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Republika ng Pilipinas
Kagawaran ng Edukasyon
Tanggapan ng Pangalawang Kalihim

AIDE MEMOIRE
17 February 2021

**NATIONAL TASK FORCE TO END LOCAL COMMUNIST ARMED CONFLICT
AND MATTERS INVOLVING LEARNERS, PERSONNEL AND SCHOOLS
IN SITUATIONS OF ARMED CONFLICTS**

The Office of the Undersecretary for Administration (OUA) provides the following **recommendations** on the **National Task Force to End Local Communist Armed Conflict (NTF-ELCAC)** and on matters involving learners, Department of Education (DepEd) personnel, and schools in situations of armed conflicts.

As part of DepEd's response to the implementation of **Executive Order 70, s. 2018** titled *Institutionalizing the Whole-of-Nation Approach in Attaining Inclusive and Sustainable Peace, Creating A National Task Force to End Local Communist Armed Conflict*, a briefing¹ was convened by the OUA, Disaster Risk Reduction and Management, and Indigenous Peoples Education Office last 08 February 2021.

This was attended by Assistant Secretary Alberto T. Escobarte and Director Rhoan G. L. Orebia of the Legal Service; Assistant Secretary Alma Ruby C. Torio, Directors Jocelyn D.R. Andaya, Leila P. Areola, and Ariz Delson Acay D. Cawilan of the Curriculum and Instruction Strand; Alternative Learning System Assistant Secretary G.H. S. Ambat; and concerned technical staff.

EXECUTIVE ORDER NO. 70 AND THE NTF-ELCAC

Executive Order No. 70 titled *Institutionalizing the Whole-of-Nation Approach in Attaining Inclusive and Sustainable Peace, Creating a National Task Force to End Local Communist Armed Conflict, and Directing the Adoption of a National Peace Framework* issued last 04 December 2018 recognizes that insurgencies and other forms of local armed conflicts are symptomatic of broader social, economic, and historical problems and are more than just military and security concerns.



¹ Please refer to the attached PowerPoint Presentation on the NTF-ELCAC Briefing held last 08 February 2021.

Office of the Undersecretary for Administration (OUA)

[Administrative Service (AS), Information and Communications Technology Service (ICTS), Disaster Risk Reduction and Management Service (DRRMS), Bureau of Learner Support Services (BLSS), Baguio Teachers Camp (BTC), Central Security & Safety Office (CSSO)]

Department of Education, Central Office, Meralco Avenue, Pasig City
Rm 519, Mabini Bldg; Mobile: +639260320762; Tel: (+632) 86337203, (+632) 86376207
Email: usec.admin@deped.gov.ph; Facebook/Twitter @depedtayo



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By calling for a Whole-of-Nation Approach (WNA), this provides a platform for strengthening the implementation of DepEd initiatives for conflict-affected and vulnerable areas.

Its salient features are as follows:

- The WNA which addresses the root causes of insurgencies and local armed conflicts by prioritizing and harmonizing the delivery of basic services and social development packages by government, facilitating inclusivity in the society, and ensuring the active participation of all sectors in pursuit of the country's peace agenda.
- A National Peace Framework, anchored on the WNA, which includes a mechanism for local peace engagements, negotiations, and interventions which are responsive and sensitive to local needs and realities.
- The creation of a National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) which will provide a mechanism and structure for the implementation of the WNA. Its main powers and functions include:
 - ensuring inter-agency convergence;
 - enlisting the assistance of any instrumentality of government;
 - organizing ad-hoc clusters or groups, or modifying existing ones;
 - develop strategic communications and capacity building measures;
 - review mandates and functions of offices undertaking peace efforts; and
 - issue supplemental guidelines or protocols.
- The NTF-ELCAC is headed by the President as the Chairperson, supported by the National Security Adviser as the Vice Chairperson. It is composed of 18 government agencies, including DepEd and two (2) representatives from the private sector.

Overview of NTF-ELCAC Operations

1. 12 National Clusters²

The 12 National Clusters/Lines of Effort (LOE) were identified to ensure alignment of the goals and objectives set in the NTF-ELCAC National Plan.

Each Cluster shall have its own context analysis, strategic interventions, and oversight functions as reflected in their respective implementations plans.

The integrity of the 12 Clusters/LOE shall be maintained down to the regional level to ensure that all concerns pertaining to the Communist Terrorist Group (CTG) regional design, capabilities, and programs shall be deliberately addressed.



