



# MILF on dead MOA-AD

**COTABATO CITY (Oct. 15) – The Moro Islamic Liberation Front today said it will not launch an uprising in reaction to the Supreme Court’s having dismissed as “unconstitutional” the memorandum of agreement on ancestral domain.**

“Our forces will remain in a defensive posture. We will not launch any offensive as a consequence of that Supreme Court ruling,” Eid Kabalu, the MILF’s spokesman, said.

Kabalu said the MILF is not closed to a peaceful option in resolving the Mindanao conflict.

“That is what I can guarantee,” Kabalu said. “The MILF will never fire the first shot that can spark trouble in Mindanao.”

Both Kabalu and the MILF’s chief negotiator, Muhaquer Iqbal, said since they do not recognize the Supreme Court, the front is not bound by its ruling on the MOA-AD.

“We have not changed our position on the MOA-AD.

[MILF/p.10]



*DIFFICULT SITUATION --- An old Maguindanaon woman, traumatized by war, lies at an evacuation center in Mamasapano, Maguindanao.*

## EU grants P470-M aid for Mindanao, pushes peace talks

**Financial support for the civilian victims of atrocities in Mindanao continue to pour in as the European Commission allotted at least R470 million in immediate aid and longterm rehabilitation assistance to the Mindanao Trust Fund (MTF).**

European Union Ambassador Alistair MacDonald said the European Commission approved last Friday the grant of at least 7 million euros to the MTF from its Humanitarian Aid Department.

“In terms of immediate humanitarian relief, the Commission has earmarked up to 4 million euros or approximately R270 million at current exchange rates to help people affected by the recent violent incidents in Mindanao,” MacDonald said.

“And in terms of longterm rehabilitation

[EU/p.11]

## Mindanao peace process

COTABATO CITY (Oct.15) — Japan is optimistic the Philippine government and the Moro Islamic Liberation Front will resume with the stalled GRP-MILF talks and peacefully resolve the nagging security problems in the South.

Harumi Kitabayashi, deputy resident representative of the Japan International Cooperation Agency (JICA), said their government is keen on helping find lasting, negotiated solutions to the conflict in Mindanao.

“My government is hoping both sides will find a way to proceed with mutual understanding and cooperation,” Kitabayashi told reporters here today.

Kitabayashi and other JICA officials held a dialogue here Tuesday with officials of the Autonomous Region in Muslim Mindanao on Japan’s conduct of a US\$1.5 million, year-long study, along with the regional public works department, on the infrastructure needs of ARMM.

[MINDANAO/p.11]

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## MILF to take case to UN, Islamic states

MANILA, Philippines—The Moro Islamic Liberation Front (MILF) is preparing to take the scuttled memorandum of agreement on ancestral domain (MOA-AD) to the international arena.

MILF chief negotiator Mohagher Iqbal said the separatist group would be willing to renegotiate “only on the basis” of the agreement “and with the presence of representatives of the international community.”

“We will bring this before the international community, like the Organization of the Islamic Conference [and] the United Nations. We need an international guarantee that if we return to the negotiating table, the government will be true to its word,” Iqbal told Inquirer Mindanao on the phone.

“There is no hope of addressing this problem [at the] domestic level,” he said.

Former Rep. Michael Mastura, a member of the MILF negotiating panel, said the government should take “a singular stand” on the matter so that the peace talks could succeed.

Mastura said the Arroyo administration and the opposition “must agree for once that the Mindanao peace problem is a national agenda.”

“The problem is Mindanao is taken hostage by disagreements within the government,” he said, adding that another way of resolving the conflict in the South

[**MILF TO/p.8**]

## SC rules 8-7 vs MOA-AD; MILF panel says “SC ruling does not stop armed conflict”

DAVAO CITY (MindaNews/14 October) – The Supreme Court has ruled as unconstitutional by a vote of 8-7, the Memorandum of Agreement on the Ancestral Domain between the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF), abs-cbnnews.com reported.

“The minority’s position was to declare the anti-MOA petitions as moot since the Palace has already decided not to pursue the signing of the agreement following a public backlash. This would have given the Palace a graceful exit, if not, defeat,” abs-cbnnews.com said.

Initialed in Kuala Lumpur on July 27 by government peace panel chair Rodolfo Garcia and Presidential Adviser on the Peace Process Hermogenes Esperon and MILF peace panel chair Mohagher Iqbal, the MOA-AD was scheduled for formal signing on August 5 but the signing rites were cancelled when the Supreme Court issued afternoon of August 4, a temporary restraining order (TRO) preventing the government peace panel chair and the Foreign Affairs secretary from signing the document.

Since then, half a million villagers have fled to evacuation centers as the military launched pursuit operations against alleged renegade MILF commanders Umbra Kato, Bravo and Pangalian in North Cotabato, Maguindanao, Lanao del Norte and the MILF attacked three towns in Lanao del Norte and two in Sarangani province.

Calling the SC decision “a triumph of the people,” North Cotabato Vice Governor Emmanuel Pinol, who first filed the petition for a TRO hailed the SC ruling, referring to today as “an extra-ordinary day in our lives in savoring what for us is a manifestation of a long cherished belief that power truly resides in the people.”

“What started as a parochial struggle to protect the territorial integrity of the Province of North Cotabato and invoke the Constitutional Right of the people to know what government is doing on their behalf has become part of our national history,” he said in an e-mailed press statement, adding, that in a “strongly worded decision, the Supreme Court also admonished the government for ignoring the need for transparency and consultations with the people.”

Iligan City mayor Lawrence Cruz told MindaNews “it’s a guarded happiness.”

“We are happy the Court ruled in our favor. This only shows that our objection was not unreasonable, it was not unfair, not emotional, we were not being anti-Moro about it and that there was something wrong in how the

[**SC/p.10**]

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## MILF nixes new government tack in peace process

COTABATO CITY – The Moro Islamic Liberation Front (MILF) does not want to resume peace talks based on the government's framework of disarmament, demobilization and reintegration.

