

**Farmer and his two children killed, another wounded
in massacre by 49th IB soldiers in Labo, Camarines Norte,
Bicol, Southern Luzon, Philippines**

UA No: 2012-03-01

- UA Date** : March 7, 2012
- UA Case** : **Massacre, Frustrated Killing, Violation of the International Humanitarian Law, Violation of the Rights of the child, Violation of the Comprehensive Agreement on the Respect of Human Rights and the International Humanitarian Law (CARHRIHL)**
- Victims** : **Massacre, Violation of IHL, CARHRIHL**
BENJAMIN MANCERA
54 years old, farmer
- Violation of the Rights of the Child*
MICHAEL MANCERA
10 years old
- RICHARD MANCERA**
Seven years old
- RAFAEL LLANTINO aka "Ka Pedro"**
29 years old, New People's Army member
- Frustrated Killing, Violation of the Rights of the Child, Threat/Harrassment/Intimidation*
- LEONISA MANCERA**
14 years old
- Threat/harrassment/intimidation*
LOURDES MANCERA
Wife of Benjamin, mother of Michael, Richard, Leonisa
Employed as household help in Manila
- The Manceras are residents of Sitio (sub-village) Mapatong, Malaya village, Labo, Camarines Norte
- Place of Incident** : Sitio Mapatong, Malaya village, Labo, Camarines Norte
- Date of Incident** : February 25, 2012
- Alleged Perpetrator(s)** : Soldiers of the 49th Infantry Battalion led by Lt. Salvador Pabor and based in Tulay na Lupa, Labo, Camarines Norte, under the command of Lt. Col. Epimaco Macalisang

Account of the Incident:

Four people –three civilians, including two children and an NPA rebel – were killed in a massacre by soldiers of the 49th Infantry Battalion in Labo, Camarines Norte on Feb. 25. Those killed were Benjamin Mancera, 54 y.o., farmer, Michael Mancera, 10 y.o. Richard Mancera, seven y.o. and Rafael Llantino *aka* “*Ka Pedro*”, 29 years old, New People’s Army member.

Despite claims by the military that they were slain in a crossfire between the government troops and the New People’s Army, results of the fact-finding mission (FFM) conducted by the regional and provincial chapters of Karapatan in Bicol and Camarines Norte, respectively, show that it’s another case of the military’s wanton disregard of civilian lives, as it pursued and tried to destroy its enemies. It is a violation of the international humanitarian law, which provides protection for civilians and their properties, and should be distinguished from combatants.

Aware of their own crime, the military tried to cover up the killings by labelling Benjamin as an “NPA militia” – a claim disproved by the Malaya residents and village officials, with the latter issuing a certificate that Benjamin was a civilian. The military attempted to hide and take into their custody the wounded survivor Leonisa, 14 yo after keeping her under tight guard as she recovered at the hospital.

From the FFM’s interview with Leonisa Mancera, it was learned that in the afternoon of February 25, she was sitting in the living room near the door while her father was asleep, and her brother Richard was playing; Michael was in the bedroom doing homework. An NPA member, whom Leonisa knew as “Ka Pedro” was also resting in the kitchen, near the back door. Leonisa saw a soldier with a rifle approach their house, so she roused Benjamin, who peeked at the door. As soon as he went back in, they heard a gunshot, followed by a volley of gun fire. Benjamin told Richard to lie down beside him, while Leonisa was already lying nearby.

“Ka Pedro” was immediately shot dead before he could even fire a shot. Benjamin and Richard were both hit and immediately killed; so was Michael who was inside the bedroom. Leonisa had wounds grazed by bullets on both arms, right thigh and left buttock.

After what she estimated as about 30 minutes of gun fire, Leonisa saw a soldier enter their house. Upon seeing the casualties, the soldier shouted: “*May mga batang patay! May mga batang patay!* (There are dead children here!)” Then he rushed out.

Another soldier came in and made Leonisa stand and walk towards the door where another soldier waited. They then made her walk towards the kitchen where she saw “Ka Pedro” dead on the floor. Leonisa recalled that at least 20 soldiers had gathered at their house. They asked her if she knew the dead NPA rebel in their kitchen. They gave her a biscuit, and two anti-tetanus tablets.

It was only after three to four hours that the soldiers put Leonisa in a hammock and carried her down to the barangay proper. The soldiers covered the hammock, and told Leonisa to hide herself when they get to the barangay proper so that people will not see her.

It was already dark when they got to the barangay hall, where there were other soldiers and policemen.

Despite the soldiers’ efforts to conceal her, barangay officials and health workers saw the wounded Leonisa and helped her change clothes. Several women barangay officials and health workers accompanied her on board the military truck which brought her to the Daet Provincial Hospital where her wounds were treated.

