

The Toboso 19 under the Lens of International Law

On April 19, 2026, 19 individuals, known as the Toboso 19, lost their lives to state armed forces in Toboso, Negros Occidental. Among those who were killed was UP Diliman Political Science student Alyssa Alano. While the Armed Forces of the Philippines (AFP) was quick to label the incident as an [encounter](#) with armed insurgents of the New People's Army (NPA), civil society organizations and human rights advocates immediately [challenged](#) this state narrative.

Subsequently, the Communist Party of the Philippines (CPP) [claimed](#) that only ten out of the 19 casualties were its revolutionaries. This raises the possibility that at least nine civilians were killed, including two [minors](#). Furthermore, Dr. Raquel Fortun, the medico-legal expert who conducted the autopsy on the bodies, reported in her [initial findings](#) that some of the victims sustained multiple nonfatal gunshot wounds--including one victim who was shot from back, indicating a treacherous attack.. The cause of death of some was exsanguination, or more commonly known as [bleeding to death](#).

According to local accounts, the military [searched](#) houses for members of the NPA, and gunfire spanned from [4:00 AM to 3:00 PM](#). The absence of military casualties, coupled with the trajectory of the gunshot wounds, seems to suggest direct attacks rather than a firefight. Some also raised the possibility that the weapons were [planted](#) on the bodies post-mortem.

Many reacted, "Why was she there?" implying that the student leader bore some responsibility for entering a well-known highly militarized zone. Alyssa was visiting farmers for a community immersion to understand their [plight](#) as part of her advocacy and academic inquiry. Nevertheless, under International Humanitarian Law (IHL), assuming the existence of a [non-international armed conflict \(NIAC\)](#) which triggers these rules, Alyssa's motivations for being there bear no weight because "individual civilians shall enjoy general protection against the dangers arising from military operations" ([Art. 13\(1\), Additional Protocol II](#)).

According to [Melzer](#), IHL is a set of rules that seek to limit the humanitarian consequences of armed conflicts. It establishes the minimum standards of humanity that must be respected in any situation of armed conflict. The primary purpose of which is to "restrict the means and methods of warfare that parties to a conflict may employ and to ensure the protection and humane treatment of persons who are not, or no longer, taking a direct part in the hostilities" ([Melzer](#)).

International law scholars affirm that the cornerstone of IHL is the [principle of distinction](#), which requires parties to a conflict to always distinguish between civilians and military targets and "direct their operations only against military objectives." In a NIAC, [civilians](#) comprise all persons who are neither members of the state armed forces nor members of an organized armed group with a continuous combat function. On the other hand, [military objectives](#) are "those

objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture, or neutralization in the circumstances at the time, offers a definite military advantage.” Under international law, if there is doubt regarding an individual's status, the [presumption](#) is that the person is a civilian. Therefore, it is for the state to overcome the presumption of civilian status of Alyssa and the other persons that were killed.

Here, the AFP cannot escape liability by issuing routine assertions that the victims were [insurgents](#) or [directly participating in hostilities](#) (DPH). The presumption of civilian status places the [burden of proving](#) DPH on the party claiming it, which the military failed to meet in this case as they instead resorted to bare assertions of [legitimate military operations](#). Even assuming *arguendo* that certain individuals had, at some point in time, participated in hostilities, IHL provides that civilians lose protection only for the [duration](#) that they are DPH and once they disengage, their civilian protection resumes.

Besides, if the state claims the victims were members of an organized armed group, the moment an individual is cornered, unarmed, surrendering, or rendered incapacitated, as demonstrated by the [nonfatal gunshot wounds](#) the victims sustained, they are considered *hors de combat* or out of combat. Executing or [denying quarter](#) to anyone who is *hors de combat* is a violation of [Common Article 3 of the Geneva Conventions](#) and constitutes a war crime, as adopted by the Philippines in [Section 4\(b\) of Republic Act \(R.A.\) No. 9851](#).

More importantly, the Philippines bears [vertical obligations](#) under International Human Rights Law (IHRL) as a state party to the International Covenant on Civil and Political Rights (ICCPR). [Article 2\(1\)](#) of the Covenant provides that “[e]ach State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” Emphasis is placed on the words “[respect](#)” and “political or other opinion,” because under this vertical obligation, “[a State has strict liabilities either to prevent or remedy human rights abuses perpetrated by its own agents](#)” against individuals targeted for their beliefs.

Corollary, Article 6 of the ICCPR protects the [right to life](#) and has two components: the negative and positive component. Joseph explained that the [negative component](#) is the “right not to be arbitrarily or unlawfully deprived of life by the State or its agents,” while the [positive component](#) provides that the “State must adopt measures conducive to allowing one to live.” According to the United Nations Human Rights Committee (HRC), State parties should take measures not only to prevent and punish deprivation of life by criminal acts but also to [prevent arbitrary killing](#) by their own security forces. In one of its cases, the HRC stated that a “[killing may breach Article 6 even though it is authorized by domestic law. The prohibition on the ‘arbitrary’ deprivation of life signifies that life must not be taken in unreasonable or disproportionate circumstances.](#)”

Moreover, the HRC has repeatedly emphasized the [duty to investigate state killings](#). “[State parties have positive duties to investigate all killings, especially when they are perpetrated or suspected to be perpetrated by State agents. A failure to investigate, or an inadequate investigation, will generate a breach of the right to a remedy in Article 2\(3\) in conjunction with Article 6.](#)” In the case of the Toboso 19, there have been little to no investigations by the state, aside from the ongoing probe of the Commission on Human Rights (CHR). This inaction is highlighted by the local governor’s [refusal](#) to call for an investigation, believing that the operations were legitimate. Consequently, no one has been held accountable for the deaths of the Toboso 19 to date. Furthermore, Dr. Fortun’s examination of the bodies revealed that state agents [misabeled and improperly handled the remains](#). This compromised the forensic chain of custody, thereby casting doubt on the legitimacy of the military operations.

The violations continued well after the deaths on April 19. Graphic photographs of the casualties were subsequently leaked online, which triggered [desecration](#) and [red-tagging](#) of the deceased. Under [Common Article 3 of the Geneva Conventions](#) and [Section 4\(b\) of R.A. No. 9851](#), outrages upon personal dignity are strictly prohibited. In the same vein, the deceased must likewise be treated with dignity. Hence, parading the bodies of the deceased as war trophies constitutes yet another violation of international law in addition to domestic law.

This is not the first time that this has happened. It follows a structural pattern of military operations where students and activists are arbitrarily killed under claims of counterinsurgency. Before the Toboso 19, there was Lumad teacher [Chad Booc](#) who was slain in 2022 in an alleged ‘encounter’ in New Bataan. Many others lost their lives in the same manner: at the hands of the state. Under [Article 19](#) of the ICCPR, individuals must be free to hold and express their political beliefs without interference, and the Philippines has a binding obligation to protect this right.

Therefore, when the Philippines arbitrarily deprives its citizens of their lives and fails to comply with its duty to investigate killings conducted by its own agents, it incurs direct state responsibility under International Law. The victims in Toboso 19 cannot be conveniently dismissed as collateral damage or civilians caught in a crossfire because forensic evidence raises serious doubts on the State’s official claims. State-sponsored killings must end, and the government must immediately launch an exhaustive and transparent investigation into the deaths of the Toboso 19 and hold the perpetrators accountable, lest the Philippines itself be held responsible under international law.

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