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**COMMITTEE REPORT NO. 10**

Submitted jointly by the Committees on Public Order and Dangerous Drugs; and National Defense and Security, Peace, Unification and Reconciliation on OCT - 1 2019.

**Re: P.S. Res. No. 38.**

Recommending the adoption of the recommendations and their immediate implementation.

Sponsor: Ronald "Bato" Dela Rosa

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**MR. PRESIDENT:**

The Committees on Public Order and Dangerous Drugs; and National Defense and Security, Peace, Unification and Reconciliation to which were referred **P.S. Res. 38**, introduced by Senator Ronald "Bato" Dela Rosa, entitled:

**"RESOLUTION**

**DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER AND DANGEROUS DRUGS AND NATIONAL SECURITY AND DEFENSE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON MISSING MINORS WHO ARE ALLEGEDLY RECRUITED BY LEFTIST GROUPS AS THEIR MEMBERS AND FIGHTERS TO THE DETRIMENT OF THE WELFARE OF SAID MINORS WITH THE END IN VIEW OF RECOMMENDING MEASURES THAT WILL ENSURE PEACE AND PROMOTE THE WELFARE OF CHILDREN "**

has considered them and has the honor to submit its report on its inquiry back to the Senate, recommending the adoption of the recommendations as contained in this Report and their immediate implementation.

*"The room looks exactly as he left it three months ago. His personal belongings lie as they were, folded neatly where he put them on his bed. A desolate mother sits in the middle of all his memories. Miryam lost her son Mohammed to a conflict he should never have been a part of. His loss has plunged Miryam's world into a dark place of sorrow and regret.*

*"My son Mohammed, was only 15 when he was killed. He used to love sports and poetry and always stood first in class. My child has been taken away from me early, without even me having the chance to grieve for him." Miryam speaks sadly<sup>1</sup> (underscoring supplied).*

### ***Mother of a Child Soldier***

Indeed, what pain could be more intense than a mother's agony of losing a daughter or son. No amount of consolation could ever relieve her excruciating anguish.

#### **I. Background:**

On July 23, 2019, what many people shrugged off as an ordinary day, or as another day at work, was one fraught with tears at the Office of Senator Ronald Dela Rosa. Several parents had come to him for help; their daughters were all missing, or, at the very least, were no longer coming home to them.<sup>2</sup>

37-year old mother Relissa Lucena last saw her daughter, Alicia Jasper Lucena (hereafter AJ), on July 10, 2019.<sup>3</sup> She had enrolled her daughter at Far Eastern University – Morayta campus, Senior High School, and according to her sworn statement, AJ had been recruited by the left-leaning group, *Anakbayan*. AJ had previously left home several times before: first on February 3, 2019, returning home on February 6, and then on March 10, returning on May 25, only to leave home again on July 10, 2019. Upon her departure AJ left her mother a letter, where she called her mother an oppressor, siding with the military whom AJ had considered the enemy.

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<sup>1</sup> The Grieving Mother of a Child Soldier, by Ansar Rasheed, Halima Abdullah, March 24, 2016, retrieved from blogs.unicef.org

<sup>2</sup> Dela Rosa, Ronald "BATO". Senate Resolution No. 38, 18<sup>th</sup> Congress. Filed on July 29, 2019. p.1.

<sup>3</sup> Relissa Lucena's sworn statement, filed on July 25, 2019, with the Criminal Investigation and Detection Group, Quezon City.

Elvie Caalaman, mother of Lorevie Caalaman, reported to the authorities that Lorevie was recruited to *Anakbayan* and the *Kabataan Partylist* in June 2016.<sup>4</sup> This was around the time when she was enrolled in the Polytechnic University of the Philippines (hereafter PUP). Lorevie first left home on October 16-17, 2018. On those days, Mrs. Caalaman contacted some of Lorevie's classmates (one named Trisha Nioco) via chat. For those exchanges, Mrs. Caalaman was told that Lorevie had already gone to Tanay, Rizal, to be with the indigenous people there and teach them how to read. She left again on October 23, 2018, and since then has visited her family occasionally, the last visit being on July 2, 2019.

Luisa D. Espina, 49, mother of Louvaine Erika Espina, is currently suffering the fate of being out of touch with her own daughter.<sup>5</sup> Enrolled in PUP Sta. Mesa in 2016, Louvaine was a Grade 11 HUMSS strand student when she began to be recruited to *Anakbayan*. It was in the second semester, March 2017, however, that Louvaine's change of behavior became more apparent. She began to leave home and stay away for days on end. The last time that Mrs. Espina had contact with her daughter via chat was on December 24, 2018. On January 21, 2019, a certain Caryl Jane Bequillo handed Mrs. Espina a letter, and told her that the letter was from Louvaine herself, and that was the last time they heard from Louvaine.

Gemma C. Labsan, 43 years old, is the mother of Ghemarie C. Labsan, also known as 'Ghemay'.<sup>6</sup> Mrs. Labsan's daughter was enrolled in University of the East, Manila. She was a Grade 11 student of the HUMSS strand when she was recruited to join *Anakbayan*. Before they discovered anything about the recruitment, Mrs. Labsan and her husband were informed by Ghemarie that she would be spending every Saturday and Sunday of June in UP Diliman, to attend a seminar in Journalism. On June 28, 2019, despite bad weather, Ghemarie informed her parents via chat that she would be spending the night at her friend's house, because they were set to leave for UP Los Banos the following day. She returned home on the morning of July 1<sup>st</sup>, only to leave again on July 22<sup>nd</sup>, the day of the President's State of the Nation Address. Going by their gut, Mrs. Labsan and her husband stormed the rallies organized by Anakbayan and other left-leaning groups against the President's SONA, and that was where they found and were able to retrieve Ghemarie.

Jovita Antoniano's daughter, Trisha Antoniano, also known as 'Tasya', was also enrolled in PUP.<sup>7</sup> It was also in the same University where Tasya was allegedly recruited by *Anakbayan* as well as by the League of Filipino Students. When Tasya

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<sup>4</sup> Elvie Caalaman's sworn statement, filed on July 25, 2019, with the Criminal Investigation and Detection Group, Quezon City.

<sup>5</sup> Luisa Espina's sworn statement, filed on July 25, 2019, with the Criminal Investigation and Detection Group, Quezon City.

<sup>6</sup> Gemma Labsan's sworn statement, filed on July 25, 2019, with the Criminal Investigation and Detection Group, Quezon City.

<sup>7</sup> Jovita Antoniano's sworn statement, filed on July 25, 2019, with the Criminal Investigation and Detection Group, Quezon City.

turned 18, she told Mrs. Antoniano that she was no longer going to school, and this broke Mrs. Antoniano's heart. The last time they saw Tasya was on May 7, 2018.

Driven by their resolve to recover their children, these parents all resorted to filing cases with the help of the Philippine National Police - Criminal Investigation and Detection Group, Major Crimes Investigation Unit, on July 25, 2019. The cases were then endorsed to the Department of Justice for appropriate action on August 1, 2019.<sup>8</sup>

The Office of Senator Ronald "BATO" dela Rosa filed Senate Resolution No. 38, which aimed at investigating the disappearance of these minors, as well as their alleged recruitment into left-leaning organizations.<sup>9</sup> The said resolution was referred primarily to the Committee on Public Order and Dangerous Drugs, chaired by Senator dela Rosa, and secondarily to the Committee on National Defense and Security, chaired by Senator Panfilo Lacson.

## **II. Committee's Action**

Not wishing to delay anything given the urgency of the matter, the Committee on Public Order and Dangerous Drugs joint with the Committee on National Defense and Security held the first public hearing on Proposed Senate Resolution No. 38 on August 7, 2019. The central focus of this hearing was to hear the plight of the parents who 'lost' their children to people and organizations whose purpose, it seemed, was to drive families apart by creating rebels out of children. Further, the investigation was conducted to review the laws and government regulations to ensure their relevance and responsiveness to the needs of the ever-changing society.

Among the attendees of the first public hearing were the parents of the missing minors, heads of relevant Departments and Offices such as the Department of Interior and Local Government (DILG), the Armed Forces of the Philippines (AFP), and the Philippine National Police (PNP), as well as representatives from the Commission on Higher Education (CHED) and from the Polytechnic University of the Philippines (PUP).<sup>10</sup>

A second Public Hearing and Investigation was held on August 14, 2019, this time in order to shed light on the experience of what it means to be a 'rebel'. Stories were told from the perspective of those who, according to them, have come to

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<sup>8</sup> Letter addressed to SASP. Lilian Doris S. Alejo, Chair of the Task Force Anti-Trafficking of Persons, under the Department of Justice.

<sup>9</sup> Dela Rosa, Senate Resolution No. 38, p.1.

<sup>10</sup> TSN from August 7, 2019. Organizational meeting and first hearing on Senate Resolution No. 38, prepared by Committee Secretariat, headed by Committee Secretary Mr. Lawrence Acierto. pp.2-3.

understand the meaninglessness of the cause, those called 'rebel returnees'<sup>11</sup>. During this hearing, the Armed Forces of the Philippines also took the opportunity to present the recruitment process<sup>12</sup>, in line with the psycho-social development stages of children that makes them vulnerable to such recruitment.

For the second hearing, there were four rebel returnees in attendance: Agnes Reano, Nancy Dologuin, Alvin Torrero, and Alyas 'Alem'. In order to fully ensure their security, the Committee on Public Order and Dangerous Drugs endorsed them to the Office of the Senate President, and recommended that they be admitted to the Witness Protection Program under Republic Act 6981 of the Department of Justice (DOJ).<sup>13</sup> There were also representatives from the Commission on Human Rights (CHR), AFP, PNP, CHED, as well as from the PUP and the University of the East (UE) on the said hearing.

It must also be noted that because of the testimonies of resource persons in their affidavit submitted to the Committees mentioned the Kabataan Partylist, duly represented by Rep. Sarah Elago, the Honorable Congresswoman was invited to both hearings.<sup>14</sup> Also invited were Ms. Ayna Punzalan, the Secretary General of Kabataan Partylist, Ms. Gemma Canalig, the Chairperson of the League of Filipino Students, as well as the National President of Anakbayan, Mr. Vencer Crisostomo. However, the only one who responded to the invitation was the Kabataan Partylist, wherein their representatives declined to attend and participate in the said hearings, saying that the invitation was last-minute, and, more importantly, invoking inter-chamber courtesy [sic]<sup>15</sup>. Their absence in the hearing notwithstanding, they sent a position paper on the issue at hand.<sup>16</sup>

### **III. Issues:**

This legislative inquiry focuses on how to institute protective shields through administrative actions and legislative measures for our young students from the

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<sup>11</sup> TSN from August 14, 2019. Second hearing on Senate Resolution No. 38, prepared by Committee Secretariat, headed by Committee Secretary Mr. Lawrence Acierto. pp. 11-50, pp. 58-76.

<sup>12</sup> TSN from August 14, 2019. Second hearing on Senate Resolution No. 38, prepared by Committee Secretariat, headed by Committee Secretary Mr. Lawrence Acierto. pp. 106-111.

<sup>13</sup> Letter addressed to the Senate President of the Philippines, Hon. Vicente Sotto III, dated August 14, 2019. As of this writing, the DOJ has written back with an acknowledgment and a list of requirements for the said witnesses to comply and submit for them to be fully admitted into the Program. Said letter from the DOJ was dated August 27, 2019.

