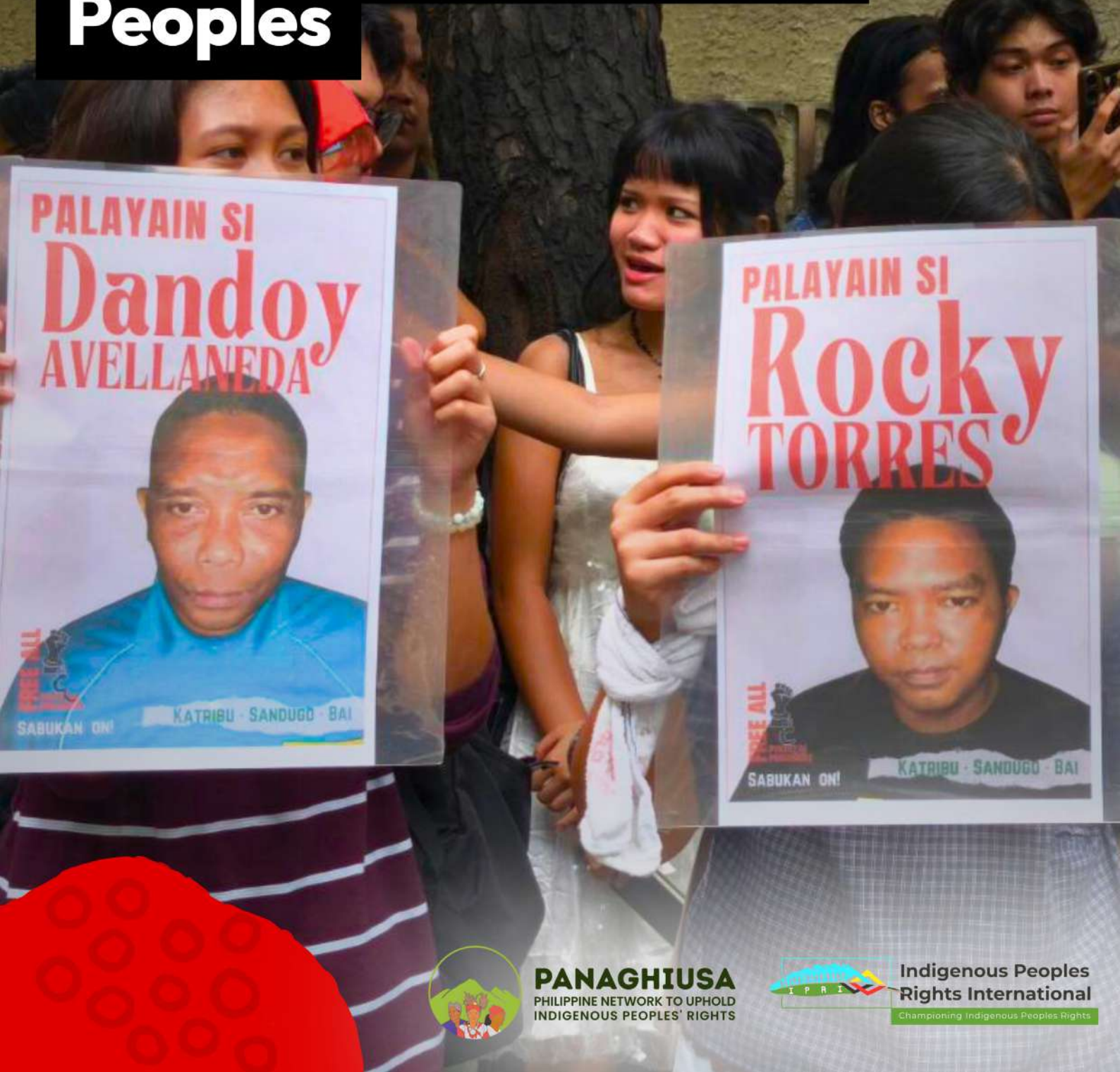


Photo: Katribu

# PHILIPPINES

## Voices behind bars: **State terror and weaponization of law against Indigenous Peoples**



**PANAGHIUSA**  
PHILIPPINE NETWORK TO UPHOLD  
INDIGENOUS PEOPLES' RIGHTS



**Indigenous Peoples  
Rights International**  
Championing Indigenous Peoples Rights

By [Panaghiusa Philippine Network to Uphold Indigenous Peoples' Rights](#)

