippine Daily Inquirer*, December 12, 2013, <http://newsinfo.inquirer.net/544833/3rd-media-slay-in-2-weeks> (accessed February 11, 2014).

¹⁹⁶ “Block timers” buy airtime from radio stations. Buyers often use this airtime for mainly commentary programs. Many of the victims of journalist killings in the Philippines are block timers, who are not subject to the same rules of broadcast as staff members of the radio station, and hence tend to be more critical and shrill in their commentary. The response by the target of their on-air attacks is often violence.

¹⁹⁷ “3rd media slay in 2 weeks,” *Philippine Daily Inquirer*, December 12, 2013, <http://newsinfo.inquirer.net/544833/3rd-media-slay-in-2-weeks> (accessed February 11, 2014).

¹⁹⁸ “Safety of media men assured as cops look into Butalid slay case,” *Philippine Information Agency*, January 10, 2014, <http://r11.pia.gov.ph/index.php?article=2381389327579> (accessed February 11, 2014).

¹⁹⁹ “Tagum Mayor Rellon put up P100,000 reward money to arrest killers of slain broadcaster Butalid,” *CNN iReport*, December 11, 2013, <http://ireport.cnn.com/docs/DOC-1067736> (accessed February 2, 2014).

²⁰⁰ “3rd media slay in 2 weeks,” *Philippine Daily Inquirer*, December 12, 2013, <http://newsinfo.inquirer.net/544833/3rd-media-slay-in-2-weeks> (accessed February 11, 2014).

Other colleagues said the victim had received death threats, which he liked to share with his listeners.²⁰¹

A witness to the killing told Human Rights Watch that she saw and recognized the person who shot Butalid as Renster Azarcon, one of the key members of the Tagum Death Squad. She personally knows Azarcon, she said, and knows him enough to recognize him even wearing sunglasses.²⁰² “I know how he looks, I know how he dresses, I’m familiar with his gait,” she said.

The witness said she was going home after visiting her father that day and stopped by Sobrecarey Street to buy some fruit when the shooting occurred. “I had bought my fruit and was about to hail a pedicab when I saw Renren [Azarcon] across the street, riding on the back of a motorcycle driven by another man,” she told Human Rights Watch. He was wearing a gray jacket, hiking shorts and sandals. Afraid that the alleged gunman might recognize her, she turned around but not before she said she saw his eyes. “He used a handkerchief or a similar kind as a mask, but I saw his eyes,” she said.

The moment she turned her back to hail a pedicab, she said, she heard gunshots. She said she did not see the actual shooting.

Former Tagum Death Squads members Romnick Minta and Jomarie Abayon, in separate interviews with Human Rights Watch, said they also suspect the death squad was responsible for the murder of Butalid.²⁰³ “They’re still operating and the Daneco issue is important to Uy,” Minta said.²⁰⁴ A top police official of Davao del Norte is also convinced that Uy was behind the Butalid murder. “It had all the signs” of a TDS operation, he said.²⁰⁵

²⁰¹ Ibid.

²⁰² Human Rights Watch interview with “Agnes” (name withheld), Manila, January 31, 2014.

²⁰³ Human Rights Watch interview with Romnick Minta, Manila, January 31, 2014.

²⁰⁴ According to several sources from Tagum City, Uy wanted to control Daneco, which supplies electricity to Tagum City and the province of Davao del Norte, because it is a lucrative operation. He allegedly initiated a management takeover of the cooperative by enlisting the support of the Cooperative Development Authority, which regulates all cooperatives in the country. The National Electrification Administration, which regulates electric cooperatives, resisted the takeover move. The dispute became acrimonious, to the point that both factions started collecting electric bills from consumers at the same time, leading to confusion.

²⁰⁵ Human Rights Watch interview with police official (name withheld), Manila, December 15, 2013.

The police have not arrested any suspect in Butalid's murder. On December 13, 2013, it formed a "task force," called Task Group Tata, to coordinate its investigations and released as well a police sketch of the gunman.²⁰⁶ The current mayor of Tagum, Allan Rellon, has offered a 100,000 peso (\$2,200) reward for information about the killer.²⁰⁷

²⁰⁶ "Police release description of Davao reporter's suspected killer," *The Philippine Star*, December 13, 2014, <http://www.philstar.com/nation/2013/12/13/1267669/police-release-description-davao-reporters-suspected-killer> (accessed February 11, 2014).

²⁰⁷ "Reward offered for info on Tagum radioman's killers," *GMA News.tv*, December 12, 2013, <http://www.gmanetwork.com/news/story/339428/news/regions/reward-offered-for-info-on-tagum-radioman-s-killers> (accessed February 11, 2014.) Rellon and Butalid have known each other a long time, having been classmates in high school. Butalid ran for city councilor under Rellon's party but lost.

IV. The Perpetrators: Inside the Tagum Death Squad

Tagum is under the iron grip of Mayor Uy. They have to do what the mayor wants because they are afraid the mayor would relieve them. You can't disobey him because his power is higher than the chief of police.

—Tagum police officer, Davao City, May 2013

Human Rights Watch interviewed three self-proclaimed members of the Tagum Death Squad and obtained the affidavit of a fourth. We also interviewed two people who had insider knowledge of the group, as well as police officers who investigated its activities over the years.

The most detailed account of Tagum Death Squad operations came from Romnick Minta, a member who decided to come out and testify about the killings after members of the group murdered his brother Mario and nearly killed him as well on September 8, 2012. Wounded, in government custody, and afraid that he would be killed while detained in the Tagum City Police Station, Minta said he decided to seek refuge at the Davao del Norte Provincial Police Office, which in turn had been providing him protection.²⁰⁸

Jomarie Abayon, the TDS member who shot the Minta brothers, also provided details of the death squad's activities. Abayon had also wanted to testify against former Mayor Uy and his former TDS colleagues but he had a falling out with officials of the Davao del Norte police, who accused him of selling the .45 caliber pistol given to him for his own protection. He has since left Tagum City.

Another former member, who talked to Human Rights Watch on condition of anonymity, confirmed many of the details provided by Minta and Abayon. Moreover, Marlon Hepalago, also a former member, signed an affidavit on October 25, 2012, detailing the killings in which he had participated.

²⁰⁸ Human Rights Watch interviews with Romnick Minta, Davao City, May 12, 2013 and Manila, from October 2013 to February 12, 2014.

Membership, Structure, and Equipment

According to several sources, including two former TDS members, most members of the Tagum Death Squad worked under a cover of legitimacy mostly as “security aides”—at the Tagum City government’s Civil Security Unit (CSU).²⁰⁹ “Most employees of the CSU were ordinary employees and they had no idea what [TDS members] were doing,” Minta told Human Rights Watch.²¹⁰ Minta, whose official designation at the CSU was “security aide,” alleged, however, that the CSU chief at the time, a retired police official named Col. Abraham Catre, knew of the death squad’s existence within the CSU. Jomarie Abayon, another former member, confirmed Minta’s assertion about Catre’s knowledge of the TDS in his sworn statement submitted as evidence in the case filed against Uy and others before the Office of the Ombudsman.²¹¹ Abayon asserted that Catre “also gave us instructions and work, which means killing assignments.”²¹²

As employees of the CSU, the death squad members received regular salaries as well as legal documents, such as identification cards, for their employment. Minta showed Human Rights Watch photocopies of his official identification card as “security aide” of the CSU. Abayon, in his affidavit, attached photocopies of his official ID signed by the intelligence officer of the Tagum City Police Station, designating him as “confidential agent” with the station’s intelligence section.

More importantly, the CSU and police designations meant TDS members could carry firearms legally.²¹³ Guiseppe Geralde, who served as chief of police of Tagum City from 2009 to 2011, justified the arming of some CSU members on the basis that it was for self-defense in the line of CSU duties.²¹⁴ Uy also said the PNP authorized the CSU members to carry firearms.²¹⁵

²⁰⁹ Officially, the main task of the Civil Security Unit (CSU) in Tagum City is related to law enforcement, to keep the peace in government infrastructures such as public markets and help as well in managing the traffic in Tagum City. It is not clear when the Tagum government created the CSU. Other cities in other parts of the country also have their own CSUs. In the case of Davao City, members are usually in uniforms and are often seen accompanying the police on patrols or during police operations.

²¹⁰ Human Rights watch interview with Romnick Minta, Manila, February 12, 2014.

²¹¹ “Judicial affidavit” by Jomarie Abayon subscribed to the Davao City Prosecutors Office, June 27, 2013, attested by private lawyer Mariano Alegarbes.

²¹² Ibid.

²¹³ In one case, a CSU member who was not a death squad member was arrested for carrying a firearm. The court dismissed the case after his lawyers argued that the firearm was legal. “He had papers from City Hall,” said a police officer privy to the case.

²¹⁴ “Illegal detention case vs. arresting NBI agents – Cee O,” *Rural Urban News*, November 4, 2010, <http://cha4t.wordpress.com/2010/12/26/illegal-detention-case-vs-arresting-nbi-agents-cee-o/> (accessed March 8, 2014).

²¹⁵ Ibid.

They could also drive motorcycles with no license plates without fear of being stopped by authorities. That helped enable them to commit targeted killings with impunity.²¹⁶

According to Abayon and Minta, Rolando “Rolly” Sabitsana, a non-commissioned police officer with the rank of Senior Police Officer 1 (equivalent to staff sergeant in the military), acted as the team leader of the Tagum Death Squad. He also directly supervised one of the two teams comprising the death squad.²¹⁷ Sabitsana often assigned missions to specific TDS members. A police intelligence officer told Human Rights Watch:

My colleagues would tell me, when I was new, to keep quiet. “These officers are the mayor’s men.” One of them was Sabitsana, Rolly Sabitsana. So we just kept quiet. We couldn’t arrest them. We couldn’t do anything when they’re in front of us. But we knew what they were doing.²¹⁸

As the team leader who controlled the death squad, Sabitsana had direct access to two of Uy’s most trusted men: Conrado “Rading” Palen and Victor “Kulot” Cuaresma.²¹⁹ Both reported directly to Uy, who in turn would always relay his orders to them, not directly to the hit men. Minta told Human Rights Watch:

Sabitsana handled us. Rading was our adviser. Victor was always at Mayor Uy’s house and he was the one who would send us text messages about an upcoming job. Victor also handled our finances.²²⁰

According to Minta, Palen, who was officially designated as an “intelligence operative” of the Tagum police, directly supervised the other team to which he belonged.²²¹ “If Mayor [Uy] has an event that required more security, Sabitsana’s team would be the more visible one while ours would just be watching in the sideline,” Minta said.²²²

²¹⁶ Human Rights Watch interview with a police intelligence officer (name withheld), Davao City, May 11, 2013.

²¹⁷ According to police sources, Rolando Sabitsana has been recalled to the Philippine National Police Regional Office 11 based in Camp Catipitan, Davao City, where he continues to serve the police force.

²¹⁸ Human Rights Watch interview with a police intelligence officer (name withheld), Davao City, May 12, 2013.

²¹⁹ Human Rights Watch interviews with Romnick Minta, February 12, 2014, and Jomarie Abayon, January 31, 2014.

²²⁰ Human Rights Watch interview with Romnick Minta, Manila, February 12, 2014.

²²¹ City Council resolution extending financial assistance to Palen, December 8, 2008, <http://www.tagumcity.gov.ph/resolutions/RN56208-finl%20assistance%20CBPalen.pdf> (accessed February 21, 2014).

²²² Human Rights Watch interview with Romnick Minta, Manila, February 13, 2014.

The death squad also had the cooperation of several members of the Tagum City Police Station, some of whom are named as respondents in the cases filed by the families of the victims before the Office of the Ombudsman. One of them, Alex Manigo, ranked police officer 3 (equivalent of master sergeant in the military), was Sabitsana's right-hand man. He had gone officially absent-without-leave (AWOL) when the Tagum Death Squad dispersed after the defeat of Uy in the elections. However, he was recently appointed as head of the CSU in Compostela Valley province, where Uy's brother, Arthur, is governor and where killings have also been taking place.²²³

The intelligence officer told Human Rights Watch that Uy "micromanaged" the Tagum City Police Station.²²⁴ That control explained the police officers' often blind obedience to Uy's orders. Police officers were also concerned about reprisals for refusing Uy's orders after the Tagum Death Squad targeted several police officers for death.²²⁵ The intelligence officer said:

Even the police chief is fearful of him. He can't be assigned to Tagum without the mayor's approval. Even if you get recommended by higher officers, the head of the police in the region, the province, if he won't approve it, you don't get it.²²⁶

The intelligence officer described an incident in 2008 in which the regional office of the Philippine National Police assigned an officer-in-charge for the Tagum City Police Station without Uy's approval. Uy responded by ordering the removal of all the furniture and equipment the city had given to the police force, essentially crippling it.²²⁷ The regional police had no choice but appoint a candidate that Uy favored. "He found it disrespectful

²²³ Human Rights watch interviews with Romnick Minta, Manila, February 12, 2014 and with a senior police official, Manila, February 12, 2014.

²²⁴ According to interior undersecretary Austere Panadero, a city or town mayor does not have actual "total control" of the police force because the mayor would still have to select his police chief from three recommended by the Philippine National Police, who technically would vet the candidates and ensure that his rank and skill are commensurate to the needs of the town or city.

²²⁵ Human Rights Watch interview with police official (name withheld), Davao City, May 11, 2013.

²²⁶ Human Rights Watch interview with police intelligence officer, name withheld, Davao City, May 11, 2013. Under the Local Government Code, the mayor can appoint his police chief based on the recommendations of the Philippine National Police, which nominates three.

²²⁷ According to Interior Undersecretary Austere Panadero, the local government units such as the town and city would often provide logistical support to the police.

that he wasn't consulted about the OIC," the source said.²²⁸ A government official privy to the dynamic of the police and local government confirmed this account to Human Rights Watch.²²⁹

But it soon became apparent that control of the police force was Uy's true objective. "Without a police chief of his own choosing, he would have difficulty committing all of these crimes," said a police official from Davao del Norte province.²³⁰

Among the hit men, Renster "Renren" Azarcon stood as the most senior, and most feared. Based on the testimonies of former members and the affidavits of relatives of victims, Azarcon did most of the actual shooting.

The death squad's weapon of choice was a .45 caliber pistol; different calibers and types of handguns were also used, although not as often.²³¹ During their hits, the killers typically would wear baseball caps and sunglasses.²³² The members also used motorcycles that came from City Hall with red plates indicating that they were government property. However, the assailants removed the plates or replaced them with a "For Registration" plate.²³³ Victor Cuaresma, Uy's close aide who helped run the death squad, procured the motorcycles from City Hall.²³⁴ In between jobs, these motorcycles would be hidden in a "safe house" owned by a relative of Sabitsana in Tagum City.²³⁵ They used the safe house for meetings about upcoming jobs and also gathered there to collect their payment.²³⁶

Recruitment and Training

At least two members of the Tagum Death Squad were former members of the New People's Army (NPA), the armed wing of the Communist Party of the Philippines that has waged a four-

²²⁸ Human Rights Watch interview with a police intelligence officer (name withheld), Davao City, May 11, 2013.

²²⁹ Human Rights Watch interview with a local government official (name withheld), Davao del Norte, August 12, 2013.

²³⁰ Human Rights Watch interview, Davao City, May 11, 2013.

²³¹ Human Rights Watch interviews with former TDS members (names withheld), Davao and Manila, May, 12, 2013 and January 31, 2014. Also, official police reports.

²³² Ibid.

²³³ Ibid.

²³⁴ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

²³⁵ Ibid.

²³⁶ Human Rights Watch interviews with former TDS members (names withheld), Davao and Manila, May, 12, 2013 and January 31, 2014.

decade Maoist insurgency in the Philippine countryside.²³⁷ These are Conrado “Rading” Palen, the group’s adviser, as well as former TDS member Romnick Minta.²³⁸ Palen was an NPA guerrilla in the 1980s up to the early 1990s, according to a high-ranking NPA leader in the Southern Mindanao region.²³⁹ It is not clear when Palen started working for Uy. However, shortly after he began as Uy’s close aide, the volume of complaints about the killings and Palen’s brutality prompted the NPA to consider killing him.²⁴⁰

Minta’s NPA origins had many distinct advantages. First, he was already familiar with weapons and had undergone some combat training. Minta had more importantly been a member of the Sparrow Unit, the NPA’s assassination squad.²⁴¹ He eventually surrendered to the police and began working for them. He initially worked as a police “agent” providing information about criminals or suspected criminals. Minta told Human Rights Watch:

I agreed to be their agent because I had no other options. I don’t want them to be angry at me. I had just surrendered and asked for help from them.²⁴²

In 2010, Minta said he met Mayor Uy’s men. A police intelligence officer who learned of his surrender in 2009 from another former rebel referred him to the death squad. The recruitment was easy, mainly because Minta had received government assistance as a rebel returnee. He was first used as an “alpha,” which is TDS jargon for a spy who did mostly surveillance work. His job was to check out suspected criminals who had been the subject of complaints, particularly those who just got out of prison and were likely to commit another crime.²⁴³

²³⁷ The NPA is very active in the region of Southern Mindanao, to which Tagum City and the provinces of Davao del Norte and Compostela Valley are part.

²³⁸ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

²³⁹ Human Rights Watch interview with NPA leader, Manila, February 13, 2014.

²⁴⁰ Ibid. The NPA leader told Human Rights Watch that while the order to kill Palen had been rescinded, he is still wanted by the Communist Party to be tried in its “people’s court.”

²⁴¹ Human Rights Watch interviews with Romnick Minta, a police official, and a police intelligence officer, Davao City, May 11, 2013, and an NPA leader, Manila, February 13, 2014. The NPA leader said they were aware that many of those who quit the insurgency are prone to recruitment by politicians. He said they could not do anything about that but said that those ex-guerrillas who committed “abuses against the people” are always subject to “revolutionary justice.” Indeed, the NPA has long executed former comrades who committed crimes against ordinary citizens or ended up working for the police and military.

²⁴² Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

²⁴³ Ibid.

In 2011, Minta became one of the TDS hit men. He said he joined the Civil Security Unit that same year and received a briefing from no less than retired police Col. Abraham Catre, the head of the CSU, and Mayor Uy himself.²⁴⁴ He said the CSU's duties included monitoring and "to get rid" of "lawless elements" of Tagum City such as "but not limited to thieves, snatchers, drug pushers, killers, robbers."²⁴⁵

Minta made his first kill as a TDS member that same year. Minta insists that the TDS compelled him to do the killing and that he was forced to join the squad primarily out of fear. "If I didn't join, I would be targeted [for death by the TDS]," he said.²⁴⁶

Most TDS members came from the streets of Tagum: jobless youths and local toughs who had committed crimes such as robbery and drug use.²⁴⁷ One of them, Renster Azarcon, was a former soldier who had gone AWOL. Another was Marlon Hepalago, a former TDS member who said in his affidavit that Azarcon recruited him in December 2009. "I was specifically designated to be the driver only of the motorcycle used during the summary killings they made," Hepalago said.²⁴⁸

Jomarie Abayon was only 17 when he was recruited into the TDS by Azarcon.²⁴⁹ Fearful that his fellow hit men were planning to kill him, Abayon left the group in 2013, at age 22. Minta described Abayon as a "gangster" who gained the confidence of the team leaders because he would identify other criminals in Tagum who they would later murder.²⁵⁰ "Michael," another member, was a drug addict, while "Trongtrong" was a notorious thief. Allan, another member, is a relative of Conrado Palen, one of the team leaders.²⁵¹

²⁴⁴ Affidavit by Romnick Minta, subscribed to the Davao City Prosecutor's Office, October 1, 2012.

²⁴⁵ Affidavit by Romnick Minta, subscribed to the Davao City Prosecutor's Office, October 1, 2012.

²⁴⁶ Human Rights Watch interview with Romnick Minta, Manila, February 12, 2014.

²⁴⁷ Human Rights Watch interviews with Romnick Minta, Davao City, May 12, 2013, and Jomarie Abayon, Manila, January 31, 2014.

²⁴⁸ Affidavit by Marlon Hepalago subscribed to the Davao City Prosecutor's Office on October 25, 2012.

²⁴⁹ Human Rights Watch interview with Jomarie Abayon, Manila, January 31, 2014.

²⁵⁰ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

²⁵¹ Ibid.

Minta said the TDS very easily recruited these men owing to their notoriety in the community and their criminal records.²⁵² This provided the killers a distinct advantage as they were often already familiar with their targets from before and their habits.²⁵³

Minta said TDS members were often told by their leaders that their mission, “the reason why we’re here,” was to rid Tagum City of criminals:

They said they wanted to clean up Tagum, to bring change to Tagum, so that bad elements would think twice in coming in because they would end up dead in Tagum.²⁵⁴

Aside from the occasional target shooting, members of the death squad did not undergo other training.

Identifying the Targets

Former members of Tagum Death Squad told Human Rights Watch that their targets were overwhelmingly individuals alleged to be thieves, drug dealers, and killers.²⁵⁵ Once the death squad had identified such individuals, often with the assistance of village officials and police officers, they would monitor them closely, particularly the repeat offenders.

TDS member Romnick Minta told Human Rights Watch that one of his duties was to monitor the movements and activities of people recently released from jail. “[Former prison inmates] usually are our next job,” he said, referring to such targets. As an “agent,” he would follow the individual around and report to his colleagues—usually Renster Azarcon, a senior TDS member—the target’s whereabouts. In cases in which TDS members perceive the target becoming involved in criminal activity, as in the case of Kennedy Casimina, who was accused of being a thief and allegedly would not reform, the TDS killing would soon follow.²⁵⁶

²⁵² Ibid.

²⁵³ Ibid.

²⁵⁴ Ibid.

²⁵⁵ Affidavit by Romnick Minta, subscribed to the Davao City Prosecutors Office, October 1, 2012.

²⁵⁶ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

Minta described the TDS modus operandi as a more streamlined version of the “slow, corrupt and unpredictable” Philippine justice system. Minta praised TDS methods as a more efficient way to dispense “justice.” “Once arrested, the longest a person can be jailed is 24 hours if no case is filed against him,” he told Human Rights Watch. “Our job was to eliminate him immediately if no one filed a case.”²⁵⁷

Minta indicated that the TDS respected the judicial principle of double jeopardy by not targeting individuals for crimes for which they had already served time in prison. Instead, he said the TDS only targeted those which the death squad believed had committed crimes, but had successfully evaded arrest and prosecution.

Other targets of the death squad were also listed in what members called the “order of battle” or OB.²⁵⁸ Marlon Hepalago, the former member, recalled in his affidavit the February 20, 2011, killing of a police officer named Edwin Gonzales de Guzman on Sobrecarey Street. “The reason for the killing as given by Rading was that the said police officer was already in their OB and the killing was approved by Mayor Rey Uy.”²⁵⁹ De Guzman attributed the killing to Renster Azarcon, who did the shooting, while riding on a motorcycle that Hepalago drove.

The children that frequented Freedom Park knew of and dreaded this OB and some of them went to the extent of contacting the people who allegedly maintained that list.²⁶⁰ Jomarie Abayon, a former TDS member, told Human Rights Watch the OB also included names allegedly reported to the mayor and his men through a radio program that broadcast a mobile number to which citizens can report crimes or suspected criminals. Abayon said:

That number would receive a lot of calls and texts identifying suspected criminals. Our task was to check out the names, whether these people actually were committing the crimes they were accused of committing. If we

²⁵⁷ Ibid.

²⁵⁸ The order of battle or OB is a military instrument in which enemies are listed and, at least in the Philippine context, targeted for elimination.

²⁵⁹ Affidavit by Marlon Hepalago subscribed to the Davao City Prosecutors Office on October 25, 2012.

²⁶⁰ Human Rights Watch interview with Jomarie Abayon, Manila, January 31, 2014.

confirmed it, our leaders would then assign the job [to kill the alleged criminal].²⁶¹

The “weeds” of Tagum City, however, were not the only targets of the Tagum Death Squad. According to Minta, their leaders—Conrado Palen and Victor Cuaresma—also deployed the TDS for the contract killings of individuals outside of the usual profile of petty criminals. They included ordinary residents, businessmen, and even police officers. Palen and Cuaresma allegedly pocketed the largest portion of payments for these contract killings, sharing with the group a few thousand pesos for each hit. Hepalago’s affidavit states that he drove the motorcycle that Azarcon used in the September 5, 2010, killing of Mario Bongabong, one of Palen’s alleged competitors in the small-scale mining business.²⁶² The murder of Alicia Ang was another such case of a contract killing that Palen facilitated after the alleged masterminds approached him because the victim sued them in court over a property dispute and won.²⁶³

Both Minta and Abayon said Mayor Uy did not necessarily have first-hand knowledge of the planning of these “non-weeds” killings, but that he tolerated such abuses. “[Uy] allowed Palen and Cuaresma to do these other killings as long as we were not caught and as long as we can show that the targets were bad elements,” Minta said.²⁶⁴

Other members of the death squad, encouraged by Palen’s and Cuaresma’s deployment of the TDS for personal gain, were inspired to do likewise. Romnick Minta and Jomarie Abayon said that other TDS members began fabricating allegations against individuals in order to create greater number of paid contract killings. “They will kill even those who are not guilty. They will just text the mayor and say they will [kill] a drug addict,” a police officer said.²⁶⁵ Minta said that the TDS leaders learned that fabricating drug allegations against an individual in order to justify a summary killing was an easy way to get Uy’s approval for such murders.²⁶⁶

²⁶¹ Ibid.

²⁶² Affidavit by Marlon Hepalago subscribed to the Davao City Prosecutors Office on October 25, 2012.

²⁶³ Affidavit by Oscar Ang, son of the victim, subscribed to the Panabo City Prosecutor’s Office on January 24, 2013.

²⁶⁴ Human Rights Watch interview with Romnick Minta, Manila, February 12, 2014.

²⁶⁵ Human Rights Watch interview with a police officer, Davao City, May 11, 2013.

²⁶⁶ Ibid.