<sup>14</sup> Letter addressed to Rep. Sarah Elago, dated August 5, 2019. The response from Rep. Elago's office was sent on August 6, 2019.

<sup>15</sup> The principle identified is 'inter-parliamentary courtesy'.

<sup>16</sup> Position paper of Kabataan Partylist submitted to the Committee on Public Order and Dangerous Drugs on August 7, 2019. Said paper was also posted on Kabataan Partylist's Facebook page, retrieved from <https://www.facebook.com/kabataan/posts/10162025182810557>, on September 1, 2019.

sinister strategy of the Communist Party of the Philippines-National People's Army-National Democratic Front (CPP-NPA-NDF), through their alleged legal front organizations that wander around the halls of academic institutions in order to recruit innocent, vulnerable juvenile victim-students who are eventually trapped into the web of armed conflict and atrocities.

The Committee is mindful of the mandate under Article II, Section 13 of the 1987 Constitution:

*"The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs."*

Students are enrolled in academic institutions in order to mold their analytical and creative minds, equip them with sufficient knowledge to be competitive with other students from around the world, and to inculcate in them values of love of God, country and people.

It is therefore important to surround the youth with the right persons who will be their leaders and best teachers as they explore the world beyond the comforts of their respective homes.

The issue on deliberate recruitment of teenagers by the communist-terrorist groups (CTG) to be part of their manpower in pursuit of its armed struggle against a duly established government has been going on for decades. It is, therefore, crucial to finally put an end to this social plague.

The following issues necessitate clear and categorical answers:

1. What more can the government do to stop the communist-terrorist groups in recruiting our youth and causing them to fiddle away their lives to deluded communist-terrorist ideology and subversive acts?
2. What is the role of the school administrators and teachers as they deal with their students in their universities?
3. What is the role of school authorities in regulating students' activities within and outside school premises?
4. What are the early manifestations of recruitment of students by militant groups to be its armed combatants?
5. How can the indoctrination and recruitment of minors happen inside the school premises?
6. Are the school administrators and teachers aware of this abhorrent practice of recruitment within the school? If so, what their liabilities under the law?
7. How do we stop recruitment of students by communist-terrorist groups inside and even outside the premises of the schools?
8. How does CHED monitor activities of the different colleges and universities which are reportedly infiltrated by the CPP-NPA-NDF and its affiliated fronts?

9. How does DepEd monitor activities of minors (Grades 11 to 12) who are lured into joining extracurricular activities organized by the left leaning organizations?
10. How does DSWD intervene in the de-radicalization of the minor students?
11. How does the police and the military deal with the continuing recruitment of the communist affiliated groups among the students?
12. How do we protect our minor students from being used by left leaning groups for their political agenda through partylist system?
13. How do we weed out partylist organizations that are actually fronts of communist-terrorist groups?

#### **IV. Discussion:**

##### **A. Schools as Second Home, and Teachers and School Administrators exercising Special Parental Authority:**

School is home away from home for students. It is an institution where learning is developed, enhanced and nurtured. It is a place where the mind is nourished with healthy ideas, bombarded with scholarly thoughts and intellectual debates and dissertation. It is likewise a place where students are safe, sheltered, and defended from all forms of physical, psychological, emotional and sexual abuses.

As explained by the Supreme Court, in the case of Jose Santos, Jr. vs. National Labor Relations Commission, et. al<sup>17</sup>:

"It is to state the obvious that schools, next only to the home, wield a weighty influence upon the students, especially during the latters' formative years, for it instils in them the values and mores which shall prepare them to discharge their rightful responsibilities as mature individuals in society. x x x x x"

Parents will do everything to protect their children from any form of abuse. Despite fears and hesitations, their grip on their sons and daughters gradually loosens, and they allow them to explore the world outside the confines and comfort of their homes. Eventually conforming with social norms, they enroll their children to academic institutions believing that the school will help their children to face the real world better.

But what if the school itself becomes the melting pot of subversive ideas that ignite the curious young minds to raise arms against the Government and its authorities? What happens if, instead of legitimate academic curriculum and modules, principles and lessons on aggression, armed struggles and resistance against the Government are surreptitiously seeped into the four corners of the school's premises, and worse, right into the very hearts and minds of the students?

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<sup>17</sup> G.R. No. 115795, March 6, 1998.

The mandate of the Family Code of the Philippines is clear:

"Art. 218. The school, its administrators and teachers, or the individual, entity or institution engaged in child care shall have special parental authority and responsibility over the minor child while under their supervision, instruction or custody.

Authority and responsibility shall apply to all authorized activities whether inside or outside the premises of the school, entity or institution. (underscoring supplied.)"

"Art. 219. Those given the authority and responsibility under the preceding Article shall be principally and solidarily liable for damages caused by the acts or omissions of the unemancipated minor. The parents, judicial guardians or the persons exercising substitute parental authority over said minor shall be subsidiarily liable.

The respective liabilities of those referred to in the preceding paragraph shall not apply if it is proved that they exercised the proper diligence required under the particular circumstances.

All other cases not covered by this and the preceding articles shall be governed by the provisions of the Civil Code on quasi-delicts."

It is therefore clear in the above-quoted provision that the role of school administrators and teachers cannot be overemphasized, especially in the case of minor students under their supervision, instruction, or custody. And the scope of their authority and responsibility "extends to all authorized activities whether inside or outside the premises of the school, entity or institution."<sup>18</sup>

In the case presented in this Committee Report, the parents of the missing minors, in unison, wailed for help in finding their respective children, some of whom were still minors, and enrolled in Grade 11,<sup>19</sup> but were already indoctrinated and thereafter, enticed to join the leftist organizations that recruited them. What is revolting is the fact that the orchestrated scheme to proselytize subversive teachings and conspiracies to overthrow the Government happened right at the very doorsteps

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<sup>18</sup> *The Family Code of the Philippines Annotated*, 1992 Edition, Ernesto L. Pineda, Central Lawbook Publishing Co. Inc., Quezon City. p.339.

<sup>19</sup> Antoniano, Trisha Grade 11 enrolled at Polytechnic University of the Philippines, as testified by her mother, Jovita Antoniano (TSN, page 14, August 7, 2019, 9:12 AM), and Alicia Lucena, then Grade 11 enrolled at Far Eastern University, as testified by her mother, Relissa Lucena (TSN, page 21, August 7, 2019, 9:22AM). Ghemarie Labsan, Grade 11 enrolled at University of the East, as testified by her mother, Gemma Labsan (TSN, page 97, 11:12AM). Louvaine Espina, then Grade 11 enrolled at Polytechnic University, as testified by her mother, Luisa Espina (TSN, page 40, August 7, 2019, 9:52AM).

of the universities which are supposed to inculcate values of patriotism, nationalism and love for country and people, alongside the regular academic curricula.

The foremost question in mind is: how can it be that the indoctrination and recruitment of minors happen inside the school premises?

The testimonies of the aggrieved parents during the committee hearings have revealed the vicious cycle employed by left-leaning organizations in luring young students in joining their underground activities:

1. Relissa Lucena, mother of Alicia Lucena, then Grade 11 from Far Eastern University:

*"Ngayon, doon po sa FEU, first ang ano nila is June 26. Ngayong July ang sabi niya sa akin, "Mommy, um-attend ako ng SONA." Tapos may sinalihan siya na grupo na Anakbayan.<sup>20</sup>*

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*"Ngayong February 2 nag-open siya sa akin. Sabi niya sa akin Anakbayan na daw siya at ginawa daw po siyang opisyal sa Anakbayan. So, leader na siya. Ngayon sinasabihan ko sa kanya, "Anak, huwag ka diyan kasi delikado dahil gagawin kang front liner at pag nagkaroon ng anuhan sa mga pulis masasaktan ka." Against po ako doon pero hindi naman ako against sa pinaglalaban niya. Ang against ako doon sa ginagawa nila. (underscoring supplied).*

*Ngayon, after po noon, ano na siya, Feb. 3, bigla na lang po siyang lumayas, tatlong araw po siyang nawala. Noong umalis siya nag-text pa siya, sabi niya--noong gabi, ang sabi niya, "Mommy, wait lang, busy pa ako." Alas dose ng gabi nag-text siya ng ganoon. "Mommy, wait lang, busy pa ako." First time po niyang umalis ng bahay, first time po niyang lumayas. Hindi ko alam kung ano ang dahilan, basta umalis lang po siya, three days. Ngayon, noong first day, dahil nag-text siya hindi ako masyadong na-alarm. Noong second day, sabi ko, hindi ko alam kung ano ang ginagawa niya, so nag-report po ako sa pulis, sa PNP Pasay. Pina-blotter ko, kasi sabi ko, "Missing--24 hours na pong wala iyong anak ko. Missing na po siya." After noon pumunta po ako sa school. In-inform ko iyong FEU management na hindi po umuwi iyong anak ko, kung mayroon din bang nawawala sa school, ganyan. Ngayon, ang sabi nila, na-confirm ko na may sinalihan ngang Anakbayan ang anak ko doon sa management pero hindi daw iyon affiliated sa school. Medyo nagagalit ako, sabi ko, "Bakit magkakaroon ng ganitong organisasyon sa school ninyo nang hindi ninyo alam? Bakit magiging ano iyong anak ko nang hindi ninyo alam?" Sabi niya hindi daw talaga sa*

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<sup>20</sup> TSN August 7, 2019 Page 21, 9:22AM.

kanila iyon. Ngayon, sabi ko, "Ma'am, puwede po bang makahingi ng number ng mother noong ibang bata na wala din?" Ayaw nilang ibigay dahil nga daw sa iyong law, ano po ba iyong law na iyon na hindi ka puwedeng-information law. So, wala po akong nagawa."<sup>21</sup> (underscoring supplied).

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"Iyong anak ko, halos ayaw mong padapuan ng langaw, pinuprutektahan mo tapos ganoon iyong ginagawa sa kanya. Gamit na gamit po siya noong eleksyon. Kasi March 10 po siya umalis, May 25 ko po siya nakuha. Noong time po na eleksyon, May 16, nakikita ko iyong mukha niya laging nasa harapan tapos ang sabi niya sa akin, sabi ko, "Anak, nasaan ka na?" Sabi niya, "Mommy, nagkakabit kami ng mga campaign materials." Sabi ko, "Gabi na." Sabi niya—

*THE CHAIRPERSON (SEN. LACSON).* Tatanungin ko lang, para kanino po iyong pagkampanya niya noon?

MS. LUCENA. Sa Kabataan Partylist po."<sup>22</sup> (underscoring supplied).

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"MS. LUCENA "Tapos lagi ko siyang nakikita sa rally, lagi daw silang mayroong educational—kung ano pa iyong sinasabi niya. Pero noong sinabi niya po sa akin na nagre-recruit na siya, doon po ako natakot kasi alam ko na po iyong pinasok niya. Sabi ko, parang hindi ko kaya na mayroong mapapahamak na bata nang dahil sa anak ko. Pinilit ko po siyang umuwi. Sabi ko, May 25, "umuwi ka dito." Noong May 22, tinext (text) ko siya, pati iyong mga may hawak sa kanya na recruiter niya. Sabi ko, "menor de edad pa iyong anak ko. Pauwiin ninyo ang anak ko. Idedemand ko kayo." So May 25, nakauwi po iyong anak ko. Wala po siyang dalang kahit ano, iyong bag lang niya. After po noon, hindi ko na po siya pinalabas ulit. XXXX "<sup>23</sup> (underscoring supplied).