Muhaqer Iqbal, who chairs the MILF peace panel, said the government could put negotiations back on track by changing its stand.

"The government now wants to deal directly with the communities, not with rebel groups," he said. "It has even disbanded its own peace panel. The MILF peace panel remains intact."

Iqbal said the MILF has construed the government's sudden change of position in pursuing the peace talks as "dribbling with the overture."

However, the MILF is still keen on pursuing a peaceful, negotiated settlement of the Mindanao problem, he added.

Iqbal said hostilities in parts of Central Mindanao and surrounding areas continue to escalate with the military's intrusion into supposedly acknowledged MILF enclaves.

"When our forces are attacked, they will assert their right to defend themselves," he said.

Iqbal said the only thing that binds the MILF and the government is the ceasefire, but it does not oblige the front to turn in any commander who would violate any of its provisions.

"The ceasefire does not say either that any soldier who would violate it would have to be turned over to the MILF," he said.

Iqbal, who also chairs the MILF committee on information, told Catholic radio station dxMS here that the General Agreement on Cessation of Hostilities does not compel either side to yield anyone who may have violated any of its provisions.

Iqbal said Ameril Ombra Kato and Abdurahman Macapaar alias Commander Bravo remain as MILF members and are not "renegades" as the military have tagged them.

Iqbal said the military has no reason to prosecute Kato since he and his men were only defending Moro communities from attacks by government troops.

### **Bravo's kin helping military**

Relatives and former comrades of Macapaar are reportedly giving authorities information that may help in his capture.

Col. Benito de Leon, Army 104th Infantry Brigade commander, told The STAR local government officials in Lanao del Norte and Lanao del Sur have also been cooperating in efforts to capture Macapaar.

"We are happy to have received a significant number of visitors, even at our headquarters, many of whom are

[NIXES/p.6]

## Bill for 2 Muslim regions filed

### Intended to promote harmony among Mindanao peoples

A senior Muslim lawmaker has batted for the creation of two autonomous Muslim regions to address the "fundamental defects" of the sole and existing Autonomous Region in Muslim Mindanao and resist problems of extremism in the South.

Tawi-tawi Rep. Nur G. Jaafar filed House Bill 4963 that would dissolve the ARMM and create in its place two autonomous Muslim governments—the Autonomous Region for Southwestern Mindanao (ARSM) and the Autonomous Region for Central Mindanao (ARCEM).

Jaafar, senior vice chairman of the House Committee on Appropriations, said the bill addresses the "matter of contiguity" which is believed to be one of the principal reasons why meaningful reforms in the ARMM region have continued to elude Muslim Filipinos living in Mindanao for nearly two decades now.

"One glaring inconsistency rests on the matter of contiguity. It is a fundamental weakness to govern areas which remain scattered," he explained.

Jaafar pointed out southwestern Mindanao provinces, namely, Sulu, Basilan and Tawi-tawi, have opted to be part of ARMM while the rest of the region in Central Mindanao—Lanao del Sur, Maguindanao and Marawi City) are landlocked by areas inhabited by other indigenous and ethnic inhabitants.

"The areas in between are traversed by long distances that separate the Southwestern Mindanao Muslim residents from the seat of government in Cotabato City," he stressed.

"This is gerrymandering, which violates the basic tenet of contiguity."

In his proposal, Jaafar said ARSM's jurisdiction will include Sulu, Basilan, Tawi-tawi-, Zamboanga del Sur, Zamboanga del Norte, Zamboanga Sibugay and the cities of Isabela, Pagadian, Dipolog, Dapitan and Zamboanga.

On the other hand, the ARCEM will be composed of Maguindanao, Lanao del Sur, Lanao del Norte, Sultan Kudarat, North Cotabato, South Cotabato, Sarangani and the cities of Cotabato, Marawi, Kidapawan, Iligan, Gen. Santos, Koronadal and Tacurong.

However, the Tawi-tawi congressman made it clear that final decision on the proposal will rely on the results of a plebiscite to be participated in by voters in said localities.

Jaafar proposed the plebiscite be held simultaneously with the local and national elections in 2010. If the measure is upheld by the people of the affected areas, election of local officials will be held on the second Monday of August in 2011.

"This would significantly help promote multi-ethnicity

[BILL/p.5]

## Rise in number of evacuees noted

Internally displaced persons (IDPs) or “bakwits” in the province of Maguindanao in the Autonomous Region in Muslim Mindanao (ARMM) continued to rise, with the town alone of Datu Piang (formerly Dulawan) hard pressed in coping with the needs of over 41,000 evacuees from the ongoing war between the military and the Moro Islamic Liberation Front (MILF) and recurrent floods.

ARMM’s provinces are at the top of the country’s poverty index.

In a report Monday, the website [www.mindanews.com](http://www.mindanews.com) cited the increasing number of IDPs in Maguindanao as the government continued its pursuit operation against MILF Commander Ustadhz Ameril Umbra Kato.

Reporting from war-torn Datu Piang, Mindanews chief Carolyn Arguillas quoted Mayor Samer Uy’s executive assistant as saying what is happening today is worse than in the past. “Mas grabe pa ngayon (It is worse now),” said Musib Uy Tan, who said the number of bakwits in Datu Piang grew to 41,000 in Oct. 2 from the 31,000 figure on Sept. 11.

On Oct. 1, the Eid’l Fitr national holiday, Prof. Taha M. Basman, president of the Center for Moderate Muslims and Sultan Fuad Kiram I, and Malaysia businessman Abdul Rahman Mutalib Abdul Rahman sent over P150,000 of humanitarian assistance to the towns of Datu Piang and Datu Saudi Ampatuan.

