

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



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SENATE

P. S. RES. NO. 453

RECEIVED

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

RESOLUTION

DIRECTING THE APPROPRIATE COMMITTEE IN THE SENATE TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, ON THE SUSPICIOUS CIRCUMSTANCES IN WHICH THE SEARCH WARRANT WAS IMPLEMENTED INSIDE THE PAROJINOG COMPOUND IN OZAMIZ CITY, LEADING TO THE DEATH OF MAYOR REYNALDO PAROJINOG, MEMBERS OF HIS FAMILY AND SECURITY STAFF

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 blessings of democracy”;

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

WHEREAS, Article III, Section 1 of the same 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 III, Section 2 of the same guarantees that “[t]he right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable ...”;

WHEREAS, on 21 July 2017, Quezon City Regional Trial Court Executive Judge Cecilyn E. Burgos–Villavert issued a Search Warrant for illegal firearms which states the finding of probable cause for violation of Republic Act No. 10591 or “*Comprehensive Firearms and Ammunition Regulation Act*” against Mayor Reynaldo

Parojinog (“Mayor Parojinog”) of Ozamiz City, and his spouse Susan Engracia Parojinog;¹

WHEREAS, the Search Warrant also included Ozamiz City Vice Mayor Nova Parojinog, daughter of the Mayor;²

WHEREAS, on 30 July 2017, members of the Regional Criminal Investigation and Detection Group (CIDG), with members of Misamis Occidental Police Provincial Office and the Ozamiz City Police, implemented the Warrant in the residence of Mayor Parojinog in Barangay San Roque, Ozamiz City in Misamis Occidental;³

WHEREAS, Mayor Reynaldo “Aldong” Parojinog, his wife Susan Parojinog, his brother Octavio Parojinog Jr. and sister Mona Parajinog, and 11 others were killed inside the compound owned by the family of the Mayor in Barangay San Roque, Ozamiz City while being served a search warrant by the CIDG Northern Mindanao of the Philippine National Police (PNP);⁴

WHEREAS, there are reports of power outage at Barangay San Roque before the CIDG and PNP operation, and that the closed circuit TV (CCTV) of the Parojinog family was disabled prior to police entering the premises at about 2:30 A.M.;⁵

WHEREAS, shortly after the law enforcers arrived at the Parojinog residence, shooting took place leaving fifteen (15) people killed, including Mayor Parojinog;⁶

WHEREAS, ABS-CBN News reports that one relative of Parojinog has a recorded statement from one alleged survivor in the Ozamiz raids;⁴

WHEREAS, the said survivor alleges that the policemen who conducted the raid told the late mayor and his companions to lie face down inside his house, after which they threw a grenade at them;⁸

WHEREAS, considering the established legal procedures, jurisprudence and witness testimonies during media interview, the timing and manner of the raid strongly challenges the circumstances surrounding the implementation of the search warrant and the deaths resulting therefrom;

¹ Philippine Information Agency. 01 August 2017. New caretaker takes seat in Ozamiz City.

<http://news.pia.gov.ph/article/view/2611501494478/new-caretaker-takes-seat-in-ozamiz-city>

² Al Jazeera. 30 July 2017. Police kill Reynaldo Parojinog and wife in drug raid.

<http://www.aljazeera.com/news/2017/07/police-kill-reynaldo-parojinog-wife-drug-raid170730045938954.html>

³ Rappler. 30 July 2017. Ozamiz mayor Parojinog killed in police raid.

<http://www.rappler.com/nation/177147-ozamiz-mayor-parojinog-killed-police-raid> ⁴

Rappler. 31 July 2017. Parojinog death a warning to other mayors – Dela Rosa.

<http://www.rappler.com/nation/177226-parojinog-death-warning-other-mayors-dela-rosa> ⁵

Interaksyon. 01 August 2017. Parojinog siblings to undergo inquest, CHR conducting own probe into Ozamiz raids. <http://media.interaksyon.com/watch-parojinog-siblings-to-undergo-inquestchr-to-conduct-own-probe-into-ozam/> ⁶ Ibid.

⁴ ABS-CBN News. 31 July 2017. Parojinogs shot point-blank, blown up with grenade, survivor claims.