In news reports on February 26, Maj. Gen. Josue Gaverza, 9th Infantry Division commander blamed the NPA for the deaths of Benjamin and his two children, and the wounding of Leonisa. Gaverza claimed that Benjamin Mancera was an NPA member, who was killed along with another NPA, identified as Rafael Llanto. Gaverza even said he was saddened by the deaths, but it was the “NPA rebels” who fired the first shot.

On February 26, 2Lt. Robert Lee and a certain T/Sgt. Babor gathered the barangay officials and several

residents of Malaya to retrieve the victims' bodies, along with the soldiers and investigators of the police Scene of the Crime Operatives (SOCO). The Mancera residence in Sitio Mapatong is a two-hour trek from the village proper. At around 8 am, they approached the house, but the soldiers did not allow the barangay officials to enter until 30 minutes later. The barangay officials overheard the SOCO agents and soldiers arguing because the soldiers handed over the firearms, supposedly of the rebel's, which was retrieved from the site instead of letting the SOCO gather the evidence.

The barangay officials and residents eventually retrieved the bodies: Benjamin still embracing Richard in the living room, and Michael who was still holding a ballpen in the bedroom; Llantino was in the kitchen. The bodies were carried in a makeshift stretcher of sacks and poles made by the residents, and brought to the barangay proper at around 1 pm.

On the same day, soldiers guarding Leonisa at the provincial hospital prevented her mother Lourdes from seeing her. Lourdes had just travelled from Manila where she works as a household help. Lourdes did not get to see Leonisa until the next day, February 27. A soldier discreetly handed her an envelope containing Php 10,000.

Also on February 27, two members of the fact-finding mission team were able to talk to Leonisa, but only after arguing and strongly insisting with the soldiers that they should be allowed to see her.

On February 28, the military attempted to take custody of Leonisa, who was to be released from the hospital that day. While 2Lt. Robert Lee tried to convince Lourdes to allow the military to take Leonisa, a woman, suspected to be working for the military, pretended to be the child's mother and had obtained her discharge papers. Lourdes rejected the military's offer. She also asserted that she is the child's real mother and insisted that the hospital issue another discharge sheet. Outside the hospital, soldiers on a 6x6 army truck awaited.

The FFM team report said that the Mancera house measured only about a total of 24 square meters, and was made of bamboo and palm fronds. Plants and other thick vegetation surrounded the house. The team recovered a total of 231 spent shells from armalite rifles, in different spots outside the Mancera house. Some of the shells were found behind a big tree, some seven meters from the front door where Leonisa said she first saw a soldier. Other bullet shells were found in concealed positions 20 meters away from the house, from which point one could have a clear shot of the kitchen door where the NPA rebel Llantino was killed.

The FFM was conducted from Feb. 27 to 29 by Karapatan, along with the Bicol regional chapters of the Children's Rehabilitation Center, Condor/Piston-Bikol, Makabayan, and the Camarines Norte chapters of GABRIELA, Kilusang Magbubukid ng Pilipinas, the Camarines Norte People's Organization. The progressive groups were joined by local government officials, particularly the Committee on Peace and Order of the Labo Municipal Council, led by Councilor Renato Tenorio and the barangay officials and 134 residents of Malaya and Malibago villages.

Karapatan cites other similar cases where civilians killed due to indiscriminate attacks by units of the Phil. Army:

- The Kananga Massacre in Leyte where the renowned biologist Dr. Leonard Co, and his assistants, Sofronio Cortes and Julius Borromeo, were fired at and killed by soldiers of the 19th IB, who claimed that they were killed by "NPAs in a crossfire;"
- The death of Roderick Ballebar and the destruction of the house of the Bergado Family, when the 42nd IB tried to wipe out an NPA unit in sitio Culpa, brgy. Lubgan, Bula, Camarines Sur on Sept. 12, 2010. The military initially labelled Ballebar as an "NPA rebel;"
- The killing of nine-year-old Grecil Buya-Gelacio on March 31, 2007 by 69th IB in New Bataan, Compostela Valley, with officials initially claiming that she was an "NPA child soldier."

Recommended Action:

Send letters, emails or fax messages calling for:

1. The immediate formation of an independent fact-finding and investigation team composed of representatives from human rights groups, the Church, local government, and the Commission on Human Rights that will look into the

massacre of Benjamin Mancera and his two children, Michael and Richard, and Rafael Llantino; and the wounding of Benjamin's daughter Leonisa;

2. The military to stop the labeling and targeting of human rights defenders as "members of front organizations of the communists" and "enemies of the state."
3. The Philippine Government to withdraw its counterinsurgency program Oplan Bayanihan, which victimizes innocent and unarmed civilians.
4. The Philippine Government to be reminded that it is a signatory to the Universal Declaration of Human Rights and that it is also a party to all the major Human Rights instruments, thus it is bound to observe all of these instruments' provisions.

You may send your communications to:

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Please send us a copy of your email/mail/fax to the above-named government officials, to our address below.

URGENT ACTION Prepared by:

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