Former judge Felix Draper of Cotabato City shared the observation of Tan. “This is worse than in the 1970s,” said Draper of the bakwits’ growing number. (Manila Bulletin, October 8, 2008, By EDD K. USMAN)

## UNICEF releases \$ 500,000 for conflict-affected children

The United Nations Children’s Fund (UNICEF) has announced it is spending \$ 500,000 over the next three months to assist the children of central Mindanao who have been affected by the latest outbreak fighting there.

Working closely with government agencies and non-government organizations (NGOs), the money will be spent ensuring the safety and unity of displaced families, creating child-safe spaces in the evacuation centers and also ensuring access to clean water and sanitation facilities, said Vanessa Tobin, UNICEF country representative:

“It is estimated that half a million people have been affected by the latest fighting in Mindanao, and we know that more than half of these will be children. After a recent UN assessment mission, we have determined a need to urgently focus on creating a stable, secure environment for children as well as the water and sanitation facilities in the evacuation centers.”

[UNICEF/p.5]

## Officials meet on peace program

GENERAL SANTOS CITY — A workshop for local officials and police commanders in Mindanao is underway in Davao City to come up with a program that would bring lasting peace in the South, Chief Supt. Felizardo Serapio Jr., Central Mindanao police chief said.

“The purpose of the workshop is to bring all stakeholders to work together and carve out a program that would bring lasting peace in Mindanao,” Serapio said.

Also in the workshop is on how the law enforcers, the local executives and other stakeholders come up with effective ways to bring back a climate of peace and stability in troubled provinces of North Cotabato, Lanao del Norte, Lanao del Sur, Sarangani and Maguindanao.

An exodus of 500,000 people were displaced by war in these areas when marauding militant faction of the Moro Islamic Liberation Front (MILF) stormed in August peaceful communities with gunfire and bombs that left scores of villagers and government forces and rebels dead and wounded.

The government has put up cash rewards for rogue MILF commanders Ustadz Amelil Umbra Kato of Maguindanao and Abdulrahman Macappar, alias “Commander Bravo” at P10-million each, while Commander Pangalian has P5-million prize for their capture, dead or alive, for raiding the four provinces.

Serapio said the workshop also aims to determine areas that need to be hardened or where defensive postures need to be strengthened to prevent incidents similar to what happened in North Cotabato, Sarangani, Maguindanao and Lanao provinces.

During the conference, Interior and Local Government Secretary Ronaldo Puno announced the organization of Police Auxilliary Units will now be given less priority.

Instead, Puno said, the PNP will tap the services of some 1,000 police recruits who are now undergoing the Field Training Program in the different Police Regional Offices in Mindanao.

Serapio said Puno also re-emphasized that Civilian Volunteer Organizations will not be allowed to bear arms, but will only be mobilized for community building programs, particularly on the rehabilitation of communities.

Police and military operations continue in some parts of Mindanao particularly in pinpointed areas where Kato, Bravo, and Pangalian have sought refuge dubbed as tactical operations but surgical in nature against specific targets.

Puno also announced a reward of P500,000 for information leading to the arrest of Salahudin Hassan, alias “Sudz,” “Sala,” “Tulya,” or “Orak,” a key suspect in the July 24 bombing of Metro Bus in Digos City; and another reward of P400,000 for the arrest of Abdul Malik Sali, alias “Dindo”, a suspect in the Sept. 1 Metro Bus bombing in Digos City. (Manila Bulletin, Bong Reblando, October 4, 2008)

## Group calls for int'l humanitarian response in Mindanao

DAVAO CITY (MindaNews/2 Oct) — A Mindanao group has called for an immediate international response to help evacuees in areas affected by the ongoing war because the government has been “slow, intermittent, limited and haphazard” in its work to deliver relief assistance to the internally displaced persons (IDPs).

“We appeal to the international humanitarian agencies to coordinate and step up their efforts to be able to respond to this humanitarian crisis,” said the Mindanao Peoples Caucus (MPC) in a statement emailed to media organizations.

The war that erupted last August after the government panel was forced to withdraw from signing the controversial memorandum of agreement on ancestral domain (MOA-AD) with the Moro Islamic Liberation Front (MILF) has already displaced about half a million people when “rogue” MILF commanders attacked civilians in North Cotabato and Lanao del Norte.

The National Disaster Coordinating Committee (NDCC), in a report last week, said that 110,517 families (or 528,693 persons) in 354 barangays in 40 municipalities and two cities in nine provinces in Region X, XII and Autonomous Region in Muslim Mindanao (ARMM) have already been affected by the hostilities.

“Hundreds of thousands of IDPs have not received the much needed relief and giving away three kilos of rice for each head of the family is definitely not enough compliance to say they had already been served,” the MPC said.

The group said that the evacuees need a lot of attention in terms of water and sanitation, food and medical supplies.

MPC also expressed concern in what it calls as a “hatred campaign” by some politicians it did not identify that has “reawakened biases and prejudices among Muslims and Christians.” This campaign, the group said, affected the distribution of relief goods as some groups showed their bias, like favoring the Christians in Tulan, North Cotabato.

“Relief assistance at this time of heightened military operations in Cotabato, Maguindanao and Lanao provinces must attend to the needs of the IDPs regardless of religion, political ideology and ethnicity, the MPC stressed. (MindaNews)

## **BILL** . . . from page 3

that has been the hallmark of peace among our peoples. This way, our Muslim brothers and sisters would not be influenced by fundamentalists and extremists,” Jaafar stated.

According to him the measure will “rectify the geographical constraints” in the ARMM and will promote “harmony among indigenous peoples and would resolve the nagging issues of sphere of influence over Muslim constituencies.”

“In this regard, we respect their sovereign voice that elected in the 2008 elections the incumbent officials of ARMM whose term shall not be affected,” he said. (By BEN R. ROSARIO, Manila Bulletin, October 7, 2008)

## **UNICEF** . . . from page 4

The assessment mission identified that a number of parents noted signs of distress among their young children as a result of prolonged warfare and displacement, so UNICEF will be focusing on creating child friendly spaces and mobilizing community support for children.

