


SEVENTEENTH CONGRESS OF THE REPUBLIC
OF THE PHILIPPINES

First Regular Session



OCT 27 P2:11

SENATE
P.S. Res. No. 214

RECEIVED BY: 

Introduced by Senator Poe

RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED PRACTICE OF THE PHILIPPINE NATIONAL POLICE (PNP) ALLOWING FAMILY MEMBERS TO WAIVE FURTHER INVESTIGATION IN CERTAIN CASES, PARTICULARLY WHERE CULPABLE NEGLIGENCE OF PARENTS MAY BE INVOLVED WITH REGARD TO THEIR MINOR CHILDREN

WHEREAS, Article 2, Section 4 of the 1987 Constitution states: “The prime duty of the Government is to serve and protect the people”;

WHEREAS, Section 5 of the same further provides: “The maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy”;

WHEREAS, the Declaration of Police and Principles of Republic Act No. 8551, otherwise known as the “Philippine National Police Reform Act of 1998” states that “*The 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, it is apparently a practice of the Philippine National Police (PNP), during investigations surrounding the death of a person, to allow his or her relatives to waive further investigation;

WHEREAS, the practice of signing waivers apparently has no explicit legal basis within the Revised Penal Code or in other statutes or rules or regulations and is apparently an “unwritten rule” exercised as a matter of discretion on the part of the PNP;

WHEREAS, various media reported on 18 October 2016 that a two-year old child shot himself in the face with a pen gun owned by his older brother; however, the family requested from the PNP that they sign a waiver against further investigation;

WHEREAS, previously, the PNP has also allowed family members to waive investigations involving minors, some of these were reported by news agencies:

- *GMA News Online* reported on 4 July 2010 after a one-year old child died from allegedly drinking silver cleaner, one of the child’s parents signed a waiver saying

that “I believe that my child accidentally drank silver cleaner that had been mixed into a glass of water and a police investigation is unnecessary”;

- The *Philippine Star* reported on 13 December 2014 that the mother of a 10-month old baby boy executed a waiver after her boy allegedly died from strangulation by a cradle (*duyan*);

WHEREAS, in many cases, minors are unable to defend themselves; thus, it is possible that some children suffer from injuries or die due to negligence or corporal punishment, but these cases are not investigated because of the waiver;

WHEREAS, Article 231 of Executive Order No. 209, otherwise known as the Family Code, states that “culpable negligence of the parent or the person exercising parental authority” is a basis for suspending or depriving the guilty party of parental authority;

WHEREAS, the Supreme Court in the case of *Concepcion vs. Court of Appeals* (G.R. No. 123450, 31 August 2005) affirmed that “The State, as *parens patriae*, affords special protection to children from abuse, exploitation and other conditions prejudicial to their development. It is mandated to provide protection to those of tender years”;

WHEREAS, it is imperative for the legislature to craft measures to ensure that those who are responsible for the death of or injuries suffered by children do not go unpunished simply because the parents can sign a waiver against further investigation;

NOW THEREFORE BE IT RESOLVED, as it is hereby resolved by the Senate, to direct the proper Senate committee to conduct an inquiry, in aid of legislation, on the reported practice of the Philippine National Police (PNP) allowing family members to waive further investigation in certain cases, particularly where culpable neglect of parents may be involved with regard to their minor children.

Adopted,