² National Task Force To End Local Communist Armed Conflict (2020). *Memorandum Circular on the Operational Guidelines for the 12 National Clusters.*

Guiding Principles

- **Intelligence Driven** – The 12 National Clusters shall be *enemy-based* in the implementation of its programs, projects, and activities.

These clusters are deliberately created to address the CTG national and regional designs and its 10 CTG programs.

- **Cluster and Inter-cluster Initiated Approach** – This will optimize the convergence effort among the member agencies of the clusters, which can provide a more focused intervention and synergy, as well as the collaborative action of addressing the primary and secondary issues of the different sectors and the communities.

The clusters are as follows:

National Clusters/LOE		Agencies Involved (Oversight function: NEDA, NSC & DBM)
1	Situational Awareness and Knowledge Management	Lead: NICA Support: DND, DILG, AFP, PNP, NBI, PIA, PPSC, PNTI, NCIP, PCOO
2	Local Government Empowerment	Lead: DILG Support: DOJ, DOF, NCIP, DND, AFP, PNP, PCOO
3	Legal Cooperation	Lead: OSG Support: DOJ, NBI, NICA, AFP, PNP, ISAFP, NCIP, DAR, NCIP, PCOO
4	Strategic Communication	Lead: PCOO Support: DOLE, DA, DEPED , NCIP, PCUP, PCW, NYC, CHED, BFAR, DND, AFP, PNP, NICA, DSWD, OPAPRU, DOJ, PCOO, DAR, NAPC
5	Sectoral Unification, Capacity-building, and Empowerment	Lead: DILG Support: DOLE, DA, DEPED , NCIP, PCUP, PCW, NYC, CHED, BFAR, DND, AFP, PNP, NICA, DSWD, OPAPRU, DOJ, PCOO, DAR, NAPC
6	Basic Services	Lead: DILG Support: DSWD, DEPED , DOH, CHED, DOLE, DOJ, DILG, NCIP, DND, NHA, DHSUD, HUDCC, AFP, PNP, PCOO, OPAPP, NAPC



National Clusters/LOE		Agencies Involved (Oversight function: NEDA, NSC & DBM)
7	Poverty Reduction, Livelihood and Employment	Lead: TESDA Support: DA, DAR, TESDA, DTI, LBP, DOT, PCA, NIA, DENR, NCIP, DSWD, BFAR, CDA, NCIP, DAR, DILG, AFP, PNP, PCOO, OPAPP, NAPC
8	Infrastructure, Resource Management and Employment	Lead: DENR & DPWH Support: DA, DOTr, DOE, DICT, CCC, DAR, NCIP, AFP, PNP, PCOO, OPAPRU
9	Localized Peace Engagement	Lead: DILG & OPAPRU Support: AFP, PNP, DILG, NBI, PCG, NCIP, PCOO
10	Peace, Law Enforcement and Development Support	Lead: DND Support: AFP, PNP, DILG, NBI, PCG, NCIP, PCOO
11	E-CLIP and Amnesty Program	Lead: DND & DILG Support: DOJ, OP, DSWD, DHSUD, HUDCC, NHA, NCIP, DOH, TESDA, DTI, DAR, DA, DEPED , CHED, PHIL HEALTH, NICA, AFP, PNP, PCOO
12	International Engagement	Lead: DFA Support: DOJ, ISAFP, NICA, BI, DOLE, NCIP, AFP, PNP, PCOO, PHRCS

Aside from the Clusters, Special Task Groups³ were formed to address specific areas of concern. One of these groups focused specifically on the alleged exploitation of the education system by the CTGs:

Special Task Group	Mission	Objectives	DepEd Involvement
Special Task Group to “Counter CTGs’ Exploitation	Develop and implement strategies, mechanisms, and programs	a. Conduct research and inventory of CTG-operated	NTF-ELCAC identified DepEd to chair the STG-CCEES to be led by

³ National Task Force To End Local Communist Armed Conflict (2020). *Memorandum Circular on the Creation of the Special Task Groups*.