2. Luisa Espina, mother of Louvaine, then Grade 11, from Polytechnic University of the Philippines:

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<sup>21</sup> TSN August 7, 2019 Pages 23 and 24, 9:22AM

<sup>22</sup> TSN August 7, 2019 Page 28, 9:32AM

<sup>23</sup> TSN August 7, 2019 Page 29, 9:32 AM

"MS. ESPINA. XXXX. Ang bunso ko pong anak ay huli ko pong na-enroll sa PUP bilang Grade 11 HUMSS. Lahat po kami HUMSS ang mga anak namin. Sixteen year-old na-enroll ko siya. First sem maayos ang kaniyang mga grades. Ang pinakamababa niya lang is 89. Lahat na po is 90 plus. Ngayon po noong nagpaparamdam siya sa akin na, "Ma, may nagsasabi sa akin sumali daw sa Anakbayan." Ang sabi ko, "Huwag kang sumali diyan. Makakasira iyan sa pag-aaral mo." Naniwala ako na hindi siya sumali. Ngunit matindi iyong paghihikayat sa kanya ng Anakbayan. Second sem nagulo na iyong kanyang pag-aaral. Minsan uuwi siya, ano tatlong araw magpapaalam, sabi niya, "Ma, may group study po kami." Tapos, "Sige mag-picture ka nga kung totoong group study." At nag-picture naman siya at lagi kaming nagte-textsan at nagcha-chat na sabi niya nasa ano lang siya, sa mga kaklase niya naggugroup study.

Hanggang sa naniwala ako. Lumalim na iyong kanyang ano. Nawawala-wala na siya. Hinahanap ko siya lagi.<sup>24</sup> (underscoring supplied).

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"Magmula po noong napasok siya diyan sa Anakbayan na iyan nagulo ang utak niya. Masyadong magalitin. Laging politikal ang—pag dinidebate mo siya sa politikal galit agad siya kaya hindi po kami nanonood na ng news ng TV kapag nandidiyan siya dahil alam namin na iba po ang pananaw niya na sa gobyerno."<sup>25</sup> (underscoring supplied).

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"Hanggang sa SONA ng 2018, nawala na naman siya. Sabi niya papasok siya. One week na naman siyang nawala. Naghagilap na naman ako. Kung saan-saan ako naghagilap. Lahat ng mga kaibigan niya ayaw sumagot sa akin. Tinext ko iyong Nicole—Dianne Nicole na iyan Rala. Ayaw niyang sumagot. Inano ko ang nanay niya—PUP din po iyon. Iyong nanay niya ang sumagot ang sabi daw makikita ko daw ang anak ko sa Gab Hall, Gabriela Silang Hall. Nandodoon ko nakita ang anak ko. Kumpleto sila, may lutuan, may higaan, may electric fan. Doon nagi-stay ang anak ko. Imaginin (imagine) mo wala na po sa PUP anak ko nandodoon pa siya nagi-stay. Doon sila natutulog.<sup>26</sup> (underscoring supplied).

3. Ms. Gemma Labsan, mother of Ghemarie Labsan, Grade 11 from University of the East:

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<sup>24</sup> TSN, August 7, 2019, Page 40, 9:52AM

<sup>25</sup> TSN, August 7, 2019, Page 42 9:52AM

<sup>26</sup> TSN, August 7, 2019, Page 43 9:52AM

"And after po ng moving up niya noong May 30, buong month na po iyon ng June, Saturday and Sunday po, every morning nagpapaalam siya, "Ma, mayroon po kaming or na-invite po ako or napili po ako ng teacher ko na magpunta po sa UP Diliman to attend the Journalism."<sup>27</sup>

"Umuuwi po siya ng Saturday, Sunday. Buong month po ng June iyon ng 9 to 9:30 po ng gabi. From morning hanggang 9 to 9:30 po siya, buong weekend po iyon ng June. <sup>98</sup> And then June 28 umuulan po iyon, malakas po 'yung ulan, sabi ko, "Beh, sunduin kita diyan sa UE kasi malakas ang ulan." Ang sabi niya, "Ma, hindi, mag-o-overnight ako dito sa—mag-o-overnight kami dito kasi may pupuntahan kami. May three days kaming pupuntahan sa UP Los Baños. May ibinigay akong letter diyan." Then noong tiningnan ko po 'yung letter, kino-contact ko po 'yung number doon, cannot be reached po. Three days po daw iyon, ang nakalagay doon na leadership training. And then after po noon, hindi ko na matawagan 'yung anak ko. And then dumating po siya ng July 1—kinansel (cancel) po 'yung pasok noon—balak ko pong pumunta sa UE. Baka po may alam sila tungkol doon sa three days na wala 'yung anak ko. Hindi ko na po siya na-contact magmula Friday night hanggang July 1. Contact po ako nang contact sa kanya, pati po 'yung nakalagay doon sa letter na mayroon daw silang training doon sa UP Los Baños. Wala pong pasok noon kasi kinansel (cancel), may bagyo noon. Umuwi po 'yung anak ko mga 9:30 ng gabi noon at hindi po siya nagsasalita. "Nasaan 'yung proof na nag-seminar ka? Nasaan 'yung pictures?" Wala po siya sa aking pinakita. And then kinuha po ng papa niya 'yung cellphone niya and then may nakita po doong files, may mga nakalagay po doon na mga "armadong pakikibaka," "komunismo" po ...pakikibaka," "komunismo" po. And then nagalit na po kami. And then nakita ko po doon sa libro niya, mayroon po siyang libro doon na nakalagay po, "Struggle of Democracy" by Joma Sison. So, nagtaka na po ako. Sabi ko, "Ano ito?" Sabi ko, "Akala ko ba ang inatenan (attend) mo ay leadership training, tatlong araw kang nawala. Ni hindi kita makontak. Pati iyong binigay mong papel hindi makontak iyong number." Tapos nagalit na po siya sa amin noon. Nagmura nga po siya. Nagmura po siya sa amin noon."<sup>28</sup>

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"And then sabi ko, pinagbawalan ko na siya, "Ano ba iyan?" Doon po siya umamin na member siya ng Anakbayan."<sup>29</sup>

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<sup>27</sup> TSN, August 7, 2019, Page 98. 11:12 AM

<sup>28</sup> TSN, August 7, 2019, Pages 98 to 100 11:12 AM

<sup>29</sup> TSN, August 7, 2019, Page 100 11:12 AM

It was established during the hearings that Witnesses Lucena, Espina, Antoniano, Labsan, and Caalaman filed the corresponding Complaint-Affidavits before the Philippine National Police Criminal Investigation and Detection Group (PNP-CIDG) against some identified personalities behind Anakbayan, Kabataan Partylist, and League of Filipino Students.<sup>30</sup>

The following cases<sup>31</sup> were filed against the respondents: (1) violation of Republic Act (RA) No. 11188, otherwise known as the Special Protection of Children in Situations of Armed Conflict Act; (2) violation of RA No. 9208, as amended by RA No. 10364 otherwise known as the Anti-Trafficking in Persons Act of 2003; (3) violation of Article 270 of the Revised Penal Code for kidnapping and failure to return a minor; (4) violations of RA No. 7610, otherwise known as the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act; and (5) RA No. 9851, otherwise known as Philippine Act on Crimes Against International Humanitarian Law.<sup>32</sup>

*Amidst all these disclosures, are the school administrators and teachers aware of this abhorrent practice of recruitment within the school? If so, what are their liabilities under the law?*

If a student was physically abused or suffered any physical harm, the school authorities clearly can be held criminally liable. But if there was no physical abuse, and instead radical ideologies were surreptitiously fed to students in schools making them vulnerable to be recruited by communist-terrorist groups, and eventually die fighting for misplaced beliefs, what law can a mother invoke to hold the school liable?

### **B. Response of School Administrators:**

Dr. Emmanuel De Guzman, the President of Polytechnic University of the Philippines (PUP) since 2012, exhaustively explained that the school administrators are cognizant of the militant stance and exposure of their students to various political issues and activities in their campus. In fact, Dr. Guzman admitted that PUP has always been in the forefront of student activism especially during the Martial Law years. He explained, though, that through the years, the passion and intensity of the students' radical movement has significantly died down.

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<sup>30</sup> Affidavit-Complaints of the following were filed in PNP-CIDG: Mrs. Caalaman and Mrs. Lucena filed on July 25, 2019; Mrs. Espina's on July 13, 2019; Mrs. Labsan's on August 6, 2019; and Mrs. Antoniano's on August 6, 2019.

<sup>31</sup> Endorsed by PNP-CIDG to the Department of Justice, dated August 1, 2019.

<sup>32</sup> Testimony of Police Brigadier General Balba, deputy director for administration of CIDG, TSN, August 7, 2019, pages 34 to 35, 9:42A.M. (Although RA 11188 was not mentioned in General Balba's testimony in the hearing, the official case files forwarded by PNP-CIDG identifies it as one of the laws violated. Cf. Footnote no. 32.)

In the face of all the allegations and howling grievances of mothers whose daughters have gone missing while attending reported “academic endeavors” in PUP, Dr. De Guzman enumerated the actions taken<sup>33</sup> by their school administrators in order to address the problem at hand:

- a. The “students” occupying and residing in the PUP’s Gabriela Silang Hall / Building were forcibly evacuated, and corresponding charges were filed against the leaders of the group;
- b. The individual who acted as “student regent” was removed from the school, after the administrators discovered that she was not enrolled in PUP in the first place;
- c. New Student Handbook was drafted, incorporating dress code policy, and mandatory drug testing.

As for the University of the East, duly represented by Student Affairs Director Mercy Candelaria, they claimed that they learned of their University’s involvement in the case of the missing minors only a day before the second Public Hearing.<sup>34</sup> As soon as she heard that one of the students (Ghemarie Labsan) had been identified as a student of the University of the East, Director Candelaria immediately took action and questioned Ghemarie, who, by that time, was already back with her parents. Through her interaction with Ghemarie, Ms. Candelaria discovered that Ghemarie was not gone from home for a month; the teen clarified that she was gone for a few days, attending a Journalism Seminar. Ms. Candelaria was also able to confirm through Ghemarie that the said seminar in UP Los Baños was not sanctioned by the school, but instead was one that Ghemarie joined voluntarily.

### **C. Role of Teachers:**

The teachers themselves have a big role to play in preventing the recruitment of young students in schools by left leaning groups. In fact, they are tasked with the grave responsibility of making sure that their students are safe and are shielded from all forms of abuses and exploitation, including misguided political indoctrination and militancy. This protective mantle is a duty which should have been exercised by the parents had they been physically present with their children in schools. But since this is not so, teachers then are legally mandated to guard and defend their students while they are in their custody in school.

But what if the teachers themselves become the instrument for igniting a rebellious spirit among the youth?

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<sup>33</sup> TSN, August 7, 2019, pages 47 and 48 10:12 am.

<sup>34</sup> TSN, August 14, 2019, page 123, 11:43 am.