The Philippines is home to an estimated 14–17 million Indigenous Peoples, whose communities span the archipelago from the Cordillera in the north to Mindanao in the south. Despite constitutional recognition and the passage of the Indigenous Peoples Rights Act (IPRA) in 1997, which affirms their rights to ancestral domains, self-governance, and cultural integrity, the Indigenous Peoples continue to face systemic attacks, discrimination, marginalization, and violence.

**One of the most alarming manifestations of the attacks against the Indigenous Peoples is the criminalization and incarceration.** They have been subjected to arbitrary arrests, prolonged detention, and fabricated charges, often justified under the guise of national security or counterinsurgency. These punitive actions are frequently linked to their opposition to development projects such as mining, logging, dam construction, and the militarization of ancestral lands. The state response to Indigenous Peoples' resistance has increasingly relied on anti-terror laws, red-tagging, and militarized policing.

Arrests are often carried out without warrants, charges rest on questionable evidence, and pre-trial detention can last months or years. Prison conditions rarely accommodate Indigenous cultural practices, compounding the injustice.

**Across the country, a disturbing pattern has emerged, one that criminalizes the Indigenous Peoples, silences political advocacy, and weaponizes the justice system against those who dare to resist.** The cases of around 700 political prisoners, including Rocky Torres and Avelardo “Dandoy” Avellaneda, Christian Comezo, Endelyn and Tiven Malan, Awing Lumpat and Bener Rimbuwan, and Benny Hilamon, reveal how repression operates not through isolated incidents but through a systematic campaign of fear, detention, and legal harassment.

Red-tagging has become a catch-all justification for illegal arrest, surveillance, and public vilification, while fabricated charges such as illegal possession of firearms and explosives or murder are routinely filed on the basis of planted evidence or procedural irregularities. **The Indigenous Peoples are targeted, with advocacy for ancestral lands reframed as subversion and activism conflated with terrorism under laws** such as the Anti-Terrorism Act of 2020. Detainees are often held far from their communities, weakening their defense and isolating them from family support, while arrests at checkpoints, raids, and intelligence operations blur the line between civilian governance and military control.

These patterns are structural. They reflect a state terror that views the resistance of the Indigenous Peoples and advocates' as a threat and deploys every tool at its disposal to dismantle it. The plight of Indigenous Peoples political prisoners demands not only legal redress but also political solidarity. Their cases call on the people to recognize the systemic nature of the violence and to demand justice, accountability, and the defense of Indigenous Peoplesrights. **This is not merely a list of names. It is a map of resistance.**



# Background and legal context



## **The Indigenous Peoples Rights Act (IPRA) of 1997 was celebrated as a milestone in the recognition of Indigenous cultural communities in the Philippines.**

It enshrined the rights of Indigenous Peoples to their ancestral domains, self-governance, cultural integrity, and the preservation of their traditions. At its core, IPRA was meant to correct centuries of marginalization and dispossession, offering a legal framework for Indigenous empowerment and autonomy.

Yet, nearly three decades later, the promise of IPRA remains largely unfulfilled. Its implementation has been riddled with contradictions, the most glaring of which is the continued application of the Regalian Doctrine, a colonial-era legal principle that vests ownership of all lands in the State. This doctrine has been used to override Indigenous land claims, especially in areas rich in natural resources, and has facilitated the entry of mining, logging, and large-scale infrastructure projects into ancestral lands without genuine consent.

The Free, Prior, and Informed Consent (FPIC) mechanism, a cornerstone of IPRA, was designed to safeguard Indigenous Peoples' communities from exploitative development. It mandates that any project affecting ancestral lands must secure the voluntary and informed approval of the affected communities. In practice, however, FPIC is often reduced to a bureaucratic formality. Reports abound of manipulated consultations, coerced agreements, and the use of divide-and-conquer tactics to secure corporate interests. This erosion of FPIC has led to widespread displacement, environmental degradation, and the disruption of Indigenous lifeways.

