

## CASE DIGESTS

### Case 1: Killing and Criminalization of #NewBataan5



#NewBataan5 Call for Justice © Save Our Schools Network

In 2019, the Department of Education (DepEd) ordered the closure of some 55 Lumad schools. The order forced Lumad students and teachers to evacuate from their ancestral lands and seek education away from their families and communities.<sup>1</sup> The closure was preceded by Pres. Duterte's threat to bomb Lumad schools and actual military operations in the communities, oftentimes using the Lumad schools as camps. In response, the Lumad Bakwit School was established in Davao, Cebu, and Metro Manila, with teachers and advocates volunteering to impart their expertise on subjects that are taught in regular schools. However, state forces have targeted these evacuation schools using various forms of attacks against Lumad rights' advocates and volunteers.

On February 23, 2022, two volunteer teachers from the Save Our Schools (SOS) Network, Teacher Chad Booc and Teacher Gelejurain Ngujo II, along with a community health worker, Elgyn Balonga, and two community volunteers who served as drivers, were traveling back to Davao City after conducting field research in New Bataan, Davao de Oro. Communication with the group abruptly ended after Balonga informed her family of their travel plans. Two days later, the news of their deaths in Brgy. Andap, New Bataan, Davao de Oro, Mindanao was made known through a press release on a Facebook page by the 1001st Infantry Brigade of the 10th Infantry Division (ID), Philippine Army. The press release falsely claimed that the group were members of the rebel group New People's Army (NPA) and had died in a combat encounter. However, locals disputed this claim, saying that no such encounter took place in the area.<sup>2</sup>

<sup>1</sup>Read more: <https://www.rappler.com/moveph/lumad-schools-continue-to-suffer-closures-attacks-coronavirus-pandemic/>

<sup>2</sup>Read more: <https://ichrp.net/justice-to-the-victims-of-the-new-bataan-5-massacre/>

#### PRELIMINARY AUTOPSY FINDINGS

Mr. Chad Errol R. Booc, 27-year old male, was allegedly shot and killed by military operatives together with four others on February 24, 2022 in Davao de Oro. The cause of death was certified as "acute blood loss (due to) multiple gunshot wounds (due to) assault by firearm discharge." No manner of death was indicated in the death certificate. His embalmed remains were subsequently brought to Cebu and then x-rayed on March 5, 2022. A forensic autopsy was requested by his parents, Mr. Napoleon W. Booc and Mrs. Jessica R. Booc, and it was performed on March 7, 2022 from 0845 am to 1230 pm by the undersigned in the morgue of Cebu Rolling Hills Memorial Chapels, Mandaue City, Cebu.

Preliminary gross findings showed multiple gunshot wounds of the trunk causing death. There were internal hemorrhages with lacerations of the lungs, diaphragm, liver, spleen, stomach, intestines, right kidney and right adrenal gland. There were fractures of some ribs (right 8<sup>th</sup>, 9<sup>th</sup> and 11<sup>th</sup>) and thoracic vertebrae (5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup>). The spinal cord was transected.

Radiologic examination disclosed bullets/fragments in the trunk. A deformed bullet was recovered from the left chest wall.

There was also a gunshot wound of the right elbow with fractures of the distal humerus, proximal radius and ulna.

The manner of death is classified as homicide.

Forensic analysis of individual gunshot wounds to determine entry/exit sites, trajectory and range of fire is limited by postmortem repair, their multiplicity and proximity to one another. Reconstruction of the shooting incident requires more information regarding the other victims, scene, clothing worn and other physical evidence. Histopathology is also still pending.



Raquel B. Del Rosario-Fortun, MD FPSP  
Forensic Pathologist

Date signed: 10 March 2022

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Chad Booc, Gelejurain Ngujo II, and Elgyn Balonga were all activists who worked with the Lumad community in the Philippines. Booc was a graduate of Computer Science from the University of the Philippines, but chose to volunteer as a teacher at the Alternative Learning Center for Agricultural and Livelihood Development (ALCADEV). Ngujo was a teacher at the Community Technical College of Southeastern Mindanao and offered his degree in Secondary Education to serve Lumad students. Balonga was a community health worker and actively participated in medical missions in remote areas of Mindanao.

