

'19 MAR 27 A11 :34

SENATE
P.S. Res. No. 1031

RECEIVED BY



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

RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT
AN INQUIRY, IN AID OF LEGISLATION, ON THE TARGETED AND
SYSTEMATIC ATTACKS AND CONTINUED ASSAULT AGAINST
LAWYERS, PROSECUTORS AND JUDGES, WITH THE END VIEW OF
UPHOLDING THE RULE OF LAW, PROMOTING JUSTICE AND
ACCOUNTABILITY, AND PROTECTING DEMOCRACY AND HUMAN
RIGHTS

1 WHEREAS, Article II, Section 4 of the Constitution states in part that “[t]he
2 prime duty of the Government is to serve and protect the people”;

3 WHEREAS, Article III, Section 1 of the same states that “[n]o person shall be
4 deprived of life, liberty, or property without due process of law, nor shall any person
5 be denied the equal protection of the laws”;

6 WHEREAS, paragraph 16 of the Basic Principles on the Role of Lawyers
7 adopted by the Eighth United Nations Congress on the Prevention of Crime and the
8 Treatment of Offenders, provides, in part, that “[g]overnments shall ensure that
9 lawyers (a) are able to perform all of their professional functions without
10 intimidation, hindrance, harassment or improper interference”;

11 WHEREAS, paragraph 17 of the same provides that “[w]here the security of
12 lawyers is threatened as a result of discharging their functions, they shall be
13 adequately safeguarded by the authorities”;

14 WHEREAS, in his November 28, 2016 speech, President Rodrigo R. Duterte
15 publicly blamed human rights as one of the factors that enabled the proliferation of
16 the drug problem in the Philippines and further bred and multiplied the number of

1 drug users and pushers. As a result thereof, human rights advocates and defenders
2 have also become subjected to attacks in the state-waged bloody drug war;

3 WHEREAS, this policy pronouncement created a culture of terror and
4 violence – a culture further strengthened by state-sponsored impunity, and an
5 environment deplete of protection while replete with fear of reprisal;

6 WHEREAS, President Duterte’s words hit the gas pedal in the assaults that
7 were subsequently carried into against all those who stood firm in the fight to defend
8 and uphold human rights in a time when life and liberty are so easily whisked away
9 in thoughtless dismissal and disregard. His public declaration against human rights
10 defenders was nothing less than a foreshadowing of how the fate of those who would
11 stand for the right of all accused to be presumed innocent until otherwise proven,
12 and who would speak out to uphold the rights of the accused as enshrined in the
13 Constitution, would be determined¹;

14 WHEREAS, from the time President Duterte commenced the “War on Drugs”,
15 figures reveal that an average of thirty-three (33) people are killed daily nationwide.
16 Chilling reports released to the public by the Philippine National Police (PNP) for the
17 period of July 1, 2016 to Feb. 4, 2019 further divulged an alarming estimate of at
18 least 29,000 cases categorized as deaths under inquiry (DUI) were recorded
19 nationwide²;

20 WHEREAS, various reports would later unveil that, while initially hunting
21 down drug users and drug lords,³ the killings would spread across sectors – with one
22 pillar of defense after another being toppled down in brazen impunity. When
23 journalists⁴ used their quill and parchment to expose the horrors – they too were

¹ ABS CBN News (30 November 2016) *Duterte threat to kill rights defenders alarms groups*. Retrieved from: <https://news.abs-cbn.com/news/11/30/16/duterte-threat-to-kill-rights-defenders-alarms-groups>

² Philippine Star (6 March 2019) *29,000 deaths probed since drug war launched*. Retrieved from: <https://www.philstar.com/nation/2019/03/06/1898959/29000-deaths-probed-drug-war-launched>

³ The Guardian (19 December 2018) *Duterte’s Philippines drug war death toll rises above 5,000*. Retrieved from: <https://www.theguardian.com/world/2018/dec/19/dutertes-philippines-drug-war-death-toll-rises-above-5000>

⁴ Philippine Center for Investigative Journalism (23 November 2018) *Case Files: The 12 Journalists Killed Under the Duterte Administration*. Retrieved from: <https://pcij.org/stories/case-files-the-12-journalists-killed-under-the-duterte-administration/>

1 jailed,⁵ humiliated,⁶ and murdered.⁷ When the people ran to sacred temples for
2 succor, and their churches rallied behind them, not even the priests and clergymen
3 were spared from the attacks.⁸ They too were repeatedly slandered and dishonored,⁹
4 threatened,¹⁰ even ordered slayed.¹¹ When human rights advocates and defenders¹²
5 stood their ground, they were likewise caught in the middle of Duterte's merciless
6 and preposterous warpath.¹³ It would not take long before the equation is completed:
7 attack the last standing stronghold – that once destroyed could give the war on drugs
8 the go signal for overdrive; those who vowed to uphold, defend and protect the rule
9 of law: the lawyers, prosecutors and judges;