Operations

The vast majority of the TDS killings investigated by Human Rights Watch involved the use of motorcycles. These belonged to the Tagum City government and would be assigned to members of the death squad officially employed as security aides of the Civil Security Unit.²⁶⁷ Each murder typically involved four men riding two motorcycles. In some instances, the TDS would deploy six men on three motorcycles in cases in which they suspected the victim would have the ability to fight back.²⁶⁸

According to Minta, after Palen or Cuaresma finalized a hit, often with Mayor Uy’s approval, they or sometimes Uy himself would contact Sabitsana. Sabitsana would then send text messages to specific TDS members to carry out the task of either conducting more surveillance on the subject or the actual murder itself. In some instances, as in the case of the murders of Epifanio Salmin and Dennis Angeles, the assigned killers would meet with the team leaders and even the person who allegedly ordered the killing, to discuss the job “formally.”²⁶⁹

Minta said TDS members worked under three “supervisors”—Palen, Cuaresma, and Sabitsana.²⁷⁰ Minta said he and other TDS members would be told not to report to the CSU office, but had to be available by mobile phone 24 hours a day. TDS members would await instructions as to the identity and location of the target. Sometimes, the assigned assailants were given photos, descriptions, sketches, and the address of the target.²⁷¹ The supervisors would specify the division of labor—which TDS member was the gunman and which one the motorcycle driver.²⁷² Minta told Human Rights Watch:

[TDS members] didn’t plan what we did. It came from the mayor. From the mayor, this would be forwarded by text to Rolly [Sabitsana]. Rolly then would forward this to us. Then we do the job. After finishing our job, we

²⁶⁷ Human Rights Watch interview with Romnick Minta, Manila, February 11, 2014.

²⁶⁸ Ibid.

²⁶⁹ Ibid.

²⁷⁰ Affidavit by Romnick Minta subscribed to the Davao City Prosecutors Office on October 1, 2012.

²⁷¹ Affidavit by Marlon Hepalago subscribed to the Davao City Prosecutors Office on October 25, 2012.

²⁷² Affidavit by Romnick Minta subscribed to the Davao City Prosecutors Office on October 1, 2012.

would text Rolly and report that we did it. Then the mayor would reply and say okay.²⁷³

Minta and Jomarie Abayon, another former member, said that police officers were also involved in the killings. “They were with us,” Abayon said. “We would clear our operations with their intel and they would reply, ‘We’re a go today, let’s go to work.’ We would also do jobs for them if they have jobs for us.”²⁷⁴

There were instances when the TDS didn’t even have to clear a murder with their leaders. Minta said that on several occasions, TDS members who happened to catch a thief would just kill him outright. “The instruction to us was if we were sure the target had committed a crime, we can kill him without clearing it with them first,” Minta said.²⁷⁵

Killings were often committed in broad daylight and the weapon of choice was usually a .45 caliber pistol. While TDS members were not given a quota, Minta said they often killed two or three victims a week, depending on orders from their leaders.²⁷⁶ Minta told Human Rights Watch that the TDS had also killed outside Tagum, as far away as Butuan City, in northern Mindanao.²⁷⁷ Sometimes, TDS members got assignments to work as bodyguards for businessmen who contracted the squad’s team leaders.²⁷⁸

The TDS members would often regroup after a killing at their safe house in Visayan Village, Tagum City, owned by Sabitsana.²⁷⁹ The safe house was also where Palen or Cuaresma would pay TDS members, usually a week after a killing. On at least two occasions, Mayor Uy himself personally paid the killers.²⁸⁰ However, Minta said that Uy forbade TDS members from going to his office at City Hall. “[Instead], we go to his residence beside the

²⁷³ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

²⁷⁴ Human Rights Watch interview with Jomarie Abayon, Manila. January 31, 2014.

²⁷⁵ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

²⁷⁶ Ibid.

²⁷⁷ Ibid.

²⁷⁸ Ibid.

²⁷⁹ Affidavit by Marlon Hepalago subscribed to the Davao City Prosecutors Office on October 25, 2012.

²⁸⁰ Affidavit of Jomarie Abayon; Human Rights Watch interview with Romnick Minta, Davao City, May 11, 2013.

Grand Mall. We enter the red gate of his house, enter the bodega and turn right to his house to wait for the payment from him,” Minta said.²⁸¹

Financing

The TDS as a unit got paid 5,000 pesos (\$110) for every killing—an amount the members of the group would divide among themselves.²⁸² The money would come from Uy himself, channeled through either Victor Cuaresma or Conrado Palen.²⁸³ On at least two occasions, Uy personally paid Romnick Minta and Jomarie Abayon for two killings.²⁸⁴ In such instances, the payment occurred in the former mayor’s home in Apokon, Tagum City, which they called “Jaguar,” according to former death squad members.²⁸⁵

As an employee of the Civil Security Unit of City Hall, Minta also received a monthly salary of about 10,000 pesos (\$220).²⁸⁶ That compares to a provincial monthly minimum wage of 7,224 pesos.²⁸⁷ Contract killings augmented this salary, depending on how many TDS members were involved in a particular murder. Former member Marlon Hepalago said that driving the gunman’s motorcycle paid 3,000 pesos (\$66) in the murder of Palen’s business rival Mario Bongabong.²⁸⁸ Hepalago said he earned 2,000 to 3000 pesos per contract killing, depending on the budget for the hit.²⁸⁹

None of the former TDS members said they knew where Mayor Uy sourced the money to pay them or spent on their behalf, as in the case of Jomarie Abayon, who was wounded during his attempt to kill Romnick Minta on September 8, 2012, and whose hospital bills Uy paid for.²⁹⁰

²⁸¹ Affidavit by Romnick Minta subscribed to the Davao City Prosecutors Office on October 1, 2012.

²⁸² Human Rights Watch interviews with Romnick Minta, May 12, 2013, and Jomari Abayon, January 31, 2014

²⁸³ Ibid.

²⁸⁴ Ibid.

²⁸⁵ Ibid.

²⁸⁶ Affidavit by Romnick Minta subscribed to the Davao City Prosecutors Office on October 1, 2012.

²⁸⁷ Department of Labor and Employment Wage Order No. RB-XI-17

<http://ro11.dole.gov.ph/default.php?retsamlakygee=25&resource=oba64aodea00947916dfb6a66866e1ca> (accessed April 23, 2014).

²⁸⁸ Affidavit by Marlon Hepalago subscribed to the Davao City Prosecutors Office on October 25, 2012.

²⁸⁹ Ibid.

²⁹⁰ Sworn affidavit of Jomarie Abayon subscribed to the Davao City Prosecutor’s Office, June 27, 2013.

Minta suspected the funds came from the payments of third parties who contacted the mayor or his close aides for contract killings.²⁹¹ Some Tagum residents suspected that Uy sourced the contract killing payment from corrupt activities, among them kickbacks from government contracts, even demanding a cut in the profit from small business.²⁹²

But the funds for the TDS did not necessarily come from illicit sources. Under the law that created the Philippine National Police, mayors such as Uy can augment the city's security forces by "employing or deploying" units of the PNP or by creating "community safety plans."²⁹³ Funding for these initiatives can either come from the city's budget or can be sourced through what are called "intelligence funds."²⁹⁴ Local executives are given much leeway, often discretionary, in spending these intelligence funds, also called confidential funds, to help in "peace and order efforts."²⁹⁵

Attacks against Tagum Death Squad Members and Tagum Police

The Tagum Death Squad, as with the Davao Death Squad, also victimized its own members.²⁹⁶ Particular targets were those members who wanted to leave the group or refused to take assignments.²⁹⁷ Others were killed or harmed for reasons not directly related to their work in the TDS, for example business interests that conflicted with those of the leaders of the group.²⁹⁸

Romnick Minta, a former member of the Tagum Death Squad, suspects that TDS leaders wanted to eliminate him after he refused to take part in the killing of Police Officer 1 Achilles Añover, a cop assigned at the Tagum City Police Station.²⁹⁹ "I considered Añover a

²⁹¹ Human Rights Watch interview with Romnick Minta, May 12, 2013.

²⁹² Human Rights Watch interviews with a businesswoman, name withheld, Tagum City, August 12, 2013 and interview with a government official, name withheld, Tagum City, August 12, 2013.

²⁹³ Republic Act No. 6975, December 13, 1990, http://www.lawphil.net/statutes/repacts/ra1990/ra_6975_1990.html (accessed March 8, 2014).

²⁹⁴ "FAQs: Intelligence or Confidential Funds," Department of the Interior and Local Government, <http://www.dilg.gov.ph/faq.php> (accessed March 8, 2014).

²⁹⁵ "PNoy to have P1.2-B in unaudited intel funds," *GMA News Online*, December 25, 2010, <http://www.gmanetwork.com/news/story/209137/news/specialreports/pnoy-to-have-p1-2-b-in-unaudited-intel-funds> (accessed March 8, 2014).

²⁹⁶ Human Rights Watch, *You Can Die at Any Time*.

²⁹⁷ Human Rights Watch interview with Romnick Minta, May 12, 2013.

²⁹⁸ Human Rights Watch interview with "Felix" (name withheld), a former member, May 11, 2013.

²⁹⁹ Human Rights Watch interview with Romnick Minta, May 12, 2013.

friend,” Minta said. “He was a good man. He helped me when I surrendered [from the NPA]. That’s why I told them I could not do it.”³⁰⁰

In the afternoon of August 31, 2012, TDS members Renster Azarcon and Trongtrong shot Añover dead while the police officer stood in front of his store in Mawab town, in nearby Compostela Valley province. The gunman walked up to Añover and shot him point-blank in the head, killing him on the spot.³⁰¹ A police officer told Human Rights Watch that Añover had started to investigate the death squad, hence the attack.³⁰²

Three days after Añover’s murder, on September 4, Minta received word that he had been fired from the CSU. Four days later, on September 8, the death squad tried to kill Minta. They did it by attacking Minta’s brother Mario and drawing Minta to the crime scene.³⁰³

In the morning of that day, Abayon said he received a text message from Mario Minta inviting him over for a drink. He went to see Minta, drank brandy, and, when he had the “slightest opportunity,” shot Minta several times in the head—so many times that, according to Abayon, he emptied two magazines of the .45 caliber pistol he used.³⁰⁴

Abayon then called Romnick Minta on his phone, telling him that Mario had been shot dead moments ago at a place called Jalandoni in Tagum City. Minta quickly went to the scene of the crime and saw Abayon holding a gun. Minta shot Abayon, hitting him in the back, puncturing his kidney.³⁰⁵ Abayon shot back, wounding him in the chest. Abayon ran and Minta managed to hail a pedicab that brought him to the hospital. Minta, however, was sure that the TDS or even members of the Tagum police would finish him off at the hospital. So he left and approached a contact at the Davao del Norte Provincial Police Office, which subsequently provided him protection and convinced him to testify about the killings.³⁰⁶

³⁰⁰ Ibid.

³⁰¹ John Roson, “Cop gunned down in Compostela Valley,” *Blueblitzkrieg*, September 1, 2012, <http://blueblitzkrieg.wordpress.com/2012/09/01/cop-gunned-down-in-compostela-valley/> (accessed February 13, 2014).

³⁰² Human Rights Watch interview with police officer, Davao City, May 12, 2013.

³⁰³ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

³⁰⁴ Ibid.

³⁰⁵ Affidavit of Jomarie Abayon, subscribed to Davao City Prosecutors Office, June 27, 2013.

³⁰⁶ Ibid. Abayon himself later turned against the TDS, agreeing to testify but his testimony is not yet included in the case because he had a falling out with those handling the case at the Davao del Norte Police Office. He remains in hiding and told

Abayon confirmed Minta's account to Human Rights Watch. Around early September, Mayor Uy decided to have Minta killed after Palen told him about Minta's refusal to take on the Añover assignment, Abayon said.³⁰⁷ "Go ahead and do it. People like that will put us in danger," Abayon quoted the mayor as saying. "He meant kill Romnick. There were six of us in that meeting at the hut inside the mayor's compound. He kept cursing," Abayon said of Uy, who used the Visayan word for devil to describe Minta. They snacked on bread and soft drinks during the meeting, Abayon said.³⁰⁸

"After Minta's [dismissal], we were told to include in our reports that Romnick Minta and his brother Mario Minta alias 'Jonas' have organized a robbery gang in Tagum City and are responsible for various robbery taking place in Tagum City," Abayon said of the justification to target Minta.³⁰⁹ He said he was at the meeting one day in September 2012, at the house of Police Officer 3 Leonardo Abrenica in Tagum City, where members of the TDS and "all intelligence personnel of the Tagum City Police Station" planned to kill Minta and his brother.³¹⁰ Uy, he said, arrived during the course of the meeting, but left ahead of the others.³¹¹

Abayon said he himself would later become the target of liquidation after he failed to kill Romnick Minta, who went on to testify against Uy and the others.³¹² After the TDS team leader Palen convinced Abayon to report back to the TDS after hiding for months, Abayon agreed to meet Palen at the entrance of a mall in Tagum City. Abayon said he did not proceed to the agreed spot, but instead observed it from afar. Soon, he said, he saw his former death squad members riding in motorcycles arriving at the place. Thinking that he was about to be ambushed, Abayon said he "slipped away and did not show up."³¹³

Human Rights Watch that he, too, fears for his life. He and Minta have since settled the issue of Abayon's shooting of Minta's brother – both said it was "nothing personal."

³⁰⁷ Human Rights Watch interview with Jomarie Abayon, Manila, January 31, 2014.

³⁰⁸ Ibid.

³⁰⁹ Sworn affidavit of Jomarie Abayon subscribed to the Davao City Prosecutors Office, June 27, 2013.

³¹⁰ Ibid.

³¹¹ Ibid.

³¹² Ibid.

³¹³ Ibid.

Shortly before noon one day in July 2012, a TDS member known as “Felix” was on his way home by motorcycle when he noticed another motorcycle tailing him. He decided to turn at a street before the village where he lived. He then stopped his motorcycle, dropped the plastic bag he was carrying and pretended to pick it up. He said he saw the other motorcycle in his rearview mirror stopped not too far from where he was. He turned around to have a better look at the assailants, but they shot him instead, twice. One of the bullets hit him in the head, the other in the leg. Bleeding, Felix managed to shoot back, forcing the hit men to drive away, and survived his wounds.³¹⁴

Felix was a member of the TDS tasked mainly with driving the motorcycles used in the killings. He believed that his business dealings in small-scale mining must have angered the leaders of the TDS, who were also into small-scale gold mining.³¹⁵

The TDS killed Cyrian Bautista, another alleged member, on March 6, 2011, in Madaum, Tagum City. According to Marlon Hepalago, Renster Azarcon shot Bautista while he drove the motorcycle used in the attack.³¹⁶ A relative of Bautista confirmed that he worked for the CSU and that he was always armed. The relative also said a companion of Bautista at the CSU had warned him as early as December the year before of the plan by the death squad to kill him because he allegedly was using and dealing drugs.³¹⁷

Jomarie Abayon, who is now in hiding both from the police and the death squad, said that Palen continues to contact him via text messages, pleading for him to come back but Abayon said he ignored Palen. “I’m not stupid. I know they’re going to kill me the moment they see me,” Abayon said.³¹⁸

In his affidavit, Hepalago divulged that he stopped reporting for work with the TDS after the July 28, 2010, murder of a suspected drug pusher, John Mark Mancao, at the city public market.³¹⁹ Hepalago received text messages afterward from Azarcon and Sabitsana, asking

³¹⁴ Human Rights Watch interview with “Felix” (name withheld), Davao City, May 11, 2013.

³¹⁵ Ibid.

³¹⁶ Affidavit by Marlon Hepalago subscribed to the Davao City Prosecutors Office on October 25, 2012.

³¹⁷ Human Rights Watch interview with relative of Cyrian Bautista (name withheld), August 2013.

³¹⁸ Human Rights Watch interview with Jomarie Abayon, Manila, January 31, 2014.

³¹⁹ Affidavit by Marlon Hepalago subscribed to the Davao City Prosecutors Office on October 25, 2012.

him to report back to the TDS. When he refused, they started threatening to kill him.³²⁰ Hepalago changed his mobile phone SIM card and went into hiding.

Aside from Bautista, Hepalago said at least three more members who opted to get out were also eventually targeted for killing. Minta told Human Rights Watch that he knew of at least three murders of former members while he was still with the group.³²¹

³²⁰ Ibid.

³²¹ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

V. Failure to Investigate and Prosecute Killings

Available evidence indicates that the Philippine authorities have not seriously investigated the vast majority of murders attributed to the Tagum Death Squad or arrested any suspects in those cases. Witnesses to killings are often unwilling to come out and provide information to the police. Officials say that relatives of victims frequently do not pursue cases out of fear of reprisal,³²² disregarding the state's obligation to investigate criminal violations such as murders even in the absence of a formal complaint.

Official police documents that list nearly 300 such murders in recent years label these cases as “unsolved” and all the suspects as unidentified.³²³ Moreover, the Department of the Interior and Local Government (DILG), which has administrative control of the Philippine National Police through the National Police Commission, has no record of any investigation into the Tagum killings.³²⁴

Relatives of victims told Human Rights Watch that although the police did initial investigations, they did not follow-up on their investigations or inform the families of updates to the cases. While the police in the Philippines have a notoriously poor record in investigating crimes, many suspect that this reflects in part the role of the police, and Mayor Rey Uy in particular, in the Tagum Death Squad.

Duties of Law Enforcement Officials and International Law

By law, members of the Philippine National Police (PNP) have a duty to protect lives and property, investigate and prevent crimes, arrest criminal offenders, bring offenders to justice and assist in their prosecution, and exercise powers of arrest, search, and seizure in accordance with the law, among others.³²⁵ PNP guidelines further detail the duties of police officers in crime scene investigations, including cordoning off the crime scene,

³²² Human Rights Watch interview with then Mayor Celso Lobregat, September 2012.

³²³ List of cases from the Tagum City Police Office and the Davao del Norte Provincial Police Office.

³²⁴ Human Rights Watch interview with Under Secretary Austere Panadero of the Department of the Interior and Local Government, Manila, May 29, 2013.

³²⁵ Republic Act No. 6975 of the Philippines, Chapter III, sec. 24.

evacuating injured persons to the nearest hospital, interviewing witnesses, gathering physical evidence, and arresting suspects, among other tasks.³²⁶

The Code of Conduct and Ethical Standards for Public Officials and Employees (Republic Act No. 6713) mandates that all government employees, including police officers, must attend to the problems of the public promptly. The code further specifies that public officials have a duty to respond to letters and requests by the public within 15 working days of receipt.³²⁷

As a state party to the International Covenant on Civil and Political Rights (ICCPR), the Philippines has obligations to protect the right to life.³²⁸ The United Nations Human Rights Committee, the international expert body that monitors state compliance with the ICCPR, has stated in a general comment that governments “should take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces.” Killings by authorities are “a matter of the utmost gravity” that “the law must strictly control and limit.”³²⁹

The ICCPR obligates governments to ensure that any person whose rights are violated by the authorities “shall have an effective remedy,” shall have this right determined by competent judicial, administrative or legislative authorities, and shall have the remedies enforced by competent authorities.³³⁰ The Human Rights Committee, in its 2012 Concluding Observations to the Philippines, noted the problem of extrajudicial killings and called on the government to “take necessary measures to prevent extrajudicial killings ... and ensure that alleged perpetrators of these crimes are effectively investigated, prosecuted and, if

³²⁶ PNP Operational Procedures, rule 13, Crime Scene Investigation.

³²⁷ Republic Act No. 6713 of the Philippines, sec 5: Duties of Public Officials and Employees. “In the performance of their duties, all public officials and employees are under obligation to (a) Act promptly on letters and requests. All public officials and employees shall, within fifteen (15) working days from receipt thereof, respond to letters, telegrams or other means of communications sent by the public. The reply must contain the action taken on the request.”

³²⁸ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), entered into force March 23, 1976, art. 6. The Philippines ratified the ICCPR in October 1986.

³²⁹ Human Rights Committee, General Comment 6, Article 6 (Sixteenth session, 1982), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 6 (1994), para. 3.

³³⁰ ICCPR, art. 2. Governments should make reparations to individuals whose rights have been violated. See Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), paras. 15 and 16.

convicted, punished with appropriate sanctions, and that the victims' families are adequately compensated.”³³¹

Tagum Death Squad Impunity

The role of Mayor Uy, his close aides, and several police officers in directing and paying the Tagum Death Squad protected the group from police investigation, according to former TDS members.³³²

Uy and other officials were also allegedly involved in attempts to cover-up for the crimes attributed to the TDS. Jomarie Abayon, in his affidavit, asserted that Col. Abraham Catre, then the chief of the Civil Security Unit, gave him money—a total of 33,500 pesos (\$760)—on separate occasions in June 2013 as part of an attempt to discourage him from testifying in the case against Uy.³³³ Abayon also claimed that, as a result of the case filed against him, other hit men, and Uy and his associates after the attack on Romnick Minta, the mayor called him and others to a meeting at the city motor pool in Tipas, a part of Tagum City. There, he said, Uy “told us to submit counter-affidavits, assigned us to lawyers and we were made to sign affidavits.” Abayon said that Uy told them that they had to build a case against Romnick Minta so he could be taken out of police protection so “it would be easy for us to gun him down.”³³⁴

In affidavits and in interviews with Human Rights Watch, former TDS members alleged that some police officers were actively involved in TDS murders. That involvement included the TDS providing some police officers advance warning of the time and location of a future contract killing so that police could ascertain if any eyewitnesses could identify the hit men. Two other TDS members confirmed this role by police officers.³³⁵ Abayon said police officers “regularly coordinated with us in all our killings operations. In fact, before we assault our

³³¹ Human Rights Committee, Concluding observations on the fourth periodic report of the Philippines, adopted by the Committee at its 106th session, 15 October to 2 November, 2012, para. 14.

³³² Human Rights Watch interviews with Romnick Minta, Davao City, May 12, 2013, and Jomarie Abayon, January 31, 2014.

³³³ Sworn affidavit of Jomarie Abayon subscribed to the Davao City Prosecutors Office, June 27, 2013. He attached three receipts from a money remittance company for these money-transfer transactions.

³³⁴ Ibid.

³³⁵ Human Rights Watch interview with Jomarie Abayon, Manila, January 31, 2014; Affidavit of Marlon Hepalago subscribed to the Davao City Prosecutors Office, October 25, 2012.

targets, the police would clear the way first and [they would be] the first ones to appear at the scene of the killing before the operatives of the PNP Crime Lab could come.”³³⁶

Police officers also took part in attempts to cover-up the murders. On at least one occasion, as noted above, police officers allegedly arrested and tortured the boy known only as Jerome in an effort to find out if Jerome indeed witnessed the abduction of another boy, Macky Lumangtad, who was later murdered.³³⁷ Police officers would also take part in fabricating reports to justify many of the killings.³³⁸ “In fact, most of our reports were already prepared by police intelligence personnel of the Tagum City Police Station and we were only made to sign it,” Abayon said.³³⁹

In the killing of Jesus Cabayacruz on April 24, 2012, former TDS member Minta said he and fellow TDS members sent text messages to three members of the Tagum City Police Station intelligence team—Senior Police Officer 3 Jose Bingil, Police Office 3 Leonardo Abrenica, and Senior Police Officer 1 Divina Agocoy—“to alert and inform them that we were about to do summary killing at that particular vicinity.”³⁴⁰

Human Rights Watch also learned that an official from the Tagum City Police Station discouraged other agencies, such as the Commission on Human Rights (CHR), from investigating the killings, telling them that Uy “does not respect the CHR.”³⁴¹ However, prior to the surrender to police of TDS member Romnick Minta, the death squad also discouraged official scrutiny of their killings by threatening police who sought to investigate those crimes.³⁴²

³³⁶ Sworn affidavit of Jomarie Abayon subscribed to the Davao City Prosecutor’s Office, June 27, 2013

³³⁷ Human Rights Watch interview with Romnick Minta, Manila, March 7, 2014.

³³⁸ Sworn affidavit of Jomarie Abayon subscribed to the Davao City Prosecutor’s Office, June 27, 2013

³³⁹ Ibid.

³⁴⁰ Affidavit of Romnick Minta, subscribed to the Davao City Prosecutor’s Office, November 12, 2012.

³⁴¹ Ibid.

³⁴² Human Rights Watch interview with a police intelligence officer, Davao City, May 11, 2013.

Lack of Witness Testimony

Tagum City police said they often were unable to investigate killings by citing the lack of witnesses as a hindrance to the investigation.³⁴³ The lack of witnesses reflects widespread public knowledge of police complicity in TDS operations and a resultant fear of TDS reprisals. “People are afraid. Everybody is afraid,” the mother of one of the victims said.³⁴⁴ Several of the victims’ relatives have moved out of Tagum City due to concerns for their personal safety and those of their family. “I would have to be very stupid to come out now and testify,” said a resident who witnessed the murder of broadcaster Rogelio Butalid.³⁴⁵

Some of the victims’ relatives who claim knowledge of the victims’ deaths decided to risk filing affidavits only after TDS member Romnick Minta surrendered to police.³⁴⁶

Role of the Commission on Human Rights in Southern Mindanao

None of the families of victims that Human Rights Watch interviewed approached the Philippines’ official Commission on Human Rights for help.³⁴⁷ But in 2011, media reports into the murders of Macky Lumangtad and Jenny Boy “Kokey” Lagulos prompted the CHR’s Davao-based regional office to initiate an investigation. CHR interviewed relatives of the victims as well as witnesses, but has not concluded its investigation. A CHR official in Davao City told Human Rights Watch in August 2013 that CHR had forwarded their preliminary findings to the commission’s legal division for review.³⁴⁸

A senior official of CHR’s Southern Mindanao office said his office wanted to dig deeper into the killings. However, he said that CHR lacked the requisite results of police investigations and related reports, which Tagum police had informed them did not exist.³⁴⁹ “They did not have something we could look into,” the official said.³⁵⁰

³⁴³ Human Rights Watch interview with a police officer, Davao City, May 11, 2013.

³⁴⁴ Human Rights Watch interview, Davao City, August 13, 2013.

³⁴⁵ Human Rights Watch interview, Manila, January 31, 2014.

³⁴⁶ Human Rights Watch interview with a police intelligence officer, Davao City, May 11, 2013.

³⁴⁷ The CHR is a constitutional body tasked to investigate, on its own or upon a complaint filed by a citizen, human rights violations. It has offices in the various regions of the Philippines. For more on the CHR, visit www.chr.gov.ph.

