

# Philippines

*Decision adopted unanimously by the IPU Governing Council at its 214th session  
(Geneva, 17 October 2024)*



France Castro official portrait, 2019 © Wikipedia

PHI-10 – Francisca Castro (Ms.)  
PHI-13 – Sarah Jane I. Elago (Ms.)

## Alleged human rights violations

- ✓ Arbitrary arrest and detention
- ✓ Lack of due process at the investigation stage
- ✓ Violation of freedom of opinion and expression
- ✓ Violation of freedom of assembly and association
- ✓ Violation of freedom of movement
- ✓ Failure to respect parliamentary immunity

## A. Summary of the case

Ms. Francisca (“France”) Castro and Ms. Sarah Jane I. Elago became members of the Philippines’ House of Representatives in 2016. After 2022, only Ms. Castro remains a member of the House of Representatives.

The complainants state that in the course of their parliamentary mandates, they have both faced regular harassment due to their opposition to the policies of the then President, Mr. Rodrigo R. Duterte. This alleged intimidation includes being subjected to charges that have no legal or factual merit and that run counter to the individuals’ right to a fair trial and to their rights to freedom of expression, assembly and movement.

In this regard, the complainants state that Ms. Castro, who stood accused with 17 others, mostly teachers and advocates for the Lumad indigenous community in Davao del Norte in the Philippines, as well as four pastors, was briefly arrested and detained on

## Case PHL-COLL-02

**Philippines:** Parliament affiliated to the IPU

**Victims:** One current and one former member of parliament, both belonging to the opposition (two women)

**Qualified complainant(s):** Section I.(1)(a) of the Committee Procedure (Annex I)

**Submission of complaint:** December 2019

**Recent IPU decision:** March 2024

**IPU mission(s):** - - -

**Recent Committee hearings(s):** - - -

### Recent follow-up:

- Communication from the authorities: Report from the Legislative Research Service of the House of Representatives (October 2024)
- Communication from the complainants: September 2024
- Communication to the authorities: Letter to the President of the Senate (September 2024)
- Communication to the complainants: September 2024

28 and 29 November 2018 on a charge, first, of kidnapping, and then of “other acts of child abuse” in connection with the evacuation of 14 Lumad children attending the Salugpongan Ta' Tanu Igkanogon Community Learning Center in conflict-ridden Mindanao, where the armed forces, along with the paramilitary group Alamara, are fighting against the communist insurgency. It seems that the authorities are claiming that the learning centre operated as a front for the communist insurgency. The prosecution insisted that the crime of “other acts of child abuse” had been committed by the accused, as they accompanied the minors without the assistance and presence of the government law enforcement agency concerned or the written permission and consent of the minors' parents. The complainants stated that Ms. Castro and the other accused rescued the 14 minors from harassment and after the paramilitary group Alamara, in cooperation with the military, forced the teachers and students to leave. In this regard, the teachers led the students on foot on a challenging path from Sitio Dulyan to Sitio Butay where they were collected by Ms. Castro and other members of the National Solidarity Mission. The children's parents reportedly denied that their children had been kidnapped by the accused and said that they had had to leave because the threats were no longer bearable. The complainants also state that the school is situated in a very remote and poor part of the country, that for that reason it served as a boarding school so that the children did not have to walk hours to go to and from school, and that the parents had all signed a special consent form to the school giving it something akin to parental authority. They also say that the school follows the regular curriculum and was in no way working with the rebel National People's Army. Moreover, the parents of the students, who were mostly poor peasants, as well as indigenous leaders in the area, have been pressured by the authorities to cooperate with the criminal proceedings. On 4 July 2024, the judge in the case acquitted the four pastors but convicted the other 14 to a prison term of between four years and nine months and 11 days on the one hand, and six years and eight months and one day on the other. In reaching his conclusion, the judge stated that the accused committed acts detrimental to the safety and well-being of the minor Lumad students “by keeping them in their company and transporting them on foot in the evening for three hours on a dark and unsecured road without assistance and presence of law enforcement, government agency or even a written consent of the minors' parents, exposing the minors to hazard”. The complainants submit that the judge has erred on both the facts that underpinned the charge against the accused and the applicable legal provisions. An appeal is pending.