Compounding these violations is the intensifying human rights violations and militarization in Indigenous Peoples' communities. The Philippine government's aggressive push for extractive and infrastructure projects has been accompanied by the deployment of military and paramilitary forces into Indigenous Peoples' communities. These forces, operating under counterinsurgency programs, have frequently targeted Indigenous leaders and activists who oppose development aggression. Red-tagging has become a common tactic to delegitimize Indigenous resistance and justify state violence.

Legal instruments such as the Human Security Act of 2007 and the Anti-Terrorism Act of 2020 have further institutionalized this repression. Both laws have been criticized for their vague definitions of terrorism and rebellion, granting authorities sweeping powers to arrest, detain, and surveil individuals based on mere suspicion. These laws have been weaponized against Indigenous defenders, turning peaceful advocacy into grounds for criminal prosecution.

According to Karapatan, a national human rights alliance, there are around 700 political prisoners in the Philippines. Among them, at least 100 are Indigenous Peoples and at least 9 of them are Indigenous Peoples' rights advocates who have been detained on trumped-up charges such as illegal possession of firearms and explosives, murder, and attempted murder. These individuals are often held in facilities far from their communities, such as Camp Bagong Diwa in Taguig City, where

Dumagat farmers Rocky Torres and Avelardo Avellaneda remain incarcerated. Their case, marked by illegal arrest, torture, and forced confession, exemplifies the broader pattern of state-sponsored persecution faced by Indigenous communities.

The incarceration of Indigenous Peoples political prisoners reflects the systemic failure of the Philippine state to uphold its constitutional and international obligations to protect the rights of Indigenous Peoples. It also reveals the deep-rooted structural violence that continues to dispossess Indigenous communities of their lands, silence their voices, and criminalize their aspirations for self-determination.

In this context, the campaign for Indigenous rights in the Philippines calls for a radical rethinking of governance, justice, and development. It insists on the halting of the Armed Forces of the Philippines' militarization of Indigenous communities, the repeal of repressive laws, a thorough review of the IPRA, and the immediate release of all Indigenous persons and advocates political prisoners. Only through these measures can the country begin to honor the dignity and sovereignty of Indigenous Peoples.



# The case of **Christian Comezo**



## **The case of Aeta farmer Christian Comezo, who was illegally arrested alongside his partner Dana Marcellana and their one-year-old daughter on June 25, 2021, by the 202nd Infantry Battalion of the Philippine Army and San Pablo City Police, is a reflection of the ongoing campaign of repression against grassroots activists and the Indigenous Peoples in the Philippines.**

Their arrest, detention, and the filing of trumped-up charges, such as kidnapping and serious illegal detention, arson, attempted murder, and murder, mirror the systemic use of state power to silence dissent and criminalize those who defend the rights of Indigenous communities.

Comezo's story is deeply rooted in the struggles of rural populations and Indigenous Peoples. Born into a family of poor farmers in San Pablo, Laguna, and descended from Aeta heritage through his mother, Christian's life was shaped by poverty and resistance. Forced to leave formal education, he worked as a farmer and became politically conscious through his father's involvement in the peasant movement.

His arrest in 2021 was a calculated move to dismantle grassroots organizing in Southern Tagalog. The targeting of Comezo and Marcellana, both known advocates for peasant and Indigenous Peoples' rights, fits into a broader pattern of red-tagging and militarization that has intensified under counterinsurgency programs. Their detention, which included mental torture, intimidation, and coercion to confess to crimes they did not commit, exemplifies how the justice system is weaponized against those who challenge state and corporate interests.

The trauma inflicted on their family is profound. Dana, daughter of slain human rights advocate Eden Marcellana, was still nursing their infant daughter at the time of arrest. The child was only released after persistent demands and was entrusted to relatives. Dana herself was charged with rebellion and multiple counts of attempted murder, though the court later dismissed the charges due to lack of evidence and granted her bail. Despite her temporary release, the looming threat of re-arrest and further persecution remains.

