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SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

RECEIVED BY: [Signature]

SENATE

P.S. Resolution No. 348

Introduced by: Senator Paolo Benigno "Bam" A. Aquino IV

A RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ALLEGED OPERATION OF A SECRET JAIL CELL AT THE RAXABAGO POLICE STATION IN TONDO, MANILA, TO PROTECT THE RIGHTS OF THOSE UNDER CUSTODIAL INVESTIGATION OR DETENTION BY THE PHILIPPINE NATIONAL POLICE (PNP)

WHEREAS, the Bill of Rights enshrined in the Philippine Constitution expressly prohibits torture, force, violence or other means that vitiates free will; cruel, degrading or inhuman punishment; secret places of detention, solitary or incommunicado, or other similar forms of detention; and any methods that violate a person's right to remain silent, to be presumed innocent, and to incriminate themselves;

WHEREAS, in line with the Philippine Constitution, Republic Act No. 9745, otherwise known as the "Anti-Torture Act of 2009," prohibits "secret detention places, solitary, incommunicado or other similar forms of detention, where torture may be carried out with impunity." The law also requires the military and police to publicly disclose lists of all detention facilities and the names of the detainees, the dates they were arrested, and the charges against them, in addition to submitting such lists to the Commission on Human Rights (CHR) and ensuring they are updated;

WHEREAS, the Philippine Constitution created an independent body, the Commission on Human Rights (CHR), to investigate human rights violations concerning civil and political rights, provide appropriate legal measures for the protection of human rights, and monitor the Philippines' compliance with international human rights treaty obligations. In addition, the CHR was given powers to visit jails and detention facilities;¹

¹ <http://www.redress.org/downloads/publications/a2-v12-n3-online.pdf>

WHEREAS, Republic Act No. 8551, otherwise known as the "Philippine National Police Reform and Reorganization Act of 1998," states that the Philippine National Police (PNP) "shall be so organized to ensure accountability and uprightness in police exercise of discretion as well as to achieve efficiency and effectiveness of its members and units in the performance of their functions;"

WHEREAS, according to news reports, CHR-NCR officials led by Regional Director Gilbert Boisner, found twelve (12) persons detained in a hidden cell behind a bookshelf at the Raxabago police station in Tondo, Manila, last April 27, 2017. According to CHR, these men and women had been in detention for at least ten (10) days without the filing of charges;²

WHEREAS, Regional Director Boisner said that the CHR-NCR team made the unannounced inspection that led to this discovery after receiving a tip from informants that alleged drug suspects were being held in a cramped and poorly ventilated makeshift cell behind the station's Drug Enforcement Unit (DEU) office;³

WHEREAS, Regional Director Boisner further revealed that the arrests of the 12 detainees were not recorded. Moreover, families of the detainees claimed that the DEU police officers were asking for money, ranging from P40,000 to P100,000, in exchange for their release;⁴

WHEREAS, according to news reports, Supt. Robert Domingo, the station's commander, after initially denying the existence of the hidden cell, later explained that those detained in the covert jail cell were arrested during the station's anti-narcotics operation conducted the day before. Supt. Domingo allegedly asserted that the drug suspects were not held in the main detention cell together with other detainees "because cases have yet to be filed against them";⁵

WHEREAS, Chief Supt. Oscar Albayalde, NCR Police Office Director, released a statement thanking the CHR for taking time to inspect the detention cells of their police stations, claiming that the discovery of the alleged secret jail cell was "an eye opener for all of us to revisit the need for better cell detention and improvement of our jail facilities";⁶

WHEREAS, in the same statement, Chief Supt. Albayalde announced his order for the administrative relief of Station Commander 1 Supt. Domingo and the Station DEU. He further ordered the Regional PNP Internal Affairs Service to

² <http://www.philstar.com/metro/2017/04/28/1694550/hidden-cell-found-manila-police-district-station>

³ <http://www.philstar.com/metro/2017/04/28/1694550/hidden-cell-found-manila-police-district-station>

⁴ <http://www.philstar.com/metro/2017/04/28/1694550/hidden-cell-found-manila-police-district-station>

⁵ <http://newsinfo.inquirer.net/892537/drug-suspects-found-in-secret-police-cell#ixzz4foKksCdn>

⁶ <http://ncrpo.pnp.gov.ph/index.php/home>

conduct an investigation and provide a recommendation on the matter;⁷

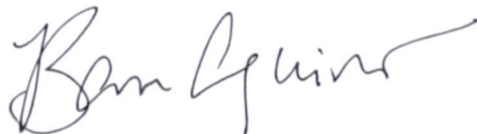
WHEREAS, in contrast to Chief Supt. Albayalde's statement, PNP Chief Bato dela Rosa reportedly criticized the CHR for visiting the said police station, questioning the timing of the said visit during the period of the ASEAN Summit. He further defended the police officers involved in the detention of alleged drug suspects in the hidden jail cell, saying, "As long as the prisoners were not tortured or extorted, it's okay with me";⁸

WHEREAS, the attempts by some leaders of the police force, particularly PNP Chief Dela Rosa, to downplay and even justify the secret jail cell found in the Raxabago police station, is deeply concerning as it puts into question the PNP's capacity to hold erring officials accountable for misconduct and abuse, and thereby encouraging and enabling a culture of impunity;

WHEREAS, as the government's enforcement arm in its war against illegal drugs, the PNP should safeguard the public's trust by ensuring that abusive policemen are investigated and punished accordingly;

NOW, THEREFORE, BE IT RESOLVED, as it hereby resolved by the Senate of the Philippines to direct the appropriate senate committee to conduct an inquiry, in aid of legislation, on the alleged operation of a secret jail cell at the Raxabago police station in Tondo, Manila, to protect the rights of those under custodial investigation or detention by the Philippine National Police (PNP).

Adopted,



⁷ <http://ncrpo.pnp.gov.ph/index.php/home>

⁸ <http://www.philstar.com/headlines/2017/04/29/1695107/bato-backs-secret-cell-detention>