³⁴⁸ Human Rights Watch interview with Emil Cajés, chief of the investigation division of the Commission on Human Rights in the Southern Mindanao Region, Davao City, August 12, 2013.

³⁴⁹ Human Rights Watch interview, Davao City, August, 2013.

³⁵⁰ Ibid.

In fact, the CHR was treading on very dangerous ground when it conducted the investigation and may have exposed at least one of the witnesses to danger. According to Romnick Minta, their team leader ordered Jerome's murder because he had seen the killers of Macky Lumangtad lead him away from Freedom Park the day before his murder.³⁵¹ Four members of the TDS shot Jerome to death in August 2011.³⁵² Minta said that after Jerome's murder, Uy allegedly ordered the TDS to lie low for a month "because the human rights people are investigating."³⁵³

Role of Ombudsman

The Office of the Ombudsman is a government body tasked with investigating complaints filed against government officers or employees and enforcing administrative, civil, and criminal liability. Since it is formally independent of the executive branch and the armed forces, it is in a position to effectively investigate allegations of abuse by local government officials and security force personnel. However, it has acquired a poor record in resolving complaints brought to its attention.³⁵⁴

Based largely on Romnick Minta's testimony, some of the victims' relatives, with the prodding and help of officials of the Davao del Norte Provincial Police Office, filed administrative cases before the Office of the Ombudsman against Uy and other officials of the Tagum City government and the Tagum City Police Station. The sworn statement of two other former TDS hit men were later added as evidence in the case. So far, however, the Ombudsman has not yet concluded the results of its investigation, if any.³⁵⁵ No criminal case has been filed in court against any of the perpetrators, according to police officials familiar with the killings.

³⁵¹ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

³⁵² Refer to case of Jerome in page 25 of this report.

³⁵³ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

³⁵⁴ Human Rights Watch, *"They Own the People:" The Ampatuans, State-Backed Militias, and Killings in the Southern Philippines*, November 16, 2010, <http://www.hrw.org/reports/2010/11/16/they-own-people-o>, p.81.

³⁵⁵ The Ombudsman accepts complaints against public officials, including members of the police force. After investigation, it can mete out administrative sanctions such as suspension or dismissal from service. In some cases, it recommends the filing of criminal cases against respondents.

VI. Recommendations

To the President of the Philippines

- Publicly denounce local anti-crime campaigns that promote or encourage the unlawful use of force and commit to investigating local “death squads” and prosecuting all those involved in such activities, including officials regardless of rank or position.
- Direct the Office of the Ombudsman and the National Bureau of Investigation to conduct an investigation into summary killings in Tagum City for the purpose of prosecuting all those involved in “death squad” activity. Also investigate and prosecute as appropriate officials failing to investigate such killings.
- Direct an appropriate government agency, such as the Commission on Audit, to investigate whether local government funds (such as “peace and order funds” or intelligence funds” or other public monies) have been used directly or indirectly for death squad activities in Tagum City.

To the Philippine Congress

- Conduct hearings on “death squads” and summary killings throughout the Philippines and the role of local officials.

To the Department of the Interior and Local Government

- Work with the National Bureau of Investigation in probing the alleged involvement of Tagum City officials in the targeted killings in that city, chief among them former mayor Rey Chiong Uy, mete out corresponding disciplinary action, and recommend the prosecution of police officers implicated in these killings.
- Investigate allegations that government property such as motorcycles were used by the death squad in Tagum City and in other cities.
- Investigate the formation and activities of Civil Security Units in various cities in the Philippines and ensure that these are acting in accordance with the law.

To the Philippine National Police

- Immediately remove from service, officers of the Tagum City Police Station found to be involved in death squad activity. Evidence against implicated officers should be filed with the National Bureau of Investigation for criminal prosecution.
- Direct the PNP Internal Affairs Division to investigate the alleged participation and complicity of police officers in targeted killings in Tagum City, including officials who fail to rigorously investigate cases or hand them over for prosecution as appropriate. Evidence against implicated officers should be filed with the National Bureau of Investigation for criminal prosecution.
- Open hotlines or comparable lines of communication to receive anonymous information on police abuses.
- Educate police officers on issues affecting street children, and train them to ensure that rights accorded to children are protected.
- Include extrajudicial killings, including targeted killings, involving government officials as a separate category in the National Crime History Registry, and make it easily accessible to the public.
- Make PNP operational procedures, the investigators' manual, and other guidelines setting out duties of police officers easily accessible to the public. Ensure that the guidelines place a duty on law enforcement officers to protect the fundamental rights of criminal suspects and the security of witnesses.

To the Department of Justice

- Order the National Bureau of Investigation to investigate the killings in Tagum City and promptly act on its findings.
- Conduct broader investigations into situations of apparent death squad killings throughout the Philippines with the aim of bringing prosecution against officials involved.
- Take special precautions in cases involving authorities as defendants to ensure the safety of witnesses and families of victims during and after trial.
- Institute measures for witnesses to offer testimonies safely, for example by using video-conference testimonies, closed courtrooms, or depositions.

- Establish a witness protection program that is safeguarded by an agency other than the PNP. Ensure that the program provides protection for witnesses from the onset of the filing of a relevant case to its closure, and after the trial, if necessary.
- Implement mechanisms for witnesses to change identity and transfer to locations other than their places of residence, including to other provinces, pending trial and, if necessary, after trial.
- Produce and disseminate information for crime victims that explains their legal rights, such as their right to have the state pay for autopsies in alleged murder cases and their right to be informed of the status of relevant investigations. Adopt mechanisms to encourage the filing of complaints by those whose rights have been infringed by law enforcement officers.

To the Commission on Human Rights

- Organize a public hearing or “truth commission” about death squad killings in Tagum and elsewhere and the alleged involvement of local officials. Institute measures to ensure the safety of those who testify.
- Identify Commission on Human Rights officials in Mindanao who have failed to respond appropriately to petitions or complaints from families of victims of abuses by officials, and appropriately reprimand them.
- Publicly release the findings of the commission’s investigation into the Davao Death Squad.

To the Office of the Ombudsman

- Investigate law enforcement officers and other government officials suspected of involvement or complicity in death squad activity, including officials who fail to adequately investigate targeted killings, and seek reprimands or prosecutions as appropriate.
- Resolve and make public the case filed before the Office of the Ombudsman for Mindanao against former Tagum City mayor Rey Chiong Uy and other individuals allegedly involved in the Tagum City killings.

To the Department of Social Welfare and Development

- Investigate the killings of children in Tagum City and provide assistance to the families of victims of these killings.
- Ensure that children in conflict with the law in Tagum City are provided the needed assistance and intervention.
- Investigate the impact of death squad killings on children throughout the Philippines and recommend measures to better protect at-risk children.

To City Mayors

- Cease all support for, and actively discourage, anti-crime measures that encourage or facilitate violations of the law.
- Disband the Civil Security Unit or similar city agencies whose functions violate the law.
- Assist the NBI and PNP in their investigations of death squad activities.
- Assist national agencies in open hotlines or comparable lines of communication to receive anonymous information on unlawful activities by government officials.
- Seek assistance from national police agencies into killings and other serious crimes implicating local officials and police.
- Consult with child rights organizations to design and implement programs to improve social service programs and shelters for at-risk children.
- Consult with health and human rights organizations to design and implement rehabilitative programs for drug users, including children.

To Major Donors and External Partners, including the United States, European Union, Japan, Australia, the World Bank, and the Asian Development Bank

- Press the Philippine government to keep its pledges on human rights, the rule of law, and good governance, by investigating alleged death squad activities throughout the country and prosecuting all those responsible.

- Reduce or eliminate technical assistance to government agencies, such as the PNP, that fail to take measures or block investigations of death squad activities in Tagum City and other cities in the Philippines.
- Publicly criticize statements by government officials that appear to support killings and other unlawful means in combating crime.
- Support local nongovernmental organizations that provide legal and other services to victims of government abuses and street children, and that provide rehabilitative programs to drug users, including children.
- Offer to support external law enforcement assistance with investigations into death squad activity.

To the US Government

- Instruct the Manila-based Senior Law Enforcement Advisor of the US Department of Justice's Criminal Division's International Criminal Investigative Training Assistance Program (ICITAP) to work with the PNP to expand its model police stations program to Mindanao, and publicly clarify that its crime scene investigation programs are not open to law enforcement officers implicated in death squad activity.
- Encourage the Millennium Challenge Corporation to specifically include the Philippines' track record in prosecuting extrajudicial killings by state security forces as one of the indicators in determining the country's progress in the areas of civil liberties, political rights, accountability, and the rule of law. The Millennium Challenge Corporation should condition future funding to the Office of the Ombudsman on its efforts to ensure prosecution of government officials, including law enforcement officers, for involvement or complicity in targeted killings and other extrajudicial killings.
- The United Pacific Command in Hawaii, the United States Agency for International Development (USAID), the Federal Bureau of Investigation (FBI), the Drug Enforcement Agency (DEA), ICITAP, and all other US agencies that work with the PNP should vet all police officers enrolling in US-funded programs in accordance with the Leahy amendment to ensure that participants have not been implicated or complicit in targeted killings or other extrajudicial killings.

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“One Shot to the Head”

Death Squad Killings in Tagum City, Philippines

Reports of targeted killings of petty criminals, street children, and alleged drug dealers have become increasingly common in the Philippines in recent years.

“*One Shot to the Head*” details the operations of a so-called death squad in Tagum City on the southern island of Mindanao. The Tagum Death Squad (TDS) has for nearly a decade been implicated in summary killings in the city and surrounding areas, targeting those living on the margins, but also businessmen, journalists, and tribal leaders. Local authorities have done virtually nothing to apprehend the TDS killers and bring them to justice.

Based on interviews with eyewitnesses, families of victims, and self-proclaimed former death squad members, the report documents the pattern of targeted killings, the profile of victims, and the structure and operation of the death squad.

The report traces the command and control structure of the TDS to Tagum City’s former mayor, Rey “Chiong” Uy, who was in office from 1998 to June 2013. Human Rights Watch research found that Uy directed many of the operations of the death squad and allegedly provided payment and equipment to its gunmen. While Uy did not approve or have knowledge of all TDS killings, there is compelling evidence that he knew and approved many of them.

Local and national authorities have failed to seriously investigate the vast majority of Tagum City’s killings and have not made any arrests in connection with those deaths. Victims’ relatives and witnesses describe a fear-enforced silence about the TDS largely due to its perceived links to local officials. Human Rights Watch believes that such killings continue in large measure because of the failure of the Philippines national government to address serious human rights violations by local governments and police.



Police officers at the crime scene of the murder of Rogelio Butalid, a broadcast commentator, outside his radio station in Tagum City, in the southern Philippines on December 11, 2013. A witness told Human Rights Watch that a Tagum Death Squad member shot Butalid at point-blank range.

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“One Shot to the Head”
Death Squad Killings in Tagum City, Philippines

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“One Shot to the Head”

Death Squad Killings in Tagum City, Philippines

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Map of Mindanao



Map of cities in Mindanao with reported targeted killings of suspected criminals.

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Summary

Just one shot to the head.

—Romnick Minta, former Tagum Death Squad member, describing the October 2011 killing of Roberto T. Onlos in which he was involved

If you are stealing, buying, or selling drugs, or committing wrong things in Tagum, someone is going to kill you.

—Tagum police officer, Davao City, May 12, 2013

On the night of April 11, 2011, a man approached 12-year-old Macky Lumangtad in Freedom Park, a plaza in Tagum City on the southern Philippines island of Mindanao. Witnesses said the man told the child that he needed his help to find “Kokey” Lagulos, a nine-year-old suspected of theft. The next day, residents found Lumangtad’s body in a vacant lot with a bullet wound to his head. Lagulos’ body was found in the nearby town of Maco. It bore at least 22 stab wounds.

On December 11, 2013, a man shot controversial talk show commentator Rogelio Butalid at point-blank range moments after Butalid stepped out of a radio station in Tagum City. A witness saw the gunman speed away on a motorcycle driven by an accomplice.

The murders of Lumangtad, Lagulos, and Butalid are just a few of the nearly 300 killings reported in official police records in Tagum City from 2007 to 2013. Police sources caution that this figure is conservative because other killings are likely to have been unreported.

Human Rights Watch research found that many of the targeted killings could be attributed to a “death squad” operating in and around Tagum City with support from the highest levels of local government.

In our research, we interviewed three self-proclaimed members of the Tagum Death Squad (TDS) and obtained the affidavit of a fourth. We also interviewed two people who had insider knowledge of the group, police officers who investigated its activities over the years, and the families and friends of victims. These interviews paint a detailed and grisly picture of the death squad and its killing operations. At its height, the death squad

consisted of 14 hit men and accomplices on the government payroll, with active involvement from local police all the way up to Tagum City's former mayor, Rey "Chiong" Uy, who was in office from 1998 to June 2013.

Despite the dispersal of TDS members after Uy left office, TDS-style killings have continued, although less frequently, sparking concerns that elements of the death squad remain operational and are continuing to kill for financial gain. However, the paymaster for these post-Uy era hits is not known.

Many of the extrajudicial killings through June 2013 appeared rooted in Mayor Uy's public anti-crime campaign, which sought to rid Tagum City of what the mayor frequently referred to as "weeds": suspected petty criminals, drug dealers, small-time thieves, and children living or working on the streets. The killings seem intended to send an anti-crime message to the general population as much as to eliminate specific individuals: many were carried out in broad daylight in public places, including near Tagum's City Hall, by motorcycle-riding gunmen using .45 caliber pistols.

Others targeted by the Tagum Death Squad were victims of guns-for-hire operations. Among these were a journalist, a judge, and a tribal leader as well as local politicians and businessmen. TDS members who refused to carry out orders, sought to quit, or otherwise fell into disfavor were themselves likely to become death squad victims.

Former death squad members told Human Rights Watch that the Tagum Death Squad at its peak consisted of 14 people, and included ex-convicts, street children, and former members of the communist New People's Army. Several TDS members were officially employed with the city's Civil Security Unit (CSU), which is responsible for keeping the peace in public places such as markets, bus terminals, and schools.

Insiders say Uy directed the operations of the death squad with the help of two trusted aides as well as several officers with the Tagum City police. Uy allegedly provided payment and equipment for the operations, using the Civil Security Unit as cover to lawfully issue guns and motorcycles used in killings. Human Rights Watch found that while Uy did not approve or have knowledge of all TDS killings, there is compelling evidence that he knew and approved many of them.

The structure and operations of the TDS were similar to that of the Davao Death Squad, which Human Rights Watch documented in *“You Can Die Any Time”: Death Squad Killings in Mindanao* in 2009. Reports of similar killings in other Philippine cities suggest that the Davao Death Squad, which boosted the popularity of Davao City Mayor Rodrigo Duterte, has motivated other municipal officials to adopt extrajudicial killings as a crime control method.

Local and national authorities have failed to seriously investigate the vast majority of Tagum City’s killings and have not arrested any suspects. While police routinely cite a lack of witnesses to explain the absence of prosecutions, victims’ relatives and witnesses say they fear testifying, largely due to the perceived links of the death squad to local officials.

In 2012, after a TDS member was ambushed by his colleagues and subsequently surrendered to the Davao del Norte Provincial Police, families of several victims filed administrative cases with the Office of the Ombudsman against Uy and others. The ombudsman, who can recommend filing criminal charges, has yet to act on the complaint.

Apparent death squad killing operations have dropped since Uy stepped down as mayor in June 2013, but still continue. Sources say that many TDS members left Tagum and relocated to Compostela Valley, an adjacent province where Uy’s brother is governor. However, some TDS members have remained in Tagum and are allegedly operating on a contract killing for-profit basis. A woman who claimed to have witnessed the December 2013 killing of Rogelio Butalid (described at the start of this report), for example, identified the gunman as a key TDS member.

On April 28, 2014, Philippines media reported that the Philippines National Bureau of Investigation had recommended the prosecution of four security guards employed by the Tagum City government for their alleged role in the “abduction, torture and murder of two teenaged boys last February.” Mayor Allan Rellon reportedly stated that he was “bewildered” by the allegations and responded by saying that “As a local chief executive, I abhor any form of summary killing.”

The national government’s response to death squad killings in Tagum City and elsewhere in the Philippines has been grossly inadequate. President Benigno Aquino III should send a clear message that combating crime needs to be done within the confines of the law. He

should direct the National Bureau of Investigation to conduct criminal investigations into death squad killings in Tagum City and other cities, including of police and local government officials. The Commission on Human Rights should publicly report on death squad activity and make recommendations for reform. And other relevant government agencies, including the Justice Department and the Philippine National Police, need to adopt measures that would curtail death squad activity, end involvement by local authorities, and facilitate prosecutions, such as by improving victim and witness protection programs.

Donor countries and institutions have been all too silent on the issue of death squads and extrajudicial killings, and should publicly raise their concerns. Death squads clearly will not simply disappear on their own.

Key Recommendations

The Philippine government should take immediate measures to investigate and prosecute death squad killings in Tagum City and conduct a broader investigation into death squad activity in the Philippines. Specifically, Human Rights Watch urges that:

- President Aquino should publicly denounce extrajudicial killings and local anti-crime campaigns that promote or encourage the unlawful use of force.
- The Department of Justice, through its National Bureau of Investigation, should conduct thorough investigations into extrajudicial killings of alleged drug dealers, petty criminals, street children, residents, local officials, journalists, businessmen and tribal leaders and investigate the alleged involvement and complicity of police officers and municipal government officials in such killings.
- The Commission on Human Rights should conduct a public inquiry, akin to a “truth commission,” and report publicly and promptly on the Tagum killings and the involvement of the PNP and city government officials.
- Tagum City’s incumbent mayor, Allan Rellon, and other local officials should cease all support, verbal or otherwise, for anti-crime campaigns that entail violating the law, including targeted killings of alleged drug dealers, petty criminals, and street children.

- The Office of the Ombudsman for Mindanao should investigate these killings by acting on the case filed against Uy and several others and mete out necessary discipline.
- The United States, European Union, Japan, Australia, the World Bank, and the Asian Development Bank should keep their pledges on human rights, the rule of law, and good governance, and press the Philippine government to initiate investigations into alleged targeted killings in cities, and to publicize the results of its investigations and plans to dismantle these death squads.

More detailed recommendations are set forth at the end of the report.

Methodology

From September 2011 to November 2013, Human Rights Watch investigated 12 killings that occurred in Tagum City, in the southern Philippine island of Mindanao, from 2010 through 2013. We supplemented the on-site research with follow-up telephone and desk research through March 2014.

Our investigations focused on killings that bore the hallmarks of extrajudicial executions we had investigated elsewhere in the Philippines and that implicated “death squads,” small, organized groups that have apparent links to local authorities. These cases also shared characteristics with killings reported as early as 2005 that police and other sources had attributed to the Tagum Death Squad (TDS).¹

Human Rights Watch interviewed more than three dozen people who had knowledge of TDS operations. They included victims who survived an attack, victims’ relatives and friends, witnesses, local government officials, police officials, members of the clergy, local residents, and businessmen.

Human Rights Watch also spoke with three people who identified themselves as former TDS members, as well as an associate of a current TDS member who had knowledge of some of these killings. We also interviewed human rights activists in neighboring Davao City who are monitoring the situation in Tagum City, as well as journalists who covered these incidents.

We conducted the interviews mainly in Cebuano, the predominant local language, and Filipino, the national language of the Philippines. All interviews with former TDS members, witnesses, and relatives of victims were one-on-one. Some follow-up interviews were done over the phone or the Internet. Human Rights Watch neither offered nor provided incentives to persons interviewed, although we did reimburse the travel or telecommunication costs of interviewees who in some cases traveled substantial

¹ Although the name “Tagum Death Squad” was rarely used publicly to refer to the group implicated in the killings, Human Rights Watch is using it as a clear and accurate reflection of the group and its activities.

distances to meet with us or who provided testimony via long distance telephone calls. All participants provided oral informed consent.

For security reasons we have used pseudonyms to protect the identities of a number of those interviewed.

Human Rights Watch also used official documents for this report, among them police reports, court documents, and sworn statements. We also drew on past research, particularly the 2009 report “You Can Die Anytime,” about death squad killings in Davao and other cities in Mindanao.

Human Rights Watch provided a summary of the report’s findings and recommendations to the following Philippines government officials prior to its publication. These included:

Rey Uy, former mayor, Tagum City

Allan Rellon, incumbent mayor, Tagum City

Solomon de Castilla, police chief, Tagum City

Alan Purisima, chief, Philippine National Police

Mar Roxas, secretary, Department of the Interior and Local Government

Leila de Lima, secretary, Department of Justice

Etta Rosales, chairperson, Commission on Human Rights

Rodolfo M. Elman, Office of the Ombudsman for Mindanao

I. Background

If you are stealing, doing drugs, committing wrong things in Tagum, someone is going to kill you.

—Police intelligence officer, Davao City, May 2013

The killings documented in this report attributed to the Tagum Death Squad (TDS) have their roots in historical, social, and political factors in the southern Philippine island of Mindanao. A Human Rights Watch report published in April 2009, *“You Can Die Any Time:” Death Squad Killings in Mindanao* extensively documented these factors in a series of murders in Davao City, the largest city in the southern Philippine island of Mindanao, between 1998 and 2009.

They include:

- A legacy of violence linked to Mindanao’s long history as a focal point for insurgencies and conflict;
- The operations in Mindanao of local and international drug syndicates producing, marketing, and trans-shipping methamphetamine, which contribute to corruption and low morale among police and prosecutors in the area; and
- The influence of Davao City’s long-time mayor, Rodrigo Duterte, who has been a vocal proponent of the use of violence to rid areas of common crime.²

The summary killing of suspected criminals is not a new phenomenon in the Philippines. Alfredo Lim, a former police officer and chief of the National Bureau of Investigation (NBI), was implicated in using similar tactics while mayor of the capital, Manila, from 1992 to 1998. He was never prosecuted for his alleged role in the summary executions of dozens of suspected drug dealers and other criminals, which earned him the nickname “Dirty Harry.”³ Instead, his reputation as an anti-crime crusader buoyed his election to the

² Human Rights Watch, *Philippines—“You Can Die Anytime” Death Squad Killings in Mindanao*, April 6, 2009, <http://www.hrw.org/reports/2009/04/06/you-can-die-any-time>.

³ “‘Dirty Harry’ hails arrest of son over drugs,” *South China Morning Post*, March 17, 2008, <http://www.scmp.com/article/630181/dirty-harry-hails-arrest-son-over-drugs> (accessed on February 21, 2014).

Philippine senate in 2004. Three years later, he was again elected Manila's mayor, a post he held until 2013.

But Lim and other politicians who also used a tough anti-crime approach have not matched the popularity of Rodrigo Duterte, the tough-talking mayor of Davao City who is now serving his seventh and unprecedented term. That success is largely due to his anti-crime program that encouraged, and possibly even sanctioned, the operations of the Davao Death Squad (DDS).⁴

Investigations by Human Rights Watch and other rights organizations found evidence that government officials and members of the police were passively or actively complicit in 28 killings by the Davao Death Squad (DDS) from 2007-2009.⁵ Frequently, the victims had earlier been warned that their names were on a "list" of people to be killed unless they stopped engaging in criminal activities. Government employees, including police and municipal government officials, delivered such warnings to the targeted victims.⁶

Duterte's popularity, built on his seeming willingness to engage in unlawful violence to eliminate common crime—a serious problem in many urban areas in the Philippines—has an appeal that extends far beyond Davao City.⁷ His name is often floated as a potential presidential candidate for his seeming ability to solve challenges that stymie other politicians.⁸ In February 2014, Duterte told a Senate hearing on rice smuggling in the Philippines that he would "gladly kill" an alleged smuggler who tried to smuggle rice into his city.⁹ Instead of criticizing Duterte for suggesting the use of extrajudicial killings, the

⁴ Human Rights Watch, *You Can Die Any Time*.

⁵ *Ibid.*, p.2.

⁶ *Ibid.*, p.3.

⁷ "A man of many names: Davao's controversial, colorful Mayor Duterte," *Asian Correspondent*, January 14, 2014, <http://asiancorrespondent.com/118316/davaos-colorful-duterte/> (accessed February 21, 2014).

⁸ "Duterte on becoming President: 'stop it.... I do not want it,'" *Mindanews.com*, February 9, 2014, <http://www.mindanews.com/top-stories/2014/02/09/duterte-on-becoming-president-stop-it-i-do-not-want-it/> (accessed February 21, 2014).

⁹ "Duterte on 'smuggler' Bangayan: I will gladly kill him!" *Rappler.com*, February 3, 2014, <http://www.rappler.com/business/industries/247-agriculture/49577-duterte-tags-bangayan-smuggler-senate-hearing> (accessed February 21, 2014).

committee chairperson appeared to express support for Duterte’s “tough” anti-crime measures in Davao City.¹⁰

The Davao City model of extrajudicial killings as a crime-fighting strategy appears to have spread to other cities in the Philippines. United States State Department cables released by WikiLeaks in 2005 noted the apparent rise of municipal government-sanctioned death squads in cities including Cebu City, Toledo, and Carcar.¹¹ Then-Cebu Mayor Tommy Osmena told police officers in 2005: “Go ahead, pull the trigger. As mayor, my warning to anybody doing a crime is I will see to it that you'll be dead on the spot. If we catch you, you will be so sorry—you won't be around.”¹²

Tagum City

In April 2009, the United Nations special rapporteur on extrajudicial, summary or arbitrary executions reported that death squad killings in the Philippines were a legacy of the perceived success among some Philippine government officials and security forces of extrajudicial executions as an acceptable mode of crime control.¹³ Human Rights Watch believes that such a perspective has been adopted in Tagum, a city with a population of 254,000 located one hour’s drive north of Davao City in Davao del Norte Province.¹⁴

Human Rights Watch’s investigations have found that Rey Uy, the mayor of Tagum from 1998 to 2013, created his own death squad. Uy deployed the death squad to reduce the presence of perceived criminals and others that he referred to as “weeds” of his city—drug

¹⁰ “Senators rapped for not taking Duterte to task,” *Philippine Daily Inquirer*, February 10, 2014, <http://newsinfo.inquirer.net/576070/senators-rapped-for-not-taking-duterte-to-task> (accessed February 21, 2014).