10 WHEREAS, the roll of lawyers is rapidly transforming into a list of names of
11 casualties caught in the middle of the administration's deadly war.¹⁴ Atty. Rogelio
12 Bato, lawyer of alleged narco-politician Mayor Rolando Espinosa ambushed¹⁵;
13 environmental lawyer Atty. Mia Manuelita Mascarinas-Green, who handled property
14 disputes and criminal cases shot dead by four (4) motorcycle-riding gunmen in the

⁵ The Diplomat (24 September 2018) *Duterte's media war in the Philippines*. Retrieved from:
<https://thediplomat.com/2018/09/dutertes-media-war-in-the-philippines/>

⁶ Manila Times (03 September 2018) *Abusive or Abused press in the time of Duterte*. Retrieved from:
<https://www.manilatimes.net/abusive-or-abused-press-in-the-time-of-duterte/437557/>

⁷ Rappler (21 December 2018) *Philippines deadliest country for journalists in Southeast Asia – IFJ*. Retrieved
from: <https://www.rappler.com/nation/219393-philippines-deadliest-country-journalists-southeast-asia-ifj>

⁸ PhilStar Global (30 December 2018) *Duterte to continue attacks until Church 'corrects itself'*. Retrieved from:
<https://www.philstar.com/headlines/2018/12/30/1881049/duterte-continue-attacks-until-church-corrects-itself>

⁹ ABS CBN New (26 November 2018) *Duterte: People should stop going to church*. Retrieved from:
<https://news.abs-cbn.com/news/11/26/18/duterte-people-should-stop-going-to-church>

¹⁰ ABS CBN News (11 March 2019) *3 priests claim receiving threats after criticizing Duterte policies*. Retrieved
from: <https://news.abs-cbn.com/news/03/11/19/3-priests-claim-receiving-threats-after-criticizing-duterte-policies>

¹¹ Al Jazeera (06 December 2018) *Philippines Duterte: 'Kill those useless bishops'*. Retrieved from:
<https://www.aljazeera.com/news/2018/12/philippines-duterte-kill-useless-catholic-bishops-181205132220894.html>

¹² Worldwide Movement for Human Rights (28 February 2019) *Philippines: Casualties on the rise in President Duterte's war on human rights defenders*. Retrieved from: <https://www.fidh.org/en/issues/human-rights-defenders/philippines-casualties-on-the-rise-in-president-duterte-s-war-on>

¹³ Rappler (07 February 2019) *Human rights defenders also killed under Duterte administration*. Retrieved
from: <https://www.rappler.com/newsbreak/iq/222796-human-rights-defenders-killed-under-duterte-administration>

¹⁴ Rappler (08 November 2018) *LIST: Judges, prosecutors, lawyers killed under Duterte gov't*. Retrieved from:
<https://www.rappler.com/newsbreak/iq/216239-list-judges-prosecutors-lawyers-killed-under-duterte-government>

¹⁵ CNN Philippines (24 August 2016). *Lawyer of Albuera town mayor killed in ambush* Retrieved from:
<http://cnnphilippines.com/regional/2016/08/23/Lawyer-Albuera-town-mayor-killed-in-ambush.html>

1 view and presence of her children¹⁶; half-paralyzed stroke patient Davao Oriental
2 Prosecutor Rolando Acido whose life was ended when two (2) motorcycle-riding
3 gunmen fatally shot him as he was alighting from his vehicle; “*balik-islam*” Assistant
4 City Prosecutor Diosdado Azarcon was locking the gate of his house in May 22, 2017
5 when he was shot in the forehead and left leg at close range by two (2) motorcycle-
6 riding gunmen – making him the fourth prosecutor attacked since October 2016;¹⁷
7 68 year-old Judge Godofredo Abul Jr. who was leaving his house when motorcycle-
8 riding gunmen open fired at his vehicle leaving him dead on the site and his wife
9 wounded¹⁸;

10 WHEREAS, the shooting of Prosecutor Rogelio Alfiler Velasco who was
11 handling an illegal firearms and drug case against the brother of PO1 Jose Lunar
12 Mercado was even caught by CCTV cameras – one footage shows Mercado and his
13 co-accused police officers: Senior Police Officer (SPO) 2 Rodante Sicat Lalimarmo
14 and PO3 Arthur Yasonia Lucy, drawing their short firearms towards the direction of
15 Velasco’s vehicle and firing their weapons thereto in “strategic fashion”¹⁹;

