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SENATE

P. S. RES. NO. 476

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

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG) PLAN TO MARK HOMES WITH 'DRUG FREE' STICKERS AND TO INSTALL DROP BOXES AS A NEW ANTI-ILLEGAL DRUGS STRATEGY

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

WHEREAS, Article III, Section 1 states 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 further states 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, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized”;

WHEREAS, Article III, Section 14 also states, in part, that “[n]o person shall be held to answer for a criminal offense without due process of law”; and that “[i]n all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf...”;

WHEREAS, the Inquirer, on 22 February 2017, reported that the current administration is now preparing for “Oplan Hangyu”, a so-called “nonviolent” approach to continue the campaign against drugs;¹

¹ Inquirer. (22 February 2017). “Coming soon: ‘Drug-free home’ stickers”. Retrieved from <http://newsinfo.inquirer.net/874023/coming-soon-drug-free-home-stickers>. Accessed 17 August 2017.

WHEREAS, ABS-CBN, on 23 February 2017, elaborated that “under the plan, stickers will be posted on drug-free houses, while those with no sticker will be the subject of interventions to be made by the barangay, police and local peace and order councils to encourage the public to support the government's anti-drug campaign;”²

WHEREAS, last 9 August 2017, the Philippine News Agency reported that Cavite Police has already started implementing the “Drug Free Home” sticker campaign;³

WHEREAS, *Interaksyon.com*, on 14 August 2017, reported that the Commission on Human Rights (CHR) expressed concern over the government's plan to use drug-free stickers and explained that “residents of houses with no drug-free stickers may be unduly discriminated and/or tagged as drug users/pushers without due process of law guaranteed by the Constitution;”⁴

WHEREAS, former Department of Interior and Local Government (DILG) Secretary Alfredo Lim also initiated a similar campaign in Manila wherein houses of alleged drug users were spray painted to identify them as suspected drug users and pushers;⁵

WHEREAS, in 2000, the Court of Appeals (CA) later ruled the campaign unconstitutional, holding that the campaign “violates the constitutional guarantee of due process that hears before it condemns and renders judgment only after trial”, and “[t]he spray painting prescribed under the ordinance is as though all the occupants of the house are already guilty of the crime even before trial and before conviction;”⁶

WHEREAS, the CA ruling also emphasized on the “irreparable damage in the event the suspects are acquitted by the court;”

WHEREAS, *Interaksyon.com* likewise reported that the CHR also opposed the DILG plan to use drug boxes to collect names of suspected drug personalities, saying “information collected through drop boxes may expose an individual to mistaken arrest if the information is not verified and court processes are not involved;”⁷

² ABS-CBN News. (23 February 2017). “DILG plans to mark drug-free homes with stickers”. Retrieved from <http://news.abs-cbn.com/news/02/23/17/dilg-plans-to-mark-drug-free-homes-with-stickers>. Accessed 18 August 2017.

³ Philippine News Agency (08 August 2017). “Cavite PNP starts 'Drug Free Home' sticker campaign in fight vs drugs”. Retrieved from <http://www.pna.gov.ph/articles/1005186>. Accessed 18 August 2017.

⁴ *Interaksyon.com* (14 August 2017). “Duterte gov't's use of drug boxes, drug-free stickers might lead to mistaken arrests, discrimination – CHR”. Retrieved from <http://www.interaksyon.com/chr-warns-duterte-govts-use-of-drug-boxes-drug-free-stickers-might-lead-to-mistaken-arrests-discrimination/>. Accessed 18 August 2017.

⁵ CNN Philippines. (23 February 2017). “DILG to put stickers indicating ‘drug-free’ homes”. <http://cnnphilippines.com>. Retrieved from <http://cnnphilippines.com/news/2017/02/23/dilg-anti-drug-sticker-campaign.html>. Accessed 18 August 2017.

⁶ “Lim's Spray-Painting Ruled Unconstitutional” (28 January 2000). Retrieved from <http://www.newsflash.org/2000/01/hl/hl011845.htm>. Accessed 18 August 2017.

⁷ *Supra*, footnote #4.