¹¹ “Uptick in Extrajudicial Killings in Davao and Cebu,” *WikiLeaks*, undated, https://www.wikileaks.org/plusd/cables/05MANILA3754_a.html (accessed February 13, 2014).

¹² “More vigilante-style killings reported in Davao City,” *WikiLeaks*, January 20, 2005, http://www.wikileaks.org/plusd/cables/05MANILA312_a.html (accessed February 23, 2014).

¹³ UN Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, A/HRC/11/2/Add.8, April 29, 2009, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/130/39/PDF/G0913039.pdf?OpenElement> (accessed February 3, 2014).

¹⁴ This means that the province retains administrative control of some aspects of the city, like the Tagum City Police Station, which is under the supervision and control of the Davao del Norte Police Office.

dealers, petty criminals, and those who openly inhaled solvents like glue as a cheap high.¹⁵ Many of these were children living on Tagum’s streets.

Human Rights Watch uncovered compelling information that local police and government officials, on Uy’s orders, organized and operated the Tagum Death Squad. The death squad consisted of as many as 14 members. Criteria for being a target were violating Uy’s perceptions of acceptable behavior on the streets of Tagum, regardless of whether the victim’s conduct violated any laws. Indeed, many of the victims had never been convicted of any crime.

By 2005, the Tagum Death Squad had morphed into a guns-for-hire operation whose targets included businessmen, police officers, a leader of an indigenous tribe, a judge, and former TDS members.¹⁶ According to several sources, some of them former TDS members, Uy assigned people whom he trusted and knew well from his previous career as a gold-mine operator to operate the death squad. These men later ordered several killings—often without Uy’s knowledge—as a personal revenue generating scheme outside of Uy’s control.¹⁷

The TDS was an unlawful outgrowth of Tagum City’s Civil Security Unit (CSU).¹⁸ The CSU was part of Uy’s effort during his 15 years as mayor to transform Tagum from a sleepy

¹⁵ Affidavit of Leotinda Cabayacruz subscribed to the Panabo City Prosecutor’s Office, November 12, 2012; Human Rights Watch interviews with two police officials, Davao City, May 11, 2013, and one top government official (names withheld), Davao del Norte, August 12, 2013.

¹⁶ Human Rights Watch interviews with police officials and former TDS members, May 11-12, 2013.

¹⁷ Human Rights Watch interviews with former death squad members, Romnick Minta, Davao City, May 11, 2013, and Jomarie Abayon, Manila, January 2014.

¹⁸ The CSU is a para-police organization formally tasked with duties including traffic management and securing public infrastructure. Under Republic Act 6975, which created the Philippine National Police, the city mayor has the authority to create units such as the CSU to support the police in law enforcement. Many cities and provinces in the Philippines have CSUs and all have a role to play—some more benign than others—in keeping the peace, especially in public areas. The CSU of Tagum as well as of other cities such as Davao City should not be confused with the Civil Security Unit of the Philippine National Police, which provides “administrative services and general supervision over organization, business operation and activities of all organized private detectives, watchmen, security guard agencies and company guard houses.” An Act Establishing the Philippine National Police Under a Reorganized Department of the Interior and Local Government, and for Other Purposes http://www.lawphil.net/statutes/repacts/ra1990/ra_6975_1990.html, undated, (accessed March 8, 2014).

agricultural town into a modern city.¹⁹ Uy's focus on municipal improvement extended to a campaign aimed to rid the city of indigents and street people, many of them children.

It is not entirely clear when Uy created the death squad, using the CSU as cover.²⁰ Members of the TDS claim that the killings by the group began a few years after he took office in 1998. Police records beginning in January 2007 collected by investigators from the Davao del Norte Provincial Police Office indicated what a police official said was an increasing number of killings of indigents, children, and suspected criminals.²¹

Police officials interviewed by Human Rights Watch blamed the TDS for these killings, most of which have not been fully investigated by the Tagum City police.²² In February 2011, Uy issued an explicit warning to "criminal" elements in the city advising them to "go somewhere else."²³

"If you are stealing, buying or selling drugs, committing wrong things in Tagum," a police officer told Human Rights Watch, "someone is going to kill you."²⁴ A senior official of the Commission on Human Rights in Southern Mindanao described these killings as "silent killings" because these murders were hardly reported in the press. "There is no media there that talks about it," the official said. "All the [journalists] there are terrorized by Uy."²⁵

Official police records obtained by Human Rights Watch show 298 killings between January 2007 and March 2013 that officials of the Davao del Norte Provincial Police Office

¹⁹ A palm tree-lined national highway cuts through the city, shopping malls have sprouted, and improvement in municipal-funded public works resulted in wider, cleaner streets. City Government of Tagum, "Tagum City History," undated, <http://www.tagumcity.gov.ph/about-lgu/history/> (accessed February 3, 2014).

²⁰ Human Rights Watch interview with a Tagum police official (name withheld), Davao City, May 12, 2013.

²¹ Case vs Uy, filed before the Office of the Ombudsman.

²² Human Rights Watch interview with a senior police official and intelligence officer (names withheld), Davao City, May 12, 2013. Although the Tagum City Police Station is under the Davao del Norte Provincial Police Office, there is discord between many of their officers and officials, mainly because Mayor Uy is not a political ally of the governor of Davao del Norte, Rodolfo del Rosario. Some in the Davao del Norte Provincial Police Office privately complain of the abuses by elements of the Tagum City Police Station. Some provincial officers, on orders of their superiors, started compiling evidence and testimony on the activities of the Tagum Death Squad. It was not surprising, therefore, that when a TDS member was himself targeted, he decided to seek the protection of the provincial police.

²³ "Corporate governance' behind Tagum take-off," *Philippine Daily Inquirer*, February 20, 2011, <http://newsinfo.inquirer.net/inquirerheadlines/regions/view/20110220-321350/Corporate-governance-behind-Tagum-take-off> (accessed April 24, 2014).

²⁴ Human Rights Watch interview with a Tagum police officer (name withheld), Davao City, May 12, 2013.

²⁵ Human Rights Watch interview with a senior official of the Commission on Human Rights in Southern Mindanao (name withheld), Davao City, May 12, 2013.

attributed to the TDS.²⁶ Fourteen others were wounded in attacks in the same period. All of these cases remained unsolved and not one perpetrator—except an individual who later agreed to testify in a case filed against Uy and other people involved in the TDS—has been arrested, according to the documents.²⁷ An overwhelming majority of these cases involved the use of .45 caliber pistols and motorcycles.²⁸

A provincial police official said this death toll is “conservative” as more killings occurred from March 2013 onwards while others may not have been reported to the police.²⁹ Members of the TDS told Human Rights Watch that the killings began as early as 2005 and continued up to the time Uy stepped down as mayor in 2013.³⁰ A former TDS member said that he had heard the TDS started as early as 1998.³¹ Indeed, in August 2004, residents of Tagum, led by the Catholic Church, held a rally against the killings.³² One local media report claimed that the TDS killed as many as 40 people in four months in 2004.³³

The deployment of the TDS, particularly in the latter part of Uy’s 15-year term, coincided with corruption allegations linked to Uy.³⁴ The murders also occurred at a time when Uy was making politically unpopular moves, such as raising taxes to finance the construction of a sprawling and modern city hall.³⁵

²⁶ “List of unsolved shooting incidents/murder cases in Tagum City.” This list is culled from the “National Crime Reporting System” database maintained by the Tagum City Police Office.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Human Rights Watch interview with police official (name withheld), Davao City, May 11, 2013. The source explains that the 300 figure was based only on what was recorded in the crime registry. A lot more were not documented, he said.

³⁰ Human Rights Watch interviews with residents, police and government officials (names withheld), Davao City, May 11-13, 2013.

³¹ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

³² “‘Enough is enough’: Tagum to raise clenched fists vs. summary killings,” *Philippine Information Agency*, August 14, 2004, <http://archives.pia.gov.ph/?m=12&sec=reader&rp=1&fi=po40814.htm&no=7&date=08/14/2004> (accessed February 23, 2014).

³³ “Vigilantes Descend on Tagum,” *Bulatlat.com*, September 26, 2004, <http://www.bulatlat.com/news/4-34/4-34-tagum.html> (accessed February 23, 2014).

³⁴ Human Rights Watch interviews with local businessmen and church leaders (names withheld), Davao and Tagum cities, May 2013. Sources in Tagum have alleged that City Hall under Uy would not approve a new business permit if Uy or his relatives did not receive a part of the profit. This allegation has not been proven but most sources Human Rights Watch interviewed asserted that this was “common knowledge” in the city.

³⁵ Human Rights Watch interviews with local businessmen and residents, Tagum City, May 2013. Flyers discretely distributed in Tagum City by local businessmen and religious leaders denounced the exorbitant cost of the city hall. Many also criticized the taxes being collected, including one on any fruit-bearing tree a resident is growing in his backyard.

Uy brooked no challenges to his style of governance and removed or sidelined officials whom he perceived as hindrances to his political agenda.³⁶ In 2008, Uy physically removed office equipment of the Tagum City Police Station to signal his dislike for the new police chief.³⁷ Uy also solidified his political influence through family connections. In 2007, his brother Arthur became the governor of Compostela Valley, a province next to Tagum City where the Uys first made their fortune in small-scale gold mining.³⁸

Those factors were powerful and intimidating deterrents against challenges to Uy's mayoralty, and to his impunity for abuses.³⁹ As the number of TDS killings rose and extended beyond the originally targeted "weeds," they created a fear-enforced public silence about Uy's abuses.⁴⁰

Revelations that the TDS included former members of the New People's Army (NPA), the armed wing of the Communist Party of the Philippines, compounded public reluctance to speak out about the killings because the NPA is known for its assassination squad called "Sparrows."⁴¹ But an NPA leader in the Southern Mindanao region told Human Rights Watch that the rebel group did not support the TDS killings and that the NPA considers as "fair targets" former members who are with the TDS, as well as the death squad's leaders.⁴²

Uy's term of office as mayor ended in 2013. His son De Carlo lost in his attempt to succeed his father in the mayoral election that same year, due in part to public concern about the death squad killings.⁴³ Because of that political loss, TDS members lost their official protection and left City Hall's CSU to seek refuge in other provinces, particularly Compostela Valley, where Uy's brother is governor.⁴⁴

³⁶ Human Rights Watch interview with a local businessman (name withheld), Tagum City, May 13, 2013.

³⁷ Human Rights Watch interview with a provincial police official, Davao City, May 13, 2013.

³⁸ "League of Provinces of the Philippines," undated, <http://www.lpp.gov.ph/directory-mosets/region-xi/arturo-t-uy>.

³⁹ Human Rights Watch interview with a local businesswoman (name withheld), Tagum City, May 13, 2013.

⁴⁰ Human Rights Watch interview with two Catholic priests and two police officials (names withheld), Tagum City, May 13, 2013.

⁴¹ Human Rights Watch interview with a police official (name withheld), Davao City, May 11, 2013.

⁴² Human Rights Watch interview with top NPA leader in Southern Mindanao (name withheld), Manila, February 13, 2014.

⁴³ Human Rights Watch interviews with a local businesswoman (name withheld), Tagum City, May 13, 2013; with an official of the interior department, August 2013; a Tagum-based Catholic priest (name withheld), August 2013; and an official of the Commission on Human Rights (name withheld), Davao City, August 2013.

⁴⁴ Human Rights Watch interview with a police official (name withheld), Davao City, May 12, 2013.

The new mayor, Allan Rellon, officially disbanded the CSU, but in June 2013 created two entities in its place: the Security Management Office (SMO) and the Traffic Management Office (TMO). Rellon has divided the responsibilities of the CSU between these two new agencies. The SMO regulates public security, particularly in public markets where many of petty criminals operate, and matters including police auxiliaries and school guards.⁴⁵ The TMO is mainly responsible for the city's traffic system.⁴⁶

Despite the “disbanding” of the CSU and the dispersal of TDS members after Uy left office, TDS-style killings have continued. Those murders have sparked concerns that elements of the TDS remain operational.⁴⁷ As already noted above, on April 28, 2014, as this report was being finalized, Philippines media reported that the Philippines National Bureau of Investigation had recommended the prosecution of four members of the Tagum City SMO for their alleged role in the “abduction, torture and murder of two teenaged boys last February.”⁴⁸ Mayor Allan Rellon reportedly stated that he was “bewildered” by the allegations and responded by stating that “As a local chief executive, I abhor any form of summary killing.”⁴⁹

On December 11, 2013, gunmen shot dead Rogelio Butalid at a busy street in Tagum City. Butalid was a radio commentator known for his on-air criticism of Uy and his associates at the Davao del Norte Electric Cooperative.⁵⁰ A woman who claimed to have witnessed the killing identified the gunman as a key TDS member.⁵¹ The paymaster for these post-Uy era killings is not known. However, there is speculation that former TDS members are continuing to commit killings for financial gain.⁵²

⁴⁵ “Tagum’s peace, security among Rellon’s top agenda for 1st 100 days,” *Philippine Information Agency*, July 1, 2013, <http://pia11davao.blogspot.com/2013/07/tagums-peace-security-among-rellons-top.html> (accessed February 13, 2014).

⁴⁶ Ibid.

⁴⁷ Human Rights Watch interviews with Romnick Minta, January 2014, and Jomarie Abayon, January 2014.

⁴⁸ Frinston L. Lim, “NBI eyes murder, child abuse raps vs Tagum guards for 2 teens’ slay,” *Philippines Daily Inquirer* (Manila), April 28, 2014, <http://newsinfo.inquirer.net/597999/nbi-eyes-murder-child-abuse-raps-vs-tagum-guards-for-2-teens-slay#ixzz3oBAJbli> (accessed April 29, 2014).

⁴⁹ Ibid.

⁵⁰ “DANECO row behind journalist’s killing, says colleagues,” *Davao Today*, <http://davaotoday.com/main/2013/12/23/daneco-row-behind-journalists-killing-says-colleagues/> (accessed February 5, 2014).

⁵¹ Human Rights Watch interview with witness (name withheld), Manila, January 2014. This witness said she personally knew the assailant and that she saw him and another man on a motorcycle seconds before gunning down Butalid. Although she turned her back momentarily, she said she saw the killers flee.

⁵² Human Rights Watch interview with a police official and a government official, Davao City, August 2, 2013.

II. Pattern of Killings

All you had to do was apologize to them and promise them to never create trouble again.

—“Toto,” a teenager who discovered his name had been on the Tagum Death Squad hit list, Tagum City, September 2011

Warnings and Intimidation

The targets of the Tagum Death Squad—at least the petty criminals, indigents, and street children—often knew that they were under some form of surveillance or actually on a TDS death list.⁵³ There were also explicit warnings to targets and potential targets from members of the Civil Security Unit (CSU), a para-police group within City Hall that Mayor Rey Uy used as cover for TDS operations. CSU personnel would contact would-be victims or their relatives to admonish them to stop their alleged criminal activities.⁵⁴ Sometimes, village officials warned them and their families.⁵⁵

The TDS drew its list of targets from what its members and some of its future victims referred to as the “order of battle” or OB.⁵⁶ The OB was a list of targets drawn from sources including local community leaders, neighborhood watchmen, and police intelligence officers. The police chief of Tagum City at the time, Gilbert Clarin, confirmed that such a list existed and that it had the names of drugs suspects from the Philippine Drug Enforcement Agency and the Department of the Interior and Local Government.⁵⁷

Ordinary citizens could also contribute names of alleged criminals to the OB by texting a certain mobile phone number publicized by City Hall as an anti-crime hotline. Mayor Uy

⁵³ Human Rights Watch interviews with former members of the TDS, Davao City, May 11-12, 2013, and Manila, January 31, 2014.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ The order of battle is a list of enemies or potential enemies, usually maintained by the military. Many of the victims of extrajudicial killings and enforced disappearances in the Philippines had been on such lists.

⁵⁷ “‘Enough is enough’: Tagum to raise clenched fists vs. summary killings,” *Philippine Information Agency*, August 14, 2004, <http://archives.pia.gov.ph/?m=12&sec=reader&rp=1&fi=po40814.htm&no=7&date=08/14/2004> (accessed February 23, 2014).

himself often received complaints from the public about alleged criminality through personal text messages and would forward the names to the TDS to investigate.⁵⁸

The existence of the OB was terrifying, particularly for the street children who frequented Freedom Park in central Tagum and who were the TDS' frequent targets. Many of those children who eventually were murdered had been on the OB death list.⁵⁹ "I and my friends were worried that our names were in the list," said Toto (pseudonym), a teenager who witnessed the TDS murder one of his friends.⁶⁰ "We wanted our names to be taken off the list."

Some of the children who ended up on the OB, including Toto, tried desperately but unsuccessfully to get their names removed.⁶¹ The person who informed Toto that he was on a hit list advised him that someone at the Tagum City market could help him remove his name. Toto told Human Rights Watch:

There was a store and I went in. I talked to an old person. I told him I want to clear up my name. He said he'll contact a friend. I told him, 'Uncle, I don't want to end up like my friend, I want off the list.' But he insisted that I should be on the list because all the Vulca Boys" of Third Avenue are on the list.⁶²

Toto said a friend who knew somebody inside the TDS told him that the advice the contact at the Tagum City market gave him was deceptively easy: "All you had to do was apologize to [the TDS] and promise them to never create trouble again."⁶³ At the time that Human Rights Watch interviewed him, Toto had still not received a call from somebody in the TDS that would confirm the deletion of his name from the OB list. He eventually decided to leave Tagum City but returned weeks later to find out if he was still a target.⁶⁴

⁵⁸ Human Rights Watch interview with Jomarie Abayon, a former member of the TDS, Manila, January 31, 2014.

⁵⁹ Human Rights Watch interview with "Toto," (name withheld), Tagum City, September 14, 2011.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid. The Vulca Boys refers to the street children often seen on Third Avenue sniffing solvents and sealants like Vulcaseal.

⁶³ Ibid.

⁶⁴ Human Rights Watch unsuccessfully attempted to resume contact with Toto in May and August 2013. His safety and whereabouts remain unknown.

In at least one case, Mayor Uy himself allegedly warned of the impending TDS hit on a target through the victim's mother. Leotinida Cabayacruz, the mother of Jesus Cabayacruz, said in her affidavit that during a meeting with Uy at City Hall, the mayor warned her that her son was being watched because he was a drug dealer and advised her to tell him to leave Tagum City.⁶⁵ A short time later, on April 24, 2012, the TDS killed him.

Locations

Most of the killings Human Rights Watch documented took place within Tagum City and often in broad daylight. The murders typically occurred outdoors, on the streets, and usually by men on motorcycles.

The TDS frequently committed their killings in the plaza called Freedom Park behind Tagum City's city hall. The plaza was a natural magnet for children to congregate in. It is no bigger than three basketball courts but offers trees, benches and wide spaces for children to play or hang around in. At night, the park comes to life, illuminated by karaoke bars, restaurants, barbecue stalls, food carts, and an outdoor market. Many children, including nearby residents and homeless children, stayed in the park the whole day. At 10 p.m. the children would leave the plaza due to the curfew hour, which began at that time.

The city's Social Welfare Department monitored the activities at the plaza because of the constant presence of children. A social worker at City Hall, told Human Rights Watch:

There's a lot of them there. Dozens of them. Some would go away but others would take their place. Many are not from here. They're not supposed to be there. We would chase them away. Some would leave but they eventually return. We would ask their parents to move them to other places.⁶⁶

That social worker said her office had developed a system for classifying the children, based on their presence at the plaza: If they stayed for about hour, they were just sightseeing. If they stayed for more than two hours, they were considered street children or vagrants who had come from other places.

⁶⁵ Affidavit by Leotinida Cabayacruz, subscribed to the Davao City Prosecutors Office, November 12, 2012.

⁶⁶ Human Rights Watch interview with a Tagum City municipal social worker (name withheld), Tagum City, September 14, 2011.

Crime, mostly petty, was an inevitable consequence of the presence of so many unsupervised children. In the first half of 2011 alone, police reported nearly 150 children who stayed regularly in the park to the social welfare office for various offenses including curfew violation, possession of deadly weapons, shoplifting, and acts of lasciviousness and theft.⁶⁷

The social worker told Human Rights Watch that the social welfare office tried to encourage the children to go back to their homes “but it got very exhausting.” Often, she sought out the parents and told them to move to another town or city to ensure the safety of their children. The city has a shelter for children but the social worker said many of the children would just leave and return to the streets.

A few of the killings investigated by Human Rights Watch occurred outside Tagum City, such as in Maco, a town of Compostela Valley province adjacent to Tagum City. One took place in Kapalung, Davao del Norte, a province to which Tagum used to belong.⁶⁸ Death squad members told Human Rights Watch that they had murdered targets as far away as Butuan province in northern Mindanao.

Perpetrators

The overwhelming majority of death squad killings reported in the Philippines—including in Tagum City—are carried out by gunmen operating in pairs riding on motorcycles. Philippine authorities have described such murders as “riding in tandem” killings.⁶⁹

Extrajudicial, targeted killings by these motorcycle-riding gunmen have become so common across the Philippines that authorities have responded with special traffic control measures as a means to identify and arrest the perpetrators. In some cases, police erect roadblocks on major streets and perform body searches of motorcyclists for weapons.⁷⁰ Public concerns about such killings have prompted proposals for legislation aimed

⁶⁷ Human Rights Watch interview with a Tagum City social worker (name withheld), Tagum City, September 14, 2011.

⁶⁸ Tagum is now what is called a composite city of Davao del Norte.

⁶⁹ PNP declares all-out war vs. criminals riding in tandem on motorbikes, *Interaksyon.com*, <http://www.interaksyon.com/article/22575/pnp-declares-all-out-war-vs--criminals-riding-in-tandem-on-motorbikes> (accessed April 24, 2014).

⁷⁰ Metro cops to conduct 24-hour checkpoints, *Philippine Daily Inquirer*, January 16, 2014, <http://newsinfo.inquirer.net/564937/metro-cops-to-conduct-24-hour-checkpoints> (accessed April 24, 2014).

specifically to prevent such murders.⁷¹ The Manila city government at one point tried to more tightly regulate or to outright ban the use of motorcycles to prevent further killings.⁷²

The majority of the TDS members were neighborhood petty criminals recruited into the death squad after brushes with the law on minor offenses.

One child whose friends were killed by the death squad and who himself felt threatened told Human Rights Watch:

Men on motorcycles would stop by the shop or across the street and just look around. Many of these motorcycles have plates, but when they are out to kill, they wrap the plates with [a] plastic bag.⁷³

Philippine National Police statistics issued in 2013 indicated that in 2011 alone, motorcycle-riding gunmen murdered 2,089 people nationwide, an increase from 1,819 killings the year before.⁷⁴ Police have attributed these “riding in tandem killings” to the growing problem of contract killings or “guns for hire” operations in the Philippines.

The National Bureau of Investigation has linked a few of these contract killings to some members of state security forces.⁷⁵ In January 2014, it exposed the activities of a group of police officers in Batangas province south of Manila who hired themselves out as paid killers for between 50,000 pesos (US\$1,108) to 150,000 pesos (US\$3,320) per murder.⁷⁶ In Tagum City, the price of a contract killing can cost as little as 5,000 pesos (about US\$110).⁷⁷

⁷¹ Philippines Congress, “Riding-in-Tandem Interdiction Act of 2012 to help arrest criminality: Castelo,” press release, <http://congress.gov.ph/press/details.php?pressid=6576> (accessed April 24, 2014).

⁷² “Anti-crime group seeks temporary ban on ‘riding in tandem’ on motorcycles,” *Philippine Daily Inquirer*, April 17, 2012, <http://newsinfo.inquirer.net/178363/anti-crime-group-seeks-temporary-ban-on-%E2%80%99riding-in-tandem%E2%80%99-on-motorcycles> (accessed April 24, 2014).

⁷³ Human Rights Watch interview with “Toto” (name withheld), Tagum City, September 14, 2011.

⁷⁴ “PNP declares all-out war vs. criminals riding in tandem on motorbikes,” *Interaksyon.com*, January 22, 2014, <http://www.interaksyon.com/article/22575/pnp-declares-all-out-war-vs--criminals-riding-in-tandem-on-motorbikes> (accessed 24, 2014).

⁷⁵ “4 hired killers fall; elusive boss from Army,” *Philippine Daily Inquirer*, June 5, 2013, <http://newsinfo.inquirer.net/421355/4-hired-killers-fall-elusive-boss-from-army> (accessed April 24, 2014).

⁷⁶ “Gun-for-hire gang busted in Batangas,” *Philippine Daily Inquirer*, January 16, 2014, <http://newsinfo.inquirer.net/564673/gun-for-hire-gang-busted-in-batangas> (accessed February 5, 2014).

⁷⁷ Human Rights Watch interview with Romnick Minta, a former member of the Tagum death squad, May 12, 2013.

III. Victims

They shot him first from behind; he didn't see them. He turned around and the other killer shot him, too, hitting him in the armpit. He was shot four times in the body. They took turns shooting him.

—Toto, witness to shooting of Jerome, a Tagum teenager, Tagum City, September 2011

Macky Lumangtad, 12, Killed on April 12, 2011

Macky Lumangtad, 12, was one of the many children who frequented the Freedom Park behind City Hall in Tagum City in the evenings. There he would play computer games with his friends at Net Central Café, a nearby Internet café.

According to Lumangtad's mother, Carmelita Lumangtad, on the night of April 11, 2011, some of Lumangtad's friends saw him being approached by a man they knew by the name of "Wacky." Wacky frequented the plaza and would fence items such as cellphones stolen by the boys who hung out at the plaza.⁷⁸ There were also rumors that Wacky had connections to the Tagum Death Squad.⁷⁹ The next day, residents of Mipangi, a village in Maco town, Compostela Valley province, which is adjacent to Tagum City, found Lumangtad's body in a vacant lot bearing a gunshot wound to the head.

Carmelita told Human Rights Watch that her son's murder followed police suspicions that he was part of a group of children who carried out thefts, an allegation she denied. "The police thought he was part of the group that stole 40,000 pesos [US\$900] as well as cellphones from a store on April 8, 2011. But he was not. [The thieves] were his friends, but he was not with them when the alleged crime happened," she said.⁸⁰ Carmelita said she believes that her son's abductor must have been familiar to him as he would never have consented to leave the plaza in the company of a stranger.⁸¹

⁷⁸ Human Rights Watch interview with Carmelita Lumangtad, Tagum City, September 14, 2011, and "Toto" (name withheld), Tagum City, September 14, 2011.