Special Task Group	Mission	Objectives	DepEd Involvement
of the Education System” (STG-CCEES)	that will address the CTG education programs and its infiltration in the Philippine Educational System	<p>schools nationwide;</p> <p>b. Conduct awareness and capacity building program for the concerned clusters and agencies regarding the CTG infiltration of the Philippine education system for Indigenous Peoples;</p> <p>c. Review and study the current government policies and programs beneficial to CTG-operated schools and other infiltrations of the education system;</p> <p>d. Formulate STG operation guidelines and comprehensive action plan that will unify the efforts of the agencies and develop agency programs that will address the CTG infiltration programs;</p>	Undersecretary Alain Del B. Pascua



Special Task Group	Mission	Objectives	DepEd Involvement
		<p>e. Adopt approaches and mechanisms that will effectively pursue relevant and timely government interventions to the CTG-operated schools;</p> <p>f. Develop working template/s that will guide the national clusters and JRTFs in the performance of their mandated tasks in addressing the CTG-operated schools;</p> <p>g. Lay down the indicators of CTG-operated schools, which will provide the clusters and Joint Regional Task Forces the necessary information to analyze and properly assess the level of CTG infiltration in the education system for Indigenous Peoples; and</p> <p>h. Conduct case build-up operation that</p>	



Special Task Group	Mission	Objectives	DepEd Involvement
		will strengthen the legal offensive against the CTG in relation to the CTGs' infiltration in the educational system for Indigenous Peoples	

RECENT DEVELOPMENTS INVOLVING DEPED

More than two years since the implementation of EO 70, s. 2018, the Department of Education, as one of the identified member agencies of the Task Force, has been involved in numerous engagements with the NTF-ELCAC.

These engagements and developments, some of which are critical in nature, include the following:

- Attendance of DepEd Central Office officials/staff to cluster meetings, seminars, and webinars called by the a) Basic Services Cluster, b) Sectoral Unification, Capacity-building and Empowerment Cluster, c) E-CLIP and Amnesty Program Cluster, and d) Strategic Communications Cluster;
- Approval by DepEd Region XI of the recommendation from the Fact-Finding Committee led by National Security Adviser Hermogenes Esperon, Jr. to close the private schools operated by the *Salugpongan Ta' Tanu Igkanogon Community Learning Center, Inc.* (Salugpongan) in 2019⁴;
- Participation of designated NTF-ELCAC resource persons in DepEd national/regional events to talk on the *Dynamics of Work of Non-State Actors* (e.g. DepEd Management Committee Meeting, Conferences on the Last Mile Schools Program and Youth Formation Division); and
- Creation of the *Special Task Group to Counter CTGs' Exploitation of the Education System* to be chaired by the DepEd.

The passage of RA 11479 or the Anti-Terrorism Law (ATL) in 2020 provided impetus to the NTF-ELCAC to aggressively pursue the Communist Terrorist Group or the CTG.



⁴ Department of Education (20 October 2019). *DepEd Assures the Public that the Rights of Children are Protected*. Official Statement. Retrieved from <https://www.deped.gov.ph/2019/10/20/depd-assures-the-public-that-the-rights-of-children-are-protected/>

The ATL provides for the legal basis in implementing the policies of the State against terrorism.

DepEd has been identified as one of the support agencies of the Anti-Terrorism Council created under this Act.

Following the ratification of the ATL, alongside the creation of the NTF-ELCAC under EO 70, major developments concerning education have further intensified.

The most critical issues that need the immediate attention of the Secretary are as follows:

1. NTF-ELCAC's request to DepEd and the Commission on Higher Education to orient learners, and to show the film *Memoirs of a Teenage Rebel*;
2. Children learners involved in situations of armed conflict;
3. Adult learners involved in situations of armed conflict;
4. Protection of Schools from attack by armed groups;
5. Personnel associated with or involved in activities of the Communist Terrorist Group (CTG)-affiliated organizations; and
6. DepEd's position or official statement on the Anti-Terrorism Law

The OUA Strand and IPsEO provide the recommendations for items 1, 2, and 4 as follows:

- ***On Curriculum and Instruction and Film Showing***

The NTF-ELCAC recently invited DepEd and the CHED for a meeting regarding their request for the showing of the film *Memoirs of a Teenage Rebel* to schools last 03 February 2021.

The film depicts how CTGs recruit the youth and the struggles they encounter on the front lines of armed conflicts; and how CTGs exploit the Indigenous Peoples (IP) groups.

Since the proposed film showing involves the review of its appropriateness in terms of content and delivery by subject matter experts, this has been discussed with the Curriculum and Instruction Strand during the above-mentioned briefing for their appropriate action.

