



PERMANENT MISSION OF THE REPUBLIC OF THE PHILIPPINES
TO THE UNITED NATIONS AND OTHER INTERNATIONAL
ORGANIZATIONS, GENEVA

NV-CDS-396-2023

The Permanent Mission of the Republic of the Philippines to the United Nations and Other International Organizations in Geneva presents its compliments to the Special Procedures Branch, Office of the High Commissioner for Human Rights, and has the honor to refer to the latter's letter dated 08 May 2023 transmitting the Joint Communication from the Special Rapporteur on human rights defenders, the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment, and the Special Rapporteur on the rights of Indigenous Peoples concerning the case of Mr. Florence Kang, Mr. Niño Joseph Oconer, Ms. Lucia Lourdes Gimenes, Ms. Jennifer Awingan-Taggaoa, Mr. Windel Bolinget, Mr. Stephen Tauli and Ms. Sarah Abellon Alikes.

The Permanent Mission has further the honor to transmit the enclosed Written Response of the Government of the Republic of the Philippines to the above-mentioned Joint Communication. The Government of the Philippines wishes to emphasize that due process, the rule of law and respect for human rights are observed in the country's judicial system and that measures to prevent and guarantee an enabling environment for the work of human rights defenders are in place and functioning.

The Permanent Mission of the Republic of the Philippines to the United Nations and Other International Organizations in Geneva avails itself of this opportunity to renew to the Special Procedures Branch, Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 18 September 2023

Office of the High Commissioner for Human Rights

Attention: Special Procedures Branch

Palais des Nations, 1211 Geneva 10, Switzerland

Email address ohchr-registry@un.org



**Written Response of the Government of the Republic of the Philippines on
Joint Communication (AL PHL I/2023) from the UN Special Rapporteur on the
Situation of Human Rights Defenders, UN Special Rapporteur on Human
Rights Obligations relating to a Clean and Sustainable Environment, and UN
Special Rapporteur on the Rights of Indigenous Peoples**

The Government of the Republic of the Philippines refers to the enclosed Joint Communication (AL PHL I/2023) dated 8 May 2023 from Ms. Mary Lawlor, UN Special Rapporteur (SR) on the Situation of Human Rights Defenders, Mr. David Boyd, SR on Human Rights Obligations relating to a Clean and Sustainable Environment, and Mr. Jose Francisco Cali Tzay, SR on the Rights of Indigenous Peoples, pertaining to the following persons:

- 1) Mr. Florence Kang
- 2) Mr. Niño Joseph Oconer
- 3) Ms. Lucia Lourdes Gimenes
- 4) Ms. Jennifer Awingan-Taggaoa
- 5) Mr. Windel Bolinget
- 6) Mr. Stephen Tauli
- 7) Ms. Sarah Abellon Alikes

Additional Information and/or Comments on the Criminal Case

As conveyed by the Philippine Department of Justice, the Regional Trial Court of Abra granted on 11 May 2023 the Urgent Motion to Quash filed by subject persons seeking their exclusion from the Information charging them with rebellion (Criminal Case No.2023-004) and the quashal of the warrants of arrest issued against them. In view of the favorable action on their Motion to Quash, the Regional Trial Court of Abra dismissed the criminal case of rebellion against subject persons.

Observance of Due Process

The Government of the Philippines underscores that due process, rule of law and respect for human rights are observed in the country's judicial system.

The Government of the Philippines adheres to the rule of law and trusts in the criminal justice system that perpetrators of crimes will be prosecuted in accordance with law. While some cases are invariably dismissed due to lack of evidence without prejudice to refiling of cases once additional evidence is obtained, this is proof positive of the respect for supremacy of justice in the Philippines.

The filing of criminal cases against offenders is based on the totality of evidence adduced by investigators and prosecutors, and is expected to garner conviction for the crime committed. Observance of due process and criminal procedure are ensured in the trial of cases, and the weight of evidence is thus considered by the court.

On the allegation of deprivation of due process

On the allegation of deprivation of due process, the Government of the Philippines informs the UN Special Rapporteurs that due process was observed and that the action by the prosecution office was based on the totality of evidence submitted during the course of the investigation.

Measures to prevent harassment, arbitrary arrests, attacks, threats and killings against human rights defenders and to guarantee the establishment of a safe and enabling environment for the work of human rights defenders

1. Writ of Amparo and Habeas Data

Pursuant to Article 8 of the Universal Declaration of Human Rights, the Philippines' independent judiciary provides for accessible independent protection mechanisms, such as the Writ of Amparo and Habeas Data, for acts that violate fundamental rights granted by the Constitution of the Republic of the Philippines. The court-issued Writ of Amparo and Habeas Data ensure the protection of rights enshrined in the Philippine Constitution such as the rights to life, liberty, security and privacy. In addition, a person may file a case in Court for threats or coercion pursuant to Article 282-289 of the Revised Penal Code of the Philippines.

2. Filing of criminal case in Court for threats (Article 282 of the Revised Penal Code of the Philippines) and coercion (Article 289 of the Revised Penal Code of the Philippines)

Filing a criminal case in Court for threats and coercion is a remedy available for the protection of another against any person who shall threaten another with the infliction upon the person, honor or property of the latter or of his family of any wrong amounting to a crime.

3. Supreme Court's Rules of Procedure on Environmental Cases

In cognizance of greater public participation in environmental protection, the Supreme Court issued Rules of Procedure on Environmental Cases. These Rules are geared toward greater public participation in environmental cases as well as the protection and defense of any person involved in the enforcement of environmental laws, protection of the environment or assertion of environmental rights.