⁷⁹ Ibid.

⁸⁰ Human Rights Watch interview with Carmelita Lumangtad, Tagum City, September 14, 2011.

⁸¹ Ibid.

Carmelita's efforts to get the police to investigate her son's murder proved futile. She said that each time she visited the Maco police station, she was told there were no new developments in the case. Instead, the police officers would often attempt to solicit information from her about her son's case. "I don't think the police have investigated properly," she said.⁸² She tried asking the National Bureau of Investigation but she said she lacked the money for legal representation or even just transportation costs to follow-up on the case. About the only assistance Carmelita received was from the Social Welfare and Development Office of the City Hall, which paid for her son's "pauper's burial."⁸³

When queried about Lumangtad's death, the police precinct at City Hall could not produce any investigation report. The boy's family could not even get a copy of the official police blotter of the murder. Even the Social Welfare and Development Office, which handles child safety and welfare matters, could not locate any report on the killing in its files. According to a social worker, police often just filed official reports of killings of poor people like Lumangtad to funeral homes.⁸⁴

Jenny Boy "Kokey" Lagulos, 9, Killed on April 12, 2011

Although only 9 years old, Jenny Boy "Kokey" Lagulos was implicated by people interviewed by Human Rights Watch in the April 8, 2011, theft of money and phones from a store at the Trade Center in Tagum City.⁸⁵ Residents found Lagulos's body on April 12, 2011, on Tagum's Lapu-Lapu Street just hours after the discovery of Macky Lumangtad's body. Media reports quoting the police stated that Lagulos's body bore 22 stab wounds.⁸⁶

According to a report by John Paul Seniel, a journalist for GMA News Television in Davao City, two boys saw the abduction of Lagulos on the night of April 12.⁸⁷ An employee at the Gold City bowling alley in Tagum who also worked as an informant for the death squad

⁸² Human Rights Watch interview with Carmelita Lumangtad, September 12, 2011.

⁸³ Human Rights Watch interview with a Tagum City social worker (name withheld), Tagum City, September 14, 2011.

⁸⁴ Ibid.

⁸⁵ Human Rights Watch interviews with Carmelita Lumangtad, Tagum City, September 14, 2011 and Jomarie Abayon, Manila, January 31, 2014.

⁸⁶ "Pagpatay sa duha ka minor de edad sa Tagum City, masulbad pa ba?," *GMA-7 Davao*, May 13, 2011, <http://www.gmanetwork.com/news/story/220503/ulatfilipino/davao/special-report-pagpatay-sa-duha-ka-minor-de-edad-sa-tagum-city-masulbad-pa-ba> (accessed February 5, 2014).

⁸⁷ Ibid.

brought Lagulos to a dark corner of Lapu-Lapu Street where two men on motorcycles were waiting.⁸⁸ One of them, allegedly a member of the Tagum Death Squad named Renster “Renren” Azarcon, then stabbed Lagulos repeatedly.⁸⁹

Seniel said that his efforts to get government officials to comment on Lagulos’s murder proved futile: “There was no police investigation, but they also denied that such a killing was committed by the government.”⁹⁰ In his television report, Seniel said social welfare officials responded to his queries by saying that they could not comment about the case.

Jomarie Abayon, a former TDS member, told Human Rights Watch that he was one of four members tasked to look for the children who stole from the store, including Lumangtad and Lagulos. “[Lagulos] had become notorious. We had been receiving a lot of complaints against him and his group,” Abayon told Human Rights Watch.⁹¹ Those complaints included allegations by store owners and residents near the plaza that Lagulos and his group of friends frequently created disturbances in and around the plaza by fighting with each other, snatching cellphones and, according to a Tagum City social worker, sometimes harassing female passersby.⁹²

Romnick Minta, another former member of the death squad, also alleged that Azarcon killed Lagulos.⁹³ Minta said Azarcon used a knife he called a “Rambo” knife because it resembled the one Sylvester Stallone used in the movie *First Blood*.

According to Lagulos’s relatives, the police could not explain the boy’s murder and that they had not identified any suspects.⁹⁴

⁸⁸ Ibid.

⁸⁹ Human Rights Watch interview with Jomarie Abayon, Manila, January 31, 2014.

⁹⁰ Human Rights Watch interview with John Paul Seniel, Davao City, August 2013.

⁹¹ Human Rights Watch interview with Jomarie Abayon, Manila, January 31, 2014.

⁹² Human Rights Watch interview with a Tagum City social worker (name withheld), Tagum City, September 14, 2011.

⁹³ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

⁹⁴ “Pagpatay sa duha ka minor de edad sa Tagum City, masulbad pa ba?,” *GMA-7 Davao*, May 13, 2011, <http://www.gmanetwork.com/news/story/220503/ulatfilipino/davao/special-report-pagpatay-sa-duha-ka-minor-de-edad-sa-tagum-city-masulbad-pa-ba> (accessed February 5, 2014).

“Jerome,” 16, Killed in August 2011

“Jerome” was another of the children and teenagers who frequented the plaza and who worked at the carwash on Third Avenue near Tagum City plaza.⁹⁵ One day in August 2011, when Jerome was 16 years old, a gunman shot and killed him while he was working at the carwash.⁹⁶ There were multiple witnesses to Jerome’s murder, including “Toto,” a fellow carwash boy and friend.⁹⁷ Toto told Human Rights Watch that he watched as two men carrying handguns approached Jerome and killed him execution-style in broad daylight.

Toto said the assailants used .45 caliber pistols, rode motorcycles, and wore baseball caps. Two men who acted as backups for the gunmen—one of them Toto described as an “asset” or informant for the death squad—watched the attack from across the street. Toto said:

The asset arrived at around 5 p.m. and stayed by the [car wash] billiards table.... I had no idea that they were planning to kill [Jerome]. When Jerome came out after his nap, the asset left because somebody called him [from outside of the car wash].... Two men then appeared at about 6 p.m. But we learned afterward [from other carwash employees] that they were already casing the place as early as 4 p.m. When Jerome took his nap, [the assailants] were already here.⁹⁸

Jerome, who also frequented Freedom Park and knew Macky Lumangtad, was among those who had earlier witnessed Macky’s abduction, according to Toto and Macky’s mother, Carmelita.⁹⁹ Carmelita told Human Rights Watch that Jerome disappeared for several days after Macky’s body was found. She said Jerome later told her that police officers had abducted and tortured him in an effort to discover if he indeed witnessed Macky’s abduction. Carmelita said Jerome denied he knew anything about Macky’s abduction and subsequent murder.¹⁰⁰ But the police who abducted Jerome, according to a former TDS

⁹⁵ Jerome only went by his apparent first name. Human Rights Watch could not establish Jerome’s full name, which even his friends were unaware of. Jerome had no known relatives in Tagum City.

⁹⁶ Witnesses could not recall the exact date of Jerome’s murder except to say it was in August 2011.

⁹⁷ Human Rights Watch interview with “Toto” (name withheld), Tagum City, September 14, 2011.

⁹⁸ Ibid.

⁹⁹ Human Rights Watch interview with Carmelita Lumangtad, September 14, 2011, and “Toto” (name withheld), September 14, 2011.

¹⁰⁰ Human Rights Watch interview with Carmelita Lumangtad, September 14, 2011.

member, were not out to investigate the killing. Instead, they were part of part of a cover-up, to ensure that no one witnessed Lumangtad's abduction.¹⁰¹

Carmelita asserted that Jerome's murder was a result of his witnessing her son's abduction. Toto told Human Rights Watch that Jerome had become a target because TDS members had decided that he had become too deeply involved in criminal activities. Romnick Minta, a former member of the death squad, remembers the killing of Jerome. Minta denied participation in the murder but said he was present during discussions about the murder in which TDS members expressed their belief in Jerome's criminality.¹⁰² But he added that the TDS decision to kill Jerome was also due to their concern about his knowledge of their involvement in the murders of Lumangtad and Lagulos. "That's why we had to kill [Jerome] too," Minta told Human Rights Watch.

These murders have traumatized the street children, including Toto, who spent time at the Freedom Park: "I'm extra careful now. I don't go out at night. I make sure that I'm done with work by 6 p.m."¹⁰³

The deaths of Lumangtad, Lagulos, and Jerome are not part of the case filed against Uy and others in relation to the Tagum Death Squad. But the sheer brutality of these killings prompted the Commission on Human Rights to investigate them.¹⁰⁴ Nothing, however, has come out of the investigation after the investigators submitted their findings to the commission's legal division.¹⁰⁵

Roberto T. Onlos, 62, Killed on October 28, 2011

On the afternoon of October 28, 2011, Roberto Onlos was driving his Mitsubishi Pajero along Apokon Road in central Tagum with his wife Rizalina, their three daughters, and four other relatives en route to a funeral. Suddenly, Rizalina, who was sitting next to Onlos,

¹⁰¹ Human Rights Watch interview with Romnick Minta, Manila, March 7, 2014.

¹⁰² Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

¹⁰³ Human Rights Watch interview with Toto (name withheld), Tagum City, September 14, 2011.

¹⁰⁴ Human Rights Watch interview with Alberto Sipaco, former head of the Commission on Human Rights in Southern Mindanao, Davao City, September 2, 2013.

¹⁰⁵ Human Rights Watch interview with Emil Cajés, chief of the investigation division of the Commission on Human Rights in the Southern Mindanao Region, Davao City, August 2013.

heard a loud popping sound. Simultaneously, Rizalina felt a sharp pain in her head and thought that she had been hit by a rock.¹⁰⁶ She turned to her husband and saw him with his head dangling forward over the steering wheel, a gunshot wound to his head spurting blood with a faint hissing sound.

One of the daughters who was in the back had the presence of mind to force herself into the front seat, take the wheel and stop the SUV. “I frantically got out and ran to the driver side and opened the door,” Rizalina said. “I knew right there and then that my husband was dead.”¹⁰⁷ Onlos was later pronounced dead on arrival at Davao Regional Hospital.

A Tagum City police investigation determined that a gunman riding pillion on a motorcycle fired a single shot at Onlos as he was traversing Apokon Road, a major highway in Tagum City.¹⁰⁸ The gunman was only a few feet from the victim when he fired his gun. The motorcycle sped away, followed by another motorcycle with two men on the back.

In her sworn statement, Rizalina alleged that Onlos had received several death threats from Voltaire Rimando, the mayor of Maco, a town next to Tagum City in Compostela Valley province.¹⁰⁹ She said Rimando had wanted Onlos replaced as chairman of the Maco Ancestral Domain Council Inc., a tribal group involved in mining operations in the province.¹¹⁰ Rimando, she alleged, wanted to assign someone close to him to head the council “but my late husband did not heed [sic].” Rizalina said her husband suspected Rimando wanted him out of the way in order to control the mine-rich tribal land that the council owned.¹¹¹

Rizalina also alleged that then Mayor Rey Uy, together with his brother Arturo Uy, the governor of Compostela Valley province, and Onlos’s own brother Rudy, called Onlos to a

¹⁰⁶ Human Rights Watch interview with Rizalina Onlos, widow of Roberto Onlos, Davao City, May 11, 2013.

¹⁰⁷ Ibid.

¹⁰⁸ “Naglubong gipatay,” *Sun Star Davao*, October 29, 2011, <http://www.sunstar.com.ph/superbalita-davao/balita/2011/10/29/naglubong-gipatay-187781> (accessed January 23, 2014).

¹⁰⁹ “Affidavit-complaint” filed by Rizalina Onlos at the Panabo City Prosecutors Office on January 29, 2013.

¹¹⁰ Under Philippine laws concerning indigenous peoples, mining operations in tribal areas need to have the consent and cooperation of the tribal community. This cooperation is usually done through the formation of a council or group that would then work closely with the mining company.

¹¹¹ Human Rights Watch interview with Rizalina Onlos, Davao City, May 11, 2013.

meeting two weeks before the murder to ask him to resign his post at the council “but he again declined.”¹¹² Onlos started receiving death threats from Rimando’s representatives soon after that meeting.¹¹³ Onlos’ brother Rudy worked with Mayor Uy and took Onlos to meet with Uy in Tagum weeks before the murder. During that meeting, Uy urged Onlos to step down and also not to get involved in the mining company’s union problems.”¹¹⁴

Romnick Minta, a self-confessed TDS member, told Human Rights Watch that he had acted as support and lookout for Onlos’s killer. Minta identified that gunman in a sworn statement and in his interview with Human Rights Watch as Renster “Renren” Azarcon.¹¹⁵ Minta said Onlos’s shooting was a contract killing “personally ordered” by Conrado “Rading” Palen and Victor “Kulot” Cuaresma, close aides of then-Mayor Uy.

Minta also identified Tagum City Senior Police Officer 1 (PO1) Rolly Sabitsana as having “personally ordered” the Onlos murder.¹¹⁶ In her affidavit, Rizalina named Minta, Palen, Cuaresma, Sabitsana, PO1 Alexis Manigo, Azarcon, Jomari Abayon, Junald Cuaresma, Eduardo Cabutad, and Allan Palen as the murderers.¹¹⁷ She asserted the murder occurred with the “approval” of Special Officer 3 (SPO3) Jose Bengil, SPO1 Divina Agocoy and PO3 Leonardo Abrenica, all assigned at the Tagum City Police Station.¹¹⁸ Minta also named these individuals in his affidavit about the Onlos murder.¹¹⁹

Jomarie Abayon, another former TDS member, confirmed Minta’s account to Human Rights Watch and confessed he was driving the motorcycle carrying the killer. Abayon also attributed the contract killing to Palen’s orders. “It was Rading who contacted us for the killing of Onlos,” he said.¹²⁰

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Human Rights Watch interview with Rizalina Onlos, Davao City, May 11, 2013; affidavit of Rizalina Onlos subscribed to Panabo City Prosecutors Office, January 29, 2013. Rudy Onlos is now the indigenous people’s representative in the Tagum City Council and remains an ally of Uy.

¹¹⁵ Human Rights Watch interview with Romnick R. Minta, former death squad member, Davao City, May 12, 2013.

¹¹⁶ Affidavit or sworn statement by Romnick R. Minta subscribed to the Davao City Prosecutor’s Office, October 2, 2012.

¹¹⁷ All are alleged members and leaders of the Tagum Death Squad.

¹¹⁸ Affidavit by Rizalina Onlos subscribed to the Panabo City Prosecutor’s Office, January 29, 2013.

¹¹⁹ Affidavit or sworn statement by Romnick R. Minta subscribed to the Davao City Prosecutor’s Office, October 2, 2012.

¹²⁰ Human Rights Watch interview with Jomari Abayon, Manila, January 31, 2014.

Rizalina’s and Minta’s affidavits, as well as those of several other relatives of victims, were used to support the case for “grave misconduct” Rizalina filed against Uy and several others before the Office of the Ombudsman.¹²¹ Other families of victims also filed separate cases against Uy and company, also before the ombudsman.¹²²

Minta described Onlos in his affidavit as a “drug pusher suspect.” However, he told Human Rights Watch that Sabitsana, their handler, had fabricated that justification for the hit on Onlos. “He was just a rival in mining of my team leader’s associates,” referring to Sabitsana. “He ordered us to do it. They just made up the drug story against him and the mayor believed it,” Minta said.¹²³ “Just one shot to the head,” he said.

Based on information provided by Minta, Rizalina alleged that Uy ordered her husband’s killing allegedly as a favor to Rimando, who was Uy’s political ally.¹²⁴ Minta alleged that Uy relayed the order to kill Onlos to Sabitsana, who in turn relayed it to members of the death squad. The Tagum City police had a direct role in the killings, according to Minta, Abayon and Marlon Hepalago, another former member of the death squad.¹²⁵ At least four more of these “handlers”— squad members who receive orders from Uy and his close aides, Cuaresmo and Palen, who then assign the hit men for the specific target—are also members of the Tagum City police force.¹²⁶ Another Tagum City police officer was present when the group held their first briefing on the planned killing, on October 14, 2011, two weeks before the murder.¹²⁷

Rizalina said she believed Minta’s testimony because the former killer told her details that only she could have known, such as when Minta claimed to have had his first surveillance job on Onlos. Minta said he was peering through the gate of Onlos’s home when Rizalina

¹²¹ The Office of the Ombudsman receives complaints against elected officers or employees of the government, including public officials. It then determines whether civil or criminal cases can be filed against the accused.

¹²² Affidavits by other relatives of victims filed before the Office of the Ombudsman.

¹²³ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

¹²⁴ Human Rights Watch interview with Rizalina Onlos, Davao City, May 11, 2013.

¹²⁵ Human Rights Watch interviews with Romnick Minta, Davao City, May 2013 and Jomarie Abayaon, Manila, January 31, 2014. Affidavit of Marlon Hepalago subscribed to the Davao City Prosecutors Office, October 25, 2012.

¹²⁶ Human Rights Watch interviews with former squad members Romnick Minta, Davao City, May 11, 2013 and Jomarie Abayaon, Manila, January 2014.

¹²⁷ Human Rights Watch interview with Rizalina Onlos, Davao City, May 11, 2013.

noticed him. She went to check and saw a man walking away. “It was me,” Rizalina quoted Minta as telling her.

Rizalina and police sources told Human Rights Watch that the motive for Onlos’s murder is related to the tribal land that Onlos’s tribe controlled in Compostela Valley province. The tribe, through the Maco Ancestral Domain Council Inc., had entered into an agreement with a mining company to operate within the tribe’s land. Rizalina and these sources said Rimando wanted to control the council.¹²⁸

Besides Minta, there have been no additional arrests for the Onlos killing. The police, according to Rizalina, never concluded its investigation into the murder.¹²⁹

The .45 caliber bullet that killed Onlos also hit Rizalina in the head; the slug ended up embedded in the Pajero’s door. While her injury was not serious, she was traumatized by the killing enough to leave Tagum City, which had been their home for decades.

The murder also tore her family apart. Rizalina said her husband’s death had brought the family immeasurable grief and financial hardship. “We barely have enough food to eat these days,” she told Human Rights Watch. Two of her six children dropped out of school. She said she had to force her children to leave Tagum City and live with relatives in other places. “They did not only kill my husband,” Rizalina told Human Rights Watch. “They also killed the future of my children.”¹³⁰

She said she had not seen her daughters for a long time and would talk with them only on the phone and exchange text messages. “They would text me that they are scared all the time.”¹³¹

¹²⁸ Under the Indigenous People’s Rights Act, the law protecting the Philippines’ tribal people, mining companies need to get the “free and informed prior consent” of indigenous peoples in areas where they want to operate. Most of these companies would end up entering into agreements with these tribes, through councils such as the one Onlos headed. Three other tribal leaders had also been murdered in the three years before Onlos was shot dead.

¹²⁹ Human Rights Watch interview with Rizalina Onlos, Davao City, May 11, 2013.

¹³⁰ Ibid.

¹³¹ Ibid.

Epifanio Salmin, 47, and Dennis Angeles, Age Unknown, Killed on November 20, 2011

On the afternoon of November 20, 2011, four gunmen shot dead Dennis Angeles while he was playing cards in a gambling parlor in Purok Narra, Gabuyan, Kapalong town in Davao del Norte province.¹³² Epifanio Salmin, Angeles's bodyguard, was outside the building, in the street, when the shooting started. He managed to draw his gun, but the other assailants quickly gunned him down as they exited the scene of the crime. Both Salmin and Angeles died on the spot.

Angeles had hired Salmin after receiving death threats that, according to Angeles's wife, originated from Nick Clemente, an employee of the Provincial Agrarian Reform Office.¹³³ In a sworn affidavit, Merylaine Angeles said her husband was the chairman of the Alberto Soriano Farming Reform Beneficiaries Multipurpose Cooperative in Kapalong, Davao del Norte, an agricultural province to which Tagum City belongs.¹³⁴ Merylaine said that it was in that capacity that her husband had conflicts with Clemente, whose office runs the agrarian-reform program of the province. The conflict had grown so intense, she said, that Angeles at one point filed a case against Clemente before the Office of the Ombudsman.¹³⁵ Merylaine said that prompted threatening text messages from Clemente who warned that "[Dennis Angeles] would be killed if he pursued [sic] his complaint." Angeles and Salmin's murders occurred few days after the receipt of those text messages.¹³⁶ In a separate affidavit, Salmin's common-law wife, Jinny Rodulfo, said that she also knew of the antipathy between Angeles and Clemente.¹³⁷

Romnick Minta, who admitted to being one of the killers, told Human Rights Watch that Mayor Rey Uy had knowledge of the murder of Angeles and Salmin.¹³⁸ Clemente met with Uy in the mayor's house, Minta said, although he did not know what was discussed in that meeting. After that meeting between Uy and Clemente, Minta said that Uy told the TDS

¹³² Human Rights Watch interview with Romnick Minta, a former member of the Davao Death Squad, Manila, February 11, 2014.

¹³³ Affidavit of Merylaine Angeles, Angeles's widow, subscribed to the Panabo City Prosecutor's Office, November 23, 2012.

¹³⁴ Ibid.

¹³⁵ Ibid. Angeles did not specify in her affidavit the nature of the case she filed against Clemente but the Ombudsman handles mostly administrative complaints.

¹³⁶ Ibid.

¹³⁷ Affidavit of Jinny Rodulfo, Salmin's live-in partner, subscribed to the Davao City Prosecutor's Office, November 21, 2012.

¹³⁸ Human Rights Watch interview with Romnick Minta, Manila, February 11, 2014.

leaders to provide Clemente men “because he had a problem.” That’s when Minta and the three other hit men went to see Clemente at his home “so we could discuss the [planned killing] formally.”¹³⁹ “I was present when Nick Clemente talked to us about killing Angeles,” Minta said. Minta said Palen told them that Angeles was the biggest seller of methamphetamine, locally known as *shabu*, in Kapalong town and Tagum City.¹⁴⁰

Despite multiple witnesses to the murder of Angeles and Salmin, no witness has come forward to offer testimony to the police. One of the bullets grazed the foot of a female passerby, but even she refused to testify.¹⁴¹ Rodulfo said no one from the police or any government agency, such as the Department of Justice, has sought to interview her about the killings.¹⁴² She said she did not know the status of the “grave misconduct” case she filed against Uy and the others before the Office of the Ombudsman when she learned that Minta had been arrested and agreed to testify against the killers and those who allegedly planned the murder. Relatives of other victims of the Tagum Death Squad had also filed separate allegations of “grave misconduct” against Uy and his alleged accomplices before the Office of the Ombudsman.¹⁴³

Jovanni T. Mejos, 27, Killed on March 20, 2012

On March 20, 2012, a man with a pistol approached Jovanni Mejos on the basketball court in Purok Talisay, a section of Barangay West, Tagum City. The gunman shot Mejos once in the head and he fell to the ground. The gunman then shot Mejos twice more in the head, splattering his brains all over the ground. “It was a painful sight, to see him killed like that,” a relative of Mejos who witnessed his murder, told Human Rights Watch. “He was defenseless and was shot from behind.”¹⁴⁴

The alleged gunman, Renster Azarcon, is a member of the Tagum Death Squad.¹⁴⁵ Police revealed Azarcon’s alleged involvement in Mejos’s murder after the arrest of fellow death

¹³⁹ Ibid.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² Human Rights Watch interview with Jinny Rodulfo, Davao City, May 11, 2013.

¹⁴³ Affidavits of relatives of victims and witnesses presented to the Office of the Ombudsman. These are administrative cases. The Ombudsman is supposed to then investigate and recommend the filing of either a criminal or civil case.

¹⁴⁴ Human Rights Watch interview with a relative (name withheld), Davao City, May 11, 2013.

¹⁴⁵ Affidavit of the relative subscribed to the Davao City Prosecutor’s Office, October 11, 2012.

squad member Romnick Minta in September 2012.¹⁴⁶ Minta confessed that he had ridden Azarcon to the site of the killing on the back of a motorcycle. Minta is now a witness in the case filed against former mayor Rey Uy and others suspected of involvement in the Tagum Death Squad. In his affidavit, Minta said the death squad had targeted Mejos because he was a “drug pusher suspect.”¹⁴⁷

Mejos’s relatives dispute the accusation. They point out that he was the chairman of their village’s Sangguniang Kabataan Federation, a government youth council.¹⁴⁸ Rather than being a drug dealer, his family described Mejos as a devoted husband and a salesman in the nearby city of Panabo.¹⁴⁹

A relative expressed dismay at the death squad’s willingness to kill for what he considered such small sums of money. “They’re doing all these killings for just 2,000 pesos [\$44]. If we don’t pursue this case, if we don’t file this, maybe a person’s life may just be worth 1,000 pesos [\$22] next time,” the relative said.¹⁵⁰

To date, there have been no arrests or prosecutions for Mejos’s murder.

Jesus H. Cabayacruz, 23, Killed on April 24, 2012

The Tagum Death Squad murdered Jesus H. Cabayacruz, a Tagum City lumber dealer, on April 24, 2012. A gunman riding pillion on a motorcycle shot Cabayacruz dead while he was riding his motorcycle along the national highway in Magdum, Tagum City, shortly after sundown.

According to affidavits of former TDS members, the death squad had targeted Cabayacruz based on reports that he was a drug dealer.¹⁵¹ Cabayacruz’s mother, Leotinida Cabayacruz,

¹⁴⁶ Affidavit of Romnick Minta subscribed to the Davao City Prosecutor’s Office on October 1, 2012; Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

¹⁴⁷ Affidavit of Romnick Minta subscribed to the Davao City Prosecutor’s Office on October 1, 2012.

¹⁴⁸ Sangguniang Kabataan or Youth Council is the government’s outreach program for young Filipinos.

¹⁴⁹ Human Rights Watch interview with a relative (name withheld), Davao City, May 11, 2013.

¹⁵⁰ Ibid.