Also covered during the meeting was a request for NTF-ELCAC personnel to conduct orientations for learners from Grades 6 to 12 on matters pertaining to insurgency and anti-terrorism.

In addition, a separate Aide Memoire dated 27 January 2021 containing the OUA Strand's recommendations stated that **“any orientation given to learners at any grade level which aims to deepen their knowledge and understanding of social issues on insurgency and anti-terrorism is best done within the context of peace education integrated in the K to 12 curriculum and in accordance with pedagogical approaches that are relevant and age-appropriate to learners.”**



- **On Children Learners Involved in Situations of Armed Conflict**

Republic Act 11188 or the Special Protection of Children in Situations of Armed Conflict Act of 2019 defines *Children in Situations of Armed Conflict* (CSAC) as all Children Involved in Armed Conflict (CIAC)⁵, Children Affected by Armed Conflict (CAAC)⁶, and Internally Displaced Children⁷ due to armed conflict.

The law is also clear that **CIAC should be treated as victims**, and as such should be the beneficiary of government programs for rescue, rehabilitation, and reintegration.

Movements of CTGs and intensified government response put children at greater risk of being CSAC, as has been documented through various DepEd-validated incident reports submitted by field offices.

RA 11188 provides for policies, programs, and services for the rescue⁸, rehabilitation and reintegration⁹ of children in situations of armed conflict. This includes the adoption of protection protocols for the service providers in the performance of their duties all throughout the rescue, rehabilitation, reintegration, and release of the CIAC.

Community-based interventions for the rehabilitation and re-integration of children should be established by Local Social Welfare and Development Offices and shall be preferred over placement in facilities.

The programs, including the development of community-based mechanisms or interventions, which shall be provided by civilian local and national government agencies in partnership with non-government organizations, shall provide services for children while involving their

⁵ CIAC refers to children who are either forcibly, compulsorily recruited, or who voluntarily joined a government force or any armed group in any capacity.

⁶ CAAC refers to all children experiencing or who have experienced armed conflict.

⁷ IDPs refers to children or group of children, whether separated or together with their families, who have been forced to flee or leave their homes or places of habitual residence.

⁸ All children shall be provided with legal assistance and physical security upon rescue.

⁹ Services for children shall include psychosocial support, health (including mental health) and nutrition, education, livelihood for families and other basic or legal services, as may be necessary based on the careful assessment of the social worker considering the safety and protection of the child and his/her family.

Services for children shall include psychosocial support, health (including mental health) and nutrition, education, livelihood for families and other basic or legal services, as may be necessary based on the careful assessment of the social worker, considering the safety and protection of the child and his/her family.

Survivors of violence, especially gender-based violence such as rape and other forms of sexual violence, shall have access to immediate life-saving interventions and shall be ensured of safety, confidentiality, respect and right to informed consent with due respect to her/his religion and culture.



families, communities and other entities to facilitate the children's reintegration.

The law also mandates the State that any program intervention shall be designed with due respect to the culture of each child.

Furthermore, the law institutionalized a Monitoring, Reporting, and Response System or MRRS for grave child rights' violations in situations of armed conflict¹⁰ implemented by the Inter-Agency Committee on Children in Situations of Armed Conflict (IAC-CSAC), which the Department is a member of.

The law is a fundamental source of DepEd Order No. 32, s. 2019 or the National Policy Framework on Learners and Schools as Zones of Peace, which provides for the guidelines in dealing with learners and schools in situations of armed conflict.

As the NTF-ELCAC continues its operations, it must adhere to the established principles, policies, and mechanisms for the special protection of children in situations of armed conflict.

- ***Protection of Schools from Attack by Armed Groups***

Existing policies such as the DND Circular No. 1 or the Child Protection During Armed Conflict Situations or the CPDACS released on February 04, 2016 are in place for the special protection of schools against various forms of attacks by armed groups – whether they come in the form of physical attacks, use for military purposes, targeting for propaganda, and disruption of educational services. **These policies must remain.**

While the CPDACS is currently in effect, **existing policies only cover the protection of DepEd schools.**

In the Implementing Rules and Regulations of Republic Act No. 11188, a distinction was made between schools recognized by the government and schools known by the community as a learning space for children:

School recognized by the government shall refer to an education institution, private and public, undertaking basic education under the Department of Education, with a specific age-group of pupils or students pursuing defined studies at defined levels, receiving instruction from teachers, usually located in a building or a group of buildings, in a particular physical or cyber site, in consonance with the definition of a “school” under Republic Act No. 9155 otherwise known as the “Governance of Basic Education Act of 2001” and other related laws and rules.