Christian, meanwhile, continues to be detained at Metro Manila District Jail Annex 4 in Camp Bagong Diwa, Taguig City, under the name Christian Relao Beltran, a name that does not match his legal identity as stated in his birth certificate. This discrepancy further complicates his legal defense and underscores the irregularities in the case. His continued incarceration, far from his community and family, isolates him from support systems and serves as a chilling warning to other organizers.

This case is emblematic of the broader campaign to suppress the voices of those who advocate for land reform, Indigenous rights, and social justice. It highlights the urgent need to protect human rights defenders, demilitarize rural communities, and ensure that laws are not used to persecute the very people they are meant to protect. The plight of Christian Comezo is a political indictment of a system that punishes resistance and rewards impunity.



The case of  
**Awing  
Lumpang  
and Bener  
Rimbuwan**



**The case of Awing Lumpat and Bener Rimbuwan, both Palaw'an, two of the seven individuals collectively known as the Palawan 7, exemplifies the deepening pattern of state repression and criminalization of the Indigenous Peoples and advocates and community organizers in the Philippines.**

Their arrest on October 4, 2019, at a police checkpoint in Puerto Princesa City, Palawan, was carried out by combined forces of the Philippine National Police and military units. Authorities accused them of being members of the New People's Army (NPA) and charged them with violations of Republic Act 10591 (Comprehensive Firearms and Ammunition Regulation Act) and Republic Act 9516 (Illegal Possession of Explosives).

In December 2024, the court convicted Lumpat and Rimbuwan, sentencing them to reclusion perpetua (life imprisonment) for illegal possession of explosives. This outcome has been condemned by human rights organizations, including Karapatan and the National Union of Peoples' Lawyers, who argue that the charges were fabricated and the trial process deeply flawed. Their conviction, like the continued detention of Torres and Avellaneda, reveals how the justice system is weaponized to suppress dissent and intimidate those who challenge state and corporate interests.

The Palawan 7 case fits into a broader pattern of militarization and red-tagging, where Indigenous leaders, environmental defenders, and peasant organizers are routinely accused of being insurgents. These arrests are often accompanied by public vilification, legal harassment, and prolonged incarceration, tactics designed to dismantle grassroots movements and silence voices of resistance.



The case of  
**Endelyn  
Malan  
and Tiven  
Malan**



**The case of Hanunuo Endelyn Banay Malan and Tiven Malan, arrested on July 13, 2024, at a military checkpoint in Oriental Mindoro, exemplifies the state violence and criminalization faced by Indigenous Peoples in the Philippines. Their arrest, carried out by elements of the Armed Forces of the Philippines (AFP), was based on accusations that they were members of the New People's Army (NPA), a claim frequently used to justify the detention of Indigenous individuals who are active in defending their communities.**

Endelyn and Tiven, both members of the Mangyan Hanunuo tribe, were traveling with their 12-year-old son, and two other peasant advocates, Joy Laguardia and Reynaldo delos Santos, when they were stopped and detained. The four adults were tortured before their arrest: Endelyn was punched at her gut, Tiven had a gun pointed at his head by the military and told to run so that it can be framed that he tried to run so as to justify the attempted killing but he refused to do so so he was instead physically assaulted. Meanwhile, their son was man-handled and left alone in the soldiers' van. They were all brought to the municipal police station and further interrogated. It was 2 days later when the child was finally released. Authorities claimed to have found firearms and explosives in their possession, leading to charges under Republic Act 10591 and Republic Act 9516. However, Indigenous advocates and human rights organizations have denounced the arrest as arbitrary and politically motivated, pointing to irregularities in the checkpoint procedures and allegations of planted evidence.

Their detention at the Bureau of Jail Management and Penology facility in Roxas, Oriental Mindoro, isolates them from their families and community, compounding the psychological and emotional toll of incarceration. The charges filed against them are part of a broader strategy of red-tagging and militarization that targets Indigenous youth and leaders, especially those who are vocal in asserting their rights to land, culture, and self-determination.

