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SENATE

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P. S. RES. NO. 451

Introduced by **SENATOR LEILA M. DE LIMA**

**RESOLUTION**

**DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER AND DANGEROUS DRUGS TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE ALLEGED REPREHENSIBLE PRACTICE OF CERTAIN POLICE OFFICERS OF CONCEALING CASES OF EXTRAJUDICIAL KILLINGS BY DUMPING THE BODIES OF VICTIMS IN MANILA BAY, WITH THE END IN VIEW OF FORMULATING TIGHTER MECHANISMS FOR ENFORCING THE ACCOUNTABILITY OF POLICE OFFICERS, AND STRENGTHENING THE PHILIPPINE CRIMINAL JUSTICE SYSTEM BY INSTITUTIONALIZING SAFEGUARDS AND IMPOSING HEAVIER PENALTIES AGAINST POLICE OFFICERS WHO ATTEMPT TO EVADE JUSTICE BY DESTROYING THE EVIDENCE OF THEIR CRIMES**

*WHEREAS*, Article II, Section 5 of the Constitution states that “[t]he maintenance of peace and order, the protection of life, liberty and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessing of democracy”;

*WHEREAS*, Article II, Section 11, avers that “[t]he State values the dignity of every human person and guarantees full respect for human rights”;

*WHEREAS*, Article III, Section 1, provides that “[n]o 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 laws”;

*WHEREAS*, Article XI, Section 1, further declares that “[p]ublic office is a public trust” and that “[p]ublic officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and justice...”;

*WHEREAS*, in an article published last 28 July 2017, Al Jazeera revealed that, over the past year, some fishermen have been disposing of bodies of drug suspects killed in connection with the Duterte administration’s “war on drugs”, which bodies are allegedly referred to as “trash” by authorities, by brazenly and callously dumping

them beside highways and in Manila Bay, allegedly upon the orders of members of the Philippine National Police (PNP);<sup>1</sup>

*WHEREAS*, one particular local fisherman, who claims to have personally disposed of 20 bodies, admitted that some fishermen "...usually throw them out in Manila Bay," and "[s]ometimes [they] put weights on [the body], so it doesn't float up";<sup>2</sup>

*WHEREAS*, the manner in which these bodies were disposed of is starkly similar to the way that the members of the so-called Davao Death Squad (DDS) allegedly disposed of the remains of some of their victims, as narrated by Edgar Matobato, a self-confessed member of the DDS who, during the Senate inquiry held last 15 September 2016, recounted that "[d]ami na kay minsan iyong bangka namin, kumakarga iyan ng 50 katao. Pero minsan ang nakakarga namin may pito, may walo, may lima. Binibiyak muna ang katawan pagkatapos tinatapon sa dagat at saka nilalagyan minsan iyong buhangin, minsan iyong hollow block";<sup>3</sup>

*WHEREAS*, last 24 May 2015, then Davao City Mayor Rodrigo Roa Duterte during his "*Gikan sa Masa, Para sa Masa*" local weekly show, threatened criminals by stating, "[i]f by chance that God will place me there (presidency), watch out because the 1,000 (people allegedly executed while Duterte was mayor of Davao City) will become 100,000. You will see the fish in Manila Bay getting fat. That is where I will dump you";<sup>4</sup>

*WHEREAS*, the gory and merciless practice recounted by fishermen in the Al Jazeera article thus appears to coincide with the modus operandi employed by the DDS, and the apparent fulfillment of the threat made by then Davao City Mayor Duterte;

*WHEREAS*, this is not the first time that authorities have allegedly tried to impede or prohibit the detection, investigation or prosecution of a crime;

*WHEREAS*, last 29 June 2017, Reuters published a special report that concluded that "[p]olice were sending corpses to hospitals to destroy evidence at crime scenes and hide the fact that they were executing drug suspects";<sup>5</sup>

*WHEREAS*, these reports point to an alarming and reprehensible defect in our criminal justice system, where an apparent cycle of impunity is embedded and reinforced by the fact that law enforcement agents, who are emboldened into summarily executing drug suspects rather than arresting and prosecuting them, are

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<sup>1</sup> Al Jazeera. (2017, July 28). Philippine police 'dumping bodies' of drug war victims. Retrieved from Al Jazeera: <http://www.aljazeera.com/news/2017/07/philippine-police-dumping-bodies-drug-war-victims-170728034001676.html>. Accessed on: 2017, July 30.

<sup>2</sup> *Ibid.*

<sup>3</sup> Senate Committee on Justice and Human Rights Hearing, 15 September 2016 Transcript, p.90

<sup>4</sup> Human Rights Watch. (2017, March 02). "License to Kill" Philippine Police Killings in Duterte's "War on Drugs". Retrieved from HRW: <https://www.hrw.org/report/2017/03/02/license-kill/philippine-police-killings-dutertes-war-drugs>. Accessed on 2017, June 30.

<sup>5</sup> Baldwin, C and Marshall, A. (2017, June 29). Special Report: Philippine police use hospitals to hide drug killings. Retrieved from Reuters: <https://www.reuters.com/article/us-philippines-duterte-doa-specialreport-idUSKBN19K1NT>. Accessed on: 2017, June 30.

themselves the investigators of the crimes they have committed and are, thus, in a unique position to hide their crimes by resorting to various methods of disposing of evidence;

*WHEREAS*, Presidential Decree No. 1829, Section 1(b), merely imposes “[t]he penalty of *prision correccional* in its maximum period, or a fine ranging from 1,000 to 6,000 pesos, or both, ... upon any person who knowingly or willfully obstructs, impedes, frustrates or delays the apprehension of suspects and the investigation and prosecution of criminal cases by,” among others, “...destroying... or concealing any ... object, with intent to impair its ... availability ... as evidence in any investigation of or official proceedings in, criminal cases, or to be used in the investigation of, or official proceedings in, criminal cases”, with the additional penalty, under Section 2, of perpetual disqualification from holding public office if the offender is a public official;

*WHEREAS*, it is, thus, imperative for the Senate to review proposed legislation, such as SBN 1479 or the Cadaver Handling Act of 2017, which proposes to encourage respect for the rule of law and human rights by institutionalizing adequate safeguards aimed at preventing resort to such methods of obstructing justice or, at the very least, improving the possibility of detecting, investigating, prosecuting and penalizing such offenses, and imposing heavier penalties therefor;

*WHEREAS*, in light of these serious claims and allegations, the Senate should also review existing legislations, including P.D. No. 1829, and recommend amendments to existing policies of the PNP to ensure that the rights of suspects or persons subject of law enforcement operations have been observed, and that the commission of abuses and outright crimes during and after police operations are addressed and prevented from being committed with impunity;

***NOW THEREFORE, BE IT RESOLVED***, as it is hereby resolved, to direct the Senate Committee on Public Order and Dangerous Drugs to conduct an investigation, in aid of legislation, on the alleged reprehensible practice of certain police officers of concealing cases of extrajudicial killings by dumping the bodies of victims in Manila Bay, with the end in view of formulating tighter mechanisms for enforcing the accountability of police officers, and strengthening the Philippine criminal justice system by institutionalizing safeguards and imposing heavier penalties against police officers who attempt to evade justice by destroying the evidence of their crimes.

*Adopted,*

  
LEILA M. DE LIMA