In this regard, the Committees took note of the testimony of Philippine National Police (PNP) Chief Oscar Albayalde:

*"MR. ALBAYALDE. Yes, thank you, Mr. Chairman. Idagdag ko lang po sana doon sa naging—sinabi na recruitment na nanggagaling doon sa ibang mga former students probably or youth activists. Actually, noon pong—when I was the regional director of NCRPO. Remember, during the—after former President Marcos was buried in Libingan, there were several rallies conducted. Mayroon akong kinausap na mga bata doon who happens to be participating doon sa rally doon sa Luneta, gabi na, at nagpa-picture pa. Tinanong ko sila kung bakit sila sumali doon sa rally. And they were very young, I think mga 17 or 18 pa lang iyong mga iyon, first year college, also sa isang state-owned university—hindi PUP. Ang sabi nila, renequire (require) daw sila ng teacher nila. They were required by the teachers to join the rally. So hindi po ito ginagawa lang ito—ang recruitment na nanggagaling sa labas. I think the teachers also have responsibilities here.<sup>35</sup>(underscoring supplied).*

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*So what I am trying to say here, Mr. Chairman, is hindi lang po ito between students. I think teachers also have a participation in this radicalization process na ginagawa or probably iyong recruitment na ginagawa at iyong paglason ng pag-iisip ng ating mga kabataan.<sup>36</sup>(underscoring supplied).*

"Once the parents enroll their children in a school, they enter into a contract based on trust and confidence in the school: TRUST in the school's capability of providing quality education; CONFIDENCE in the school's efficiency in discharging a complementary parental authority while the parents are not physically present with their children."<sup>37</sup>

The common complaint of the parents who testified before the Committees is that their daughters left their homes even in the wee hours of the morning only to find them later on along the roadside staging rallies and demonstrations against the Government. What is unimaginable is the fact that these "extra curricular activities" happen during class hours when the students are supposed to be within the confines of the classrooms and should be busy studying their lessons or actively participating

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<sup>35</sup> TSN, August 7, 2019, pages 91 to 92, 11:02 A.M.

<sup>36</sup> TSN, August 7, 2019, page 93, 11:12A.M.

<sup>37</sup> As explained by Atty. Ulan Sarmiento, retrieved from "Legal Rights of Parents and Teachers should Complement Each Other" by Preciosa S. Soliven (The Philippine Star)  
<https://www.philstar.com> June 16, 2016.

in the recitations. Instead, they are in the middle of the filthy road, armed with banners and effigies, while chanting invectives against the Government and its officials.

Is this the lesson that parents expect their children to learn from school and their teachers?

It is unfathomable that teachers, who are supposed to be the role models of excellence, are the instigators of restlessness and rebellion among the students.

Considering the unique role of teachers in exercising special parental authority over their minor students, they should be held liable for any damage that their minor students (especially those in Grades 11 and 12) may sustain if it could be proven by authorities that the teachers themselves authorized or instigated their students to join rallies, demonstrations and other militant activities either within or outside school premises. This is pursuant to the mandate of Article 219 of the Family Code.

#### **D. Radicalization Process: How to detect early signs of recruitment-**

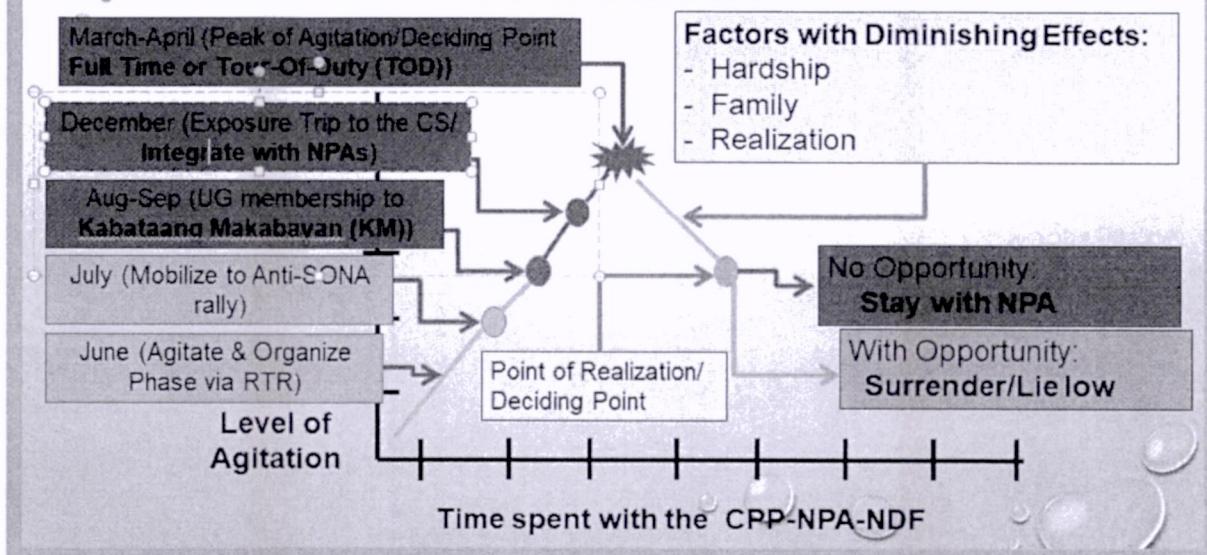
It is imperative to dissect the intricate process of recruitment, indoctrination, immersion and integration of young students as armed fighters to organizations of the Communist Party of the Philippines, the New People's Army, Naional Democratic Front, and other belligerent groups, and their affiliates.

The following illustration<sup>38</sup> was based on the findings of retired Army Major Mario Jose Chico. This gives us a well-defined framework on how the CPP-NPA-NDF recruits young students, out-of-school-youth, young workers, young peasants, young teachers/professionals, and all other young men and women who compose the majority of the population, to be their combatants in many parts of the country:

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<sup>38</sup>One of the slides in the Powerpoint presentation made by Retired Army Major Mario Jose Chico before the Second Public Hearing on August 14, 2019.

# CPP-NPA-NDF RECRUITMENT PATTERN



At the start of the school year, NPA fronts, disguising themselves as “student leaders” invite young students to attend seminars, fora or lectures on campus issues. They focus their attention on students who are economically challenged, have domestic problems or experiencing emotional confusion or turbulence, those who are indignant with various social ills, or those who have shown an interest in relevant issues of the society, as their prospective recruits. Thus, these recruiters take advantage of the vulnerability, adventurous nature, and curiosities of the youth.

From academic concerns, the focus of the discussions is then shifted to political, economic and social problems. This is where indoctrination happens. This is the stage where ideological infiltration takes place. The ultimate purpose of the so-called “lectures” is not to raise awareness on the maladies in society, but to agitate the students, and instigate them to protest against the Government and ultimately, to defy the duly constituted authorities. The feeling of discontent among the youth is, therefore, stimulated and magnified.

As the semester progresses, the student-activists are now enticed to participate in the operations of the NPAs, and other revolutionary organizations. Usually made to believe that they are taking part in “field trips” or “immersion programs”, student-activists are then exposed to the rural life to personally experience the struggles of peasants and their families, and experience for themselves the perceived inability of the Government to alleviate the plight of the poverty-stricken communities. It is at this stage where the Communist ideology is now further indoctrinated. “Serve the People, Serve the Masses” becomes their ideal battle cry.

After spending several months with the masses, student-activists by this time reach the point of realization and ponder on whether they want to go back to school or remain in the country-side.

Those who decide to go back to school will become cadre-in-charge in youth organizations, while those who remain in the country-side become "full-time or hard core" members of the NPA, undertake "revolutionary courses", and are mobilized during mass actions.

At a certain point, student-activists who have already embraced the life of NPAs are deceived and are made to believe that they have no other choice but to stay in the armed struggle. Their leaders tell them that it will already be too dangerous for them to leave the countryside, forcing the student-activists into thinking that they have already been identified by the Army, which means that when caught, they will be captured, tortured, and eventually executed by the military.

But there are other student-activists who, confronted with their own war against loneliness and homesickness, realize through their own experience that the revolutionary life is an empty and meaningless crusade. Hence, they choose either to lie low from their revolutionary operations, or eventually surrender to the Government and return to the mainstream of the society in order to resume their normal and peaceful family life.

The testimony of Deputy Chief of Staff for Civil Military Operations, Armed Forces of the Philippines, Major General Antonio Parlade, Jr. is very crucial and informative:<sup>39</sup>

*MR. PARLADE. X X X There is this strategy they call arouse, organize and mobilize (AOM). Hindi nagbago iyong. In this process, mayroon silang tina-target na mga individuals, mga bata, nakita nila iyong potential ng bata na maging iyong potential ng bata na maging isang lider. Now, if they are able to recruit these students, susundan na iyan ng indoctrination. Sa recruitment, magsisimula lang iyan sa mga small issues like tuition; away ng mga magulang, kung mayroon; iyong pamasaher. But eventually, lalaki iyong issues, ang pag-uusapan na iyong ekonomiya na, pulitika na. Hanggang doon, naa-assess nila kung ang estudyante ay responsive doon sa mga ganoong issues. So doon na magsisimula iyong recruitment and then, magkakaroon na ng indoctrination. But in the process of indoctrination, may kasamang immersion na iyon, sir. Iyon na iyon. At this stage, I think iyong mga bata, nandoon na sa immersion stage kaya sila nawawala. (underscoring supplied)*

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*THE CHAIRPERSON (SEN. LACSON). Ano iyong mga manifestations—para lang ma-educate din kami, lahat ng mga magulang. Ano iyong mga early manifestations na nare-recruit na? (underscoring supplied)*

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<sup>39</sup> TSN, August 7, 2019, pages 84 to 88 11:02 A.M.

*MR. PARLADE. Marami na silang alibi, sir. Marami silang paalam, pupunta kung saan, may field trip doon. Sometimes, many—often, these are not sanctioned by schools. And then, orgs, iyan, iyong organization namin, mayroong pupuntahan dito sa ano, communities na ito. Doon iyon, sir. Ito na iyong indicators na nag-i-immerse na sila. And it is in this immersion that they really meet the armed NPAs. Iyong pagsabi nilang "Tanay," iyon na iyon. Ang kaharap nila doon, hindi lang mga ano, mga NPA na iyon. So dito nadidisgrasya iyong—(underscoring supplied)*

*THE CHAIRPERSON (SEN. LACSON). Ano iyong best time for the parents para maagaw pa nila, iyong mas madali pang ma-retain iyong mga anak nila?*

*MR. PARLADE. The best time really, sir, is before enrollment. Before enrollment, sir. That is why we are engaging with the parent-teacher associations, with the Philippine National Police, sir, we are engaging the Catholic Educators Association of the Philippines to give us an opportunity to talk with student leaders. (underscoring supplied)*

*THE CHAIRPERSON (SEN. LACSON). Mayroon kayong programa niyan sa mga PTA na regular dialogue with them?*

*MR. PARLADE. Opo.*

*THE CHAIRPERSON (SEN. LACSON). Just to, sabihin natin, indoctrinate them also kung paano nila mapipigil iyong mga anak nila?*

*MR. PARLADE. Yes, sir.*

*THE CHAIRPERSON (SEN. LACSON). That is a vital information na pag nagsisimula ng maraming lakad na extra-curricular—Naranasan ninyo iyan, hindi po ba? At wala kayong malay doon na pala papunta. Sige, please continue. Sorry.*