¹⁵¹ Human Rights Watch interviews with Romnick Minta, May 12, 2013, and affidavits of Minta and Leotinida Cabayacruz.

told Human Rights Watch that the allegation was incorrect. “It’s true he used to be a drug user,” she said. “But he stopped that when he became a businessman.”¹⁵²

Leotinida directly implicated then-Mayor Rey Uy in her son’s murder. She said Uy sought her out “shortly” before the murder, while she was visiting Tagum City Hall for a business transaction. She said that Uy specifically asked her how her son had been able to afford the purchase of a new motorcycle.¹⁵³ When she replied that he had bought it with a loan from her husband, Uy “shook his head and would not believe me.”¹⁵⁴ Leotinida said that Uy then referred to her son as one of the city’s “weeds”¹⁵⁵ and bluntly warned her “not to allow my son to go to Tagum City or he would be killed.”¹⁵⁶

Romnick Minta told prosecutors as well as Human Rights Watch that he was one of four members of the squad tasked to murder Cabayacruz.¹⁵⁷ Minta alleged that the other death squad members who took part in the shooting were Renster Azarcon and Allan Rosillo. Minta said they attacked Cabayacruz while he was riding his motorcycle with a uniformed member of the Philippines military on the back. The soldier, an unidentified friend of Cabayacruz’s, was armed with a pistol. Minta said that one of the killers, Rosillo, fired his pistol at Cabayacruz while a second gunman, Azarcon, fired at the soldier.¹⁵⁸ Minta said in his affidavit:

They both fell into [sic] the road and the gun of the army soldier also fell down. Jomari [sic] Abayon took it and shot with it Jesus Cabayacruz and the army soldier who were both lying on the road already seriously wounded.¹⁵⁹

In his affidavit, Minta said Cabayacruz’s murder was “directly ordered” by Uy “because he was suspected of being a drug pusher and had been making large amounts of [money from

¹⁵² Human Rights Watch interview with Leotinida Cabayacruz, Davao City, May 11, 2013.

¹⁵³ Human Rights Watch interviews with Leotinida Cabayacruz, Davao City, May 11, 2013; affidavit of Leotinida Cabayacruz subscribed to subscribed to the Davao City Prosecutors’ Office, November 12, 2012.

¹⁵⁴ Affidavit of Leotinida Cabayacruz subscribed to the Davao City Prosecutor’s Office on November 12, 2012.

¹⁵⁵ Leotinida’s affidavit is in English, but she was clearly referring to a popular Visayan expression “sagbot sa katilingban,” literally “weeds of society” that needed to be uprooted.

¹⁵⁶ Affidavit of Leotinida Cabayacruz subscribed to the Davao City Prosecutor’s Office on November 12, 2012.

¹⁵⁷ Human Rights Watch interview with Romnick R. Minta, member of the Tagum Death Squad, Davao City, May 12, 2013.

¹⁵⁸ Affidavit of Romnick Minta subscribed to the Davao City Prosecutors’ Office, November 12, 2012.

¹⁵⁹ Ibid.

the] sale of drugs.”¹⁶⁰ He said Uy ordered Cabayacruz’s murder because his mother, Leotinida, refused to heed Uy’s instruction to forbid Cabayacruz from coming to Tagum City.¹⁶¹

Minta also claimed that before Cabayacruz’s killing, members of the death squad had “sent text messages to SPO3 Jose Bingil, PO3 Leonardo Abrenica and SPO1 Divina Agocoy—all members of the police intelligence team of the Tagum City Police Station—to alert and inform them that we were about to do a summary killing at that particular vicinity.”¹⁶² He added:

In fact, every summary killing that we made, these said police officers fully knew beforehand of the execution of such killing and that in every summary killing investigation they always appeared at the scene of the killing to see if we are positively identified by witnesses or not.¹⁶³

A police officer who had been tasked to investigate a few of the killings could not confirm to Human Rights Watch the alleged involvement of the three police officers Minta named as actively complicit in Cabayacruz’s murder. However, he confirmed that some unidentified members of the Tagum Police cooperated with Uy and the death squad in many of the death squad’s killings.¹⁶⁴ “You can’t disobey the mayor’s order,” he said. “His power is higher than the chief of police. If the mayor gives his order, it gets implemented.”¹⁶⁵ He also echoed Leotinida’s claim that her son could have been killed without any evidence that we was involved in wrongdoing.

Leotinida said they decided to fight back by filing a case against Uy and the others before the Office of the Ombudsman, even though they are against “big people.” Cabayacruz, she said, “was a good kid, always helpful.”¹⁶⁶ Besides, she said, she’s had enough of all the killings.

¹⁶⁰Ibid. Minta reiterated this charge in an interview with Human Rights Watch on February 3, 2014.

¹⁶¹ Ibid.

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ Human Rights Watch interview with a police officer (name withheld), Davao City, May 12, 2013.

¹⁶⁵ Philippine law empowers mayors to appoint chiefs of police, drawing from the names of nominees submitted by the Philippine National Police.

¹⁶⁶ Human Rights Watch interview with Leotinida Cabayacruz, Davao City, May 11, 2013.

According to Leotínida, the police had not completed its investigation into her son's murder nor had they officially identified or arrested any suspects in the killing.

Wilfredo Derecho, 41, Killed on July 2, 2012

On July 2, 2012, a lone gunman approached Wilfredo Derecho on Sobrecarey Street in Tagum City and shot him five times, killing him instantly.

Derecho had worked as a traffic aide with Tagum's Civil Security Unit.¹⁶⁷ As a traffic aide, Derecho was responsible for directing traffic in the city and for responding to minor public order concerns in the plazas and markets. Derecho was also an assistant to SPO1 Rolando Sabitsana, one of the alleged leaders of the Tagum Death Squad.¹⁶⁸ A relative of Derecho's told Human Rights Watch that through his job, Derecho became aware of Sabitsana's and the death squad's activities, including the killings. "He knew some things," the relative told Human Rights Watch. "Maybe that's why he was killed. [TDS members] might have been scared that their [criminality] might get known."¹⁶⁹

Derecho was aware that his life was in danger. On June 15, 2012, he gave his relative a piece of paper with a written list of eight names of people who he said should be held accountable in the event of his murder. Derecho told his relative that he had been the target of "threats" and that he had decided to immediately leave Tagum City for his safety. Derecho returned to Tagum on July 2 and was murdered 13 days later.

Among those Derecho listed was the man implicated in his murder. The list also included Romnick Minta, who served as the driver for the gunman.¹⁷⁰ In an affidavit Minta filed in November 2012 to support the "grave misconduct" case against Uy and several people with the Office of the Ombudsman, he listed Derecho's murder as one in which he had been actively complicit.¹⁷¹

¹⁶⁷ The CSU is a unit in the city government tasked with traffic management and ensuring order in the city's public infrastructure such as parks and markets.

¹⁶⁸ Human Rights Watch interview with a relative (name withheld) of Wilfredo Derecho, Davao City, May 11, 2013.

¹⁶⁹ Ibid.

¹⁷⁰ Photocopy of handwritten list, purportedly by Wilfredo Derecho, given to Human Rights Watch by a relative (name withheld).

¹⁷¹ Affidavit by Romnick Minta filed with Davao City Prosecutor's Office, November 2012.

Minta told Human Rights Watch that Derecho had no involvement with the death squad even though he was an employee of the Civil Security Unit.¹⁷² “He was just employed as a traffic aide, that’s all,” he said. “He left the group, displeased our handlers and so was killed.”¹⁷³ Derecho’s murder has terrified his family, the relative told Human Rights Watch. He said that Derecho’s wife and children did not want to pursue the case out of fear of reprisals. “That’s why I’m the one doing this. I’m the complainant, because he told me who killed him.”¹⁷⁴

The relative said he is committed to pursue the case against Uy and the others. “I want to give justice to him,” he said.¹⁷⁵ However, the police have not concluded their investigations and no one has been arrested for the murder.

Kennedy Casimina, Age Unknown, Killed on July 7, 2012

A gunman, later identified as Tagum Death Squad member Renster Azarcon, shot dead Kennedy Casimina at around 3 a.m. on July 7, 2012, while Casimina and several of his friends were drinking in a bar on Lapu-Lapu Street in Tagum City.¹⁷⁶

Casimina’s girlfriend, Moon Hsu, stated in an affidavit that the death squad killed Casimina because it suspected him of being a thief.¹⁷⁷ According to former death squad member Minta, the owner of a computer laptop had complained to leaders of the Tagum Death Squad that Casimina had stolen it.¹⁷⁸

In her affidavit filed before the Davao City Prosecutor’s Office in October 2012, Hsu said she and Casimina witnessed members of the death squad, specifically Minta and Azarcon, shoot two persons suspected of being thieves on June 6, 2012.¹⁷⁹ Hsu said Casimina had led Minta and Azarcon to the two victims, who were the ones who sold Casimina the laptop.

¹⁷² Human Rights Watch interview with Romnick Minta, Manila, February 3, 2014.

¹⁷³ Ibid.

¹⁷⁴ Human Rights Watch interview with a relative (name withheld) of Wilfredo Derecho, Davao City, May 11, 2013.

¹⁷⁵ Ibid.

¹⁷⁶ His girlfriend Moon Hsu told Human Rights that Kennedy’s name is actually spelled “Kennydy” but the affidavit she signed says “Kennedy.”

¹⁷⁷ Affidavit by Moon Hsu, girlfriend of Kennedy Casimina, subscribed to the Davao City Prosecutor’s Office, October 23, 2012.

¹⁷⁸ Human Rights Watch interview with Romnick Minta, Manila, February 11, 2014.

¹⁷⁹ Affidavit by Moon Hsu, girlfriend of Kennedy Casimina, subscribed to the Davao City Prosecutor’s Office, October 23, 2012.

It's not clear in Hsu's affidavit if the two died. "I saw Romnick [Minta] still holding his gun and the two men fell down [on] the road," Hsu said in her affidavit.¹⁸⁰ But according to Minta, one of the two men died, while the other managed to escape.¹⁸¹

Terrified at what they saw, Hsu said she and Casimina immediately went home to their apartment. A short time later, Azarcon, Minta and a "short, dark person" arrived at their door. Hsu said the third person with the two death squad members looked to her like a policeman because of the gun in a holster on his waist. Hsu said Azarcon then took out a knife, held it against Casimina's midsection and told him in the vernacular Visayan: "This knife is perfect for your body. Should you tell others, you will be next."¹⁸²

On July 7, Azarcon allegedly barged into the bar armed with a .45 caliber pistol and shot Casimina four times to the head in front of his friends.¹⁸³ Minta told Human Rights Watch that the Tagum Death Squad had wanted Casimina to witness the shooting of the two men so Casimina would stop stealing. "We did not want to kill Kennedy, only those two thieves," he told Human Rights Watch. "We knew he was stealing too and we warned him. We thought he had reformed because he left Tagum but then he came back and resumed stealing. We had no choice but take him out."¹⁸⁴

The police never completed its investigation into Casimina's killing, which remains unsolved.¹⁸⁵

Alicia Ang, 59, Killed on August 28, 2012

On August 28, 2012, just after 2 p.m., two unidentified gunmen shot to death businesswoman Alicia Ang at Super JJ Ukay-Ukay, a used-clothing store on Bonifacio Street in Tagum City.¹⁸⁶ The assailants immediately fled the crime scene on a motorcycle

¹⁸⁰ Ibid.

¹⁸¹ Human Rights Watch interview with Romnick Minta, Manila, February 12, 2014.

¹⁸² Affidavit by Moon Hsu, girlfriend of Kennedy Casimina, subscribed to the Davao City Prosecutors Office, October 23, 2012.

¹⁸³ Ibid.

¹⁸⁴ Human Rights Watch interview with Romnick Minta, Manila, February 12, 2014.

¹⁸⁵ Ibid.

¹⁸⁶ Affidavit by Oscar Ang, son of Alicia Ang, filed with Panabo City Prosecutor's Office, January 24, 2013.

with no license plates. Police found two empty caliber .45 shells and a bullet at the scene of the crime.¹⁸⁷

Police have not arrested any suspects in Ang's murder. However, police suspect the motive was a property dispute.¹⁸⁸ Ang's son Oscar affirmed this theory. In his affidavit to support the filing of a case against the alleged perpetrators, Oscar alleged that the other party in the property dispute allegedly paid the Tagum Death Squad 100,000 pesos (\$2,200) for the murder.¹⁸⁹ He identified the alleged killers as Renster Azarcon, Allan Palen, Jomarie Abayon, and Romnick Minta.¹⁹⁰ The latter two admitted to Human Rights Watch their involvement in Ang's contract killing. Abayon said Azarcon and Palen did the actual shooting and that he and Minta only served as drivers of the getaway motorcycles, but Human Rights Watch could not corroborate this.¹⁹¹

Oscar Ang, based on information provided by Minta, alleged that Leticia Peralta, Pepito Peralta and Shirley Peralta-Maghanoy paid the Tagum Death Squad to murder his mother. Ang further alleges and that murder contract was handled by Conrado Palen, police officers Rolando Sabitsana and Alexis Magno, and Victor Cuaresma, a close aide of then Mayor Rey Uy.¹⁹² Ang said his mother had had a disagreement with the Peraltas that a court had resolved in his mother's favor.¹⁹³ Ang alleged that after the court's decision, his mother started receiving death threats from the Peraltas. One such threat was, in the vernacular dialect of Visayan: "Two sacks of money should be enough to make her disappear."¹⁹⁴

According to police sources, the Ang case remains unsolved and no suspect aside from Romnick Minta has been arrested.

¹⁸⁷ "Woman slain in ukay-ukay shop," *Sun Star Davao*, August 29, 2012, <http://www.sunstar.com.ph/davao/local-news/2012/08/29/woman-slain-ukay-ukay-shop-240004> (accessed February 11, 2014).

¹⁸⁸ *Ibid.*

¹⁸⁹ Affidavit by Oscar Ang, son of the victim, subscribed to Panabo City Prosecutors Office, January 24, 2013.

¹⁹⁰ *Ibid.*

¹⁹¹ Human Rights Watch interviews with Romnick Minta and Jomarie Abayon, Manila, February 11, 2014.

¹⁹² Affidavit by Oscar Ang, son of the victim, subscribed to Panabo City Prosecutors Office, January 24, 2013.

¹⁹³ *Ibid.*

¹⁹⁴ *Ibid.*

Rogelio “Tata” Butalid, 46, Killed on December 11, 2013

A gunman fired several shots at point-blank range into the head and torso of Rogelio Butalid on December 11, 2013. The attack occurred as Butalid, a commentator for Tagum City’s 107.9 FM Radyo Natin was walking toward his motorcycle parked outside the Leonardia Building on Sobrecarey Street. He died on the spot.

Roy Obar, an employee of the radio station, told the *Philippine Daily Inquirer*: “We heard a single pop then a succession of gunshots down below minutes after he [Butalid] had stepped out of the announcer’s booth.”¹⁹⁵ Butalid was a “block timer” at the station, not a staff member.¹⁹⁶ His employer, the Davao del Norte Electric Cooperative-National Electrification Administration (Daneco-NEA), paid for the airtime of his year-old program, called “The Truth.”¹⁹⁷

Police said despite the many eyewitnesses to Butalid’s killing, only one had come forward to give a description of the assailants. Police said they were two men wearing dark sunglasses, who then fled the scene by motorcycle.¹⁹⁸

Colleagues described Butalid as a hard-hitting commentator, especially since another faction of Daneco, the Daneco-Cooperative Development Authority (Daneco-CDA), also had “block timers” criticizing him and officials of the Daneco-NEA.¹⁹⁹ Elmer Tandoc, a colleague at the radio station, said Butalid’s commentary against Daneco-CDA as “stinging.”²⁰⁰

¹⁹⁵ “3rd media slay in 2 weeks,” *Philippine Daily Inquirer*, December 12, 2013, <http://newsinfo.inquirer.net/544833/3rd-media-slay-in-2-weeks> (accessed February 11, 2014).

¹⁹⁶ “Block timers” buy airtime from radio stations. Buyers often use this airtime for mainly commentary programs. Many of the victims of journalist killings in the Philippines are block timers, who are not subject to the same rules of broadcast as staff members of the radio station, and hence tend to be more critical and shrill in their commentary. The response by the target of their on-air attacks is often violence.

¹⁹⁷ “3rd media slay in 2 weeks,” *Philippine Daily Inquirer*, December 12, 2013, <http://newsinfo.inquirer.net/544833/3rd-media-slay-in-2-weeks> (accessed February 11, 2014).

¹⁹⁸ “Safety of media men assured as cops look into Butalid slay case,” *Philippine Information Agency*, January 10, 2014, <http://r11.pia.gov.ph/index.php?article=2381389327579> (accessed February 11, 2014).

¹⁹⁹ “Tagum Mayor Rellon put up P100,000 reward money to arrest killers of slain broadcaster Butalid,” *CNN iReport*, December 11, 2013, <http://ireport.cnn.com/docs/DOC-1067736> (accessed February 2, 2014).

²⁰⁰ “3rd media slay in 2 weeks,” *Philippine Daily Inquirer*, December 12, 2013, <http://newsinfo.inquirer.net/544833/3rd-media-slay-in-2-weeks> (accessed February 11, 2014).

Other colleagues said the victim had received death threats, which he liked to share with his listeners.²⁰¹

A witness to the killing told Human Rights Watch that she saw and recognized the person who shot Butalid as Renster Azarcon, one of the key members of the Tagum Death Squad. She personally knows Azarcon, she said, and knows him enough to recognize him even wearing sunglasses.²⁰² “I know how he looks, I know how he dresses, I’m familiar with his gait,” she said.

The witness said she was going home after visiting her father that day and stopped by Sobrecarey Street to buy some fruit when the shooting occurred. “I had bought my fruit and was about to hail a pedicab when I saw Renren [Azarcon] across the street, riding on the back of a motorcycle driven by another man,” she told Human Rights Watch. He was wearing a gray jacket, hiking shorts and sandals. Afraid that the alleged gunman might recognize her, she turned around but not before she said she saw his eyes. “He used a handkerchief or a similar kind as a mask, but I saw his eyes,” she said.

The moment she turned her back to hail a pedicab, she said, she heard gunshots. She said she did not see the actual shooting.

Former Tagum Death Squads members Romnick Minta and Jomarie Abayon, in separate interviews with Human Rights Watch, said they also suspect the death squad was responsible for the murder of Butalid.²⁰³ “They’re still operating and the Daneco issue is important to Uy,” Minta said.²⁰⁴ A top police official of Davao del Norte is also convinced that Uy was behind the Butalid murder. “It had all the signs” of a TDS operation, he said.²⁰⁵

²⁰¹ Ibid.

²⁰² Human Rights Watch interview with “Agnes” (name withheld), Manila, January 31, 2014.

²⁰³ Human Rights Watch interview with Romnick Minta, Manila, January 31, 2014.

²⁰⁴ According to several sources from Tagum City, Uy wanted to control Daneco, which supplies electricity to Tagum City and the province of Davao del Norte, because it is a lucrative operation. He allegedly initiated a management takeover of the cooperative by enlisting the support of the Cooperative Development Authority, which regulates all cooperatives in the country. The National Electrification Administration, which regulates electric cooperatives, resisted the takeover move. The dispute became acrimonious, to the point that both factions started collecting electric bills from consumers at the same time, leading to confusion.

²⁰⁵ Human Rights Watch interview with police official (name withheld), Manila, December 15, 2013.

The police have not arrested any suspect in Butalid's murder. On December 13, 2013, it formed a "task force," called Task Group Tata, to coordinate its investigations and released as well a police sketch of the gunman.²⁰⁶ The current mayor of Tagum, Allan Rellon, has offered a 100,000 peso (\$2,200) reward for information about the killer.²⁰⁷

²⁰⁶ "Police release description of Davao reporter's suspected killer," *The Philippine Star*, December 13, 2014, <http://www.philstar.com/nation/2013/12/13/1267669/police-release-description-davao-reporters-suspected-killer> (accessed February 11, 2014).

²⁰⁷ "Reward offered for info on Tagum radioman's killers," *GMA News.tv*, December 12, 2013, <http://www.gmanetwork.com/news/story/339428/news/regions/reward-offered-for-info-on-tagum-radioman-s-killers> (accessed February 11, 2014.) Rellon and Butalid have known each other a long time, having been classmates in high school. Butalid ran for city councilor under Rellon's party but lost.

IV. The Perpetrators: Inside the Tagum Death Squad

Tagum is under the iron grip of Mayor Uy. They have to do what the mayor wants because they are afraid the mayor would relieve them. You can't disobey him because his power is higher than the chief of police.

—Tagum police officer, Davao City, May 2013

Human Rights Watch interviewed three self-proclaimed members of the Tagum Death Squad and obtained the affidavit of a fourth. We also interviewed two people who had insider knowledge of the group, as well as police officers who investigated its activities over the years.

The most detailed account of Tagum Death Squad operations came from Romnick Minta, a member who decided to come out and testify about the killings after members of the group murdered his brother Mario and nearly killed him as well on September 8, 2012. Wounded, in government custody, and afraid that he would be killed while detained in the Tagum City Police Station, Minta said he decided to seek refuge at the Davao del Norte Provincial Police Office, which in turn had been providing him protection.²⁰⁸

Jomarie Abayon, the TDS member who shot the Minta brothers, also provided details of the death squad's activities. Abayon had also wanted to testify against former Mayor Uy and his former TDS colleagues but he had a falling out with officials of the Davao del Norte police, who accused him of selling the .45 caliber pistol given to him for his own protection. He has since left Tagum City.

Another former member, who talked to Human Rights Watch on condition of anonymity, confirmed many of the details provided by Minta and Abayon. Moreover, Marlon Hepalago, also a former member, signed an affidavit on October 25, 2012, detailing the killings in which he had participated.

²⁰⁸ Human Rights Watch interviews with Romnick Minta, Davao City, May 12, 2013 and Manila, from October 2013 to February 12, 2014.

Membership, Structure, and Equipment

According to several sources, including two former TDS members, most members of the Tagum Death Squad worked under a cover of legitimacy mostly as “security aides”—at the Tagum City government’s Civil Security Unit (CSU).²⁰⁹ “Most employees of the CSU were ordinary employees and they had no idea what [TDS members] were doing,” Minta told Human Rights Watch.²¹⁰ Minta, whose official designation at the CSU was “security aide,” alleged, however, that the CSU chief at the time, a retired police official named Col. Abraham Catre, knew of the death squad’s existence within the CSU. Jomarie Abayon, another former member, confirmed Minta’s assertion about Catre’s knowledge of the TDS in his sworn statement submitted as evidence in the case filed against Uy and others before the Office of the Ombudsman.²¹¹ Abayon asserted that Catre “also gave us instructions and work, which means killing assignments.”²¹²

As employees of the CSU, the death squad members received regular salaries as well as legal documents, such as identification cards, for their employment. Minta showed Human Rights Watch photocopies of his official identification card as “security aide” of the CSU. Abayon, in his affidavit, attached photocopies of his official ID signed by the intelligence officer of the Tagum City Police Station, designating him as “confidential agent” with the station’s intelligence section.

More importantly, the CSU and police designations meant TDS members could carry firearms legally.²¹³ Guiseppe Geralde, who served as chief of police of Tagum City from 2009 to 2011, justified the arming of some CSU members on the basis that it was for self-defense in the line of CSU duties.²¹⁴ Uy also said the PNP authorized the CSU members to carry firearms.²¹⁵

²⁰⁹ Officially, the main task of the Civil Security Unit (CSU) in Tagum City is related to law enforcement, to keep the peace in government infrastructures such as public markets and help as well in managing the traffic in Tagum City. It is not clear when the Tagum government created the CSU. Other cities in other parts of the country also have their own CSUs. In the case of Davao City, members are usually in uniforms and are often seen accompanying the police on patrols or during police operations.

²¹⁰ Human Rights watch interview with Romnick Minta, Manila, February 12, 2014.

²¹¹ “Judicial affidavit” by Jomarie Abayon subscribed to the Davao City Prosecutors Office, June 27, 2013, attested by private lawyer Mariano Alegarbes.

²¹² Ibid.

²¹³ In one case, a CSU member who was not a death squad member was arrested for carrying a firearm. The court dismissed the case after his lawyers argued that the firearm was legal. “He had papers from City Hall,” said a police officer privy to the case.

²¹⁴ “Illegal detention case vs. arresting NBI agents – Cee O,” *Rural Urban News*, November 4, 2010, <http://cha4t.wordpress.com/2010/12/26/illegal-detention-case-vs-arresting-nbi-agents-cee-o/> (accessed March 8, 2014).

²¹⁵ Ibid.

They could also drive motorcycles with no license plates without fear of being stopped by authorities. That helped enable them to commit targeted killings with impunity.²¹⁶

According to Abayon and Minta, Rolando “Rolly” Sabitsana, a non-commissioned police officer with the rank of Senior Police Officer 1 (equivalent to staff sergeant in the military), acted as the team leader of the Tagum Death Squad. He also directly supervised one of the two teams comprising the death squad.²¹⁷ Sabitsana often assigned missions to specific TDS members. A police intelligence officer told Human Rights Watch:

My colleagues would tell me, when I was new, to keep quiet. “These officers are the mayor’s men.” One of them was Sabitsana, Rolly Sabitsana. So we just kept quiet. We couldn’t arrest them. We couldn’t do anything when they’re in front of us. But we knew what they were doing.²¹⁸

As the team leader who controlled the death squad, Sabitsana had direct access to two of Uy’s most trusted men: Conrado “Rading” Palen and Victor “Kulot” Cuaresma.²¹⁹ Both reported directly to Uy, who in turn would always relay his orders to them, not directly to the hit men. Minta told Human Rights Watch:

Sabitsana handled us. Rading was our adviser. Victor was always at Mayor Uy’s house and he was the one who would send us text messages about an upcoming job. Victor also handled our finances.²²⁰

According to Minta, Palen, who was officially designated as an “intelligence operative” of the Tagum police, directly supervised the other team to which he belonged.²²¹ “If Mayor [Uy] has an event that required more security, Sabitsana’s team would be the more visible one while ours would just be watching in the sideline,” Minta said.²²²

²¹⁶ Human Rights Watch interview with a police intelligence officer (name withheld), Davao City, May 11, 2013.

²¹⁷ According to police sources, Rolando Sabitsana has been recalled to the Philippine National Police Regional Office 11 based in Camp Catipitan, Davao City, where he continues to serve the police force.