When they were still alive, all three were subjected to threats, harassment, and intimidation from the National Task Force to end Local Communist Armed Conflict (NTF-ELCAC) for their association with the Lumad community. Booc and Ngujo were even arrested and detained on trumped-up charges but were later released. The Lumad communities were saddened by the events, but not surprised, as they have long faced such violence and injustice.

## Case 2: Lianga Massacre 2

On June 15, 2021, the 3rd Special Battalion Force of the Philippine Army attacked Lumad farmers in Sitio Panukmoan, Brgy. Diatagon, Lianga, Surigao Del Sur. Six civilians were taking a break from harvesting abaca at the time of the attack; while they were on their way to the Lianga town proper, they came across soldiers who suddenly opened fire at them without warning, resulting in the death of three farmers - sisters Angel and Leni Rivas, and their cousin Willy Rodriguez. The other three managed to escape. The soldiers claimed the victims were members of the rebel group New People's Army and had fought back, a common excuse used to avoid accountability for their actions. The household of one of the victims was notified of the incident only later that night when soldiers presented them with 12 year-old Angel's mutilated body, wrapped in plastic and packaging tape. Lenie and Willy's bodies were later discovered in a different location. Their bodies showed signs of torture and mutilation, while Angel and Leni's bodies also showed possible signs of rape. Soldiers prevented the family from taking pictures of the bodies and offered to pay for the funeral expenses. The families refused.<sup>3</sup>



Victims Documentation © Karapatan Caraga

<sup>3</sup>Read more: <https://www.facebook.com/saveourschoolsnetwork/posts/pfbid0TfiwffcUISZfjRx973TSzx5gSH9wieNLG7N7VPraxb257VhJ3MX689HFqHnBPZW11>

Angel Rivas was a student at the Tribal Filipino Program of Surigao del Sur (TRIFPSS). She dreamed of becoming a teacher and was awarded for her excellence in academics and agriculture before the closure of TRIFPSS in 2020 due to the pandemic. Willy Rodriguez and Lenie Rivas were active members of Malahutayong Pakigbisog Alang sa Sumusunod (MAPASU), a Lumad organization that protested against mining, land conversions, and the establishment of plantations in the Andap Valley.<sup>4</sup>

In 2015, Emerito Samarca, Executive Director of the Alternative Learning Center for Agriculture and Livelihood Development (ALCADEV), Dionel Campos, Chair of MAPASU, and Campos' cousin, Bello Sinzo, were similarly massacred. Paramilitary and state forces have not stopped harassing and intimidating the Lumad community. The victims of both incidents all belonged to the same Lumad community and organizations that assert the rights of Indigenous peoples to their ancestral lands.

Militarization in Lumad areas persisted despite the pandemic that in itself brought to the surface a host of economic and health issues. Not only have schools been shut down and essential services blocked, but state forces have also been terrorizing Indigenous peoples and criminalizing their efforts to resist corporate plunder. These actions undermine Lumad's efforts to achieve self-determined development.

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<sup>4</sup>Read more: <https://philtfip.org/2021/06/16/justice-for-another-lianga-massacre/>

### Case 3: Trumped-up Charges and Criminalization Cases of Gomez and Velasco



Call for Release of Velasco and Gomez © Ascent Secretariat FB Account

A joint police and military operation raided the home of Niezel Velasco and Julieta Gomez at Block 7, Kaingin 1, Brgy. Pansol, Quezon City, on July 16, 2021, at around 1:00 a.m. They were arrested and detained at the Criminal Investigation and Detection Group (CIDG) in Camp Crame, Quezon City and later transferred to the Female Dorm of the Quezon City Police in Camp Karingal, Quezon City.

