

## Human Rights Committee – Implementation of Views in relation to the Philippines

Author	Date of Views	Violation	Remedy ordered - Effective remedy, including:	Remedy provided	Contact with lawyer/rep.
Hernandez	2010	2(3), 6(1)	<ul style="list-style-type: none"> <li>• take effective measures to ensure that criminal proceedings are expeditiously completed and that all perpetrators are prosecuted,</li> <li>• full reparation, including adequate compensation</li> <li>• measures to ensure that such violations do not recur in the future.</li> </ul>	None known. One suspect who had been held for the killing reportedly acquitted.	No
Pestaño & Pestaño	2010	2(3), 6(1), 9(1)	<ul style="list-style-type: none"> <li>• impartial, effective and timely investigation into the circumstances of their son's death</li> <li>• prosecution of perpetrators</li> <li>• adequate compensation</li> <li>• measures to prevent similar violations in the future</li> </ul>	None to date.	Yes
Marcellana & Gumanoy	2008	2(3), 6(1), 9(1)	<ul style="list-style-type: none"> <li>• initiation and pursuit of criminal proceedings to establish responsibility for the kidnapping and death of the victims</li> <li>• payment of appropriate compensation</li> <li>• measures of non-repetition</li> </ul>	None known.	No
Lumanog & Santos	2008	14(3)(c)	<ul style="list-style-type: none"> <li>• prompt review of their appeal before the Court of Appeal</li> <li>• compensation for the undue delay</li> </ul>	No - Appeal finally denied September 2010. No compensation provided.	Yes
Pimentel et al	2007	2007	<ul style="list-style-type: none"> <li>• compensation and a prompt resolution of their case on the enforcement of the US judgment in the State party</li> <li>• ensure that similar violations do not occur in the future.</li> </ul>	No - Philippines courts refused to recognise US court judgment. Authors continue to seek compensation for delay in enforcement proceedings.	Yes
Larrañaga	2006	6(1), 7, 14(1),(2),(3)(b)-(e), (5)	<ul style="list-style-type: none"> <li>• commutation of death sentence</li> <li>• early consideration for release on parole</li> <li>• measures to prevent similar violations in the future</li> </ul>	Inadequate - Death penalty commuted to life imprisonment along with many others prior to issuance of Committee's views. Court order in 2007 recognised possibility of parole. Author remains in prison in Spain under a prisoner transfer agreement after petition for pardon by Philippines refused.	Yes

				Anticipated release date 28 September 2034.	
Rouse	2005	14(1),(3)(c), (3)(e), 9(1) and 9(7)	<ul style="list-style-type: none"> <li>adequate compensation, inter alia for the time of detention and imprisonment</li> </ul>	None known.	No
Rolando	2004	6(1), 9(1)-(3), 14(3)(d)	<ul style="list-style-type: none"> <li>commutation of death sentence</li> <li>avoid similar violations in the future</li> </ul>	Yes – death sentence commuted to reclusion in perpetua at time of abolition of the death penalty in the Philippines (2006).	Yes
Rayos	2004	6(1), 14(3)(b)	<ul style="list-style-type: none"> <li>commutation of death sentence</li> <li>avoid similar violations in the future</li> </ul>	Yes – death sentence commuted to reclusion in perpetua at time of abolition of the death penalty in the Philippines (2006).	No
Wilson	2003	7, 9(1)-(3), 10(1)-(2)	<ul style="list-style-type: none"> <li>violations of article 9 - the State party should compensate the author</li> <li>violations of articles 7 and 10 - compensation due to the author should take due account both of the seriousness of the violations and the damage to the author caused</li> <li>undertake a comprehensive and impartial investigation and draw the appropriate penal and disciplinary consequences for the individuals found responsible</li> <li>refund to the author the moneys claimed from him for immigration fees and visa exclusion</li> <li>all monetary compensation to be made available for payment to the author at the venue of his choice</li> <li>avoid similar violations in the future</li> </ul>	None. State party asserts that investigations have been undertaken, but no prosecutions or disciplinary proceedings have taken place and no compensation has been provided. Proceedings seeking a remedy continue in Supreme Court, but these are being vigorously defended by the Government, including on the bases that the Covenant and Optional Protocol do not form part of Philippines law and the Philippines government is under no obligation to enforce or implement the Committee's decisions or determinations.	Yes
Ibao, Ibao & Ibao	2003	6(1)	<ul style="list-style-type: none"> <li>commutation of death sentence</li> <li>avoid similar violations in the future</li> </ul>	Yes - death sentence commuted to reclusion in perpetua at time of abolition of the death penalty in the Philippines (2006).	Yes
Cagas, Butin & Astillero	2002	9(3), 14(2), 14(3)(c)	<ul style="list-style-type: none"> <li>adequate compensation for time spent unlawfully in detention</li> <li>ensure that the authors be tried promptly with all the guarantees set forth in article 14 or, if this is not possible, released</li> </ul>	None known.	No