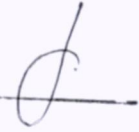


SEVENTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
Second Regular Session )

17 JUN 21 P 1:16

SENATE  
P.S. Resolution No. 413

RECEIVED BY: \_\_\_\_\_



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Introduced by: Senator Paolo Benigno "Bam" A. Aquino IV

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**RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT  
AN INVESTIGATION, IN AID OF LEGISLATION, ON THE CONTRADICTION  
ISSUANCES OF THE DEPARTMENT OF JUSTICE WITH REGARD TO THE KILLING OF  
LEYTE MAYOR ROLANDO ESPINOSA IN HIS JAIL CELL**

**WHEREAS**, in the early morning of November 5, 2016, Leyte Mayor Rolando Espinosa and his prison mate, Raul Yap, were killed inside their prison cells in the Baybay City Provincial Jail while being served a search warrant by the Criminal Investigation and Detection Group Regional Office No. 8 (CIDG-8) of the Philippine National Police (PNP). Espinosa was arrested earlier in October for alleged possession of illegal drugs and firearms;<sup>1</sup>

**WHEREAS**, following its investigation, the National Bureau of Investigation (NBI) disputed the claim by the CIDG-8 team that the killing happened in the course of a shoot out between Mayor Espinosa and Raul Yap and the CIDG team. Based on its findings, the NBI concluded that the killing was a rubout, premeditated and with criminal intent;<sup>2</sup>

**WHEREAS**, on 2 November 2016, the NBI filed before the Department of Justice (DOJ) multiple murder and perjury cases against 24 members of the CIDG-8, led by Superintendents Marvin Wynn Marcos and Santi Noel Gaspang Matira, in connection with the killing;<sup>3</sup>

**WHEREAS**, during the plenary session last 7 November 2016, the Committee on Public Order and Dangerous Drugs and the Committee on Justice and Human Rights were directed by the Senate, upon the motion of Senate Majority Leader Sotto, to jointly investigate and inquire, in aid of legislation, into the killing of Mayor Espinosa. Accordingly, said Committees conducted three (3) public hearings on November 10, 23 and December 5, 2016, and an executive session on 14 December 2016;

**WHEREAS**, considering the established procedures, jurisprudence, ordinary human experience and witness testimonies made during the hearings, the investigating

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<sup>1</sup> <http://news.abs-cbn.com/news/11/04/16/albuera-mayor-espinosa-shot-dead-inside-jail-cell>

<sup>2</sup> <http://newsinfo.inquirer.net/851292/nbi-mayor-espinosa-was-murdered-defenseless>

<sup>3</sup> <http://newsinfo.inquirer.net/851292/nbi-mayor-espinosa-was-murdered-defenseless#ixzz4jqg08X00>

Committees submitted to the Senate on 7 March 2017, Committee Report No. 46, detailing the results of its investigation.

**WHEREAS**, the investigating Senate Committees concluded that, "the killing of Mayor Espinosa was premeditated and with abuse of authority on the part of the operatives of CIDG-8." The Committees questioned both the necessity and the intention of the CIDG-8 team in applying for and implementing the search warrants, and noted the use of overwhelming force by the authorities in serving the said warrants. The Committees also believed that the CIDG-8 team had planted firearms and illegal drugs to justify the killing of Mayor Espinosa inside their jail cells;

**WHEREAS**, the investigating Senate Committees further noted that, "Although the Committees recognize and give due respect to the authority of the courts to determine the guilt of the police officers involved in the operation, the Committees are convinced that the circumstances point out to a systematic 'clean up' made on any living trace that may reveal their involvement in the Espinosa drug trade;"

**WHEREAS**, as part of the recommendations in Committee Report No. 46, the Senate Committees decried the delay in the conduct of the DOJ investigation into the case and strongly urged the DOJ to expedite its proceedings given that this case is impressed with public interest;

**WHEREAS**, on 2 March 2017, the DOJ released a 24-page resolution that supported the findings of both the NBI and the Senate Committees, and found probable cause against 19 CIDG-8 members. The resolution became the basis for filing of a complaint before the Baybay City Regional Trial Court 14;<sup>4</sup>

**WHEREAS**, the DOJ resolution stated that, "The killings are qualified by evident premeditation since the attack was well planned. The records will show that respondents craftily executed the killings under the pretense of implementing a search warrant;"<sup>5</sup>

**WHEREAS**, based on the DOJ resolution, a case for two counts of murder were filed against Superintendent Marvin Marcos, Senior Inspector Deogracia Pedong Diaz III, Chief Inspector Calixto Canillas Jr., Inspector Lucesito Candelosas, Senior Police Officers 2 Benjamin Dacallos and Antonio Docil, Senior Police Officer 1 Mark Christian Cadilo, Police Office 3 Norman Abellanosa, Police Officers 2 John Ruel Doculan and Jaime Bacsal, and Police Officer 1 Jerlan Cabiyaan. Superintendent Santi Noel Matira, Chief Inspector Leo Daio Laraga, Senior Police Officer 4 Melvin Caboyit and Police Officer 3 Johnny Abuda Ibanez were also charged for the murder of Espinosa. In addition, Senior Inspector Fritz Bioco Blanco, Senior Police Officer 4 Juanito Duarte, Police Officer 2 Lloyd Ortiguesa and Police Officer 1 Bernard Orpilla were charged for the murder of Yap;<sup>6</sup>

**WHEREAS**, following a petition for review by the accused, the DOJ released a new resolution dated 2 June 2017, ordering the public prosecution to amend and

<sup>4</sup> <http://newsinfo.inquirer.net/882355/doj-resolution-says-espinosa-slay-well-planned#ixzz4jqnyPcfH>

<sup>5</sup> <http://newsinfo.inquirer.net/882355/doj-resolution-says-espinosa-slay-well-planned#ixzz4jqrQDfa8>

<sup>6</sup> <http://www.philstar.com/headlines/2017/03/21/1683158/arrest-warrants-out-19-cops-espinosa-slay>

downgrade the charges from Murder to Homicide. With this latest ruling, the accused CIDG officers have been released from detention after posting bail;<sup>7</sup>

**WHEREAS**, the recent turnaround in the DOJ ruling is deeply concerning as there is no clear and compelling reason to reverse its initial resolution. The new DOJ resolution directly contradicts the agency's earlier resolution as well as the findings of both the NBI and the investigating Senate Committees;

**WHEREAS**, contrary to the DOJ's initial March 2 resolution, DOJ's June 2 resolution stated that there was no record of "evident premeditation" and that only "necessary force" was used to implement the search warrant against Espinosa.<sup>8</sup> Its recent ruling in favor of the accused police officers was made with seeming blatant disregard for the findings of the NBI and the Senate. This sends the message that the supposed law enforcers frontlining the current administration's War on Drugs are exempted from the rule of law;

**NOW, THEREFORE, BE IT RESOLVED**, as it is hereby resolved by the Senate of the Philippines to direct the appropriate Senate Committee to conduct an investigation, in aid of legislation, on the contradictory issuances of the DOJ with regard to the killing of Leyte Mayor Rolando Espinosa in his jail cell.

Adopted,



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<sup>7</sup> <http://newsinfo.inquirer.net/906661/cops-in-espinosa-slay-now-free>

<sup>8</sup> <http://newsinfo.inquirer.net/903719/case-vs-cops-in-espinosa-slay-downgraded-to-homicide>