²¹⁸ Human Rights Watch interview with a police intelligence officer (name withheld), Davao City, May 12, 2013.

²¹⁹ Human Rights Watch interviews with Romnick Minta, February 12, 2014, and Jomarie Abayon, January 31, 2014.

²²⁰ Human Rights Watch interview with Romnick Minta, Manila, February 12, 2014.

²²¹ City Council resolution extending financial assistance to Palen, December 8, 2008, <http://www.tagumcity.gov.ph/resolutions/RN56208-finl%20assistance%20CBPalen.pdf> (accessed February 21, 2014).

²²² Human Rights Watch interview with Romnick Minta, Manila, February 13, 2014.

The death squad also had the cooperation of several members of the Tagum City Police Station, some of whom are named as respondents in the cases filed by the families of the victims before the Office of the Ombudsman. One of them, Alex Manigo, ranked police officer 3 (equivalent of master sergeant in the military), was Sabitsana's right-hand man. He had gone officially absent-without-leave (AWOL) when the Tagum Death Squad dispersed after the defeat of Uy in the elections. However, he was recently appointed as head of the CSU in Compostela Valley province, where Uy's brother, Arthur, is governor and where killings have also been taking place.²²³

The intelligence officer told Human Rights Watch that Uy "micromanaged" the Tagum City Police Station.²²⁴ That control explained the police officers' often blind obedience to Uy's orders. Police officers were also concerned about reprisals for refusing Uy's orders after the Tagum Death Squad targeted several police officers for death.²²⁵ The intelligence officer said:

Even the police chief is fearful of him. He can't be assigned to Tagum without the mayor's approval. Even if you get recommended by higher officers, the head of the police in the region, the province, if he won't approve it, you don't get it.²²⁶

The intelligence officer described an incident in 2008 in which the regional office of the Philippine National Police assigned an officer-in-charge for the Tagum City Police Station without Uy's approval. Uy responded by ordering the removal of all the furniture and equipment the city had given to the police force, essentially crippling it.²²⁷ The regional police had no choice but appoint a candidate that Uy favored. "He found it disrespectful

²²³ Human Rights watch interviews with Romnick Minta, Manila, February 12, 2014 and with a senior police official, Manila, February 12, 2014.

²²⁴ According to interior undersecretary Austere Panadero, a city or town mayor does not have actual "total control" of the police force because the mayor would still have to select his police chief from three recommended by the Philippine National Police, who technically would vet the candidates and ensure that his rank and skill are commensurate to the needs of the town or city.

²²⁵ Human Rights Watch interview with police official (name withheld), Davao City, May 11, 2013.

²²⁶ Human Rights Watch interview with police intelligence officer, name withheld, Davao City, May 11, 2013. Under the Local Government Code, the mayor can appoint his police chief based on the recommendations of the Philippine National Police, which nominates three.

²²⁷ According to Interior Undersecretary Austere Panadero, the local government units such as the town and city would often provide logistical support to the police.

that he wasn't consulted about the OIC," the source said.²²⁸ A government official privy to the dynamic of the police and local government confirmed this account to Human Rights Watch.²²⁹

But it soon became apparent that control of the police force was Uy's true objective. "Without a police chief of his own choosing, he would have difficulty committing all of these crimes," said a police official from Davao del Norte province.²³⁰

Among the hit men, Renster "Renren" Azarcon stood as the most senior, and most feared. Based on the testimonies of former members and the affidavits of relatives of victims, Azarcon did most of the actual shooting.

The death squad's weapon of choice was a .45 caliber pistol; different calibers and types of handguns were also used, although not as often.²³¹ During their hits, the killers typically would wear baseball caps and sunglasses.²³² The members also used motorcycles that came from City Hall with red plates indicating that they were government property. However, the assailants removed the plates or replaced them with a "For Registration" plate.²³³ Victor Cuaresma, Uy's close aide who helped run the death squad, procured the motorcycles from City Hall.²³⁴ In between jobs, these motorcycles would be hidden in a "safe house" owned by a relative of Sabitsana in Tagum City.²³⁵ They used the safe house for meetings about upcoming jobs and also gathered there to collect their payment.²³⁶

Recruitment and Training

At least two members of the Tagum Death Squad were former members of the New People's Army (NPA), the armed wing of the Communist Party of the Philippines that has waged a four-

²²⁸ Human Rights Watch interview with a police intelligence officer (name withheld), Davao City, May 11, 2013.

²²⁹ Human Rights Watch interview with a local government official (name withheld), Davao del Norte, August 12, 2013.

²³⁰ Human Rights Watch interview, Davao City, May 11, 2013.

²³¹ Human Rights Watch interviews with former TDS members (names withheld), Davao and Manila, May, 12, 2013 and January 31, 2014. Also, official police reports.

²³² Ibid.

²³³ Ibid.

²³⁴ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

²³⁵ Ibid.

²³⁶ Human Rights Watch interviews with former TDS members (names withheld), Davao and Manila, May, 12, 2013 and January 31, 2014.

decade Maoist insurgency in the Philippine countryside.²³⁷ These are Conrado “Rading” Palen, the group’s adviser, as well as former TDS member Romnick Minta.²³⁸ Palen was an NPA guerrilla in the 1980s up to the early 1990s, according to a high-ranking NPA leader in the Southern Mindanao region.²³⁹ It is not clear when Palen started working for Uy. However, shortly after he began as Uy’s close aide, the volume of complaints about the killings and Palen’s brutality prompted the NPA to consider killing him.²⁴⁰

Minta’s NPA origins had many distinct advantages. First, he was already familiar with weapons and had undergone some combat training. Minta had more importantly been a member of the Sparrow Unit, the NPA’s assassination squad.²⁴¹ He eventually surrendered to the police and began working for them. He initially worked as a police “agent” providing information about criminals or suspected criminals. Minta told Human Rights Watch:

I agreed to be their agent because I had no other options. I don’t want them to be angry at me. I had just surrendered and asked for help from them.²⁴²

In 2010, Minta said he met Mayor Uy’s men. A police intelligence officer who learned of his surrender in 2009 from another former rebel referred him to the death squad. The recruitment was easy, mainly because Minta had received government assistance as a rebel returnee. He was first used as an “alpha,” which is TDS jargon for a spy who did mostly surveillance work. His job was to check out suspected criminals who had been the subject of complaints, particularly those who just got out of prison and were likely to commit another crime.²⁴³

²³⁷ The NPA is very active in the region of Southern Mindanao, to which Tagum City and the provinces of Davao del Norte and Compostela Valley are part.

²³⁸ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

²³⁹ Human Rights Watch interview with NPA leader, Manila, February 13, 2014.

²⁴⁰ Ibid. The NPA leader told Human Rights Watch that while the order to kill Palen had been rescinded, he is still wanted by the Communist Party to be tried in its “people’s court.”

²⁴¹ Human Rights Watch interviews with Romnick Minta, a police official, and a police intelligence officer, Davao City, May 11, 2013, and an NPA leader, Manila, February 13, 2014. The NPA leader said they were aware that many of those who quit the insurgency are prone to recruitment by politicians. He said they could not do anything about that but said that those ex-guerrillas who committed “abuses against the people” are always subject to “revolutionary justice.” Indeed, the NPA has long executed former comrades who committed crimes against ordinary citizens or ended up working for the police and military.

²⁴² Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

²⁴³ Ibid.

In 2011, Minta became one of the TDS hit men. He said he joined the Civil Security Unit that same year and received a briefing from no less than retired police Col. Abraham Catre, the head of the CSU, and Mayor Uy himself.²⁴⁴ He said the CSU's duties included monitoring and "to get rid" of "lawless elements" of Tagum City such as "but not limited to thieves, snatchers, drug pushers, killers, robbers."²⁴⁵

Minta made his first kill as a TDS member that same year. Minta insists that the TDS compelled him to do the killing and that he was forced to join the squad primarily out of fear. "If I didn't join, I would be targeted [for death by the TDS]," he said.²⁴⁶

Most TDS members came from the streets of Tagum: jobless youths and local toughs who had committed crimes such as robbery and drug use.²⁴⁷ One of them, Renster Azarcon, was a former soldier who had gone AWOL. Another was Marlon Hepalago, a former TDS member who said in his affidavit that Azarcon recruited him in December 2009. "I was specifically designated to be the driver only of the motorcycle used during the summary killings they made," Hepalago said.²⁴⁸

Jomarie Abayon was only 17 when he was recruited into the TDS by Azarcon.²⁴⁹ Fearful that his fellow hit men were planning to kill him, Abayon left the group in 2013, at age 22. Minta described Abayon as a "gangster" who gained the confidence of the team leaders because he would identify other criminals in Tagum who they would later murder.²⁵⁰ "Michael," another member, was a drug addict, while "Trongtrong" was a notorious thief. Allan, another member, is a relative of Conrado Palen, one of the team leaders.²⁵¹

²⁴⁴ Affidavit by Romnick Minta, subscribed to the Davao City Prosecutor's Office, October 1, 2012.

²⁴⁵ Affidavit by Romnick Minta, subscribed to the Davao City Prosecutor's Office, October 1, 2012.

²⁴⁶ Human Rights Watch interview with Romnick Minta, Manila, February 12, 2014.

²⁴⁷ Human Rights Watch interviews with Romnick Minta, Davao City, May 12, 2013, and Jomarie Abayon, Manila, January 31, 2014.

²⁴⁸ Affidavit by Marlon Hepalago subscribed to the Davao City Prosecutor's Office on October 25, 2012.

²⁴⁹ Human Rights Watch interview with Jomarie Abayon, Manila, January 31, 2014.

²⁵⁰ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

²⁵¹ Ibid.

Minta said the TDS very easily recruited these men owing to their notoriety in the community and their criminal records.²⁵² This provided the killers a distinct advantage as they were often already familiar with their targets from before and their habits.²⁵³

Minta said TDS members were often told by their leaders that their mission, “the reason why we’re here,” was to rid Tagum City of criminals:

They said they wanted to clean up Tagum, to bring change to Tagum, so that bad elements would think twice in coming in because they would end up dead in Tagum.²⁵⁴

Aside from the occasional target shooting, members of the death squad did not undergo other training.

Identifying the Targets

Former members of Tagum Death Squad told Human Rights Watch that their targets were overwhelmingly individuals alleged to be thieves, drug dealers, and killers.²⁵⁵ Once the death squad had identified such individuals, often with the assistance of village officials and police officers, they would monitor them closely, particularly the repeat offenders.

TDS member Romnick Minta told Human Rights Watch that one of his duties was to monitor the movements and activities of people recently released from jail. “[Former prison inmates] usually are our next job,” he said, referring to such targets. As an “agent,” he would follow the individual around and report to his colleagues—usually Renster Azarcon, a senior TDS member—the target’s whereabouts. In cases in which TDS members perceive the target becoming involved in criminal activity, as in the case of Kennedy Casimina, who was accused of being a thief and allegedly would not reform, the TDS killing would soon follow.²⁵⁶

²⁵² Ibid.

²⁵³ Ibid.

²⁵⁴ Ibid.

²⁵⁵ Affidavit by Romnick Minta, subscribed to the Davao City Prosecutors Office, October 1, 2012.

²⁵⁶ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

Minta described the TDS modus operandi as a more streamlined version of the “slow, corrupt and unpredictable” Philippine justice system. Minta praised TDS methods as a more efficient way to dispense “justice.” “Once arrested, the longest a person can be jailed is 24 hours if no case is filed against him,” he told Human Rights Watch. “Our job was to eliminate him immediately if no one filed a case.”²⁵⁷

Minta indicated that the TDS respected the judicial principle of double jeopardy by not targeting individuals for crimes for which they had already served time in prison. Instead, he said the TDS only targeted those which the death squad believed had committed crimes, but had successfully evaded arrest and prosecution.

Other targets of the death squad were also listed in what members called the “order of battle” or OB.²⁵⁸ Marlon Hepalago, the former member, recalled in his affidavit the February 20, 2011, killing of a police officer named Edwin Gonzales de Guzman on Sobrecarey Street. “The reason for the killing as given by Rading was that the said police officer was already in their OB and the killing was approved by Mayor Rey Uy.”²⁵⁹ De Guzman attributed the killing to Renster Azarcon, who did the shooting, while riding on a motorcycle that Hepalago drove.

The children that frequented Freedom Park knew of and dreaded this OB and some of them went to the extent of contacting the people who allegedly maintained that list.²⁶⁰ Jomarie Abayon, a former TDS member, told Human Rights Watch the OB also included names allegedly reported to the mayor and his men through a radio program that broadcast a mobile number to which citizens can report crimes or suspected criminals. Abayon said:

That number would receive a lot of calls and texts identifying suspected criminals. Our task was to check out the names, whether these people actually were committing the crimes they were accused of committing. If we

²⁵⁷ Ibid.

²⁵⁸ The order of battle or OB is a military instrument in which enemies are listed and, at least in the Philippine context, targeted for elimination.

²⁵⁹ Affidavit by Marlon Hepalago subscribed to the Davao City Prosecutors Office on October 25, 2012.

²⁶⁰ Human Rights Watch interview with Jomarie Abayon, Manila, January 31, 2014.

confirmed it, our leaders would then assign the job [to kill the alleged criminal].²⁶¹

The “weeds” of Tagum City, however, were not the only targets of the Tagum Death Squad. According to Minta, their leaders—Conrado Palen and Victor Cuaresma—also deployed the TDS for the contract killings of individuals outside of the usual profile of petty criminals. They included ordinary residents, businessmen, and even police officers. Palen and Cuaresma allegedly pocketed the largest portion of payments for these contract killings, sharing with the group a few thousand pesos for each hit. Hepalago’s affidavit states that he drove the motorcycle that Azarcon used in the September 5, 2010, killing of Mario Bongabong, one of Palen’s alleged competitors in the small-scale mining business.²⁶² The murder of Alicia Ang was another such case of a contract killing that Palen facilitated after the alleged masterminds approached him because the victim sued them in court over a property dispute and won.²⁶³

Both Minta and Abayon said Mayor Uy did not necessarily have first-hand knowledge of the planning of these “non-weeds” killings, but that he tolerated such abuses. “[Uy] allowed Palen and Cuaresma to do these other killings as long as we were not caught and as long as we can show that the targets were bad elements,” Minta said.²⁶⁴

Other members of the death squad, encouraged by Palen’s and Cuaresma’s deployment of the TDS for personal gain, were inspired to do likewise. Romnick Minta and Jomarie Abayon said that other TDS members began fabricating allegations against individuals in order to create greater number of paid contract killings. “They will kill even those who are not guilty. They will just text the mayor and say they will [kill] a drug addict,” a police officer said.²⁶⁵ Minta said that the TDS leaders learned that fabricating drug allegations against an individual in order to justify a summary killing was an easy way to get Uy’s approval for such murders.²⁶⁶

²⁶¹ Ibid.

²⁶² Affidavit by Marlon Hepalago subscribed to the Davao City Prosecutors Office on October 25, 2012.

²⁶³ Affidavit by Oscar Ang, son of the victim, subscribed to the Panabo City Prosecutor’s Office on January 24, 2013.

²⁶⁴ Human Rights Watch interview with Romnick Minta, Manila, February 12, 2014.

²⁶⁵ Human Rights Watch interview with a police officer, Davao City, May 11, 2013.

²⁶⁶ Ibid.

Operations

The vast majority of the TDS killings investigated by Human Rights Watch involved the use of motorcycles. These belonged to the Tagum City government and would be assigned to members of the death squad officially employed as security aides of the Civil Security Unit.²⁶⁷ Each murder typically involved four men riding two motorcycles. In some instances, the TDS would deploy six men on three motorcycles in cases in which they suspected the victim would have the ability to fight back.²⁶⁸

According to Minta, after Palen or Cuaresma finalized a hit, often with Mayor Uy’s approval, they or sometimes Uy himself would contact Sabitsana. Sabitsana would then send text messages to specific TDS members to carry out the task of either conducting more surveillance on the subject or the actual murder itself. In some instances, as in the case of the murders of Epifanio Salmin and Dennis Angeles, the assigned killers would meet with the team leaders and even the person who allegedly ordered the killing, to discuss the job “formally.”²⁶⁹

Minta said TDS members worked under three “supervisors”—Palen, Cuaresma, and Sabitsana.²⁷⁰ Minta said he and other TDS members would be told not to report to the CSU office, but had to be available by mobile phone 24 hours a day. TDS members would await instructions as to the identity and location of the target. Sometimes, the assigned assailants were given photos, descriptions, sketches, and the address of the target.²⁷¹ The supervisors would specify the division of labor—which TDS member was the gunman and which one the motorcycle driver.²⁷² Minta told Human Rights Watch:

[TDS members] didn’t plan what we did. It came from the mayor. From the mayor, this would be forwarded by text to Rolly [Sabitsana]. Rolly then would forward this to us. Then we do the job. After finishing our job, we

²⁶⁷ Human Rights Watch interview with Romnick Minta, Manila, February 11, 2014.

²⁶⁸ Ibid.

²⁶⁹ Ibid.

²⁷⁰ Affidavit by Romnick Minta subscribed to the Davao City Prosecutors Office on October 1, 2012.

²⁷¹ Affidavit by Marlon Hepalago subscribed to the Davao City Prosecutors Office on October 25, 2012.

²⁷² Affidavit by Romnick Minta subscribed to the Davao City Prosecutors Office on October 1, 2012.

would text Rolly and report that we did it. Then the mayor would reply and say okay.²⁷³

Minta and Jomarie Abayon, another former member, said that police officers were also involved in the killings. “They were with us,” Abayon said. “We would clear our operations with their intel and they would reply, ‘We’re a go today, let’s go to work.’ We would also do jobs for them if they have jobs for us.”²⁷⁴

There were instances when the TDS didn’t even have to clear a murder with their leaders. Minta said that on several occasions, TDS members who happened to catch a thief would just kill him outright. “The instruction to us was if we were sure the target had committed a crime, we can kill him without clearing it with them first,” Minta said.²⁷⁵

Killings were often committed in broad daylight and the weapon of choice was usually a .45 caliber pistol. While TDS members were not given a quota, Minta said they often killed two or three victims a week, depending on orders from their leaders.²⁷⁶ Minta told Human Rights Watch that the TDS had also killed outside Tagum, as far away as Butuan City, in northern Mindanao.²⁷⁷ Sometimes, TDS members got assignments to work as bodyguards for businessmen who contracted the squad’s team leaders.²⁷⁸

The TDS members would often regroup after a killing at their safe house in Visayan Village, Tagum City, owned by Sabitsana.²⁷⁹ The safe house was also where Palen or Cuaresma would pay TDS members, usually a week after a killing. On at least two occasions, Mayor Uy himself personally paid the killers.²⁸⁰ However, Minta said that Uy forbade TDS members from going to his office at City Hall. “[Instead], we go to his residence beside the

²⁷³ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

²⁷⁴ Human Rights Watch interview with Jomarie Abayon, Manila. January 31, 2014.

²⁷⁵ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

²⁷⁶ Ibid.

²⁷⁷ Ibid.

²⁷⁸ Ibid.

²⁷⁹ Affidavit by Marlon Hepalago subscribed to the Davao City Prosecutors Office on October 25, 2012.

²⁸⁰ Affidavit of Jomarie Abayon; Human Rights Watch interview with Romnick Minta, Davao City, May 11, 2013.

Grand Mall. We enter the red gate of his house, enter the bodega and turn right to his house to wait for the payment from him,” Minta said.²⁸¹

Financing

The TDS as a unit got paid 5,000 pesos (\$110) for every killing—an amount the members of the group would divide among themselves.²⁸² The money would come from Uy himself, channeled through either Victor Cuaresma or Conrado Palen.²⁸³ On at least two occasions, Uy personally paid Romnick Minta and Jomarie Abayon for two killings.²⁸⁴ In such instances, the payment occurred in the former mayor’s home in Apokon, Tagum City, which they called “Jaguar,” according to former death squad members.²⁸⁵

As an employee of the Civil Security Unit of City Hall, Minta also received a monthly salary of about 10,000 pesos (\$220).²⁸⁶ That compares to a provincial monthly minimum wage of 7,224 pesos.²⁸⁷ Contract killings augmented this salary, depending on how many TDS members were involved in a particular murder. Former member Marlon Hepalago said that driving the gunman’s motorcycle paid 3,000 pesos (\$66) in the murder of Palen’s business rival Mario Bongabong.²⁸⁸ Hepalago said he earned 2,000 to 3000 pesos per contract killing, depending on the budget for the hit.²⁸⁹

None of the former TDS members said they knew where Mayor Uy sourced the money to pay them or spent on their behalf, as in the case of Jomarie Abayon, who was wounded during his attempt to kill Romnick Minta on September 8, 2012, and whose hospital bills Uy paid for.²⁹⁰

²⁸¹ Affidavit by Romnick Minta subscribed to the Davao City Prosecutors Office on October 1, 2012.

²⁸² Human Rights Watch interviews with Romnick Minta, May 12, 2013, and Jomari Abayon, January 31, 2014

²⁸³ Ibid.

²⁸⁴ Ibid.

²⁸⁵ Ibid.

²⁸⁶ Affidavit by Romnick Minta subscribed to the Davao City Prosecutors Office on October 1, 2012.

²⁸⁷ Department of Labor and Employment Wage Order No. RB-XI-17

<http://ro11.dole.gov.ph/default.php?retsamlakygee=25&resource=oba64aodea00947916dfb6a66866e1ca> (accessed April 23, 2014).

²⁸⁸ Affidavit by Marlon Hepalago subscribed to the Davao City Prosecutors Office on October 25, 2012.

²⁸⁹ Ibid.

²⁹⁰ Sworn affidavit of Jomarie Abayon subscribed to the Davao City Prosecutor’s Office, June 27, 2013.

Minta suspected the funds came from the payments of third parties who contacted the mayor or his close aides for contract killings.²⁹¹ Some Tagum residents suspected that Uy sourced the contract killing payment from corrupt activities, among them kickbacks from government contracts, even demanding a cut in the profit from small business.²⁹²

But the funds for the TDS did not necessarily come from illicit sources. Under the law that created the Philippine National Police, mayors such as Uy can augment the city's security forces by "employing or deploying" units of the PNP or by creating "community safety plans."²⁹³ Funding for these initiatives can either come from the city's budget or can be sourced through what are called "intelligence funds."²⁹⁴ Local executives are given much leeway, often discretionary, in spending these intelligence funds, also called confidential funds, to help in "peace and order efforts."²⁹⁵

Attacks against Tagum Death Squad Members and Tagum Police

The Tagum Death Squad, as with the Davao Death Squad, also victimized its own members.²⁹⁶ Particular targets were those members who wanted to leave the group or refused to take assignments.²⁹⁷ Others were killed or harmed for reasons not directly related to their work in the TDS, for example business interests that conflicted with those of the leaders of the group.²⁹⁸

Romnick Minta, a former member of the Tagum Death Squad, suspects that TDS leaders wanted to eliminate him after he refused to take part in the killing of Police Officer 1 Achilles Añover, a cop assigned at the Tagum City Police Station.²⁹⁹ "I considered Añover a

²⁹¹ Human Rights Watch interview with Romnick Minta, May 12, 2013.

²⁹² Human Rights Watch interviews with a businesswoman, name withheld, Tagum City, August 12, 2013 and interview with a government official, name withheld, Tagum City, August 12, 2013.

²⁹³ Republic Act No. 6975, December 13, 1990, http://www.lawphil.net/statutes/repacts/ra1990/ra_6975_1990.html (accessed March 8, 2014).

²⁹⁴ "FAQs: Intelligence or Confidential Funds," Department of the Interior and Local Government, <http://www.dilg.gov.ph/faq.php> (accessed March 8, 2014).

²⁹⁵ "PNoy to have P1.2-B in unaudited intel funds," *GMA News Online*, December 25, 2010, <http://www.gmanetwork.com/news/story/209137/news/specialreports/pnoy-to-have-p1-2-b-in-unaudited-intel-funds> (accessed March 8, 2014).

²⁹⁶ Human Rights Watch, *You Can Die at Any Time*.

²⁹⁷ Human Rights Watch interview with Romnick Minta, May 12, 2013.

²⁹⁸ Human Rights Watch interview with "Felix" (name withheld), a former member, May 11, 2013.

²⁹⁹ Human Rights Watch interview with Romnick Minta, May 12, 2013.

friend,” Minta said. “He was a good man. He helped me when I surrendered [from the NPA]. That’s why I told them I could not do it.”³⁰⁰

In the afternoon of August 31, 2012, TDS members Renster Azarcon and Trongtrong shot Añover dead while the police officer stood in front of his store in Mawab town, in nearby Compostela Valley province. The gunman walked up to Añover and shot him point-blank in the head, killing him on the spot.³⁰¹ A police officer told Human Rights Watch that Añover had started to investigate the death squad, hence the attack.³⁰²

Three days after Añover’s murder, on September 4, Minta received word that he had been fired from the CSU. Four days later, on September 8, the death squad tried to kill Minta. They did it by attacking Minta’s brother Mario and drawing Minta to the crime scene.³⁰³

In the morning of that day, Abayon said he received a text message from Mario Minta inviting him over for a drink. He went to see Minta, drank brandy, and, when he had the “slightest opportunity,” shot Minta several times in the head—so many times that, according to Abayon, he emptied two magazines of the .45 caliber pistol he used.³⁰⁴

Abayon then called Romnick Minta on his phone, telling him that Mario had been shot dead moments ago at a place called Jalandoni in Tagum City. Minta quickly went to the scene of the crime and saw Abayon holding a gun. Minta shot Abayon, hitting him in the back, puncturing his kidney.³⁰⁵ Abayon shot back, wounding him in the chest. Abayon ran and Minta managed to hail a pedicab that brought him to the hospital. Minta, however, was sure that the TDS or even members of the Tagum police would finish him off at the hospital. So he left and approached a contact at the Davao del Norte Provincial Police Office, which subsequently provided him protection and convinced him to testify about the killings.³⁰⁶

³⁰⁰ Ibid.

³⁰¹ John Roson, “Cop gunned down in Compostela Valley,” *Blueblitzkrieg*, September 1, 2012, <http://blueblitzkrieg.wordpress.com/2012/09/01/cop-gunned-down-in-compostela-valley/> (accessed February 13, 2014).