WHEREAS, Rappler, on 13 August 2017, reported that the use of drop boxes is already being done in Barangay Valencia, Quezon City;⁸

WHEREAS, the use of drop boxes to receive leads in the investigation of crimes is open to abuse if not properly understood by law enforcement officials, especially at a time when violence against suspects and persons of interests are encouraged by the highest law enforcement official in the land;

WHEREAS, evidence given anonymously through drop boxes are not admissible as evidence and should not be sufficient basis for the police to arrest a person or search his domicile without court order;

WHEREAS, any government effort to label persons, families, and households as innocent or guilty of crimes prior to conviction by courts of competent jurisdiction violates the constitutionally guaranteed rights of persons to due process, to be presumed innocent until proven guilty, and to be secure in their persons and houses;

WHEREAS, in particular, by labeling households as drug-free, the program promotes the ostracization of residents of households who refused or was denied the stickers, which could end up forcing such households to prove their innocence, in violation of their constitutional rights;

WHEREAS, even as we recognize the crucial role of the community in the War on Drugs, government measures that publicly label citizens as being "not drug-free" by implication could lead, not just to official abuse, but also to misguided vigilantism and the collapse of the rule of law;

WHEREAS, under such threats of ostracization, of being singled-out for so-called "interventions" by barangay, police and local peace and order councils, and of possibly being targeted by vigilantes, citizens are necessarily and effectively being forced into unwillingly and, therefore, illegally waiving and surrendering their constitutional rights, and into giving vitiated consent to actions of law enforcers, which the latter would otherwise have no legal or sufficient factual basis to take, including embarking on "fishing expeditions" that are proscribed under the Constitution⁹;

WHEREAS, in any case, having a "Drug Free Home" sticker is misleading as it is not a guarantee that no illegal drugs related activities will occur in the venue and may even deceive the police into passing over the residence during legitimate police operations;

WHEREAS, furthermore, such literal window-dressing tactics, which give the false impression that a particular house and its residents are "drug-free", could, in fact, perpetuate illegal activities, instead of eliminating them;

⁸ Rappler. (13 August 2017). "CHR: Use of drop boxes in drug war increases risk of mistaken arrest". Retrieved from <http://www.rappler.com/nation/178592-chr-drop-boxes-drug-war-risk-mistaken-arrest>. Accessed 18 August 2017.

⁹ *People v. Cogaed*, G.R. No. 200334, July 30, 2014.

WHEREAS, the Philippine National Police (PNP) has already admitted that “[t]he anti-drug operations of the Philippine National Police in the usual barangays can’t be applied to exclusive subdivisions in Makati;”¹⁰

WHEREAS, other related moves by the PNP, including house-to-house drug testing under the implicit threat of being deemed “uncooperative” and “hiding something”, raises questions of discrimination against the poor, given that the police themselves have admitted that they cannot implement the same strategies equally to “posh villages” and “gated communities;”¹¹

WHEREAS, the government’s admitted failure to implement the same program in gated communities violates the right of those covered to equal protection of laws;


WHEREAS, even assuming the operation could be implemented the same way, the impact on ordinary citizens, especially the poor, would nonetheless be graver and more dangerous, given that those living in “gated communities” and “posh villages” are more secure and are not as exposed to the public view or access, which emphasizes the intrinsic vulnerability of the poor and powerless;

WHEREAS, while the government should continue to pursue measures to address trafficking of illicit drugs, it should not result in violations of the Constitution nor compromise of human rights and fundamental freedoms;

WHEREAS, Congress must continue to monitor the implementation of this campaign and ensure measures are in place, through relevant legislation, to prevent human rights violations, especially those that unfairly target the most vulnerably members of society;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, to direct the appropriate Senate Committee to conduct an inquiry, in aid of legislation, into the Department of Interior and Local Government (DILG) plan to mark homes with ‘drug free’ stickers and to install drop boxes as a new anti-illegal drugs strategy.

Adopted,


LEILA M. DE LIMA

¹⁰ GMA News. (11 August 2016). “Makati PNP admits: We can’t implement same barangay drug campaign in exclusive subdivisions.” Retrieved from <http://www.gmanetwork.com/news/news/metro/577282/makati-pnp-admits-we-can-t-implement-same-barangay-drug-campaign-in-exclusive-subdivisions>. Accessed 24 August 2017.

¹¹ *Ibid.*