The Mangyan Hanunuo people, like many other Indigenous groups in the Philippines, have long resisted encroachments on their ancestral lands and the imposition of state-led development projects that disregard their rights. In response, the state has increasingly used counterinsurgency tactics to suppress Indigenous organizing, conflating cultural and political advocacy with rebellion. The arrest and detention of Endelyn and Tiven reflect this dangerous conflation, where Indigenous identity and activism are treated as threats to national security.



The case of  
**Benny  
Hilamon**



**The case of Benny Hilamon, a Cuyunin and a committed community organizer, exemplifies the escalating pattern of state repression against Indigenous advocates and grassroots activists in the Philippines. On June 3, 2021, Hilamon was arrested along with Teresa Dioquino, Marlon Torres, and Nolan Ramos, collectively known as the Romblon 4, while conducting a fact-finding mission on Sibuyan Island, Romblon.**

Their investigation focused on the conditions of workers affected by open-pit mining operations, a sector notorious for environmental degradation and labor exploitation.

Authorities wrongfully charged the group with illegal possession of firearms and explosives, as well as serious disobedience. In November 2024, the Regional Trial Court Branch 81 in Romblon dismissed these charges due to lack of evidence, affirming that the four were not in possession of any weapons at the time of their arrest. However, instead of being released, Hilamon and his companions were transferred to a jail in San Jose, Occidental Mindoro, where they now face new charges of multiple murder and multiple frustrated murder—cases filed nearly a year after their initial detention and notably absent their names in the original court documents.

Hilamon's continued incarceration, despite the dismissal of the original charges, reflects a broader strategy of legal harassment and red-tagging aimed at silencing Indigenous and labor organizers. Hilamon's activism is deeply rooted in the defense of ancestral lands, workers' rights, and community welfare. His case underscores how Indigenous identity and political engagement are increasingly criminalized under counterinsurgency frameworks that conflate advocacy with insurgency.

The transfer of Hilamon to a separate jurisdiction and the filing of new, questionable charges reveal how the justice system can be manipulated to prolong detention and suppress dissent. His story is emblematic of the risks faced by Indigenous defenders who challenge extractive industries and state-backed development aggression. It calls attention to the urgent need for judicial accountability, protection of Indigenous rights, and the release of political prisoners who are being held on trumped-up charges.



The case of  
**Rocky Torres**  
**and Avelardo**  
**“Dandoy”**  
**Avellaneda**



**The case of Dumagat farmers Rocky Torres and Avelardo “Dandoy” Avellaneda stands as a chilling testament to the entrenched pattern of state violence and repression faced by Indigenous Peoples in the Philippines. They are disproportionately impacted by counterinsurgency actions carried out in a context of discrimination based on ethnicity, economic status, and political association.**

The militarization of Indigenous territories has long been tied to the government’s counterinsurgency programs, which embed military operations into civilian life. Indigenous communities are often treated as battlegrounds, with their ancestral lands framed as “security zones” rather than protected domains.

In Quezon Province, Dumagat villages have repeatedly been subjected to military encampments, forced displacement, and harassment. A 2018 humanitarian mission documented how families were assaulted during interrogations, farm animals were stolen by soldiers, and entire sitios were emptied of residents due to fear of ongoing operations. Even when communities attempted to return, uncertainty about renewed military presence kept them in prolonged displacement<sup>1</sup>. This militarized environment created conditions where Indigenous resistance to projects such as the Kaliwa-Kanan-Laiban Dams was criminalized, and leaders were targeted as insurgents rather than recognized as defenders of their rights.

Within this climate of militarization, the Indigenous Peoples are easily caught up in the state’s counterinsurgency dragnet. Encounters between the Armed Forces of the Philippines (AFP) and the New People’s Army (NPA) often result in arbitrary arrests of civilians, particularly Indigenous persons, who are then accused of being rebels. The blurred line between civilian governance and military control means that ordinary activities can become grounds for suspicion, arrest, and torture. This systemic militarization not only undermines Indigenous autonomy but also normalizes the use of violence and fabricated charges against those who resist.