*MR. PARLADE. Yes, sir. So we have this program. The thing is, we are prevented from doing a lot of things because of memorandum with—like the UP system and DND, we are prevented from going to UP and conduct dialogues with schools. This was way back 1989, Enrile time pa, sir. And, of course, there are memos from DepEd also preventing us from engaging other schools like iyong peace zone na iyan. Peace zone during the time of, I think, Secretary Luistro. It prevented us from engaging schools, teachers, and students; and educate them on how these things are being done by the CPP-NPA. So maraming ano, sir, maraming pwedeng ma-resolve—intervention ng Senate especially since some of these are nakabatas, laws and memos, circulars and a lot of things that's really preventing the government from doing what it*

*needs to do to de-radicalize students. So iyon po ang isang reason noon, noong sila ay dumulog sa aming opisina, sa J-7, civil-military operations naman kami. Sabi namin, this is about time so that more people will know what is going on. And with the help of PNP, probably we can reach out sa mga stakeholders natin, ang ating mga administrators para pag-aralan ito. Kasi hindi na pupwede na iyong dahil sa red tagging, takot nang gumalaw ang gobyerno. If you'll remember, sir, it was October when we exposed the 18 schools. At halos i-crucify nila ako dahil rined (red) tag daw namin iyong mga schools. Ito na iyon, ito na iyong sinasabi naming iyon. And continuously, we are engaging the administrators of the schools because they admitted that true enough, there's a lot of recruitment going on. But hindi nila alam kung ano ang gagawin nila. So I hope you can help us do our job. Iyong sinasabi ni sir—yes, winning the hearts is—it really starts with the parents and the students before they go to school. We educate them on what to expect and how to prevent our students from being recruited. X X X X" (underscoring supplied).*

#### **E. Corroborative testimonies of former rebels:**

From the foregoing exchange of discussion, one can distinctly see the pattern of behavior of militant organizations, and their vicious cycle of propaganda in enticing young, susceptible, curious, and adventurous students as their convenient prey who eventually fall into the web of deception and fabricated concept of social equality and freedom.

But as experience will tell us, young people close their ears to advice, but open their eyes to example, and learn a lesson.

Unfortunately, sometimes it is too late before one realizes how painful the lesson is.

Herein below are excerpts from the testimonies of former rebels who, like the missing minors, were also induced to hate, and eventually resist, the Government and became members of the NPA themselves, and lived a life with the "enlightened peasants in the countryside", but were however miserably misled and betrayed by the empty promises of a better life offered by the NPAs, and ended up with broken dreams and spirits:

##### *a. Agnes Reano:*

*Kung tatanungan ninyo po ako kung may recruitment sa school, definitely mayroon. Kami po ang konkretong batayan, buhay na*

*ebidensya na na-recruit ako, naging recruiter ako. Hindi ko po alam kung nasaan iyong mga na-recruit ko. Isa pa lang po ang namo-monitor ko pero out of the country na siya.*<sup>40</sup>

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*So parang year in, year out, day in day out, parang ganoon, lakad lang kami nang lakad, makikain, makikipondo, lahat ng "maki." Makikain, makikitulog, makikiligo, lahat na. Parang kinuwestyon ko. I questioned the very principal tenets of the movement. Am I really serving my people? Talaga ba akong nagsisilbi sa bayan? Kung nagsisilbi ako sa bayan, bakit iyong anak ng may anak, ni hindi ko maipagpaalam sa magulang at kailangan kong dalhin sa kabundukan? Kung talagang nagsisilbi ako sa bayan, bakit kailangan naming manggiyera? Wala namang personal na kasalanan ang sundalo sa akin, bakit uutusan mo akong ambushin (ambush) ito?*<sup>41</sup> (underscoring supplied).

b. Alvin Almonte Torrero:

*So bilang isang organizer po ng kabataan, ang nao-organize ko kasing kabataan noon kaya ko po sila nakukuha, iyong may mga galit sa magulang, tampo sa magulang, iyong yagit. Pagka po may yagit sa—Sa Biñan, Laguna po kasi pagka po may mga bata na hindi kumakain, binibigyan ko po ng pagkain. So ang nangyari po doon, pag nabigyan ko na sila ng pagkain, akin na po iyon. At pag iyon ay, kung tutuusin, pag iyon ay naging akin, bibigyan ko na po siya ng pag-aaral. Ito po ang mga batayan ko para ma-recruit ko ang kabataan.*<sup>42</sup>

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*Ito po, bilang isang organizer po ng kabataan at ng Kabataan Party-list, para po nakukuha namin iyong mga kabataan, kasi based din sa kahirapan ng mga magulang na mapagaral iyong kanilang mga anak doon sa PUP't UP. Kasi kapag ang isang bata kasi nangangarap iyan, "Gusto ko mag-aral sa PUP't saka sa UP, baka naman makagawa ako ng pamamaraan." So ang nangyayari, nasusundot po namin sila doon at nagbibigay po kami ng mga form sheet doon ng Kabataan Party-list. So ang nangyayari naman po doon, papasok sila sa League of Filipino Students or LFS. So doon, ang mangyayari is rally, rally. Kasi, sa UP kasi at saka sa PUP hindi ka naman pupwede diyan grumadweyt (graduate)*

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<sup>40</sup> TSN, August 14, 2019, page 13, 9:13 A.M.

<sup>41</sup> TSN, August 14, 2019, pages 14 to 15, 9:13 A.M.

<sup>42</sup> TSN, August 14, 2019, page 47, 9:13 A.M.

*na hindi ka sasama sa rally. Iyon po iyong akin. Iyon po iyong ginagamit.*

<sup>43</sup>

c. "Alem"

"X X X X X mga unang buwan ko po sa PUP simula po noong pasukan, makailang beses po na may pumapasok sa classroom namin, isang organizer, aktibista, ang pakilala niya siya ay mula sa organisasyong LFS o League of Filipino Students. Noong una po hindi pa ako nagkaroon ng interes na sumali doon pero ang nakakumbinsi sa akin na sumali o nagkaroon ako ng interes doon noong pinaliwanag nila iyong tungkol doon sa issue noong contractualization kasi sa mga panahon iyon contractual iyong nanay ko. Ten years na siyang contractual tapos parang ang pakiramdam ko, "Oo nga ano, contractual ang nanay ko, bakit nga ba?" Tapos nakita po noong organizer na parang may interes akong sumali o magtanong kaya ang ginawa niya kinulit niya ako nang kinulit para hindi man muna sumali mabigyan niya muna ng pag-aaral, mga discussion para daw po mas malinawan ako kung ano iyong tungkol doon sa contractualization. Ngayon po, pagka-June hanggang October, October po ako ng 2014 sumali sa LFS (League of Filipino Students). After po noon, pinaliwanag sa akin ang constitution and by-laws ng nasabing organization at pagkatapos binigyan ako ng paunang pag-aaral, iyong MKLRP, Maikling Kurso ng Lipunan at Rebolusyong Pilipino. Ang MKLRP po, mayroon po siyang apat na bahagi. Iyong unang bahagi po, iyong mayaman ang Pilipinas ngunit naghihirap ang sambayanang Pilipino. Pangalawa po ay ang kasaysayan ng Pilipinas kasaysayan ng tunggalian daw ng mga uri. Pangatlo, iyong tatlong ugat ng kahirapan, imperyaalismo, pyudalismo, at burukrata kapitalismo. At iyong pang-apat po, sa lahat ng problema daw po ng sambayanang Pilipino, ang tanging makakasagot lang, ang solusyon lamang ay ang digmang bayan. Digmang bayan, ibig sabihin po ang armadong pakikibaka. Ang mga mamamayan daw po mismo ang kinakailangang mag-armas, tapatan ang dahas daw diumano ng estado, baril laban sa baril.<sup>44</sup> (underscoring supplied).

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*May karanasan pa po kami doon. Nagkaengkuwento po sundalo at kami. Iyong mga kasamahan po namin may napatay silang civilian pero ang command sa amin ng aming commander, "Huwag ninyong sasabihin sa mga masa na tayo ang nakapatay niyan. Sabihin natin sundalo ang nakapatay niyan." At iyong napatay pa po naming civilian kakapakisuyo lang po namin na bilhan kami ng bigas. Simula po noon,*

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<sup>43</sup> TSN, August 14, 2019, Pages 49-50 10:03 A.M.

<sup>44</sup> TSN, August 14, 2019, Pages 64-65 10:23 A.M.

*isa po iyon sa mga nagpakita sa akin, parang sumampal sa akin na iyong organisasyong sinalihan mo hindi iyan iyong tamang gawin. Ako po nagawa ko pong talikuran iyong pamilya ko kasi akala ko tama iyong ginagawa ko. Akala ko nasa tamang direksyon ako. Akala ko iyong ginagawa ko makabubuti para sa lahat. Iyon ang tinatak nila sa isip ko. Pero pagbalik ko sa pamilya ko, wala namang nangyari. Sa ilang taon, tatlong taon ako halos na sumama-sama sa kanila. Ganoon pa rin iyong sitwasyon ng mga magulang ko, ng pamilya ko, kaya hindi totoo iyong mga sinasabi nila na magkakaroon ng malaking pagbabago.<sup>45</sup>* (underscoring supplied).

#### **F. Intervention by the Government:**

With these disheartening narratives and personal recounts of the former insurgents, it becomes imperative for the Government to intensify its remedial and interventional measures in order to finally put an end to this reprehensible cycle of deceptive recruitment of the student sector and save our young people from the hands of the CPP/NPAs/NDF and other radical groups.

Admittedly, the problem of youth insurgency is not new. It has been plaguing the society for years. However, efforts to completely curb this social ill have proved to be futile. Through the years, many of these young people have lost their lives in combat against the military<sup>46</sup>. Meanwhile, those who chose to spend their lives with the NPAs, are nowhere to be found and have remained to be incognito to their own families, the police and the military.<sup>47</sup>

The Government, aware of this fragile predicament of the students, has adopted programs to support the students in their academic life and exposures to various scholastic undertakings, particularly extra-curricular activities.

Aside from the police and military operations in monitoring, preventing and rescuing the youth from insurgents, the Committees took note of the concrete actions taken by the following Government agencies in response to the problem of student recruitment:

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<sup>45</sup> TSN, August 14, 2019, Pages 71TO 72 10:33 A.M.

<sup>46</sup> 1) John Carlo Capistrano who died in Luisiana, Laguna last February 14, 2019 was a member of Anakbayan UPLB, 2) Guiller Martin Cadano who died in Carrangian, Nueva Ecija last September 20, 2017 was a member of Kabataan Partylist UP Manila, 3) Josephine Lapira who died in Nasugbu, Batangas last November 28, 2017 was a member of Gabriela Youth UP Manila, and 4) Remy Beraye who died in Capiz last November 7, 2017 was a member of League of Filipino Students in Western Visayas State University. (Taken from the Opening Statement of Sen. Ronald "BATO" Dela Rosa, Second Public Hearing, August 14, 2019, p. 4).

<sup>47</sup> Alicia Jasper Lucena, Louvaine Erika Espina, Lorevie Caalaman, Trisha Antoniano, and Ghemaria Labsan. According to the case files submitted by CIDG.

1. Department of Education (DepEd) – The Department of Education (DepEd) formulates, implements, and coordinates policies, plans, programs and projects in the areas of formal and non-formal basic education. It supervises all elementary and secondary education institutions, including alternative learning systems, both public and private; and provides for the establishment and maintenance of a complete, adequate, and integrated system of basic education relevant to the goals of national development.<sup>48</sup> (underscoring supplied).