<http://news.abs-cbn.com/news/07/31/17/parojinogs-shot-point-blank-blown-up-with-grenadesurvivor-claims> ⁸ Ibid.

WHEREAS, the timing of the raid is contrary to the prescribed Operational Procedures found in the PNP Handbook published last December 2013, which states under Rule 14.3 thereof that "[t]he warrant should be served during daytime, unless there is a provision in the warrant allowing service at any time of the day or night";

WHEREAS, in an interview with GMA News, PNP Chief Dela Rosa stated that "there was no specific time stated in the search warrant";⁵

WHEREAS, Section 9, Rule 126 of the Rules of Court states "[t]he warrant must direct that it be served in the day time, unless the affidavit asserts that the property is on the person or in the place ordered to be searched, in which case a direction may be inserted that it be served at any time of the day or night";

WHEREAS, it appears that the fact that that the search warrant was implemented under the cover of darkness and with the cameras disabled indicates that there is a malevolent intent under the guise of implementing a warrant;

WHEREAS, the raid that led to the demise of Mayor Parojinog bears a striking similarity to the one that led to the death of Mayor Espinosa in Leyte, in which this Senate found probable cause to recommend the filing of murder charges against the PNP officials who implemented the search warrant;

WHEREAS, a search warrant is not a warrant to kill, or a death sentence, and the suspicious pattern of how search warrants are being implemented by the PNP, especially by Chief Inspector Espenido, resulting in the killing of a considerable number of human beings, create the impression that search warrants are merely being used by the PNP to facilitate extra-judicial killings of mere suspects in accordance with the "nanlaban" narrative, where police subjects are always said to have engaged the police in a firefight;

WHEREAS, Ozamiz City is in Misamis Occidental, a province in Mindanao that is currently under Martial Law since May 23 and where the privilege of writ of *Habeas Corpus* continues to be suspended;⁶

WHEREAS, in light of the continued effectivity of Martial Law in Mindanao, there appears reason to fear that the PNP might be further emboldened to continue with such highly questionable modus, especially considering that the deaths of suspects resulting from so-called firefights in PNP operations have not been stemmed despite various investigations conducted by the Senate, including the probe by the Senate Committee on Justice and Human Rights on the spate of extrajudicial killing cases, and

⁵GMA News. 31 July 2017. Serving search warrant vs. Parojinogs in wee hours proper, Bato says. <http://www.gmanetwork.com/news/news/nation/620104/serving-search-warrant-vs-parojingos-inwee-hours-proper-bato-says/story/>

⁶SunStar. 30 July 2017. Ozamiz mayor, 14 others killed in drug raid. <http://www.sunstar.com.ph/cagayan-de-oro/local-news/2017/07/30/ozamiz-mayor-14-otherskilled-drug-raid-555752>

more particularly the inquiry led by the Senate Committee on Public Order and Dangerous Drugs on the killing of Albuera, Leyte town Mayor Rolando Espinosa, Sr. by CIDG agents inside his detention cell in Baybay City on November 5, 2016⁷, which resulted in the condemnation of the actions of the police officers involved and the filing of murder charges;

WHEREAS, such possibility, thus, makes it imperative that the Senate conduct a deeper probe into these disturbing pattern of abuse, especially in the context of Martial Law;

WHEREAS, in furtherance of the peremptory norm against arbitrary taking of life under the United Nations Covenant on Civil and Political Rights to which the Philippines is a State Party, and the right to effective legal remedy, there is compelling need to investigate the death of Mayor Parojinog and members of his family and those of this staff;

NOW THEREFORE, BE IT RESOLVED, be it resolved, as it is hereby resolved, to direct the appropriate committee in the Senate to conduct an investigation, in aid of legislation, on the suspicious circumstances in which the search warrant was implemented inside the Parojinog compound in Ozamiz City, leading to the death of Mayor Reynaldo Parojinog, members of his family and security staff.

Adopted,


LEILA M. DE LIMA

⁷SunStar. 31 July 2017. Controversy tracks Chief Inspector Jovie Espenido.
<http://www.sunstar.com.ph/network/news/2017/07/31/controversy-tracks-chief-inspector-jovieespenido-555825>