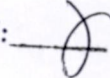




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SENATE

P. S. RES. NO. 151

RECEIVED BY: 

Introduced by Senator Antonio "Sonny" F. Trillanes IV

RESOLUTION

URGING THE SENATE COMMITTEE ON JUSTICE AND HUMAN RIGHTS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ALLEGED EXTRAJUDICIAL OR SUMMARY KILLINGS PURPORTEDLY COMMITTED BY THE "DAVAO DEATH SQUAD", WITH THE INTENTION OF COMING UP WITH REMEDIAL LEGISLATION TO ENSURE THE PROTECTION OF THE PEOPLE'S BASIC HUMAN RIGHTS, AND THEIR RIGHT TO LIFE AND THE OBSERVANCE OF DUE PROCESS OF LAW IN THE GOVERNMENT'S CONDUCT OF ITS CAMPAIGN AGAINST TERRORISM, DRUGS AND STREET CRIMES.

WHEREAS, as enshrined in **Article II, Section 11 of the 1987 Philippine Constitution**:
"The State values the dignity of every human person and guarantees full respect for human rights."

WHEREAS, **Article III, Section 11 of the 1987 Philippine Constitution** further states that: *"No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied the equal protection of the law."*

WHEREAS, the **International Covenant on Civil and Political Rights (ICCPR)**, which the Philippines ratified in 1986, re-affirms the commitment of state parties to the above-mentioned provisions on the recognition of human rights.

WHEREAS, according to the ICCPR, *every human being has the inherent right to life; this right shall be protected by law; and no one shall be arbitrarily deprived of his life.*

WHEREAS, the **Davao Death Squad ("DDS")** is a vigilante group allegedly behind the extrajudicial or summary killings in Davao beginning mid-1990s¹ which apparently persists until today;

WHEREAS, according to the **Coalition Against Summary Execution ("CASE")** and the **Tambayan Center for the Care of Abused Children ("Tambayan")**, the number of documented death squad killings is **814 from August 19, 1998 to February 1, 2009**;²

¹ Human Rights Watch. April 2009. You Can Die Anytime: Death Squad Killings in Mindano. Retrieved from https://www.hrw.org/sites/default/files/reports/philippines0409webwcover_0.pdf

² Ibid.

WHEREAS, of these 814 case, 116 of which happened in 2007, 124 in 2008, and 33 in January 2009 alone;³

WHEREAS, according to an article written by **Fr. Amado Picardal, CSsR**, which was published by the website of the **Catholic Bishops Conference of the Philippines (CBCP)** entitled: "*The Victims of the Davao Death Squad: Consolidated Report 1998 – 2015*", the estimated number of recorded victims of the Davao Death Squad from 1998 to 2015 is *One Thousand Four Hundred and Twenty Four (1,424) victims*. This does not include unrecorded incidents as well as victims from other cities and/or municipalities to which the Davao Death Squad has spread, franchise-style;⁴

WHEREAS, according to the same article of Fr. Picardal: "[O]ut of 1,424, there were 1,367 male and 57 female. *This means that those murdered by the DDS were not only men, there were also fifty-seven (57) women. Looking at this according to age there were 132 children killed (17 and below)–126 boys and 6 girls. The youngest was a 12 years boy and a 15 year girl.*"⁵

WHEREAS, the report of Fr. Picardal further stated: "*There were 14 cases of mistaken identity—they were not the intended targets but the DDS hit men mistakenly hit the wrong target. There were some who had gone away after being warned that they were on the hit list and after some years, after reforming their lives, came back thinking that they were safe. Their names were still on the list so they were still killed.*"

WHEREAS, in 2009, the **Commission on Human Rights** conducted public hearings in Davao City with regard to the killings that happened between 2005 to 2009;⁶

WHEREAS, the Commission identified 206 deaths attributable to the Davao Death Squad within the said period;⁷

WHEREAS, of the 206, 107 victims have records or were suspected to have been involved in illegal activities. There were several others who were cases of mistaken identity;⁸

WHEREAS, the **Commission on Human Rights** found a distinct pattern of killings which identified victims as "*usually involved or suspected to have been involved*" in illegal activities;⁹

³ Ibid.

⁴ Picardal, A. The Victims of the Davao Death Squad: Consolidated Report 1998 – 2015; CBCP Website; Retrieved from: <http://www.cbcnews.com/cbcnews/?p=76531>

⁵ Op. Cit.

⁶ J. Gavilan. 29 June 2016. Davao Death Squad: What Ever happened to the investigations? Rappler News. Retrieved from <http://www.rappler.com/newsbreak/in-depth/137446-davao-death-squad-rodrigo-duterte-chr-resolution>

⁷ Ibid.

⁸ Ibid.

⁹ Ibid.

WHEREAS, according to the **Human Rights Watch**, an International Human Rights Organization, the victims of the Davao Death Squad included minors and there were cases of mistaken identity;¹⁰

WHEREAS, *extrajudicial or summary killing* actually constitutes the crime of *homicide* and when carried out premeditatedly, it becomes *murder*;¹¹

WHEREAS, these killings do not signify justice and a successful crackdown on crimes but indicate a *breakdown in law and order*;¹²

WHEREAS, the continuing pattern of killings and the failure of the authorities to stop the same and to conduct meaningful investigations of such incidents *can be construed as tolerance on the part of authorities of the crimes, thereby contributing to the climate of impunity*;¹³

WHEREAS, there is an immediate need to investigate the alleged extrajudicial or summary killings purportedly perpetrated by the Davao Death Squad in order to come up with remedial legislation to ensure the protection of the people's basic human rights, as well as their right to life and to due process of law, in the face of the intensified campaign of the Government and the Philippine National Police (PNP) against terrorism, drugs and street crimes¹⁴ not only in Davao but throughout the country.

NOW THEREFORE, BE IT HEREBY RESOLVED, *as it is hereby resolved by the Philippines Senate*, to direct the Committee on Justice and Human Rights to conduct an inquiry, in aid of legislation, on the alleged extrajudicial or summary killings committed by the Davao Death Squad or DDS, with the intention of ensuring the protection of the people's basic human rights, as well as their rights to life and to due process of law, in the face of the intensified campaign of the Government and the PNP against terrorism, drugs and street crimes, not only in Davao but throughout the country.

Adopted,


ANTONIO "SONNY" F. TRILLANES IV
Senator

¹⁰ Human Rights Watch. April 2009. You Can Die Anytime: Death Squad Killings in Mindanao. Retrieved from https://www.hrw.org/sites/default/files/reports/philippines0409webwcover_0.pdf

¹¹ Mateo, J. July 15, 2016. Vigilantism undermines war on drugs-CHR. Philippine Star. Retrieved from <http://www.philstar.com/headlines/2016/07/15/1602981/vigilantism-undermines-war-drugs-chr>

¹² <https://www.youtube.com/watch?v=s2Y-P0prdU4>

¹³ J. Gavilan. 29 June 2016. Davao Death Squad: What Ever happened to the investigations? Rappler News. Retrieved from <http://www.rappler.com/newsbreak/in-depth/137446-davao-death-squad-rodrido-duterte-chr-resolution>

¹⁴ De Jesus, J.L., September 17, 2016. 'Bato': No letup on fight against terrorism, drugs, street crimes; Inquirer.Net. Retrieved from: <http://newsinfo.inquirer.net/816166/bato-no-letup-in-fight-vs-terrorism-drugs-street-crimes>