Added to DepEd's jurisdiction is the two years of Senior High School (SHS) pursuant to Republic Act 10533, or the Enhanced Basic Education Act of 2013.

As culled during the Committee investigations, DepEd has issued Department of Education Order No. 66, Series of 2017 that regulates the conduct of off-campus activities. It contains the guidelines on the supervision of co-curricular and extra-curricular off campus activities for public and private schools.

Under IV. Policy Statement of the said DepEd Order, all co-curricular and extra-curricular activities will adhere to the following:

1. "Ensure relevance and alignment with the educational competencies of the K to 12 Curriculum and leadership development of learners;
  2. Uphold child protection principles and that no learners shall be disadvantaged in any form; and
  3. Observe the safety and security protocols for all participants before, during and after the activity."
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2. Commission on Higher Education (CHED) – The Commission on Higher Education catalyzes a Philippine higher education system that is locally responsive and globally competitive and serves as a force for lifelong learning, innovation, and social and cultural transformation.<sup>49</sup>

In response to recruitment of members from the youth sector, CHED, as testified to by a CHED representative,<sup>50</sup> has identified the following programs that provide the necessary assistance to students, particularly on the issue of their recruitment:<sup>51</sup>

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<sup>48</sup> Mandate of the Department of Education, [www.deped.gov.ph](http://www.deped.gov.ph)

<sup>49</sup> CHED vision, mission and mandate, [www.ched.gov.ph](http://www.ched.gov.ph)

<sup>50</sup> Atty Cinderella Filipina Benitez Jaro, Executive Director, Commission on Higher Education.

<sup>51</sup> TSN, August 7, 2019, pages 55 to 57, 10:12 A.M.

1. CHED actively participates in a Task Force created to prevent armed conflicts;
  2. Peace education as part of the National Science Training Program (NSTP) course;
  3. CHED Memorandum Order 9, Series of 2013, Enhanced Policies and Guidelines on Student Affairs and Services
  4. CHED Memorandum Order 63, Series of 2017 Local Off Campus activities
3. Department Social Welfare and Development (DSWD) – The Department of Social Welfare and Development (DSWD) is mandated by law to develop, administer and implement comprehensive social welfare programs designed to uplift the living conditions and empower the disadvantaged children, youth, women, older persons, person with disabilities, families in crisis or at-risk and communities needing assistance.<sup>52</sup> (underscoring supplied).

"The DSWD is charged with the implementation of handling and treatment of children involved in armed conflict and also for the recovery and reintegration for trafficked persons. But as of now, x x x the Office of the Undersecretary for Inclusive and Sustainable Peace, is still in the process of developing a deradicalization program for these conditions. For now, x x x what we have is the implementation or interventions on the social protection and psychosocial interventions given to children involved in armed conflict. x x x<sup>53</sup>

The DSWD also issued a Memorandum Circular 11 in 2019, entitled: Revised Guidelines on the Implementation of Assistance to Individuals in Crisis Situations.<sup>54</sup>

This memorandum from DSWD specifically targets Former Rebels as one of the intended beneficiaries. The said program covers multiple dimensions of human life, necessary for the full re-integration of the former rebels into the community. Forms of assistance included are financial, material, medical, burial, educational, food, as well as cash for other purposes. DSWD also provides psychosocial intervention to aid former rebels in dealing with their psychological and emotional issues brought about by their previous circumstances. In the event that a particular assistance is not covered by the Crisis Intervention Unit/Section (CIU/CIS) or the Social Welfare and Development (SWAD) Office, the program also offers a system of Referral for Other Services.

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<sup>52</sup> [www.dswd.gov.ph](http://www.dswd.gov.ph), quoting from DSWD Aministrative Order No. 16, Series of 2011

<sup>53</sup> Testimony of Undersecretary Rene Glen Paje, TSN, August 14, 2019 Pages 157 to 158, 12:23 p.m. Translated from Filipino to English by this Committee.

<sup>54</sup> Memorandum Circular No. 11, Series of 2019, retrieved from:  
[https://www.dswd.gov.ph/issuances/MCs/MC\\_2019-011.pdf](https://www.dswd.gov.ph/issuances/MCs/MC_2019-011.pdf), retrieved on: September 3, 2019.

## **G. Partylist Representatives:**

One of the allegations established during the Committee hearings was the connection between the student activists and the Kabataan Partylist.

As a backgrounder on the partylist system, its mandate can be found in Article VI, Section 5, Paragraphs 1 and 2 of the 1987 Constitution, which provides:

1. The House of Representatives shall be composed of not more than two hundred and fifty members, unless otherwise fixed by law, who shall be elected from legislative districts apportioned among the provinces, cities, and the Metropolitan Manila area in accordance with the number of their respective inhabitants, and on the basis of a uniform and progressive ratio, and those who, as provided by law, shall be elected through a party-list system of registered national, regional, and sectoral parties or organizations.
2. The party-list representatives shall constitute twenty per centum of the total number of representatives including those under the party list. For three consecutive terms after the ratification of this Constitution, one-half of the seats allocated to party-list representatives shall be filled, as provided by law, by selection or election from the labor, peasant, urban poor, indigenous cultural communities, women, youth, and such other sectors as may be provided by law, except the religious sector.

Pursuant to this Constitutional mandate, Congress enacted Republic Act 7941, or The Partylist System Act.

"The party-list system is an innovation of the 1987 Constitution. It is essentially a tool for the advancement of social justice with the fundamental purpose of affording opportunity to marginalized and underrepresented sectors to participate in the shaping of public policy and the crafting of national laws. It is premised on the proposition that the advancement of the interests of the marginalized sectors contributes to the advancement of the common good and of our nation's democratic ideals. (underscoring supplied).<sup>55</sup>

The noble intention of the Constitution and RA 7941 on the partylist system is the broadest participation of cause-oriented parties in policy making, and the opportunity to shape plans and programs for development. Thus, its existence must serve the common welfare of the sector or constituents it represents.

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<sup>55</sup> Dissenting opinion of Justice Renato Corona in "Ang Ladlad LGBT Party vs. Comelec" G. R. no. 190582, April 8, 2010). Retrieved from: [https://www.lawphil.net/judjuris/juri2010/apr2010/gr\\_190582\\_2010.html](https://www.lawphil.net/judjuris/juri2010/apr2010/gr_190582_2010.html), retrieved on September 3, 2019.

As explained by the Supreme Court in the case of Atong Paglaum Inc., vs. Commission on Elections<sup>56</sup>:

"There is no requirement in R.A. No. 7941 that a national or regional political party must represent a "marginalized and underrepresented" sector. It is sufficient that the political party consists of citizens who advocate the same ideology or platform, or the same governance principles and policies, regardless of their economic status as citizens."

The Committees recognize the wisdom of the above-quoted decision of the Highest Tribunal. The Party List representation system is indeed a vehicle for people to voice out their sentiments, opinions and beliefs in the mainstream of policy-making. It is indeed one of the tenets of democratic processes. In the words of the late Chief Justice Corona, "it is a platform for the realization of the aspirations of marginalized sectors whose interests are, by nature and history, also the nation's but which interests have not been sufficiently brought to public attention of these sectors' underrepresentation."<sup>57</sup>

However, the Committees are not unaware of the many criticisms against this system. One of which is the allegation that some partylist organizations are communist fronts.<sup>58</sup> It was even reported that a Petition for the Cancellation of Registration of NPA linked groups was filed before the Commission on Elections.<sup>59</sup> Reports further say that the advocacies of some partylist groups are consistent with the aims of the Communist Party of the Philippines-New People's Army.<sup>60</sup>

Is this mere coincidence that the complaints of the mothers of the missing minors presented in this Report involve some partylist groups that were mentioned in the news as linked with the CPP-NPA?<sup>61</sup>

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<sup>56</sup> G.R. No. 203766, April 2, 2013

<sup>57</sup> Dissenting opinion of Justice Renato Corona in "Ang Ladlad LGBT Party vs. Comelec" G. R. no. 190582, April 8, 2010). Retrieved from:  
[https://www.lawphil.net/judjuris/juri2010/apr2010/gr\\_190582\\_2010.html](https://www.lawphil.net/judjuris/juri2010/apr2010/gr_190582_2010.html), retrieved on September 3, 2019.

<sup>58</sup> [https://www.philstar.com/headlines/2018/12/25/1879735/dont-support-leftist-party-list-groups-palace\\_Alexis\\_Romero](https://www.philstar.com/headlines/2018/12/25/1879735/dont-support-leftist-party-list-groups-palace_Alexis_Romero) , December 25, 2018

<sup>59</sup> <https://www.pna.gov.ph/articles/1068361> Comelec urged to cancel registration of NPA-linked partylist groups, by Benjamin Pulta, April 27, 2019

<sup>60</sup> <https://tribune.net.ph/index.php/2019/04/11/junk-red-house-fronts/> Junk Red House Fronts, by Chito Lozada, April 11, 2019.

<sup>61</sup> Official case files of PNP-CIDG, endorsed to the Department of Justice, dated August 1, 2019. p.3.

Given this glaring reality, how do we secure the young people from their affiliations with these left-leaning partylist organizations and their revolutionary influences?

With these developments, significant remedial measures must be adopted in order to correct the critical flaws in the partylist law. A thorough review is crucial in order not to frustrate the noble purpose of the law on partylist representation, and that is to serve and protect the needs of the sector that it represents.

#### **H. The Elephant in the Room: Why the Youth?**

Confronted with all these discussions on minors going missing and being recruited by left-leaning organizations, it is therefore of foremost importance to ask the obvious question: why are the youth being targeted for recruitment into these organizations? Needless to say, the concerted efforts of these groups do appear to be directed towards young people, particularly minors who have just started Senior High School. And yet, the burning question remains: why?

Perhaps, a portion of M/Gen. Antonio Parlade Jr.'s testimony from the Second Public Hearing may help shed light on this. According to Parlade of the AFP, the Communist Party of the Philippines zeroes in on the youth for the sake of what Parlade calls the CPP's 'grand plan': the goal is to recruit 20,000 to 40,000 students all over the Philippines, comprising around 56 chapters in the country.<sup>62</sup>

In light of this testimony, therefore, the Committees can say that the recruitment of young people, many of them minors, is simply a goal to be met for the CPP-NPA. That these minors were recruited can no longer be shrugged off as random or circumstantial. Instead, the Committees say that the recruitment of these minors constitutes a decisive step for the CPP-NPA to take one step closer to its goal of accumulating thousands of young people in its membership.

It is worthy to note that the Philippines is a signatory to the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (OPAC), also known as the child soldier treaty. Article 4 of the said treaty forbids non-state armed groups, under any circumstances, from recruiting or using in hostilities anyone under the age of 18. Furthermore, it mandates the State Parties to take all feasible steps to prevent such recruitments and use, including the adoption of legal measures necessary to prohibit and criminalize such practice.<sup>63</sup>

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<sup>62</sup> TSN, August 14, 2019, pp.149-150, 12:13 PM.

<sup>63</sup> Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts; Adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of 25 May 2000, entered into force on 12 February 2002.