The raiding team was a collaboration between the Philippine National Police Regional Field Unit - National Capital Region and the Armed Forces of the Philippines Intelligence counterparts to conduct the manhunt on Velasco and Gomez, and execute the arrest warrant based on fabricated allegations of illegal possession of firearms. A few moments after the forceful entrance to their house, four officers brought the handcuffed Gomez and Velasco outside their rooms. Some concerned neighbors suggested the officer let Gomez drink water as she was crying loudly while the officer read the warrant and Miranda rights. In the said warrant, the names indicated were Mary Jane instead of Niezel and a certain Rachel Esquadro.

Seized items were already lined up before the barangay council was called to confirm the inventory. The two insisted that the evidence gathered were planted, including one unit of 9MM Parabellum with SN OSL123156; one pc of 9MM magazine with 14 live ammo; 10 barrel of a rifle; eight books and booklets; one New People's Army (NPA) flag; a thousand live ammo of caliber 7.62; one black traveling bag; four upper receiver of firearm; four lower receiver of firearm; four bolt carrier; one hand grenade smoke riot; one M26 hand grenade; one pc of hand grenade PRB 423, and two cell phones.<sup>5</sup> State agents failed to disclose that they also seized three more cell phones, another gadget, and a watch from Julieta and

<sup>5</sup>Read more: <https://www.philstar.com/nation/2021/07/17/2113036/2-alleged-npa-leaders-fall>



Niezel.<sup>6</sup>



Witness Account/Documentation on the forceful entrance of the raid © Karapatan-Caraga

The two have outstanding Warrants of Arrest for the trumped-up charges of murder and two cases of attempted murder under Criminal Case Nos. 8113-20, 20-3747, and CR-2021-84, which were non-bailable issued in the Caraga Region.

Julieta Tawidi Gomez, a Lumad-Manobo from San Luis, Agusan del Sur, has been serving the Lumad community since the early 2000s as a Lumad teacher at Sildap-Sidlakan Lumad School in Agusan del Sur. She also became a council member of the Kahugpungan sa mga Lumadhong Organisasyon sa Caraga (KASALO-Caraga), devoting her time in organizing local Lumad communities and leading campaigns to expose the plight of the Lumad in Caraga, as well as the struggle for respect of human rights. She is at the forefront of defending ancestral lands against so-called development projects. She dedicated her life to exposing the grave human rights violations by state forces and private corporations against the Lumad in Mindanao. Hence, she was constantly a target of state-sponsored attacks.



<sup>6</sup>Read more: [https://www.facebook.com/permalink.php?story\\_fbid=5824743937595982&id=1793097790760637](https://www.facebook.com/permalink.php?story_fbid=5824743937595982&id=1793097790760637)

From 2007 to 2017, Niezel Velasco was the project coordinator of the Bread For Emergency & Development, Inc., a relief and rehabilitation institution in Caraga serving victims of natural and man-made calamities. From 2007 to 2014, she also helped in leading livelihood initiatives for Siargao Island fisherfolk in collaboration with the local government unit of General Luna. She initiated and participated in relief initiatives in Caraga communities affected by floods and devastation caused by Typhoon Sendong in 2011, Typhoon Pablo in 2012, Typhoon Seniang in 2014, Tropical Depression Auring in 2017 and Basyang in 2018, and Typhoon Yolanda in 2018. She actively engaged herself in programs, initiatives, and projects that benefited Indigenous Peoples and peasant communities, boldly facing threats and intimidation by state forces and private security groups who found her advocacies misaligned with their economic interests.

Gomez, Velasco, and other personalities (community leaders, advocates, activists, volunteers, etc.) like them were being subjected to criminalization. They were intimidated and harassed using trumped-up charges, red-tagging, and state propaganda, branding them as socially hostile and treating them like guilty criminals.