³⁰² Human Rights Watch interview with police officer, Davao City, May 12, 2013.

³⁰³ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

³⁰⁴ Ibid.

³⁰⁵ Affidavit of Jomarie Abayon, subscribed to Davao City Prosecutors Office, June 27, 2013.

³⁰⁶ Ibid. Abayon himself later turned against the TDS, agreeing to testify but his testimony is not yet included in the case because he had a falling out with those handling the case at the Davao del Norte Police Office. He remains in hiding and told

Abayon confirmed Minta's account to Human Rights Watch. Around early September, Mayor Uy decided to have Minta killed after Palen told him about Minta's refusal to take on the Añover assignment, Abayon said.³⁰⁷ "Go ahead and do it. People like that will put us in danger," Abayon quoted the mayor as saying. "He meant kill Romnick. There were six of us in that meeting at the hut inside the mayor's compound. He kept cursing," Abayon said of Uy, who used the Visayan word for devil to describe Minta. They snacked on bread and soft drinks during the meeting, Abayon said.³⁰⁸

"After Minta's [dismissal], we were told to include in our reports that Romnick Minta and his brother Mario Minta alias 'Jonas' have organized a robbery gang in Tagum City and are responsible for various robbery taking place in Tagum City," Abayon said of the justification to target Minta.³⁰⁹ He said he was at the meeting one day in September 2012, at the house of Police Officer 3 Leonardo Abrenica in Tagum City, where members of the TDS and "all intelligence personnel of the Tagum City Police Station" planned to kill Minta and his brother.³¹⁰ Uy, he said, arrived during the course of the meeting, but left ahead of the others.³¹¹

Abayon said he himself would later become the target of liquidation after he failed to kill Romnick Minta, who went on to testify against Uy and the others.³¹² After the TDS team leader Palen convinced Abayon to report back to the TDS after hiding for months, Abayon agreed to meet Palen at the entrance of a mall in Tagum City. Abayon said he did not proceed to the agreed spot, but instead observed it from afar. Soon, he said, he saw his former death squad members riding in motorcycles arriving at the place. Thinking that he was about to be ambushed, Abayon said he "slipped away and did not show up."³¹³

Human Rights Watch that he, too, fears for his life. He and Minta have since settled the issue of Abayon's shooting of Minta's brother – both said it was "nothing personal."

³⁰⁷ Human Rights Watch interview with Jomarie Abayon, Manila, January 31, 2014.

³⁰⁸ Ibid.

³⁰⁹ Sworn affidavit of Jomarie Abayon subscribed to the Davao City Prosecutors Office, June 27, 2013.

³¹⁰ Ibid.

³¹¹ Ibid.

³¹² Ibid.

³¹³ Ibid.

Shortly before noon one day in July 2012, a TDS member known as “Felix” was on his way home by motorcycle when he noticed another motorcycle tailing him. He decided to turn at a street before the village where he lived. He then stopped his motorcycle, dropped the plastic bag he was carrying and pretended to pick it up. He said he saw the other motorcycle in his rearview mirror stopped not too far from where he was. He turned around to have a better look at the assailants, but they shot him instead, twice. One of the bullets hit him in the head, the other in the leg. Bleeding, Felix managed to shoot back, forcing the hit men to drive away, and survived his wounds.³¹⁴

Felix was a member of the TDS tasked mainly with driving the motorcycles used in the killings. He believed that his business dealings in small-scale mining must have angered the leaders of the TDS, who were also into small-scale gold mining.³¹⁵

The TDS killed Cyrian Bautista, another alleged member, on March 6, 2011, in Madaum, Tagum City. According to Marlon Hepalago, Renster Azarcon shot Bautista while he drove the motorcycle used in the attack.³¹⁶ A relative of Bautista confirmed that he worked for the CSU and that he was always armed. The relative also said a companion of Bautista at the CSU had warned him as early as December the year before of the plan by the death squad to kill him because he allegedly was using and dealing drugs.³¹⁷

Jomarie Abayon, who is now in hiding both from the police and the death squad, said that Palen continues to contact him via text messages, pleading for him to come back but Abayon said he ignored Palen. “I’m not stupid. I know they’re going to kill me the moment they see me,” Abayon said.³¹⁸

In his affidavit, Hepalago divulged that he stopped reporting for work with the TDS after the July 28, 2010, murder of a suspected drug pusher, John Mark Mancao, at the city public market.³¹⁹ Hepalago received text messages afterward from Azarcon and Sabitsana, asking

³¹⁴ Human Rights Watch interview with “Felix” (name withheld), Davao City, May 11, 2013.

³¹⁵ Ibid.

³¹⁶ Affidavit by Marlon Hepalago subscribed to the Davao City Prosecutors Office on October 25, 2012.

³¹⁷ Human Rights Watch interview with relative of Cyrian Bautista (name withheld), August 2013.

³¹⁸ Human Rights Watch interview with Jomarie Abayon, Manila, January 31, 2014.

³¹⁹ Affidavit by Marlon Hepalago subscribed to the Davao City Prosecutors Office on October 25, 2012.

him to report back to the TDS. When he refused, they started threatening to kill him.³²⁰ Hepalago changed his mobile phone SIM card and went into hiding.

Aside from Bautista, Hepalago said at least three more members who opted to get out were also eventually targeted for killing. Minta told Human Rights Watch that he knew of at least three murders of former members while he was still with the group.³²¹

³²⁰ Ibid.

³²¹ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

V. Failure to Investigate and Prosecute Killings

Available evidence indicates that the Philippine authorities have not seriously investigated the vast majority of murders attributed to the Tagum Death Squad or arrested any suspects in those cases. Witnesses to killings are often unwilling to come out and provide information to the police. Officials say that relatives of victims frequently do not pursue cases out of fear of reprisal,³²² disregarding the state's obligation to investigate criminal violations such as murders even in the absence of a formal complaint.

Official police documents that list nearly 300 such murders in recent years label these cases as “unsolved” and all the suspects as unidentified.³²³ Moreover, the Department of the Interior and Local Government (DILG), which has administrative control of the Philippine National Police through the National Police Commission, has no record of any investigation into the Tagum killings.³²⁴

Relatives of victims told Human Rights Watch that although the police did initial investigations, they did not follow-up on their investigations or inform the families of updates to the cases. While the police in the Philippines have a notoriously poor record in investigating crimes, many suspect that this reflects in part the role of the police, and Mayor Rey Uy in particular, in the Tagum Death Squad.

Duties of Law Enforcement Officials and International Law

By law, members of the Philippine National Police (PNP) have a duty to protect lives and property, investigate and prevent crimes, arrest criminal offenders, bring offenders to justice and assist in their prosecution, and exercise powers of arrest, search, and seizure in accordance with the law, among others.³²⁵ PNP guidelines further detail the duties of police officers in crime scene investigations, including cordoning off the crime scene,

³²² Human Rights Watch interview with then Mayor Celso Lobregat, September 2012.

³²³ List of cases from the Tagum City Police Office and the Davao del Norte Provincial Police Office.

³²⁴ Human Rights Watch interview with Under Secretary Austere Panadero of the Department of the Interior and Local Government, Manila, May 29, 2013.

³²⁵ Republic Act No. 6975 of the Philippines, Chapter III, sec. 24.

evacuating injured persons to the nearest hospital, interviewing witnesses, gathering physical evidence, and arresting suspects, among other tasks.³²⁶

The Code of Conduct and Ethical Standards for Public Officials and Employees (Republic Act No. 6713) mandates that all government employees, including police officers, must attend to the problems of the public promptly. The code further specifies that public officials have a duty to respond to letters and requests by the public within 15 working days of receipt.³²⁷

As a state party to the International Covenant on Civil and Political Rights (ICCPR), the Philippines has obligations to protect the right to life.³²⁸ The United Nations Human Rights Committee, the international expert body that monitors state compliance with the ICCPR, has stated in a general comment that governments “should take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces.” Killings by authorities are “a matter of the utmost gravity” that “the law must strictly control and limit.”³²⁹

The ICCPR obligates governments to ensure that any person whose rights are violated by the authorities “shall have an effective remedy,” shall have this right determined by competent judicial, administrative or legislative authorities, and shall have the remedies enforced by competent authorities.³³⁰ The Human Rights Committee, in its 2012 Concluding Observations to the Philippines, noted the problem of extrajudicial killings and called on the government to “take necessary measures to prevent extrajudicial killings ... and ensure that alleged perpetrators of these crimes are effectively investigated, prosecuted and, if

³²⁶ PNP Operational Procedures, rule 13, Crime Scene Investigation.

³²⁷ Republic Act No. 6713 of the Philippines, sec 5: Duties of Public Officials and Employees. “In the performance of their duties, all public officials and employees are under obligation to (a) Act promptly on letters and requests. All public officials and employees shall, within fifteen (15) working days from receipt thereof, respond to letters, telegrams or other means of communications sent by the public. The reply must contain the action taken on the request.”

³²⁸ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), entered into force March 23, 1976, art. 6. The Philippines ratified the ICCPR in October 1986.

³²⁹ Human Rights Committee, General Comment 6, Article 6 (Sixteenth session, 1982), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 6 (1994), para. 3.

³³⁰ ICCPR, art. 2. Governments should make reparations to individuals whose rights have been violated. See Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), paras. 15 and 16.

convicted, punished with appropriate sanctions, and that the victims' families are adequately compensated.”³³¹

Tagum Death Squad Impunity

The role of Mayor Uy, his close aides, and several police officers in directing and paying the Tagum Death Squad protected the group from police investigation, according to former TDS members.³³²

Uy and other officials were also allegedly involved in attempts to cover-up for the crimes attributed to the TDS. Jomarie Abayon, in his affidavit, asserted that Col. Abraham Catre, then the chief of the Civil Security Unit, gave him money—a total of 33,500 pesos (\$760)—on separate occasions in June 2013 as part of an attempt to discourage him from testifying in the case against Uy.³³³ Abayon also claimed that, as a result of the case filed against him, other hit men, and Uy and his associates after the attack on Romnick Minta, the mayor called him and others to a meeting at the city motor pool in Tipas, a part of Tagum City. There, he said, Uy “told us to submit counter-affidavits, assigned us to lawyers and we were made to sign affidavits.” Abayon said that Uy told them that they had to build a case against Romnick Minta so he could be taken out of police protection so “it would be easy for us to gun him down.”³³⁴

In affidavits and in interviews with Human Rights Watch, former TDS members alleged that some police officers were actively involved in TDS murders. That involvement included the TDS providing some police officers advance warning of the time and location of a future contract killing so that police could ascertain if any eyewitnesses could identify the hit men. Two other TDS members confirmed this role by police officers.³³⁵ Abayon said police officers “regularly coordinated with us in all our killings operations. In fact, before we assault our

³³¹ Human Rights Committee, Concluding observations on the fourth periodic report of the Philippines, adopted by the Committee at its 106th session, 15 October to 2 November, 2012, para. 14.

³³² Human Rights Watch interviews with Romnick Minta, Davao City, May 12, 2013, and Jomarie Abayon, January 31, 2014.

³³³ Sworn affidavit of Jomarie Abayon subscribed to the Davao City Prosecutors Office, June 27, 2013. He attached three receipts from a money remittance company for these money-transfer transactions.

³³⁴ Ibid.

³³⁵ Human Rights Watch interview with Jomarie Abayon, Manila, January 31, 2014; Affidavit of Marlon Hepalago subscribed to the Davao City Prosecutors Office, October 25, 2012.

targets, the police would clear the way first and [they would be] the first ones to appear at the scene of the killing before the operatives of the PNP Crime Lab could come.”³³⁶

Police officers also took part in attempts to cover-up the murders. On at least one occasion, as noted above, police officers allegedly arrested and tortured the boy known only as Jerome in an effort to find out if Jerome indeed witnessed the abduction of another boy, Macky Lumangtad, who was later murdered.³³⁷ Police officers would also take part in fabricating reports to justify many of the killings.³³⁸ “In fact, most of our reports were already prepared by police intelligence personnel of the Tagum City Police Station and we were only made to sign it,” Abayon said.³³⁹

In the killing of Jesus Cabayacruz on April 24, 2012, former TDS member Minta said he and fellow TDS members sent text messages to three members of the Tagum City Police Station intelligence team—Senior Police Officer 3 Jose Bingil, Police Office 3 Leonardo Abrenica, and Senior Police Officer 1 Divina Agocoy—“to alert and inform them that we were about to do summary killing at that particular vicinity.”³⁴⁰

Human Rights Watch also learned that an official from the Tagum City Police Station discouraged other agencies, such as the Commission on Human Rights (CHR), from investigating the killings, telling them that Uy “does not respect the CHR.”³⁴¹ However, prior to the surrender to police of TDS member Romnick Minta, the death squad also discouraged official scrutiny of their killings by threatening police who sought to investigate those crimes.³⁴²

³³⁶ Sworn affidavit of Jomarie Abayon subscribed to the Davao City Prosecutor’s Office, June 27, 2013

³³⁷ Human Rights Watch interview with Romnick Minta, Manila, March 7, 2014.

³³⁸ Sworn affidavit of Jomarie Abayon subscribed to the Davao City Prosecutor’s Office, June 27, 2013

³³⁹ Ibid.

³⁴⁰ Affidavit of Romnick Minta, subscribed to the Davao City Prosecutor’s Office, November 12, 2012.

³⁴¹ Ibid.

³⁴² Human Rights Watch interview with a police intelligence officer, Davao City, May 11, 2013.

Lack of Witness Testimony

Tagum City police said they often were unable to investigate killings by citing the lack of witnesses as a hindrance to the investigation.³⁴³ The lack of witnesses reflects widespread public knowledge of police complicity in TDS operations and a resultant fear of TDS reprisals. “People are afraid. Everybody is afraid,” the mother of one of the victims said.³⁴⁴ Several of the victims’ relatives have moved out of Tagum City due to concerns for their personal safety and those of their family. “I would have to be very stupid to come out now and testify,” said a resident who witnessed the murder of broadcaster Rogelio Butalid.³⁴⁵

Some of the victims’ relatives who claim knowledge of the victims’ deaths decided to risk filing affidavits only after TDS member Romnick Minta surrendered to police.³⁴⁶

Role of the Commission on Human Rights in Southern Mindanao

None of the families of victims that Human Rights Watch interviewed approached the Philippines’ official Commission on Human Rights for help.³⁴⁷ But in 2011, media reports into the murders of Macky Lumangtad and Jenny Boy “Kokey” Lagulos prompted the CHR’s Davao-based regional office to initiate an investigation. CHR interviewed relatives of the victims as well as witnesses, but has not concluded its investigation. A CHR official in Davao City told Human Rights Watch in August 2013 that CHR had forwarded their preliminary findings to the commission’s legal division for review.³⁴⁸

A senior official of CHR’s Southern Mindanao office said his office wanted to dig deeper into the killings. However, he said that CHR lacked the requisite results of police investigations and related reports, which Tagum police had informed them did not exist.³⁴⁹ “They did not have something we could look into,” the official said.³⁵⁰

³⁴³ Human Rights Watch interview with a police officer, Davao City, May 11, 2013.

³⁴⁴ Human Rights Watch interview, Davao City, August 13, 2013.

³⁴⁵ Human Rights Watch interview, Manila, January 31, 2014.

³⁴⁶ Human Rights Watch interview with a police intelligence officer, Davao City, May 11, 2013.

³⁴⁷ The CHR is a constitutional body tasked to investigate, on its own or upon a complaint filed by a citizen, human rights violations. It has offices in the various regions of the Philippines. For more on the CHR, visit www.chr.gov.ph.

³⁴⁸ Human Rights Watch interview with Emil Cajés, chief of the investigation division of the Commission on Human Rights in the Southern Mindanao Region, Davao City, August 12, 2013.

³⁴⁹ Human Rights Watch interview, Davao City, August, 2013.

³⁵⁰ Ibid.

In fact, the CHR was treading on very dangerous ground when it conducted the investigation and may have exposed at least one of the witnesses to danger. According to Romnick Minta, their team leader ordered Jerome's murder because he had seen the killers of Macky Lumangtad lead him away from Freedom Park the day before his murder.³⁵¹ Four members of the TDS shot Jerome to death in August 2011.³⁵² Minta said that after Jerome's murder, Uy allegedly ordered the TDS to lie low for a month "because the human rights people are investigating."³⁵³

Role of Ombudsman

The Office of the Ombudsman is a government body tasked with investigating complaints filed against government officers or employees and enforcing administrative, civil, and criminal liability. Since it is formally independent of the executive branch and the armed forces, it is in a position to effectively investigate allegations of abuse by local government officials and security force personnel. However, it has acquired a poor record in resolving complaints brought to its attention.³⁵⁴

Based largely on Romnick Minta's testimony, some of the victims' relatives, with the prodding and help of officials of the Davao del Norte Provincial Police Office, filed administrative cases before the Office of the Ombudsman against Uy and other officials of the Tagum City government and the Tagum City Police Station. The sworn statement of two other former TDS hit men were later added as evidence in the case. So far, however, the Ombudsman has not yet concluded the results of its investigation, if any.³⁵⁵ No criminal case has been filed in court against any of the perpetrators, according to police officials familiar with the killings.

³⁵¹ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

³⁵² Refer to case of Jerome in page 25 of this report.

³⁵³ Human Rights Watch interview with Romnick Minta, Davao City, May 12, 2013.

³⁵⁴ Human Rights Watch, *"They Own the People:" The Ampatuans, State-Backed Militias, and Killings in the Southern Philippines*, November 16, 2010, <http://www.hrw.org/reports/2010/11/16/they-own-people-o>, p.81.

³⁵⁵ The Ombudsman accepts complaints against public officials, including members of the police force. After investigation, it can mete out administrative sanctions such as suspension or dismissal from service. In some cases, it recommends the filing of criminal cases against respondents.

VI. Recommendations

To the President of the Philippines

- Publicly denounce local anti-crime campaigns that promote or encourage the unlawful use of force and commit to investigating local “death squads” and prosecuting all those involved in such activities, including officials regardless of rank or position.
- Direct the Office of the Ombudsman and the National Bureau of Investigation to conduct an investigation into summary killings in Tagum City for the purpose of prosecuting all those involved in “death squad” activity. Also investigate and prosecute as appropriate officials failing to investigate such killings.
- Direct an appropriate government agency, such as the Commission on Audit, to investigate whether local government funds (such as “peace and order funds” or intelligence funds” or other public monies) have been used directly or indirectly for death squad activities in Tagum City.

To the Philippine Congress

- Conduct hearings on “death squads” and summary killings throughout the Philippines and the role of local officials.

To the Department of the Interior and Local Government

- Work with the National Bureau of Investigation in probing the alleged involvement of Tagum City officials in the targeted killings in that city, chief among them former mayor Rey Chiong Uy, mete out corresponding disciplinary action, and recommend the prosecution of police officers implicated in these killings.
- Investigate allegations that government property such as motorcycles were used by the death squad in Tagum City and in other cities.
- Investigate the formation and activities of Civil Security Units in various cities in the Philippines and ensure that these are acting in accordance with the law.

To the Philippine National Police

- Immediately remove from service, officers of the Tagum City Police Station found to be involved in death squad activity. Evidence against implicated officers should be filed with the National Bureau of Investigation for criminal prosecution.
- Direct the PNP Internal Affairs Division to investigate the alleged participation and complicity of police officers in targeted killings in Tagum City, including officials who fail to rigorously investigate cases or hand them over for prosecution as appropriate. Evidence against implicated officers should be filed with the National Bureau of Investigation for criminal prosecution.
- Open hotlines or comparable lines of communication to receive anonymous information on police abuses.
- Educate police officers on issues affecting street children, and train them to ensure that rights accorded to children are protected.
- Include extrajudicial killings, including targeted killings, involving government officials as a separate category in the National Crime History Registry, and make it easily accessible to the public.
- Make PNP operational procedures, the investigators' manual, and other guidelines setting out duties of police officers easily accessible to the public. Ensure that the guidelines place a duty on law enforcement officers to protect the fundamental rights of criminal suspects and the security of witnesses.

To the Department of Justice

- Order the National Bureau of Investigation to investigate the killings in Tagum City and promptly act on its findings.
- Conduct broader investigations into situations of apparent death squad killings throughout the Philippines with the aim of bringing prosecution against officials involved.
- Take special precautions in cases involving authorities as defendants to ensure the safety of witnesses and families of victims during and after trial.
- Institute measures for witnesses to offer testimonies safely, for example by using video-conference testimonies, closed courtrooms, or depositions.

- Establish a witness protection program that is safeguarded by an agency other than the PNP. Ensure that the program provides protection for witnesses from the onset of the filing of a relevant case to its closure, and after the trial, if necessary.
- Implement mechanisms for witnesses to change identity and transfer to locations other than their places of residence, including to other provinces, pending trial and, if necessary, after trial.
- Produce and disseminate information for crime victims that explains their legal rights, such as their right to have the state pay for autopsies in alleged murder cases and their right to be informed of the status of relevant investigations. Adopt mechanisms to encourage the filing of complaints by those whose rights have been infringed by law enforcement officers.

To the Commission on Human Rights

- Organize a public hearing or “truth commission” about death squad killings in Tagum and elsewhere and the alleged involvement of local officials. Institute measures to ensure the safety of those who testify.
- Identify Commission on Human Rights officials in Mindanao who have failed to respond appropriately to petitions or complaints from families of victims of abuses by officials, and appropriately reprimand them.
- Publicly release the findings of the commission’s investigation into the Davao Death Squad.

To the Office of the Ombudsman

- Investigate law enforcement officers and other government officials suspected of involvement or complicity in death squad activity, including officials who fail to adequately investigate targeted killings, and seek reprimands or prosecutions as appropriate.
- Resolve and make public the case filed before the Office of the Ombudsman for Mindanao against former Tagum City mayor Rey Chiong Uy and other individuals allegedly involved in the Tagum City killings.

To the Department of Social Welfare and Development

- Investigate the killings of children in Tagum City and provide assistance to the families of victims of these killings.
- Ensure that children in conflict with the law in Tagum City are provided the needed assistance and intervention.
- Investigate the impact of death squad killings on children throughout the Philippines and recommend measures to better protect at-risk children.

To City Mayors

- Cease all support for, and actively discourage, anti-crime measures that encourage or facilitate violations of the law.
- Disband the Civil Security Unit or similar city agencies whose functions violate the law.
- Assist the NBI and PNP in their investigations of death squad activities.
- Assist national agencies in open hotlines or comparable lines of communication to receive anonymous information on unlawful activities by government officials.
- Seek assistance from national police agencies into killings and other serious crimes implicating local officials and police.
- Consult with child rights organizations to design and implement programs to improve social service programs and shelters for at-risk children.
- Consult with health and human rights organizations to design and implement rehabilitative programs for drug users, including children.

To Major Donors and External Partners, including the United States, European Union, Japan, Australia, the World Bank, and the Asian Development Bank

- Press the Philippine government to keep its pledges on human rights, the rule of law, and good governance, by investigating alleged death squad activities throughout the country and prosecuting all those responsible.

- Reduce or eliminate technical assistance to government agencies, such as the PNP, that fail to take measures or block investigations of death squad activities in Tagum City and other cities in the Philippines.
- Publicly criticize statements by government officials that appear to support killings and other unlawful means in combating crime.
- Support local nongovernmental organizations that provide legal and other services to victims of government abuses and street children, and that provide rehabilitative programs to drug users, including children.
- Offer to support external law enforcement assistance with investigations into death squad activity.

To the US Government

- Instruct the Manila-based Senior Law Enforcement Advisor of the US Department of Justice's Criminal Division's International Criminal Investigative Training Assistance Program (ICITAP) to work with the PNP to expand its model police stations program to Mindanao, and publicly clarify that its crime scene investigation programs are not open to law enforcement officers implicated in death squad activity.
- Encourage the Millennium Challenge Corporation to specifically include the Philippines' track record in prosecuting extrajudicial killings by state security forces as one of the indicators in determining the country's progress in the areas of civil liberties, political rights, accountability, and the rule of law. The Millennium Challenge Corporation should condition future funding to the Office of the Ombudsman on its efforts to ensure prosecution of government officials, including law enforcement officers, for involvement or complicity in targeted killings and other extrajudicial killings.
- The United Pacific Command in Hawaii, the United States Agency for International Development (USAID), the Federal Bureau of Investigation (FBI), the Drug Enforcement Agency (DEA), ICITAP, and all other US agencies that work with the PNP should vet all police officers enrolling in US-funded programs in accordance with the Leahy amendment to ensure that participants have not been implicated or complicit in targeted killings or other extrajudicial killings.

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“One Shot to the Head”

Death Squad Killings in Tagum City, Philippines

Reports of targeted killings of petty criminals, street children, and alleged drug dealers have become increasingly common in the Philippines in recent years.

“*One Shot to the Head*” details the operations of a so-called death squad in Tagum City on the southern island of Mindanao. The Tagum Death Squad (TDS) has for nearly a decade been implicated in summary killings in the city and surrounding areas, targeting those living on the margins, but also businessmen, journalists, and tribal leaders. Local authorities have done virtually nothing to apprehend the TDS killers and bring them to justice.

Based on interviews with eyewitnesses, families of victims, and self-proclaimed former death squad members, the report documents the pattern of targeted killings, the profile of victims, and the structure and operation of the death squad.

The report traces the command and control structure of the TDS to Tagum City’s former mayor, Rey “Chiong” Uy, who was in office from 1998 to June 2013. Human Rights Watch research found that Uy directed many of the operations of the death squad and allegedly provided payment and equipment to its gunmen. While Uy did not approve or have knowledge of all TDS killings, there is compelling evidence that he knew and approved many of them.

Local and national authorities have failed to seriously investigate the vast majority of Tagum City’s killings and have not made any arrests in connection with those deaths. Victims’ relatives and witnesses describe a fear-enforced silence about the TDS largely due to its perceived links to local officials. Human Rights Watch believes that such killings continue in large measure because of the failure of the Philippines national government to address serious human rights violations by local governments and police.



Police officers at the crime scene of the murder of Rogelio Butalid, a broadcast commentator, outside his radio station in Tagum City, in the southern Philippines on December 11, 2013. A witness told Human Rights Watch that a Tagum Death Squad member shot Butalid at point-blank range.

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