“These children may have witnessed killing or injuring of family members or may even have been attacked themselves. Even the distress of having to suddenly leave their homes and belongings can be very upsetting for young children. By creating a space where children feel safe, and by establishing normal routines like schooling and play activities, UNICEF is helping these children to recover,” Tobin said.

The UN assessment mission also found that due to poor access to clean water, and insufficient latrines and washing areas, there had been an increased incidence of diarrhea, which can be fatal for young children. The situation is compounded by the fact that ARMM is already highly disadvantaged with only 33 percent of families having access to safe, clean water.

UNICEF will be providing safe water in the evacuation centers, as well as providing latrines and bath cubicles, especially for girls and women. Children will be taught good hygiene practice too, so the benefits of these efforts will be more long-lasting.

With the ended of Ramadhan, there is a fear amongst some communities that fighting will again escalate.

“UNICEF strongly urges all parties in the conflict to take utmost care to uphold the rights of civilians especially women and children, including allowing their safe passage out of conflict zones. At least ten children have already died in the latest spate of fighting, and that is ten too many. We also urge all parties to recognize that regardless of their role in the conflict, children should be treated as victims and not perpetrators, and their rights to development and protection upheld.”

**PRESSURE . . . from page 12**

military and the Moro rebels curtailed the children and youth, either Muslims or Christians.

"We have drafted a letter of appeal to Pres. Arroyo for a ceasefire, which is based on the inputs of the two-day consultations we had in General Santos City reflecting the same sentiments in our four previous fora. This letter would be hand carried by Rep. Simeon Datumangong to the President," Alim said.

Joseph Palanca, program officer of the Local Governance Support Program in the Autonomous Region in Muslim Mindanao, said the controversial Memorandum of Agreement on Ancestral Domain was lengthily discussed in the forum by participants from 30 Moro organizations and urged for the revival of peace talks and immediate end to hostilities in Mindanao. (By BONG REBLANDO, Manila Bulletin, October 7, 2008)

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Bravo's former close associates, supporters and relatives, volunteering essential information to hasten his capture," he said.

"The local executives have been blaming Bravo (Macapaar) and his group for creating havoc, displacing and affecting even his fellow Muslims," he added.

De Leon said Macapaar's group, whose camps at the Bilal complex in Lanao del Norte have been overrun, has refused to engage government troops.

In Marawi City, non-government organizations held a huge rally at the gates of Kampo Ranao, headquarters of the Army's 103rd Infantry Brigade, to call on the government to bring the Moro problem to the United Nations and for the military to stop its operations.

Col. Nicanor Dolojan, Army 403rd Infantry Brigade commanding officer, said the military's mission is to enforce the law. "The civil societies must think twice before they urge us to stop or if they have other alternatives how to get Bravo," he said.

Iligan City Mayor Lawrence Cruz, however, said the military must continue its punitive actions against Macapaar and his men. "It is not true that these punitive actions are targeting Muslim communities," he said.

**8 rebels, 3 soldiers killed**

Eight MILF rebels and three soldiers were killed in the latest fighting in Datu Piang, Maguindanao on Wednesday.

Col. Marlou Salazar, a local military commander, said the MILF rebels fired on an Army patrol in Datu Piang town and fled using civilians as cover, he added.

The bodies of the eight rebels were recovered from the scene, he said.

Twelve soldiers were wounded in the ambush, and the rebels fled after military reinforcements backed by armored vehicles arrived at the scene, Salazar said.

Tension has been high for a month now in parts of Maguindanao, where soldiers and MILF forces have been

**MARANAOS . . . from page 12**

With placards and streamers mostly in blue and green, the 1,000 protesters then marched under the mid-morning sun towards the headquarters of the Army's 103rd Infantry Brigade to hold yet another rally, ending just before noon.

In a manifesto distributed during the rally, the Consortium of Bangsamoro Civil Society (CBCS) said their "only remaining hope for immediate and just resolution" of the Mindanao conflict is the joint intervention of the UN and the OIC.

The group said they trust these international organizations because they are "sworn to maintain world peace and security by safeguarding human rights and people's rights and the promotion of conflict resolution through principled, just and peaceful means."

Salic Ibrahim, CBCS chair for the two Lanao provinces, said 19 organizations are under its umbrella.

The group lamented the government's "insincerity" towards the Bangsamoro, the collective term for Muslims in southern Philippines, when it backed out on the memorandum of agreement on ancestral domain (MOA-AD) with the Moro Islamic Liberation Front (MILF).

The manifesto added that the Bangsamoro has been subjected to another "cruel" and "atrocious" war by the government after the botched MOA-AD.

But Col. Rey Ardo, 103IB commander, told reporters there is no war, just a military pursuit operations against Bravo and Kato, whom the Armed Forces labeled as criminals when they attacked civilians. Warrants of arrest have been issued against Bravo and Kato.

The CBCS, however, censured the military for pursuing the two MILF commanders "yet indiscriminately bombing and destroying communities and villages" and displacing thousands of innocent civilians.

It accused government, too, of siding with the Ilaga, a civilian vigilante group waging a war against Moros that gained notoriety at the height of the war in the 1970s.

"We ... call on the United Nations and the Organization of Islamic Conference to jointly intervene in this Mindanao conflict, to mediate for the cessation of the war and to institute the just resolution of the grievous injustices to the Bangsamoro and their right to self-determination," the group concluded in its statement. (Bobby Timonera / MindaNews)

engaging in one encounter after another.

Meanwhile, the World Health Organization (WHO) is providing emergency aid for thousands of people displaced by the fighting.

In a statement, WHO said its P15-million package will provide medicine and medical supplies and ensure safe water for some 38,000 families in evacuation centers.

