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SENATE
P.S.R. No. 516

RECEIVED BY: 

Introduced by Senators Pangilinan, Aquino IV, Villanueva, Hontiveros, Recto, Drilon, Ejercito, Trillanes IV, Gatchalian, Lacson, Poe, Binay, Escudero, Angara, Legarda, and De Lima

RESOLUTION URGING GOVERNMENT TO UNDERTAKE THE NECESSARY STEPS TO STOP THE SPATE OF KILLINGS, ESPECIALLY OF OUR CHILDREN, AND DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, TO DETERMINE THE INSTITUTIONAL REASONS, IF ANY, THAT GIVE RISE TO SUCH KILLINGS

WHEREAS, Article XV, Sec. 3(2) of the Philippine Constitution guarantees the protection by the State of children from all forms of neglect, abuse, cruelty, exploitation, and all other conditions prejudicial to their development.

WHEREAS, Republic Act No. 9344 or the "Juvenile Justice Act," mandates that the "best interests of children shall be the paramount consideration in all actions concerning them, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, and legislative bodies, consistent with the principle of First Call for Children as enunciated in the United Nations Convention of the Rights of the Child. Every effort shall be exerted to promote the welfare of children and enhance their opportunities for a useful and happy life."

WHEREAS, the United Nations Convention on the Rights of the Child, a human rights treaty of which the Philippines is a signatory¹, reaffirms that "children's rights require special protection and call for continuous improvement of the situation of children all over the world, as well as their development and education in conditions of peace and security. It enumerates the political, economic, social, health and cultural rights of every child regardless of their race, religion or abilities. It defines a child "under the age of eighteen, unless the age of majority is attained earlier under national legislation."²

WHEREAS, the need to "extend particular care to the child has also been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant

¹ The Philippines signed the Convention on 19 December 1966 and ratified the same on 23 October 1986.

² Article 1, United Nations Convention on the Rights of the Child.

instruments of specialized agencies and international organizations concerned with the welfare of children.³

WHEREAS, among the rights of every child are the right to life⁴, survival and development⁵ and most importantly, protection from violence, abuse or neglect⁶. States Parties are required to take protective measures, as appropriate, which includes "effective procedures for the establishment of social programs to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment, and, as appropriate, for judicial involvement".⁷

WHEREAS, according to the data from the Children's Legal Rights and Development Center, there are at least 54 people aged 18 years old and below killed in either police-operations or vigilante-style killings since July 2016.⁸ Most of said children had been shot while in the company of adults who were the apparent targets of the shooting.⁹

WHEREAS, one of these children recently killed by police officers on 16 August 2017 was 17-year old Kian Loyd delos Santos. He was found dead in an alley, lying face down in a fetal position, with two (2) gunshot wounds to his head and one to his back.¹⁰ Two (2) days later or on 18 August 2017, another child, 19-year old student, Carl Arnaiz, was also killed by policemen. The latter claimed that a shoot-out happened after Carl robbed at gun point, taxi driver, Tomas Bagcal.¹² On 06 September 2017, a third child, 14-year old, Reynaldo de Guzman also known as "Kulot", who was last seen with Arnaiz, was also found dead in Kabayo Creek, Purok Gitna in Barangay San Roque, Gapan, Nueva Ecija. His entire face was covered with masking tape and his body bore around thirty (30) stab wounds.¹³

WHEREAS, due to the alarming spike in the number of children recently killed in blatant violation of their rights guaranteed by the Constitution, Philippine laws and international treaties, there is an urgent need to conduct an investigation of these senseless killings to identify the concrete efforts the government has undertaken and is undertaking to stop the killings, especially of our children, as well as to determine and address the fiscal, policy, and other institutional reasons, if any, that give rise to these killings.

NOW, THEREFORE, BE IT RESOLVED, AS IT HEREBY RESOLVED by the Senate of the Philippines, to urge the government to undertake the necessary steps to

³ UN Convention on the Rights of the Child. Available at <http://www.un.org/documents/qa/res/44/a44r025.htm>. Accessed on 109 September 2017.

⁴ Article 6 (1) UN Convention on the Rights of the Child (UNCRC): States parties recognize that every child has the inherent right to life.

⁵ Article 6(2), UNCRC: States parties shall ensure to the maximum extent possible the survival and development of the child.

⁶ Article 19 (1), UNCRC: "States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

⁷ Article 19(2), UNCRC.

⁸ ABS-CBN News. "Isolated? Kian is 54th minor killed in drug war, says children's rights group." 04 September 2017. Available at <http://news.abs-cbn.com/news/09/04/17/isolated-kian-is-54th-minor-killed-in-drug-war-says-childrens-rights-group>. Accessed on 06 September 2017.

⁹ Human Rights Watch, "Philippines: Abusive Drug War Targets Children." 09 September 2017. Available at <https://www.hrw.org/news/2017/09/09/philippines-abusive-drug-war-targets-children>. Accessed on 09 September 2017.

Philippine Daily Inquirer. "Kian was killed without mercy – NBI." 31 August 2017. Available at <http://newsinfo.inquirer.net/927083/kian-delos-santos-killing-no-mercy-nbi-case-police-criminal-complaint>. Accessed on 07 September 2017.

¹² Interaksyon. "Another Kian? Ex-UP student Carl Arnaiz 'tortured' before he was shot 5 times in Caloocan – PAO autopsy report." 04 September 2017. Available at <http://www.interaksyon.com/another-kian-ex-up-student-carl-arnaiz-tortured-before-he-was-killed-in-caloocan-pao-autopsy-report/>. Accessed on 07 September 2017.

¹³ Philippine Star. "Body of missing 14-year-old Reynaldo de Guzman found." 06 September 2017. Available at <http://www.philstar.com/headlines/2017/09/06/1736394/body-missing-14-year-old-reynaldo-de-guzman-found>. Accessed on 06 September 2017.

stop the senseless killings, especially of our children, and to conduct an inquiry, in aid of legislation, to determine the institutional reasons, if any, that give rise to such killings.

Adopted,

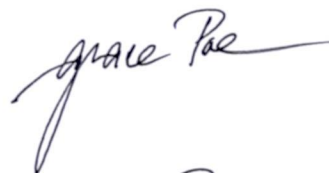
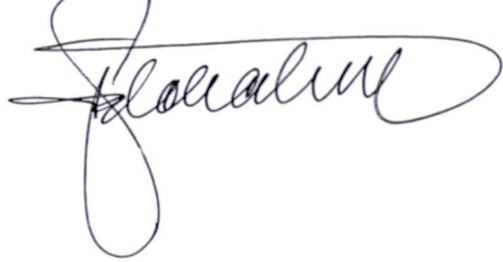


Ben Cline

~~continued care~~



John Dingell



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