



SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
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SENATE

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P. S. RES. NO. 312

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

RESOLUTION

CONDEMNING THE DEHUMANIZING AND DEGRADING TREATMENT BY CERTAIN MEMBERS OF THE PHILIPPINE DRUG ENFORCEMENT AGENCY (PDEA), THE PHILIPPINE NATIONAL POLICE (PNP), AND THE ARMED FORCES OF THE PHILIPPINES (AFP) OF CEBU PROVINCIAL DETENTION AND REHABILITATION CENTER (CPDRC) INMATES LAST 28 FEBRUARY 2017, URGING THE COMMISSION ON HUMAN RIGHTS (CHR) TO BRING THE ERRING OFFICERS AND THEIR OFFICIALS BEFORE THE BAR OF JUSTICE, AND DIRECTING THE COMMITTEE ON JUSTICE AND HUMAN RIGHTS TO CONDUCT AN INVESTIGATION THEREON, WITH THE END IN VIEW OF ENACTING REMEDIAL LEGISLATION

WHEREAS, Article III, Section 19, paragraph 2 of the 1987 Constitution provides “The employment of physical, psychological, or degrading punishment against any prisoner or detainee or the use of substandard or inadequate penal facilities under subhuman conditions shall be dealt with by law”;

WHEREAS, Section 2 (b) of Republic Act No. 9745, otherwise known as the “Anti-Torture Act of 2009” avers that it is the policy of the State “[t]o ensure that the human rights of all persons, including suspects, detainees and prisoners are respected at all times; and that no person placed under investigation or held in custody of any person in authority or, agent of a person authority shall be subjected to physical, psychological or mental harm, force, violence, threat or intimidation or any act that impairs his/her free will or in any manner demeans or degrades human dignity”;

WHEREAS, under the United Nations’ Standard Minimum Rules for the Treatment of Prisoners, “[c]orporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences”;

WHEREAS, in the wee hours of February 28, two hundred eighty-nine (289) heavily armed personnel from the Philippine Drug Enforcement Agency (PDEA), Philippine National Police (PNP) and the Armed Forces of the Philippines (AFP)

raided the cells of three thousand six hundred (3,600) male inmates at the Cebu Provincial Detention and Rehabilitation Center (CPDRC);¹

WHEREAS, despite the apparently successful greyhound operation, wherein seventy-six (76) cellular phones, nineteen (19) medium sachets of methamphetamines worth at least P30,000, cash amounting P92,000, laptop and media players, and lighters and drug paraphernalia were recovered,² the anti-drug agents, police and military appear to have unduly violated the guarantees of the Constitution, relevant statutes and international commitments of the Philippine government by forcing the prisoners to strip naked before being herded into the detention facility's quadrangle while they scoured inmates' cells for contraband;

WHEREAS, uncensored photos of the incident, showing the inmates sitting stark naked and cross legged on the concrete floor as armed members of the police force guarded them, were also allegedly released by the Philippine Drug Enforcement Agency and provincial police;³

WHEREAS, the conditions under which the prisoners were subjected are not even claimed as being justified as some form of punishment for proven infractions, thus even more making their imposition unwarranted;

WHEREAS, this unnecessary and uncalled for degrading and inhuman treatment of prisoners, captured in the photos that have since been widely disseminated, seem reminiscent of photos depicting how concentration camp inmates were once treated in Nazi Germany, wherein human rights were rampantly violated and trampled upon because the detainees were perceived to be *Untermensch* or subhuman;

WHEREAS, the manner by which the State agents handled the conduct of the operation reflects, not just how lowly they apparently perceive the humanity of the inmates, but likewise reflects negatively on our own humanity as a society;

WHEREAS, citizens should be educated that incarceration does not strip prisoners of their human rights and that, even while in detention, inmates still have the claim to be treated as members of society;

WHEREAS, it is the duty of the State to value the rights of all human beings, and commitments to discharge the same should not be mere pretensions or lip service that are readily abandoned at the convenience of law enforcers;

NOW THEREFORE, BE IT RESOLVED, as it is hereby resolved, for the Senate to condemn the dehumanizing and degrading treatment of certain members

¹ Israel, Dale. (2017, March 04). <http://cnnphilippines.com>. Retrieved from CNN Philippines: <http://cnnphilippines.com/news/2017/03/03/CHR-investigates-Thousands-of-inmates-stripped-naked-in-Cebu-jail-raid.html>

² Braga, Michael and Quintas, Kristine. (2017, March 01). <http://www.philstar.com>. Retrieved from The Freeman: <http://www.philstar.com/cebu-news/2017/03/01/1676871/dawn-raid-cebu-provincial-jail-yields-drugs-money-phones>

³ Agence France-Presse (AFP). (2017, March 02). <http://newsinfo.inquirer.net>. Retrieved from Inquirer.net: <http://newsinfo.inquirer.net/876895/naked-prisoners-in-cebu-jail-cause-uproar>

of the Philippine Drug Enforcement Agency (PDEA), the Philippine National Police (PNP), and the Armed Forces of the Philippines (AFP) to Cebu Provincial Detention and Rehabilitation Center (CPDRC) inmates last 28 February 2017, to urge the Commission On Human Rights (CHR) to bring the erring officers and their officials before the bar of justice, and to direct the Committee on Justice and Human Rights to conduct an investigation thereon, with the end in view of enacting remedial legislation.

Adopted,


LEILA M. DE LIMA