It shall also refer to a “learning center” or a physical space to house learning resources and facilities of programs such as the alternative learning system

¹⁰ RA 11188 defines GCRVs as follows: killing or maiming of children, recruitment or use of children, rape and other forms of sexual violence against children, abduction of children, attacks against schools or hospitals, or denial of humanitarian access to children.



under the DepEd for out-of-school youth engaged in face-to-face activities and other opportunities for community development and improvement of the children's quality of life, as defined under Republic Act No. 9155 and other related laws and rules.

School known by the community as a learning space for children shall refer to any structure or space, with or without marked visible boundaries, known by the community as a learning space for children. Such a school does not offer basic education under a permit of recognition to offer basic education from the DepEd.

The definition also makes it clear that the **protection is afforded to all schools recognized by the government** – whether they be a regular public or private school, an accredited or recognized school serving IP learners, or a recognized Community Learning Center.

Further guidance, however, is requested from the Legal Service on the following:

- **Adult Learners Involved in Situations of Armed Conflict**

As previously discussed, mechanisms currently exist for protecting learners who are children in situations of armed conflict. More clarity on protection mechanisms is needed, however, for cases where adult learners are involved.

Although majority of the DepEd's concerns involve school children, the Department is also mandated to provide out-of-school children in special cases and adults with opportunities to improve their knowledge, values, life skills, readiness for higher education and work or self-employment.

This is through a system of non-formal or indigenous education or both, which are tailored to respond to their learning needs and life circumstances¹¹.

Republic Act No. 11510 or the *Alternative Learning System Act of 2021* defines adult as “a person at least eighteen (18) years of age and above.”

Drawing from Republic Act 9155, otherwise known as Governance of Basic Education Act of 2001, DepEd Order No. 32, s. 2019 defines the *learner* as any individual seeking basic literacy skills and functional life skills or support services for the improvement of the quality of his/her life.

It recognizes learners regardless of age.

As such, **learners shall not be the object of attack and shall be entitled to special respect; they shall be protected from any form of threat, assault, torture or other cruel, inhuman, or degrading treatment.**



¹¹ RA 11510

Additional policy guidance is requested, particularly one that supports DepEd Order No. 32, s. 2019 on handling and providing protection to adult learners in situations of armed conflict.

Moreover, RA 11188 states that CIAC should be treated as victims. Will the same principle apply to adult learners involved in armed conflict?

- ***Personnel Associated with or Involved in Activities of CTG-affiliated Organizations***

With the State aggressively pursuing the Communist Terrorist Group (CTG) and those affiliated with them, DepEd personnel have not been exempt from being labelled, branded, or accused of being subversive elements.

This heightens the risk of their rights being violated and being put in danger, even if evidence is generally lacking.

One of the identified party list groups is the Alliance of Concerned Teachers (ACT) Party List—a legal organization for teaching and non-teaching personnel—which has been subjected to profiling, surveilling, red-tagging, and harassment by the military.

The Commission on Human Rights stressed that “the police profiling of members of ACT could put the educators in danger and that the alleged surveillance on ACT members is similar to red-tagging or the practice of publicly classifying individuals and organizations critical of the government as communist terrorists, state enemies or subversives.”

A more in-depth review of any existing laws and policies covering the protection of teaching and non-teaching personnel against red-tagging and other forms of harassment is needed.

In closing, consideration of the recommendations provided is earnestly sought.

The undersigned further recommends that the Secretary instruct the Office of the Undersecretary for Legal Affairs to assess the recommendations offered and provide a legal opinion on the other issues raised in this Aide Memoire.

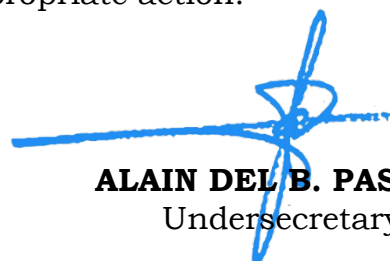
Immediate action is requested in light of the continuing and rapid developments in the national and field level on matters involving the NTF-ELCAC. This includes allowing the issuance of a proper guidance to DepEd field offices and schools.

For the Secretary’s consideration and appropriate action.



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ALAIN DEL B. PASCUA
Undersecretary

