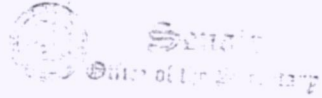



SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



'17 JUL -6 AIO :29

SENATE

P. S. RES. NO. 421

RECEIVED BY: 

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

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER AND DANGEROUS DRUGS TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE REUTERS SPECIAL REPORT EXPOSING THE ALLEGED PRACTICES OF CERTAIN POLICE OFFICERS IN USING HOSPITALS TO CONCEAL INCIDENTS OF EXTRAJUDICIAL KILLINGS, AND IN TAMPERING OF EVIDENCE AT THE CRIME SCENE, WITH THE END IN VIEW OF FORMULATING TIGHTER MECHANISMS OF ACCOUNTABILITY OF POLICE OFFICERS, AND INSTITUTING CORRECTIVE LEGISLATIVE MEASURES TO IMPROVE THE SYSTEM OF CRIME DETECTION AND INVESTIGATION

WHEREAS, Article II, Section 5 of the Constitution states that “[t]he maintenance of peace and order, the protection of life, liberty and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessing of democracy”;

WHEREAS, Article II, Section 11, avers that “[t]he State values the dignity of every human person and guarantees full respect for human rights”;

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

WHEREAS, Article XI, Section 1, further declares that “[p]ublic office is a public trust” and that “[p]ublic officers and employees must, at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and justice, ...”;

WHEREAS, Reuters, based on their analysis of crime data from two of Metro Manila's five police districts, namely, the Quezon City Police District and Manila Police District, and from interviews with doctors, law enforcement officials and victims' families, published on 29 June 2017 a special report that concluded that

“[p]olice were sending corpses to hospitals to destroy evidence at crime scenes and hide the fact that they were executing drug suspects”;¹

WHEREAS, based on the report, “[t]he data also shows a sharp increase in the number of drug suspects declared dead on arrival in these two districts each month. There were ten (10) cases at the start of the drug war in July 2016, representing 13 percent of police drug shooting deaths. By January 2017, the tally had risen to 51 cases or 85 percent”;²

WHEREAS, it was observed that most of the victims rushed by the police to the concerned hospitals were killed from lethal wounds, *i.e.*, “clean shots” to the forehead, chest or heart, often fired from less than a meter away, atypical to injuries supposedly obtained from violent and frenzied exchanges of gunfire, as claimed by members of the Philippine National Police (PNP);³

WHEREAS, witnesses recounted the inhumane treatment done to the victims, *i.e.*, throwing them at the back of flatbed trucks, showing no urgency in getting them medical treatment;⁴

WHEREAS, doctors claimed that, as often as twice or thrice a month, the police would deliver bodies that were already displaying *rigor mortis* for resuscitation;⁵

WHEREAS, when asked for an opinion during a television interview on ABS-CBN News Channel, PNP Chief Gen. Ronald “Bato” dela Rosa reasoned that police officers were not medically qualified to determine whether a victim was dead or alive so the victim would be sent to a hospital;⁶

WHEREAS, these alleged disreputable behaviors of police officers may be indicative of abuses committed contrary to the prescribed Operational Procedures found in the PNP Handbook published last December 2013, which states under Rules 7.1 and 7.4 thereof that “[t]he excessive use of force during police operation is prohibited...” and “[w]hen suspect is violent or threatening, and that less physical measures have been tried and deemed inappropriate, a more extreme, but non-lethal measure can be used such as baton/truncheon, pepper spray, stun gun and other nonlethal weapon to bring the suspect under control, or effect an arrest”, respectively;

WHEREAS, National Bureau of Investigation (NBI) agent Rizaldy Rivera pointed out that, by moving the bodies of the victims, “[p]olice] obliterate the crime

¹ Baldwin, C and Marshall, A. (2017, June 29). Special Report: Philippine police use hospitals to hide drug killings. Retrieved from Reuters: <https://www.reuters.com/article/us-philippines-duterte-doa-specialreport-idUSKBN19K1NT>. Accessed on: 2017, June 30.

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

⁶ Corrales, Nestor. (2017, July 01). Palace mum on report PNP using hospitals to conceal drug killings. Retrieved from Inquirer: <http://newsinfo.inquirer.net/910151/palace-mum-on-report-pnp-using-hospitals-to-conceal-drug-killings>. Accessed on 2017, July 03.

scene – the evidence," therefore, forensic investigators carry out their examination on what is effectively a "tampered crime scene";⁷

WHEREAS, Gen. Aurelio Trampe of the Scene of the Crime Operatives (SOCO), although he tried to claim that police officers have not been removing bodies to alter crime scenes, he nonetheless admitted that they have been disregarding crime scene investigative procedures, purportedly in order to "save lives";⁸

WHEREAS, once the victim was removed from the crime scene, common practice appears to be that the task of investigating the events that transpired, instead of being performed by SOCO, is being performed by the police investigator handling the case who often hails from the same station as the police officers who killed the suspect;⁹

WHEREAS, according to Dr. Raquel Del Rosario Fortun, an independent forensic scientist and chair of the University of the Philippines Manila Pathology Department, such practices can leave the system open to abuse wherein "[t]hey do the shooting, they do the killing - and they investigate themselves";¹⁰

WHEREAS, the Reuters special report points to a distressing yet reparable anomaly in the current criminal justice system where the demands of truth and justice, which include the demand for holding public officers accountable, are being disregarded and completely undermined by an apparent criminal enterprise within the ranks of the PNP, which maliciously and systematically works to cover up heinous abuses being committed by its members;

WHEREAS, it is imperative to investigate these allegations against certain members of the PNP to determine the veracity thereof, towards the end of ensuring that lapses or wilfully malicious acts, which enable and perpetuate the commission of abuses and outright crimes during and after police operations, are addressed and prevented from being committed with impunity;

WHEREAS, in light of these serious claims and allegations, the Senate should review existing legislation and policies, and recommend amendments to existing procedures on arrest, search and seizure, and the current crime scene processing procedures of the PNP to ensure that the discretion and duties of the police officers have been duly exercised, that the rights of suspects or persons subject of law enforcement operations have been observed, and the requisites of forensic evidence and crime scene processing have been complied with;

NOW THEREFORE, BE IT RESOLVED, as it is hereby resolved, to direct the Senate Committee on Public Order and Dangerous Drugs to conduct an investigation, in aid of legislation, on the Reuters special report exposing the alleged

⁷ Baldwin, C and Marshall, A. (2017, June 29). Special Report: Philippine police use hospitals to hide drug killings. Retrieved from Reuters: <https://www.reuters.com/article/us-philippines-duterte-doa-specialreport-idUSKBN19K1NT>. Accessed on: 2017, June 30.

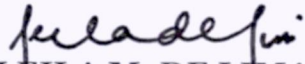
⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Ibid.*

practices of certain police officers in using hospitals to conceal incidents of extrajudicial killings, and in tampering of evidence at the crime scene, with the end in view of formulating tighter mechanisms of accountability of police officers, and instituting corrective legislative measures to improve the system of crime detection and investigation.

Adopted,


LEILA M. DE LIMA