"Evacuees are vulnerable to diseases such as diarrhea and respiratory tract infection that may be acquired because of crowding and less than ideal environmental conditions in the temporary shelters," WHO representative Soe Nyunt-U said. - **With Jaime Laude, Lino de la Cruz, Edith Regalado**

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government and MILF troops have displaced tens of thousands of families, who continue to crowd squalid evacuation camps. The civilian death toll has reached almost 100.

#### **Abuse of discretion**

The high court chided the presidential adviser on the peace process for committing “grave abuse of discretion when he failed to carry out the pertinent consultation process” in connection with the provisions of the agreement.

“The MOA-AD cannot be reconciled with the present Constitution and laws. Not only its specific provisions but the very concept underlying them, namely the associative relationship between the [government] and the Bangsamoro Juridical Entity,” the high court said, adding:

“[For] the concept presupposes that the associated entity is a state and implies that the same is on its way to independence.”

The high court also said the provisions in the agreement for establishing an associative relationship between the Bangsamoro Juridical Entity (BJE) and the government “virtually guarantee that the necessary amendments to the Constitution and laws will eventually be put in place.”

“Neither the [government] peace panel nor the President herself is authorized to make such a guarantee,” the high court said.

“Upholding such an act would amount to authorizing a usurpation of the constituent powers vested only in Congress, a constitutional convention or the people themselves through the initiative process, for the only way that the executive can ensure the outcome of the amendment process is through an undue influence or interference with that process,” it added.

#### **No authority**

It reminded President Gloria Macapagal-Arroyo that, while she has the leeway to explore all possible means to attain peace in Mindanao, she has no authority to commit the government to an agreement that may require changes to the Constitution but has to consult Congress or the people.

“Being uniquely vested with the power to conduct peace negotiations with rebel groups, the President is in a singular position to know the precise nature of their grievances which, if resolved, may bring an end to hostilities,” the tribunal said.

However, it stressed: “Given the limited nature of the President’s authority to propose constitutional amendments, she cannot guarantee to any third party that the required amendments will eventually

be put in place, nor even be submitted to a plebiscite. The most she could do is submit these proposals as recommendations either to Congress or the people, in whom constituent powers are vested.”

The high court said Paragraph 7 of the MOA-AD practically guarantees amendments to the Constitution to make it conform to the agreement.

“Paragraph 7 is inconsistent with the limits of the President’s authority to propose constitutional amendments, it being a virtual guarantee that the Constitution and the laws of the Republic of the Philippines will certainly be adjusted to conform to all the consensus points found in the MOA-AD. Hence, it must be struck down as unconstitutional,” the high court said.

The high court also dismissed the plea of the respondents (Esperon and the government peace panel) to dismiss the petition on grounds that the President had said the government would no longer sign the agreement in whatever form.

It pointed out that the controversy involving the document may be repeated: “[The] present petitions provide an exception to the moot and academic rule in view of the grave violation of the Constitution involved; the exceptional character of the situation and paramount public interest; the need to formulate controlling principles to guide the bench, the bar and the public; and the fact that the case is capable of repetition yet evading review.”

#### **How they voted**

Those who concurred with the decision were Chief Justice Reynato Puno and Justices Consuelo Ynares-Santiago, Antonio Carpio, Adolfo Azcuna and Ruben Reyes (who all issued separate opinions) and Senior Justice Leonardo Quisumbing and Justice Maria Alicia Austria Martinez.

Justices Dante Tinga, Minita Chico-Nazario, Presbiterio Velasco, Antonio Eduardo Nachura, Teresita Leonardo-De Castro and Arturo Brion wrote dissenting opinions. Justice Renato Corona joined Tinga’s dissent.

In his concurring opinion, the Chief Justice said peace negotiations should not violate “the parameters of powers marked in the Constitution.”

Puno said “the President can seek peace with the MILF but without crossing the parameters of powers marked in the Constitution to separate the other branches of government to preserve our democracy.”

“For even in times of war, our system of checks and balances cannot be infringed. More so in times where the only danger that faces the state is the

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was for the government to offer a negotiated political settlement.

### **'Lots of options'**

Hermogenes Esperon, President Gloria Macapagal-Arroyo's adviser on the peace process, said the Supreme Court decision declaring the MOA-AD illegal could mean an escalation of war but could also lead to finding more ways to peace.

Esperon said the government was not yet giving up on peace: "There are lots of options, but it's not just my decision."

He said he had to discuss the matter with other members of the Cabinet, after which "we will submit our recommendations to Malacañang."

At the Palace, Press Secretary Jesus Dureza aired an appeal to all concerned sectors to "look upon ... the high court's verdict with sobriety, concern for national interest and adherence to the urgency as well as righteousness of peace in southern Philippines ...

"We warn against any attempt to take undue and illegal advantage of such development that would lead to the deterioration of the situation on the ground and pull the nation further from the objectives of peace."

Dureza refused to acknowledge that the high court's decision had validated the claim of critics that the government was wrong in agreeing to an expanded Bangsamoro homeland.

He said Malacañang was leaving it to Solicitor General Agnes Devanadera to take the "appropriate steps" vis-à-vis the high court's decision.

"Let's wait for the actions that will be taken by our lawyers," he told reporters at a briefing. "We have already taken the position that whatever the [opinion] of the Supreme Court, we will not be signing the MOA-AD."

### **Stern reminder**

North Cotabato Vice Gov. Emmanuel Piñol, who was among those who asked the Supreme Court to stop the signing of the MOA-AD, said he and his colleagues were correct in opposing the agreement.

"What started as a parochial struggle to protect the territorial integrity of the province of North Cotabato and invoke the constitutional right of the people to know what the government is doing on their behalf has become part of our national history," he said.

Piñol said the Supreme Court's decision was "also a stern reminder to our officials in government that their lofty positions that carry mesmerizing titles do not give them the absolute power to decide what is best for the people."

He said that if there would be fresh talks for a new agreement with the MILF, "public officials should always go back to the people for consultations."