On May 14, 2018, uncle Avelardo and his nephew Rocky, from barangay Umiray, General Nakar, Quezon Province, went to cast their votes in barangay Ilaya. Shortly before, the 80th Infantry Battalion from the 2nd Infantry Division of the AFP had clashed with members of the NPA, resulting in the death of an army officer but no captured NPA members<sup>2</sup>. Soldiers encountered Avelardo and Rocky in their way back home. A soldier fired warning shots to make them stop and accused them of being members of the NPA. They were not only arbitrarily arrested but physically assaulted. On May 15, they were visited by relatives and human rights advocates. They saw footprints made by combat boots on Rocky’s white t-shirt. Rocky explained that they had been interrogated and beaten by soldiers and coerced to confess that they were members of the NPA and that he had shot and killed the officer. Rocky and Dandoy also shared details of the inhumane treatment they had suffered,

1 <https://www.cbcpilako.org/2018/06/14/national-peace-and-humanitarian-mission-in-dumagat-evacuation-sites/>

2 <https://www.ipmsdl.org/hrtracker/avelardo-dandoy-avellaneda-rocky-torres/>

including the beatings and being hogtied alongside the corpse of the officer, when they were taken by helicopter to military Camp Guillermo Nakar in Lucena City.

On 16 May 2018, they were blindfolded and escorted by at least 15 soldiers, transferred to and incarcerated in the detention center of military Camp Bagong Diwa in Taguig City, more or less six hours away from their home by car. Relatives testified that before getting to the helicopter, Rocky and Dandoy appeared tired, weak and traumatized. One of them said, “Don’t cry. I will be back. Our community knows that I am innocent.” Rocky and Dandoy have since been charged with illegal possession of firearms and explosives, and Rocky has additionally been charged with murder. The first charge has been documented in many cases of arbitrary detention involving the police and military in the Philippines. These charges are non-bailable.

Eight years later, they remain arbitrarily detained. The court has consolidated both cases. Since 2018, there have been at least 11 scheduled court hearings that were postponed. The reasons for these postponements have varied, but all stem from procedural and administrative issues within the judicial system. Among them are unresolved or pending motions that required court resolution before hearings could proceed, transition periods involving the appointment of an acting presiding judge, and medical emergencies affecting the public prosecutor. In other instances, hearings were reset due to scheduling conflicts, such as the prosecutor’s participation in training programs, or because the acting presiding judge was temporarily assigned to serve in other courts.

### **Case against Avelardo Avellaneda**

Criminal Case No. 2018-154-I for Violations of RA 9516 or “An Act Amending the Provisions of Presidential Decree No. 1866, as Amended, Entitled Codifying the Laws on Illegal/Unlawful Possession, Manufacture, Dealing in, Acquisition or Disposition of Firearms, Ammunition or Explosives, and Imposing Stiffer Penalties for Certain Violations Thereof, and for Other Relevant Purposes”

Court: Regional Trial Court 65, Infanta, Quezon Province

### **Case against Avelardo Avellaneda and Rocky Torres**

Criminal Case No.2018-153-1 for Murder

Court: Regional Trial Court 65, Infanta, Quezon Province

These delays have not only obstructed the path to justice but have also deepened the emotional and psychological toll on the detainees and their families. Each reset represents another missed opportunity to challenge the fabricated charges and assert their innocence in court. The prolonged legal limbo underscores the urgent need for judicial reforms that prioritize the rights of the accused, especially those facing politically motivated charges.

Their incarceration in Metro Manila, far from their community in Quezon province, not only isolates them from their families but also serves as a warning to others who dare to resist. The psychological toll on their children, the economic hardship faced by their families, and the social stigma of being associated with insurgency all contribute to a broader strategy of silencing Indigenous resistance. The income of Dandoy and Rocky’s families is sparse, barely enough to meet their basic needs and support their families. Moreover, being falsely accused to be NPA members has subjected their families to ostracism and hardship, further compounding their suffering. It has been reported that

they are suffering pulmonary tuberculosis contracted during their detention.<sup>3</sup>

Indigenous organizations and advocates in the Philippines have been campaigning for their immediate release and for the full respect of the rights of the Dugamat. Torture allegations and all the irregularities in their detention and trial must be investigated, perpetrators brought to justice and reparations provided.