16 WHEREAS, Atty. Benjamin Ramos who represented a number of political
17 prisoners, and took on the case of Mabinay 6 – a group arrested in Mabinay, Negros
18 Oriental following an alleged clash with government troopers, was shot dead by
19 motorcycle-riding gunmen shortly after working on the case of nine farmers who
20 were massacred in a sugar plantation in Sagay, Negros Occidental.²⁰ The most recent
21 fatality, Atty. Rex Lopoz, who, on March 13, 2019 was killed by a sniper in front of a
22 shopping mall in Tagum City – the 38th lawyer to have fallen in the targeted attacks²¹;

23 WHEREAS, in relation to the killings, an international delegation of lawyers
24 that had conducted a fact-finding mission into the attacks against Philippine lawyers,

¹⁶ Rappler (17 February 2017). *Environmental Lawyer murdered in the Philippines* Retrieved from: <http://www.rappler.com/nation/161782-environmental-lawyer-murdered-philippines>.

¹⁷ PhilStar Global (22 May 2017) *Prosecutor, cop gunned down*. Retrieved from: <https://www.philstar.com/metro/2017/05/22/1702603/prosecutor-cop-gunned-down>

¹⁸ Sun Star Philippines (05 August 2017). *Judge killed in Butuan City*. Retrieved from: <https://www.sunstar.com.ph/article/157012/>

¹⁹ Rappler (28 January 2019). *DOJ starts probe into cops’ alleged role in prosecutor slay*. Retrieved from: <https://www.rappler.com/nation/222123-doj-starts-probe-rogelio-velasco-ambush>

²⁰ Manila Standard (07 November 2018) *Lawyer in Sagay massacre shot dead*. Retrieved from: <http://manilastandard.net/news/top-stories/279974/lawyer-in-sagay-massacre-shot-dead.html>

²¹ GMA News (18 March 2019) *HRW: Lopoz slay linked to Duterte’s drug war*. Retrieved from: <https://www.gmanetwork.com/news/news/nation/688306/hrw-lopoz-slay-linked-to-duterte-s-drug-war/story/>

1 judges, prosecutors and paralegals, were themselves subjected to surveillance and
2 received threats on Monday, 18 March 2019²²;

3 WHEREAS, on 17 February 2017, recognizing that the “spate of killings
4 victimizing members of the Bar makes it imperative for the government to enact
5 measures for the personal and professional safety of Filipino lawyers and to
6 effectively prevent attacks on their independence and safety”, Senate Resolution No.
7 300 was filed and referred to the Committees on Public Order and Dangerous Drugs
8 and Justice and Human Rights, and remains pending before the said Committees;

9 WHEREAS, on 18 March 2018, emphasizing the role of legal professionals as
10 “guardians of justice”, and recognizing that lawyers “are advocates of the litigants”
11 who “act to facilitate the administration of justice”, Senate Resolution No. 668 was
12 filed and referred also to the Committees on Public Order and Dangerous Drugs and
13 Justice and Human Rights. The Resolution, which likewise remains pending,
14 stressed that the spate of killings perpetrated against legal professionals “pose a
15 serious threat to democracy and the rule of law” – for “to threaten or endanger the
16 lawyers is to subvert the effective functioning of our justice system;”

17 WHEREAS, on February 2018, the Integrated Bar of the Philippines (IBP)
18 passed a resolution creating a task force to investigate, document and provide
19 support for the prosecution of cases involving members of the Bar. “The apparent
20 continued attacks on the members of the Bar, none of which had been successfully
21 resolved or prosecuted, create an impression of impunity, wherein State forces
22 appear indifferent and helpless, or, worse, in one case, even involved in such violent
23 assaults”, the resolution read²³;

24 WHEREAS, on 15 November 2018, following the death of Benjamin Ramos,
25 the International Commission of Jurists (ICJ), together with the Alternative Law
26 Groups (ALG), called on the Government of the Philippines to take immediate and
27 effective action to addressing his apparently unlawful killing. The ICJ, through
28 Emerlynn Gil, its Senior International Legal Adviser, said that, “[i]t is essential for

²² Inquirer.Net (20 March 2019) *Int’l delegation of lawyers: We were tailed, threatened*. Retrieved from https://newsinfo.inquirer.net/1097728/intl-delegation-of-lawyers-we-were-tailed-threatened?utm_expid=.XqNwTug2W6nwDVUSgFJXed.1

²³ GMA News (23 February 2019). *IBP forms task force to probe violence vs. lawyers*. Retrieved from: <https://www.gmanetwork.com/news/news/nation/644440/ibp-forms-task-force-to-probe-separate-ambushes-on-2-lawyers/story/>