The complainant states that Ms. Castro continues to be subjected to attacks, red-tagging and political harassment, and even threats. On 11 October 2023, the following remarks were made on national television, and subsequently disseminated on social media, by former President Duterte, whose daughter is the incumbent Vice-President of the Philippines: “I didn't tell them [France Castro and others] face-to-face, I didn't tell them that ‘you know, we're enemies, I want to kill you but I want to kill you softly’”. He then reportedly told his daughter, the Vice-President: “But your first target with the intelligence fund, is you, you, France, you communists whom I want to kill. Tell her already”. According to the complainants, the former President issued these threats due to Ms. Castro's denunciation of the Vice-President's alleged unauthorized receipt and use in 2022 of 125 million pesos of confidential funds. Upon the insistent opposition of Ms. Castro and others to the new grant of confidential funds, the House of Representatives scrapped the Vice-President's request. The leadership of the House of Representatives has called former President Duterte out for threatening harm to Ms. Castro. The leaders of all political parties in the House of Representatives issued a statement on 14 October 2023 saying that, “we, leaders of all political parties in the House of Representatives, take utmost exception to the remarks made by former President Rodrigo R. Duterte”. On 24 October 2023, Ms. Castro filed a criminal complaint against former President Duterte for serious threats in relation to the Cybercrime Act or Republic Act No. 10175. In her criminal complaint, Ms. Castro, among others, said that President Duterte's remarks with regard to her were factually baseless and clearly malicious, but that she could not dismiss them as “figurative, joking, or otherwise benign”. On 9 January 2024, the Quezon City Office of the City Prosecutor dismissed the complaint for “want of sufficient evidence”. Ms. Castro filed a petition for review with the Department of Justice on 5 February 2024.

As a then member of parliament, Ms. Elago was directly and indirectly labelled in social media posts by the police and army as a terrorist. Red-tagging in the Philippines is understood to refer to the malicious blacklisting of individuals or organizations critical or not fully supportive of the actions of a sitting government in the country. These individuals and organizations are “tagged” as either communist or terrorist, or both, regardless of their actual political beliefs or affiliations. On 7 December 2020, Ms. Elago filed a complaint to the Office of the Ombudsperson with regard to the conduct of six senior army and government officials. The matter is still pending.

## B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Thanks* the Reference and Research Bureau of the House of Representatives for the report provided;
2. *Is deeply concerned* that Ms. Castro and 13 others were convicted and sentenced to hefty prison terms for their involvement in what appears to be a legitimate rescue operation; *understands* in this regard that it was inevitable for the operation to be carried out in challenging circumstances and that all efforts were taken to reduce the risk to the children who were brought to safety; *trusts* that the court of appeal will give due consideration to all the information presented by the prosecution and the defence; and *decides* to send a trial observer to the appeal proceedings with a view to monitoring and reporting on the question of respect for due process;
3. *Considers* that the criminal case against Ms. Castro and others also has to be seen in the context of the difficult environment for critical political opponents and human rights defenders in the Philippines in which to carry out their work without fear of reprisals; *remains deeply concerned* in this regard that the threats that the former President of the Philippines made on air against the life of Ms. Castro have so far gone unpunished; *sincerely hopes* that the Department of Justice will reconsider the decision of the Prosecutor's Office and take the necessary follow-up action that Ms. Castro's complaint warrants; and *wishes* to receive more information on this point;
4. *Remains concerned* that Ms. Elago's complaint regarding her alleged red-tagging does not appear to have advanced before the Ombudsperson, with no sign of it being actively examined; *recalls* the legal principle that justice delayed is justice denied; again *calls on* the Ombudsperson to take the necessary action to examine the complaint along with any steps its findings may warrant; and *wishes* to be kept informed in this regard;
5. *Requests* the Secretary General to convey this decision to the parliamentary authorities, the Department of Justice, the Ombudsperson, the complainants and any third party likely to be in a position to supply relevant information;
6. *Requests* the Committee to continue examining this case and to report back to it in due course.