The CPP through the NDF said that the the CPP Executive Community has issued the "Memorandum on the Minimum Age Requirement for NPA Fighter's reaffirming the minimum age of 18 for NPA fighters".<sup>64</sup> However, a careful reading of the said Memorandum<sup>65</sup> will show that they allow recruitment of children below 18 years of age as their combatant, to wit:

"Any person not less than 15 years of age may be admitted as a trainee or apprentice of the new People's Army and may be assigned to self-defense, militia and other non-combatant units and tasks.

In the event of enemy aggression against or encroachment on the territory of the people's democratic government, all persons above 15 years of age may be mobilized for self-defense, provided that priority among those below 18 years of age but not more than 15 years of age shall be given to the eldest ones in the distribution of weapons for self-defense."

The communist-terrorist groups would like us to believe that only in case of "self-defense" would they mobilize children below 18 years of age. Would the on-going crack down of their ranks by government forces warrant their self-defense mobilization and thus necessitating the use of minor children as combatants? Should we not consider this as a blatant violation of OPAC and numerous municipal criminal laws?

## V. CONCLUSION:

After an in depth-analysis of the testimonies and affidavits of the resource persons, including the documents formally submitted to the Committees, the following are the established conclusions:

1. School administrators and teachers of students who are still minors are bound by law to exercise "special parental authority" while the latter are in their custody in school. And this authority extends even to authorized activities outside the school premises;
2. The right of the student sector to voice out their sentiments, opinions and beliefs, and to participate in legitimate organizations, are well within the Constitutional boundaries. It is in fact guaranteed by the Highest Law of the land which encourages the youth's "involvement in public and civic affairs."<sup>66</sup> There is a need, however, to scrutinize the activities of the youth, specially the

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<sup>64</sup> <https://www.philstar.com/nation/2017/09/04/1735763/army-unit-claims-npa-using-child-soldiers-ilocos-sur>, September 4, 2017

<sup>65</sup> <http://www.bannedthought.net/Philippines/CPP/1999/MinimumAgeForNPA-991015.pdf>, retrieved on September 7, 2019

<sup>66</sup> Section 13, Article II of the 1987 Constitution

student sector, be it inside or outside the campus, so as to ensure their security, safety and well-being.

3. The issue of recruitment of minors as combatants by the communist-terrorist-groups is an age-old problem. There have been numerous reports in the past that claimed that the CPP/NPA terrorists deliberately recruit teenagers as their manpower for armed struggle against the Government.
4. The youth/student sector is the prospective recruits of the communist groups and its affiliates. The cycle employed is "Arouse, Organize and Mobilize". This is the cycle wherein students are invited to lectures/fora/discussions on campus issues, which will later tackle more serious and relevant social problems that would instigate restlessness and agitation among the young people. Indoctrination of communist ideology then takes place. Thereafter, students are invited to undergo "immersion programs" where they personally experience dealing with poor communities and realize the "inability" of the Government to uplift the lives of the people in the countryside. Those students who choose to return to school after their "exposure" to the rural areas continue the agitation and recruitment propaganda with other students, while those who choose to stay with the NPAs are further indoctrinated, eventually become hardcore members, and are mobilized in the armed struggle in the countryside.
5. Unabated recruitment and indoctrination of vulnerable young students inside and outside the premises of universities and campuses, is a dangerous path to trek. This is obviously a deviation from the intended purpose of educating our youth. While it is not wrong to awaken the minds of our young people to the nuisances and maladies in society, they should not, however, be misled in finding the right solutions. More importantly, students should never be taught to take the law into their own hands in order to attain the "justice" that they believe in.
6. The Government should not be treated as the enemy of the people. Neither shall the Government treat young students as obstructionists of the State. However, universities / colleges / schools should be ever vigilant in its role to be the nuclei of academic excellence and progress for their students. And as such, campus premises should not be the centre for recruitment and cradle of militant discourses and misplaced ideologies for the masses. Otherwise, this malady will definitely produce students who will eventually be antagonists of the State. Thus, in the end, indoctrination of communist ideology will ultimately destroy the future of the youth of this country.
7. The only way to save the youth from being recruited to and being part of the communist group, is to prevent them from falling into its deceptive trap. Parents, students, teachers, school administrators must be made aware of the warning signs of recruitment by these militant groups. And this could be achieved through constant dialogues with the police and the military on how to maintain the campuses free from communist recruitment.

8. School management and the police and military forces should work together in ensuring the safety of the students and making the school zone free from crimes and extremism. One way to achieve this is for the school authorities to occasionally allow the police force access to campus premises, with the police force exercising utmost observance and respect of the rights and interests of the students and the rest of the members of the academe, the staff and authorized visitors therein.
9. The Commission on Higher Education, Department of Education and the Department of Social Welfare and Development have existing programs that regulate the authorized activities of the students within and outside the premises of the universities and campuses. There is a need however to further develop plans and programs to deradicalize young students whose minds have been unduly exposed to extremist ideology and actions, and to assist them to return to normal student life.
10. There are Partylist groups which advocate communist ideologies. They espouse principles that give semblance to democratic values and doctrines, but with the real ultimate goal of overthrowing the Government. They take advantage of the seeming "helplessness" of the masses amidst the social ills, and stir discontent and disgruntlement against the Government. These Partylist organizations, although legal in character, employ devious means to lure the people to support them. Sadly, even young minds are exploited and the students are used as bufferzones by these organizations which coddle them and train them to embrace the life of armed combatants of insurgent groups. It is unfortunate therefore, that some Partylist groups use democracy to destroy democracy.

## **VI. RECOMMENDATIONS:**

The Committees, after careful study and scrutiny of the issues at hand, respectfully recommend the following administrative and legislative actions:

### **A. Administrative Actions:**

1. Increased / intensified internal security enforcement in schools

In order to strictly monitor the events within the campus premises, and the legitimate participants thereof, meticulous and stringent security enforcement inside the school should be observed. Administrators, students, staff, authorized visitors should, at all times, be protected from harm, harassments, and terrorism. School buildings, properties, including parking lots, should likewise be secured from attacks or threat of attacks from unscrupulous individuals.

In this regard, existing CHED and DepEd Orders on school security policies must be adhered to at all times.<sup>67</sup>

2. Police visibility around and within the campus' premises:

Amidst threats of terrorism, prevalence of recruitment of students as armed combatants, increased criminality rates, reported incidence of drug-related problems within the campus, there is a justified need for the school authorities to occasionally allow the presence of a reasonable number of police forces in the school premises at an acceptable designated time.

In relation with the issue of recruitment of students by insurgents, it is noteworthy to state that what is being monitored is not the expression of ideologies in whatever form (rallies, demonstrations, and other related activities), but the possibility and imminent danger on the part of the students to actually join the insurgency and take arms against the duly constituted authorities in the Government.

While the Committees value and recognize the right of expression and academic freedom, the exercise of these rights should observe lawful limitations, and should not, at any time, sacrifice the rights and interests of the youth who may end up as armed combatants for the communist groups.

3. Stringent regulations on the issuance of student Identification Cards:

One identified source of the problem regarding the unrestricted entry of unauthorized visitors and intruders in campuses who pose a threat to the security of the campus populace is the lax security procedure in identifying certified and registered students (and their parents), teaching staff, administrative personnel, and even school administrators.

It is imperative, therefore, for every school to adopt an efficient, reliable and secured identification system.

4. Strictly implement Department of Education Order No. 66, Series of 2017 and CHED Memorandum Order 63, Series of 2017 that regulate the conduct of off-campus activities.

Authorized activities of student and their teachers/professors outside the premises of universities and campuses must adhere to the guidelines of DepED Order 66, Series of 2017, and CHED Memorandum Order 63, Series of 2017.

Due diligence should be observed by school authorities in the conduct of off-campus activities. Failure to do so would cause imposition of corresponding administrative sanctions.

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<sup>67</sup> CHED Memorandum Order No. 09, Series of 2013, (retrieved from [www.ched.gov.ph](http://www.ched.gov.ph)), and DepEd Order 44, Series of 2005 (retrieved from [www.deped.gov.ph](http://www.deped.gov.ph) ).

It is highly recommended that an amendment to aforesaid orders should be introduced to reflect the specific penalties that may be meted out for failing to strictly conform on the provisions of the said orders.

5. CHED and DepEd should look into the possible liabilities of school administration and teachers.

In relation with the case of the grieving parents presented to the Committees, DepEd (which has jurisdiction over the case of missing minors, who were in Grade 11 at the time of the recruitment) must conduct a thorough investigation on the possible administrative liabilities of teachers and/or school administrators of the universities where the minors are enrolled.

Same investigations should likewise be conducted by the CHED as to the reported continuing recruitment of students in Higher Education Institutions (HEI) and determine the probable liabilities of the school administrators and teachers.

6. AFP / PNP to conduct seminars/lectures to students and parents on "Arouse, Organize, Mobilize", and career orientation in the law enforcement sector.

In coordination with the AFP and the PNP, school administrators should come up with a continuing program where lecture series on how to detect insurgency elements in schools, will be included in the authorized activities of schools and universities. This awareness campaign on "Arouse, Organize and Mobilize" should be participated in by parents, students, teachers, school administrators, and staff, and even by local barangay officials having jurisdiction over the schools.

The Military and Police should be given opportunity to conduct career orientation in schools to encourage students to pursue studying law enforcement related courses. By introducing the important role of law enforcement agencies in maintaining peace and order in the country, the youth/students might be sufficiently equipped with knowledge so as not to fall as victims of the recruiters of the communist-terrorist groups.

7. Regular review of academic curriculum / modules, and monitoring and evaluation of school activities:

Without undermining the right to academic freedom, and recognizing the autonomous or deregulated status of some Private Higher Education Institutions<sup>68</sup>, DepEd and CHED must exercise its regulatory and supervisory powers in reviewing

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<sup>68</sup> CHED Memorandum Order No. 52, Series of 2006

schools' curricula, syllabus, and / or Daily Lesson Log, to ensure that principles and values of patriotism, cultural enrichment and historical preservation are included and being taught.

CHED and DepEd must likewise conduct verification, monitoring and investigations on the activities within academic institutions where there are sensational issues or problems raised against them by students, teachers or other interested parties.

In this regard, schools mentioned in this Report should be investigated as to the reported recruitment activities of minor students within the premises of their campuses. Should evidence warrant, corresponding administrative sanctions should be meted out against erring and negligent school administrators.

#### 8. Investigation of allegations against teachers:

The DepEd and CHED should issue an Administrative Order mandating School Administrators to initiate thorough administrative investigations on the allegations against teachers who instigate their students to participate in rallies and street demonstrations that advocate radical and subversive ideologies. Should the facts and evidence warrant, appropriate administrative sanctions should be meted out.

#### 9. Adopt psychological de-briefing / de-radicalization program for the students:

The Department of Social Welfare and Development, in coordination with the Philippine National Police and the Armed Forces of the Philippines, should come up with a de-radicalization program / briefing for minors who have been recruited and indoctrinated by, and immersed with, communist groups.

Integrated into this de-radicalization program is the DSWD Memorandum Circular No. 11, Series of 2019, where former rebels are now given the opportunity to be re-integrated into society, covering multiple dimensions of human life – financial, material, psychosocial, and other aspects necessary for their full return into the community.<sup>69</sup>

As issued, DSWD Memorandum Circular No. 11 is more focused on distributing financial assistance to former rebels. As such, there is a need for the DSWD, in coordination with the Department of Health and law enforcement agencies, to implement a program that is mainly concentrated on providing psychosocial intervention and de-radicalization.