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<sup>3</sup> [https://www.facebook.com/katribuphils/photos/six-years-of-injustice-free-rocky-torres-and-dandoy-avellanedakatri-bu-kalipunan-/840473024787055/?\\_rdr](https://www.facebook.com/katribuphils/photos/six-years-of-injustice-free-rocky-torres-and-dandoy-avellanedakatri-bu-kalipunan-/840473024787055/?_rdr)



# Conclusion



# The criminalization and incarceration of the Indigenous Peoples in the Philippines for asserting their rights is a grave and ongoing human rights concern. It reflects a deeper crisis—one rooted in systemic failures across law enforcement, judicial institutions, and governance. These failures have allowed the criminalization of Indigenous struggles and advocacy to become a normalized response to dissent, especially when that dissent challenges powerful interests or state-backed development.

The Indigenous Peoples, who have long defended their ancestral lands and self-determination, are increasingly treated as threats. Their resistance is often met with surveillance, harassment, and illegal arrest. The justice system, instead of protecting their rights, is frequently used to silence them through fabricated charges, prolonged detention, and legal intimidation.

To address these issues, legal safeguards must be strengthened to prevent arbitrary arrests and ensure due process. Law enforcement must be held accountable for violations, and mechanisms for independent oversight must be established. The judiciary must uphold Indigenous rights with integrity and impartiality.

Equally important is the need to protect Indigenous communities from militarization and coercion. Their territories must be respected as spaces of cultural survival and autonomy, not zones of conflict. Indigenous Peoples must be free to organize, educate, and advocate without fear of persecution.

At the heart of this struggle is the principle of justice. The Indigenous Peoples deserve not only protection but recognition, dignity, and the freedom to shape their futures.

To address the deepening pattern of repression against the Indigenous Peoples and advocates in the Philippines, we must move beyond outrage and into organized resistance. Addressing these cases requires a multi-layered response rooted in solidarity, legal defense, and resistance.

- First, **there is an urgent need to drop all the trumped-up charges** against the Indigenous Peoples and advocates. Moreover, there is a need to strengthen legal defense and community-based support systems. Indigenous Peoples and advocates political prisoners face trumped-up charges and prolonged detention without access to adequate legal representation. Establishing rapid-response legal teams and training community paralegals can help ensure that rights are protected from the moment of arrest. These teams must be equipped not only to defend in court but to challenge the legitimacy of evidence and expose procedural violations.
- Second, **we must amplify public awareness and advocacy**. Coordinated campaigns through social media, independent media, and cultural platforms can bring these cases to light.
- Third, **it is essential to challenge the legal frameworks that enable repression**. Laws like the Anti-Terrorism Act of 2020 and programs like the Whole-of-Nation Approach have been used to conflate activism with terrorism. Advocacy for their repeal must be sustained, and pressure must be placed on lawmakers to uphold constitutional rights and Indigenous protections under the Indigenous Peoples Rights Act (IPRA).

- Fourth, **international solidarity must be mobilized.** The global community can play a critical role in holding the Philippine government accountable. Engaging United Nations mechanisms, international human rights bodies, and global Indigenous networks can help apply pressure and provide moral and material support. International observers should be encouraged to monitor trials and detention conditions, ensuring transparency and fairness.
- Fifth, **we must protect Indigenous communities from militarization.** The presence of Armed Forces of the Philippines in ancestral domains disrupts not only daily life but the very fabric of Indigenous governance and culture. Communities must be supported in asserting civilian authority, documenting military abuses, and establishing peace zones where dialogue and self-determination take precedence over coercion.
- And finally, **accountability must be demanded at every level.** Those responsible for illegal arrests, torture, planting of evidence, and prolonged detention must be investigated and prosecuted. This includes not only individual officers but also institutional actors who enable and justify these abuses. Accountability is a necessary step towards justice.

**These recommendations are rooted in the lived experiences of those who have been illegally arrested, detained, and silenced.** They offer a roadmap for resistance, one that combines legal action, cultural advocacy, policy reform, and international engagement. Above all, they affirm that the struggle of the Indigenous Peoples for ancestral lands and self-determination is just and necessary.

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