MILF political affairs chief Ghadzali Jaafar said the

group was not closing the doors to a possible resumption of talks.

But Jaafar admitted that it would be "hard to renegotiate" with the high court's ruling on the agreement, and said he still did not know its effect "on the ground."

Mastura also said the MILF could not return to the negotiating table just yet.

"The MILF has seen the results of the government's abandonment of the peace process," he said.

He also said that in the event that the government and the MILF talked peace again and signed agreements, "there has to be a guarantor ... from the international community" because "we do not really believe that the government will implement these agreements."

### **Military ready**

Army chief Lt. Gen. Victor Ibrado said military troops in Mindanao were prepared to avert or respond to any attack from renegade MILF forces as a result of the high court's ruling.

"Our troops are ready for any eventuality. That's a possibility, but we are always hoping for the best and preparing for the worst," Ibrado said Tuesday on the sidelines of the military and police forces' friendly games at Camp Aguinaldo in Quezon City.

"In case there is a need [to augment forces], we are ready to move. But at this time, we don't see the need to do that," he said.

Ibrado said it was unlikely that the base commands of pursued MILF leaders Ameril Umbra Kato, Abdullah Macapaar alias Commander Bravo and Aleem Sulaiman Pangalian would regroup and mount massive attacks.

"There have only been small skirmishes, not all-out attacks. As of now, we don't see the attacks developing to that level, maybe because the rebels are finding it difficult to reconstitute. Their old bailiwicks are now under military control," he said.

But Amirah Ali Lidasan, secretary general of the Suara Bangsamoro, said the government should initiate the resumption of the peace process and not "pursue its war options."

"It will help both parties if grassroots issues, like human rights violations and injustice, will be addressed ... The government must recognize and respect the rights of the people," Lidasan said.

Mary Ann Arnado of the Mindanao Peoples Caucus said the situation in certain parts of the South would be exacerbated if the government and the MILF failed to find a solution.

Arnado, a lawyer, said peace advocates were also "trying to find ways to move the situation forward."

### **Abuse of power**

Sen. Manuel "Mar" Roxas II said that in striking down

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the MOA-AD, the Supreme Court “put its foot down on politics and adventurism.”

“This is the beginning of real peace in Mindanao based on truth and justice. Let the people of Mindanao and the entire nation celebrate this triumph of justice over the reckless abuse of power,” Roxas, who was among the intervenors in the petitions lodged by Mindanao officials against the MOA-AD, said at a press conference.

“This decision teaches the lesson that irresponsible executive leadership cannot prevail indefinitely in the presence of a vigilant judiciary,” Roxas said.

“This is a big setback for Malacañang, to its lawyers who did not prepare and study, but recklessly pursued an anomalous MOA-AD. But we’re happy that sanity is restored in our country,” he said.

Another intervenor, former Senate President Franklin Drilon, said the high court’s ruling “restores the confidence of the people in the independence of the Supreme Court, particularly the Chief Justice and the seven justices who concurred with it.”

But more important, Drilon said, the ruling served as a caution on the administration.

“The Supreme Court did the country a favor by setting constitutional boundaries for the MOA-AD. This should serve as a bitter lesson against the reckless constitutional adventurism that the President has displayed in the past,” Drilon said on the phone.

**Legitimate concern**

Speaking with reporters, House Deputy Minority Leader and Bayan Muna party-list Rep. Satur Ocampo said the high court’s ruling “only affirms that the executive, which supervised the [government] panel, did not study well the constitutional implications” of the document.

But Ocampo also said the government should not set aside the issue of ancestral domain in future talks with the MILF because this remained a legitimate concern of the Bangsamoro people.

Asked if he thought the ruling would lead to more hostilities, he said the MILF leadership would have to be watched.

He also expressed the hope that the ruling would not prompt an “all-out war” declaration. **Reports from Nico Alconaba, Julie Alipala, Edwin Fernandez, Jeffrey Maitem, Nash Maulana, Charlie Señase and Jeffrey Tupas, Inquirer Mindanao; Christian V. Esguerra, Tarra Quismundo, Leila B. Salaverria, Michael Lim Ubac and TJ Burgonio in Manila** (Philippine Daily Inquirer, First Posted 01:23:00 10/15/2008)

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lesser danger of rebellion,” Puno said.

He also scolded the government peace negotiators for making a “burlesque of the Constitution.”

“During the whole process, the government peace negotiators conducted themselves free from the strictures of the Constitution. Respondents’ thesis of violate now, validate later makes a burlesque of the Constitution,” Puno said.

**Affirming authenticity**

In voting to dismiss the petition on the ground of mootness presented by the government, Tinga said: “The successful outcome of negotiation of international agreements is the adoption and authentication of the agreed text.”

“The initialing of the agreement reflects only the affirmation by the negotiating agents that the text of the prospective agreement is authentic,” he added, countering the MILF position that the government was bound by the agreement because its negotiators had already “initialed” the document.

Tinga, however, recognized the unconstitutionality of the agreement, saying it gave powers to the BJE that were “reserved under the Constitution to the state.”

“Nothing prevents Congress from amending or reenacting an Organic Act providing for an autonomous region for Muslim Mindanao,” Tinga said.

“Nonetheless, the paramount requirement remains that any Organic Act providing for autonomy in Mindanao must be in line with the Constitution,” he said.

For three consecutive weeks, the high court conducted oral arguments on the petition.

Among the petitioners against the MOA-AD were North Cotabato Governor Jesus Saccalan and Vice-Governor Emmanuel Piñol, Zamboanga City Mayor Celso Lobregat, Representatives Isabelle Climaco and Erico Basilio Fabian, former Senate president and Liberal Party national chairman Franklin Drilon and United Opposition (UNO) spokesman Adel Tamano, and Senator Manuel Roxas II.