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<sup>69</sup> See discussion of the Memorandum on p.19 of this Committee Report.

10. Further investigation of recruiters:

The Committees deem appropriate that the recruiters of the minor students, namely: Charie del Rosario, Bianca Gacos, Jayroven Villafuente Balais, Vencer Crisostomo, Einsten Recedes, Alex Danday, Erika Cruz, and Rep. Sarah Elago be further investigated, and when there is sufficient evidence, charged with violation of the following laws:

- a. Article 271 (*Inducing a minor to abandon his home*) of the Revised Penal Code, to wit:

Article 271. *Inducing a minor to abandon his home.* - The penalty of prisjon correccional and a fine not exceeding seven hundred pesos shall be imposed upon anyone who shall induce a minor to abandon the home of his parent or guardians or the persons entrusted with his custody. If the person committing any of the crimes covered by the two preceding articles shall be the father or the mother of the minor, the penalty shall be *arresto mayor* or a fine not exceeding three hundred pesos, or both.

- b. Republic Act No. 11188 or the Special Protection of Children in Situations of Armed Conflict, to wit:

Sec. 9. *Prohibited Acts and Penalties* –

xxx

(b) The following acts of grave child rights violations are also hereby prohibited:

(5) Recruitment, conscription or enlistment of children into government forces and other armed groups;

- c. Republic Act No. 7610 or the Special Protection of Children Against Abuse, Exploitation and Discrimination, to wit:

Sec. 10. *Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child's Development.* -

- a. Any person who shall commit any other acts of child abuse, cruelty or exploitation or to be responsible for other conditions prejudicial to the child's development including those covered by Article 59 of Presidential Decree No. 603, as amended, but not covered by the Revised Penal Code, as amended xxx

- b. Any person who shall keep or have in his company a minor, twelve (12) years or under or who in ten (10) years or more his junior in any public or private place xxx
  - c. Any person who shall induce, deliver or offer a minor to any one prohibited by this Act to keep or have in his company a minor as provided in the preceding paragraph xxx
- d. Republic Act No. 9851 or the Philippine Act on Crimes Against International Humanitarian Law, Genocide, and Other Crimes Against Humanity, to wit:

Sec. 4 (c) (24) (ii) and (iii)

(c) Other serious violations of the laws and customs applicable in armed conflict, within the established framework of international law, namely:

(24) Committing any of the following acts:

(ii) Conscripting, enlisting or recruiting children under the age of eighteen (18) years into an armed force or group other than the national armed forces; and

(iii) Using children under the age of eighteen (18) years to participate actively in hostilities;

## 11. Inter-agency Task Force to search and rescue missing students:

An Inter-Agency Task Force should be created composed of the DepED, CHED, AFP, PNP, DSWD, CHR and other concerned government agencies and private institutions to investigate other students that might have been recruited by communist-terrorist groups and provide protocol to search and rescue them without compromising the security of the latter and their respective families.

This proposed Inter-Agency Task Force should closely coordinate with the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) created on December 2018 under Executive Order 70<sup>70</sup>, which is mandated to formulate and implement the National Peace Framework.<sup>71</sup>

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<sup>70</sup> Institutionalizing the Whole-of-Nation Approach in Attaining Inclusive and Sustainable Peace, Creating A National Task Force to End Local Communist Armed Conflict, and Directing the Adoption of A National Peace Framework

<sup>71</sup> Section 4 (a), Executive Order 70, Series of 2018.

## **B. Legislative Action:**

The Committees likewise respectfully recommend the following legislations to be introduced:

1. Amendments to Republic Act 11188 otherwise known as Special Protection of Children in Situations of Armed Conflict".

There must be a provision that would clearly define the recruitment process among children in schools, as well as in other places, by insurgent groups in order to expand the coverage of "recruitment" of children in armed conflict;

Provisions on de-radicalization must likewise be introduced into this law, and should be integrated into the wholistic rehabilitation of the children in armed conflict.

2. Amendments to Republic Act 9208, otherwise known as the Anti Trafficking in Persons Act of 2003

A legislative proposal should be initiated to consider recruitment of children for the purpose of engaging him or her in armed combat as falling within the ambit of "qualified trafficking in person" where a higher penalty is meted out to those who will be held liable.

3. A legislative measure should be drafted that would institutionalize preventive measures that would protect the student sector, out of school youth, young workers/peasants, and young professionals, from all devious schemes of recruitment into revolutionary and communist movement. An inter-agency commission should be created for this purpose, tasked to integrate policies, programs and activities aimed at curbing the recruitment cycle employed by the insurgent groups.

In the same measure, a wholistic program should likewise be formulated for the deradicalization of young people who have been part of the revolutionary movement, and provide socio-economic assistance for their eventual reintegration into the mainstream of the society.

4. There must be legislative measures that would amend Republic Act 7610, or The Special Protection of Children Against Abuse, Exploitation, and Discrimination Act" that would include within the ambit of "child trafficking" the recruitment, indoctrination and immersion of children in communist-insurgent movement and activities.

5. Bills should be drafted institutionalizing Department of Education Memorandum Order 66, Series of 2017, defining the parameters to be observed by all private and public schools, universities and colleges in regulating co-curricular and extra-curricular off campus activities, expressly providing penalties in case of violation thereof.
6. Amendments to Republic Act 7941 otherwise known as the "Party-List System Law" should, after observing due process of law, focus on the outright refusal or cancellation of registration of any national, regional or sectoral party, organization or coalition that advocates subversive dogma, and pursuant thereof, undertakes criminal acts towards this goal.
7. Legislation is urgently needed to address the terror, violence and lawlessness perpetrated by the members of the communist-terrorist groups among the people. The Government should not be left completely defenseless in the face of extremism which has adversely affected the peace and order situation in the country through the years.

It is therefore imperative to amend Republic Act 9372 otherwise known as "The Human Security Act" by including within the ambit of the definition of terrorism, any criminal act committed pursuant to subversive dogma, in order to coerce the government to give in to an unlawful demand.

8. Congress should support the National Task Force to End Local Communist Armed Conflict created under Executive Order 70, Series of 2018, by providing the necessary funds for the implementation of the programs, plans and activities pursuant to the National Peace Framework, as mandated under this Executive Order.

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Respectfully submitted:

**Chairpersons**

*will not release*  
**SENATOR PANFILO M. LACSON**  
Committee on National Defense and  
Security, Peace, Unification and  
Reconciliation  
**Vice Chair**, Committee on Public Order  
and Dangerous Drugs

*will not release*  
**SENATOR RONALD "BATO" DELA ROSA**  
Committee on Public Order & Dangerous  
Drugs  
**Vice Chair**, Committee on National  
Defense and Security, Peace, Unification  
and Reconciliation

**Vice-Chairpersons**

*will not release*  
**SENATOR FRANCIS "TOL" N.  
TOLENTINO**  
Committee on National Defense and  
Security, Peace, Unification and  
Reconciliation  
**Member**, Committee on Public Order &  
Dangerous Drugs

*will not release*  
**SENATOR CHRISTOPHER "BONG" GO**  
Committee on National Defense and  
Security, Peace, Unification and  
Reconciliation  
Committee on Public Order & Dangerous  
Drugs

*will not release*  
**SENATOR EMMANUEL "MANNY" D.  
PACQUAIO**  
Committee on National Defense and  
Security, Peace, Unification and  
Reconciliation  
**Member**, Committee on Public Order &  
Dangerous Drugs

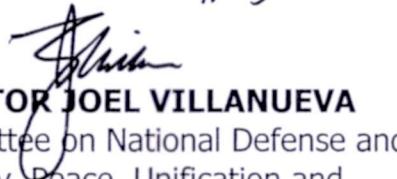
*will not release*  
**SENATOR RICHARD J. GORDON**  
Committee on National Defense and  
Security, Peace, Unification and  
Reconciliation  
**Member**, Committee on Public Order &  
Dangerous Drugs

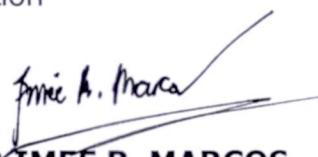
**SENATOR GRACE POE**

Committee on National Defense and Security, Peace, Unification and Reconciliation

*Members*

  
**SENATOR MANUEL "LITO" M. LAPID**  
Committee on National Defense and  
Security, Peace, Unification and  
Reconciliation

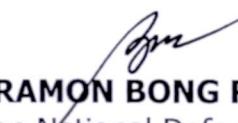
  
**SENATOR JOEL VILLANUEVA**  
Committee on National Defense and  
Security, Peace, Unification and  
Reconciliation

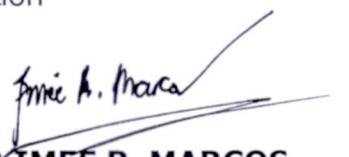
  
**SENATOR IMEE R. MARCOS**  
Committee on National Defense and  
Security, Peace, Unification and  
Reconciliation

  
**SENATOR SONNY ANGARA**  
Committee on National Defense and  
Security, Peace, Unification and  
Reconciliation

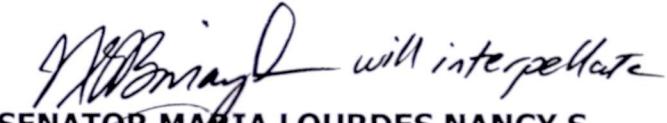
  
**SENATOR CYNTHIA A. VILLAR**  
Committee on National Defense and  
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Reconciliation

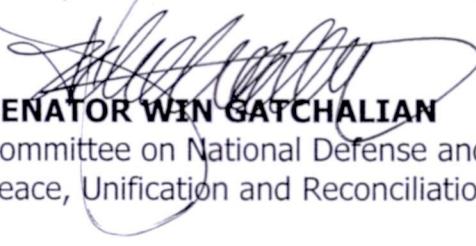
  
**SENATOR FRANCIS N. PANGILINAN**  
Committee on National Defense and  
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Reconciliation

  
**SENATOR RAMON BONG REVILLA JR.**  
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Committee on Public Order & Dangerous Drugs

  
**SENATOR RISA HONTIVEROS**  
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Peace, Unification and Reconciliation; and  
Committee on Public Order & Dangerous Drugs

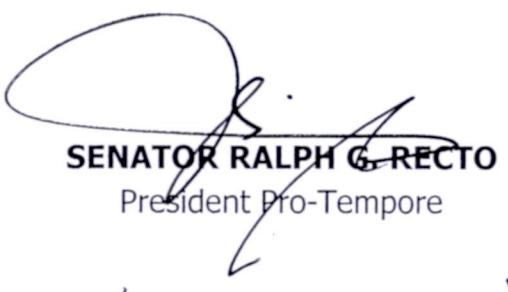
  
**SENATOR LEILA DE LIMA**  
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Committee on National Defense and Security,  
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**SENATOR AQUILINO "KOKO" LL. PIMENTEL  
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Committee on National Defense and Security,  
Peace, Unification and Reconciliation

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President Pro-Tempore

  
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Majority Leader

**HON. VICENTE C. SOTTO III**  
Senate President

  
**SENATOR FRANKLIN M. DRILON**  
Minority Leader

*only for purposes of  
submitting the Report for  
plenary debates/consideration*