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SENATE

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P. S. RES. NO. 352

Introduced by Senator Antonio "Sonny" F. Trillanes IV

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER AND DANGEROUS DRUGS AND OTHER APPROPRIATE COMMITTEE/S TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE RECENTLY DISCOVERED 'SECRET' CELL CONTAINING TWELVE (12) DETAINEES IN POLICE STATION NO. 1, AT RAXABAGO, TONDO, MANILA, AS UNCOVERED BY THE COMMISSION ON HUMAN RIGHTS (CHR), WITH THE END IN VIEW OF PREVENTING MEMBERS OF PHILIPPINE NATIONAL POLICE (PNP) AND OTHER LAW ENFORCEMENT AGENCIES FROM USING THEIR AUTHORITY, TRAINING AND POSITION TO COMMIT HUMAN RIGHTS VIOLATIONS AND OTHER ABUSES UNDER THE GUISE OF IMPLEMENTING THE ADMINISTRATION'S "WAR ON DRUGS"

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 United Nation's Declaration of Human Rights proclaims that *everyone has the right to life, liberty and security of a person;*

WHEREAS, Article III, Section 12 (2) of the 1987 Philippine Constitution expressly prohibits secret detention places, thus:

"Section 12. (1) Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel."

(2) No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, incommunicado, or other similar forms of detention are prohibited.

[Underscoring and highlighting supplied]

WHEREAS, the Philippine National Police (PNP), as created by Republic Act 6975, is mandated to enforce the law, prevent and control crimes, maintain peace and order, and ensure public safety and internal security with the active support of the community;

WHEREAS, the Ethical Doctrine Manual of the PNP guarantees the respect for human rights in the conduct of duty of the members of the PNP. Specifically, it prohibits any member of the PNP to *inflict, instigate or tolerate extra-judicial killings, arbitrary arrests, any act of torture or other cruel, inhuman or degrading treatment or punishment and shall not invoke superior orders or exceptional circumstances such as a state-of-war, a threat to national security, internal political instability or any public emergency as a justification for committing such human rights violations*;¹

WHEREAS, a team from the Commission on Human Rights (CHR), in an unannounced jail visit on 27 April 2017, uncovered the case of twelve (12) people allegedly illegally detained in a 'secret' cell behind a bookshelf inside Police Station No. 1, in Raxabago, Tondo, Manila;²

WHEREAS, said detainees were allegedly arrested for drug offenses but have been supposedly kept for days with no charges being filed against them. There was also no blotter of the detainees and some of them claimed that they were forcibly taken from their respective residences for no clear reason;³

WHEREAS, these detainees were apparently forced to live under inhumane conditions for as long as eight (8) days, with some detainees further alleged that they were tortured, electrocuted and beaten up and that the police are demanding money, ranging from Php 30,000 to Php 100,000, from them in exchange of their release;⁴

WHEREAS, for his part, MPD Station 1 Commander P/Supt. Roberto "Bong" Domingo denied the aforementioned allegations and claimed that the detainees were not placed in regular cells because they are still being 'processed' and they are yet to be subjected to inquest. He also added that their regular cell can only accommodate 40 people and it was already above capacity;⁵

WHEREAS, this alleged case of arbitrary and illegal detention, torture and extortion purportedly committed by some members of the PNP should immediately be investigated in order to come up with remedial legislation to ensure that the members of the PNP, as well as

¹ Philippine National Police Ethical Doctrine Manual. Retrieved from <http://www.pnp.gov.ph/images/manualsandguides/DHRDD/Ethical-Doctrine.pdf>

² E. Lopez. 27 April 2017. CHR Team finds detainees in 'secret' police cell. Rappler News. Retrieved from <http://www.rappler.com/nation/168172-chr-free-detainees-secret-cell-tondo-police-station>

³ *Ibid.*

⁴ *Ibid.*

⁵ A. Estanislao. 29 April 2017. CHR finds 12 people detained behind Tondo Police Station. CNN Philippines. Retrieved from <http://cnnphilippines.com/news/2017/04/28/Secret-jail-cell-detention-Manila-Police-District.html>

other law enforcement agencies, do not use their authority, training and power in committing human rights violations and other abuses, under the guise of implementing the Duterte Administration's "War on drugs";

WHEREAS, legal mechanisms should also be strengthened to ensure the protection of human rights by increasing the accountability of state actors and fortifying the mandate of relevant government bodies like the Commission on Human Rights (CHR) through the enactment of remedial legislation which may be found necessary and relevant after the proper legislative inquiry on the matter;

NOW THEREFORE, BE IT HEREBY RESOLVED, *as it is hereby resolved by the Philippines Senate*, to direct the Senate committee on Public Order and Dangerous Drugs and other appropriate committee/s to conduct an inquiry, in aid of legislation, on the recently discovered 'secret' cell containing twelve (12) detainees in Police Station No. 1, Raxabago, Tondo, Manila, as uncovered by the Commission on Human Rights (CHR), with the end in view of enacting remedial legislation to ensure that the members of Philippine National Police (PNP) and other law enforcement agencies would not be using their authority, training and power to commit human rights violations and other abuses under the guise of implementing the Duterte Administration's "War on drugs".

Adopted,


ANTONIO "SONNY" F. TRILLANES IV
Senator