They said that the MOA-AD was tantamount to the creation of a separate state where several provinces in Mindanao and a part of Palawan province would be included in the proposed BJE which will have the power to enter into treaties, have their own courts and police force, among others.

Protests against the MOA-AD prompted the government to withdraw the signing of the agreement in Kuala Lumpur, Malaysia last August. (By Norman Bordadora, Tetch Torres,

Philippine Daily Inquirer, INQUIRER.net, First Posted 02:38:00 10/15/2008)

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It's a done deal," Kabalu said.

The fiery North Cotabato Vice Gov. Emmanuel Pinol, who was among those who petitioned the Supreme Court to scrutinize the content of the MOA-AD and determine its constitutionality, said the High Tribunal's ruling on the document should be a basis for Malacañang to reassess its strategies in furthering the Mindanao peace process.

"Local government units, people from all walks of life, the Moro political community, the hinterland tribes, or Lumads, who could also be considered as ancient Mindanao's rightful owners, the religious and business communities must be involved in the peace process," Piñol said.

"Now is the time to re-assess the government's position. We must evaluate if whether we need to continue talking peace with the MILF that does not recognize the Constitution which is the main parameter for any peace negotiation," Pinol said.

Local officials in Shariff Kabunsuan province said said it is more pressing now for the government and the MILF to resume talks to prevent any backlash on the Southern peace process as a possible result of the Supreme Court's ruling on Tuesday that the MOA-AD is unconstitutional.

Shariff Kabunsuan's acting governor, Ibrahim Ibay, also appealed on all sectors to refrain from issuing "inflammatory comments" on the Supreme Court ruling to prevent widening the cracks in the cordiality of the 11-year-old peace talks.

"The best thing for the government and the MILF to do now is to resume with the stalled peace talks and discuss all of these things under the context of brotherhood and mutual cooperation," said Ibay, who has jurisdiction over the adjoining Kabuntalan and Northern Kabuntalan towns, scenes of recent bloody clashes between soldiers and MILF forces.

Northern Kabuntalan's incumbent mayor, Ramil Dilangalen, said the news about the SC's junking of the MOA-AD spread like wildfire in his town and raised fears of escalation of MILF-military hostilities in Shariff Kabunsuan.

"People will only feel safe if they see the GRP and MILF panels talk to each other again and discuss peaceful solutions to the peace and order problems now besetting the areas supposedly covered by the ceasefire," Dilangalen said. "The peace talks must resume, and it should be now." ()

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MOA was crafted and certain vested, permanent rights were going to be trampled upon if pushed through. To me, it would have been an instrument of war instead of peace," Cruz said.

MILF peace panel chair Mohagher Iqbal told MindaNews the SC decision has "no bearing to the MILF."

"There is no problem (for the MILF). We are not part of the case. The Supreme Court is not a party to the MOA-AD. But GRP remains a party and is bound by it," he said.

"The ruling is an indication that this country can't put its act together. MILF is right to never negotiate on the basis of the Constitution. It is not a level playing field," Iqbal said.

Lawyer Datu Michael Mastura, told MindaNews he doesn't have a copy of the Supreme Court ruling and has not seen a copy of the ruling but "either way, the bottomline is that the SC decision does not resolve the armed conflict."

"It's a legalese game between government and the opposition. But there is still armed conflict. No negotiations, no political settlement," he said.

"What else is new? Government had abandoned the MOA before the Supreme Court decision. The bottomline is SC has not resolved the armed conflict. There is no political settlement," he added.

"We really need an international guarantee, protocol. Whatever is negotiated should be implemented," Mastura said.

Lawyer Mary Ann Arnado, secretary-general of the Mindanao Peoples' Caucus, said, "I guess that's it. That's the end of the peace process as far as this government is concerned. The Supreme Court has just foreclosed all possible peaceful means of resolving the armed conflict in Mindanao."

Prof. Abhoud Syed Lingga, executive director of the Institute of Bangsamoro Studies, said the Supreme Court ruling "puts to an end efforts of the Bangsamoro people to seek domestic remedies to the historical and moral injustices committed against them."

"Staying with the Republic of the Philippines now becomes untenable, and separation appears as the only viable option left to the Bangsamoro people," Lingga said.

The SC ruling, he added, is setting a "bad precedent in the use of negotiations in conflict resolutions. It is disincentive to those who fight governments to negotiate if what are agreed upon are thrown to the trash can."

The government dissolved its peace panel on September 3 and announced it would negotiate with armed groups only on the basis of DDR (demobilization, disarmament and reintegration). (Carolyn O. Arguillas/MindaNews, Tuesday, 14 October 2008)

**EU . . . from page 1**

assistance, the Commission also approved a grant of up to 3 million euros or approximately R200 million for displaced households and communities affected by conflict over the recent years," he added.

MacDonald said that the funds will be channelled through the humanitarian aid agencies of the United Nations, the International Red Cross, and local non-government organizations.

"The assistance will cover emergency food distribution, drinking water, sanitation facilities, non-food relief items like medicines, basic shelter assistance, health care and psycho-social support, and emergency support to livelihood rehabilitation and protection," he said.

Echoing the stand of the European Commission on the hostilities in Mindanao, MacDonald urged the government and the leaders of the Moro Islamic Liberation Front (MILF) to declare ceasefire and give way for a peaceful dialogue.

"We urge both parties to return to the negotiating table because we support a non-violent peace process," he said, adding that the EC has urged them "to show restraint and genuine respect for the rule of law."

The EC has already provided some 33 million euros or approximately P2.2 billion of funding aid for Mindanao. This excludes the 93 million euros or approximately P6.2 billion development assistance during the last two decades.

This makes the European Commission the largest donor to the MTF, which was established in 2005 by the World Bank to assist conflict-affected areas in Mindanao.

The MTF is implemented in cooperation with the Bangsamoro Development Agency of the MILF to focus on stabilizing existing communities and resettling displaced persons.