1 the proper and effective functioning of the administration of justice that lawyers are
2 kept safe as they fulfill their duties to protect the rights of their clients and promote
3 the cause of justice.” For its part, the ALG stressed that, “[t]he rising number of
4 killings of lawyers is very concerning and alarming; it is an attack not only on
5 individual lawyers but on the justice system as a whole. The Philippine government
6 must take immediate and proactive measures to ensure the safety of lawyers as they
7 conduct their professional duties”²⁴;

8 WHEREAS, on 07 November 2018, in the wake of the slaying of human rights
9 lawyer Atty. Benjamin Ramos, former Chief Justice Maria Lourdes Sereno in a
10 statement said that, “any government that does not act to stop the rampant killing of
11 defense lawyers, by such inaction, kills not only its citizens and their defenders, but
12 also the rule of law, and thereby, extinguishes hopes for a just and humane future”²⁵;

13 WHEREAS, on 19 March 2019, when the number of casualties reached its
14 record-high of 38, the IBP in a statement through its President Abdeil Dan Elijah
15 Fajardo said, “[w]e thus renew our call for the Supreme Court to initiate a thorough
16 and impartial investigation into all the killings of Filipino lawyers by convening a
17 dialogue among the Supreme Court, the IBP, State security forces, and other relevant
18 organizations, in order for the parties to engage in open and constructive discussion
19 on ensuring the safety and security of lawyers”. “Lawyers, prosecutors, and judges
20 are being targeted with surging frequency and impunity,” he lamented. “This series
21 of unsolved crimes against lawyers has germinated a dark halo of fear that has
22 paralyzed the most important pillars of the justice system,” he pointed out²⁶;

23 WHEREAS, New York-based human rights group Human Rights Watch
24 (HRW) stated how the spate of killings poses a threat to the Philippines’ justice
25 system. “The government has subjected journalists, activists, priests, and religious
26 leaders who have been critical of the ‘drug war’ to a withering campaign of vilification
27 and harassment, including through social media,” HRW said. “The killing of lawyers

²⁴ ICJ.Org (15 November 2019). *Philippines: Government must act to ensure justice in killing of lawyer Benjamin Ramos*. Retrieved from: <https://www.icj.org/philippines-government-must-act-to-ensure-justice-in-killing-of-lawyer-benjamin-ramos/>

²⁵ Inquirer.Net (07 November 2018) *Sereno says inaction on lawyers’ slayings shatters hopes for ‘humane future’*. Retrieved from: https://newsinfo.inquirer.net/1051533/sereno-says-inaction-on-lawyers-slayings-kills-hopes-for-humane-future?utm_expid=.XqNwTug2W6nwDVUSgFJXed.1

²⁶ Manila Bulletin (16 March 2019) *IBP asks SC to probe continued killing of lawyers*. Retrieved from <https://news.mb.com.ph/2019/03/16/ibp-asks-sc-to-probe-continued-killing-of-lawyers/>

1 who represent members of the poorest, most marginalized parts of Philippine
2 society, including many of the victims of the 'drug war' and their families, has a
3 devastating impact on access to justice in the Philippines,"²⁷ it added;

4 WHEREAS, the targeted and systematic attacks against the members of the
5 bar is detrimental not only to the legal profession but also to those who run towards
6 them for relief. As the HRW puts it, "[b]y silencing a lawyer, many victims are also
7 silenced. But then perhaps that is the purpose"²⁸;

8 WHEREAS, this escalating and alarming trend and spate of attacks and
9 killings of members of the Bar makes it imperative for the government and law
10 authorities and institutions to conduct a thorough investigation and ensure that the
11 perpetrators are swiftly brought to justice as well as to provide adequate measures to
12 address and ensure the personal and professional safety of Filipino lawyers and to
13 effectively prevent any further attacks on their independence and security;

14 **NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY**
15 **RESOLVED BY THE SENATE** to direct the appropriate Senate Committee to
16 conduct an inquiry, in aid of legislation, on the targeted and systematic attacks and
17 continued assaults against lawyers, prosecutors and judges, with the end view of
18 upholding the rule of law, promoting justice and accountability, and protecting
19 democracy and human rights.

Adopted,


LEILA M. DE LIMA

²⁷ PhilStar Global (16 March 2019). *HRW: 38th lawyer killed since Duterte admin possible 'drug war murder' victim*. Retrieved from: <https://www.philstar.com/headlines/2019/03/16/1901988/hrw-38th-lawyer-killed-duterte-admin-possible-drug-war-murder-victim>

²⁸ Inquirer.Net (16 March 2019) *HRW: Killing pro-poor lawyers is silencing the voice of poor people*. Retrieved from: https://newsinfo.inquirer.net/1096476/hrw-killing-lawyers-is-silencing-the-voice-of-poor-people?utm_expid=.XqNwTug2W6nwDVUSgFJXed.1