**\$ 10-M assistance to aid folk displaced by Muslim insurgency**

MANILA — The European Union said Monday it will extend seven million euros, or almost \$ 10 million, in emergency aid for people displaced by the Muslim insurgency in southern Philippines.

The announcement by the EU, one of the largest sources of official development aid to the predominantly Roman Catholic southeast Asian country's Muslim region, followed similar pledges of more aid from UN agencies.

Alistair MacDonald, head of the European Commission office in Manila, urged the government and the Moro Islamic Liberation Front (MILF) to end the fighting on the island of Mindanao and resume peace talks.

It is "reaching the point where resources are being thinly stretched," he said.

Fighting flared up in August after the Supreme Court suspended a draft agreement that could have led to a

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"Once there is a peace pact between the government and the MILF, Japan and other international donor countries will put more resources for economic development in Mindanao," Kitabayashi said. "Unfortunately it cannot be realized at the moment, but we are waiting," she added.

Japan, according to Kitabayashi, is sustaining support to communities to be better off even if uncertainty prevails in Mindanao with the suspension of the GRP-MILF peace overture.

Like member-states of the European Union, the United States, Canada and Australia, Japan, through JICA, has been providing humanitarian assistance to communities affected by armed conflicts for more than two decades now.

Japan, through the Japan Bank for International Cooperation, has been helping develop poor communities in the Autonomous Region with community-planned socio-economic packages channeled through the ARMM Social Fund Project (ASFP).

The ASFP, which is under the ministerial control of ARMM Gov. Datu Zaldy Ampatuan, is also bankrolled by the World Bank, which has dozens of costly on-going projects in the region, some located in areas where members of the MILF and the Moro National Liberation Front reside. ()

peace accord with the 12,000-member MILF, which has been waging a four decades-old campaign to set up an Islamic state.

Hardline MILF units attacked Christian communities, burning and looting homes and killing civilians in fighting that has claimed about a hundred lives and forced half a million people to flee their homes. About 100,000 are still in evacuation centres.

In the latest incident, three Filipino soldiers were wounded when a military convoy hit a landmine near Valencia city on Saturday, the Philippine army said in a statement Monday.

MacDonald said the EU retained "a lot of optimism" about the prospects for peace.

The EU aid package includes up to four million euros in immediate humanitarian relief for the affected population.

The EU also approved a grant of three million euros to address the problems of civilians who had been displaced by fighting in recent years and had not been able to return to their homes.

Over the past decade, the EU said it has approved about 33 million euros in assistance to people displaced by the Mindanao conflict, on top of 93 million euros in development aid. ( By KRIS BAYOS , October 7, 2008, Manila Bulletin)



## Maranaos call on UN, OIC to help end war

MARAWI CITY (MindaNews/2 Oct) — At the end of the month-long Ramadhan, Maranaos here staged a rally right in the heart of the city this morning to call on the United Nations and the Organization of Islamic Conference to intervene to stop the war in Mindanao and for the government to honor the botched Memorandum of Agreement on the Ancestral Domain (MOA-AD).

[MARANAOS/p.6]

◀ **PROVINCE-MATES MEET** --- Nur Misuari, founding chairman of the Moro National Liberation Front (left) visits Sulu Gov. Sakur Tan at the provincial capitol of Sulu in Jolo town, where they discussed the prevention of any spill over of the hostilities in Central Mindanao into the island province.[]

# SC: Moro land deal illegal

## Pressure mounts for ceasefire

30 Moro groups call for end to offensive

GENERAL SANTOS CITY — Pressures are mounting for the military and the Moro Islamic Liberation Front (MILF) to stop fighting and resume the stalled peace talks in an effort to find a peaceful solution to the decades-long Mindanao conflict.

This latest call was made by the Bangsamoro Civil Society Organizations, which revealed that the five provincial consultations it held showed an overwhelming appeal by Muslim residents in Mindanao for an end to offensive either by the Moro rebels or the military.

“Aware of the suffering of our people caught in the ongoing armed conflict, the rising casualties of deaths and injured compounded by increasing diseases afflicting women and children in evacuation centers, we call on the government and the Moro Islamic Liberation Front to cease fighting and go back to negotiation,” the Bangsamoro participants said.

Guiamel Alim, director of the Kadtuntaya Foundation, one of the convenors of the South cotabato-Sultan Kudarat-Sarangani-General Santos (Soccksargen) Civil Society Organizations, said the appeal for peace is contained in the “The Fourth of October Peace Declaration.”

This October manifesto also took note of the mounting social problems like right to education of children that the ongoing armed conflict between the

[PRESSURE/p.6]

## ‘Whimsical, capricious, oppressive’

MANILA, Philippines—The memorandum of agreement on ancestral domain (MOA-AD) between the government and a Moro separatist rebel group is illegal and unconstitutional, and the process that led to its crafting was “whimsical, capricious, oppressive, arbitrary and despotic,” the Supreme Court declared Tuesday.

Voting 8-7 on the petition of officials of North Cotabato, Iligan City and Zamboanga City, the high court stopped Presidential Adviser on the Peace Process Hermogenes Esperon and the government panel from signing and executing the agreement that laid the foundation for the creation of an expanded Bangsamoro homeland in Mindanao.

It described the agreement as “contrary to law and the Constitution,” and called for public consultations in accordance with the right to information with respect to any further peace agreement with the Moro Islamic Liberation Front (MILF).

“The furtive process by which the MOA-AD was designed and crafted runs contrary to and in excess of the legal authority, and amounts to a whimsical, capricious, oppressive, arbitrary and despotic exercise,” the Supreme Court said in the 90-page decision written by Justice Conchita Carpio Morales.

The high court’s earlier temporary restraining order on the signing of the agreement in Kuala Lumpur is widely seen to have triggered the attacks by rogue MILF commanders on civilians in certain parts of Mindanao.

The attacks as well as the resulting skirmishes between

[SC/p.7]