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SENATE

P. S. RES. NO. 499

RECEIVED BY: 

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

RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEE TO
INVESTIGATE, IN AID OF LEGISLATION, ALL REPORTED DEATHS OF
CHILDREN AND YOUNG INDIVIDUALS WITHIN THE CONTEXT OF
THE PHILIPPINE GOVERNMENT'S CAMPAIGN AGAINST DRUG
TRAFFICKING AND OTHER STATE ACTIONS NOT ALIGNED WITH
HUMAN RIGHTS OBLIGATIONS OF THE PHILIPPINES

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

WHEREAS, Article II Section 13 of the same sets forth the recognition of the role of youth in nation building;

WHEREAS, the Philippines ratified the **United Nations Convention on the Rights of the Child (CRC)** on 21 August 1990, the normative standards of which has been incorporated in laws such as **Republic Act No. 7610, "Special Protection of Children Against Abuse, Exploitation and Discrimination Act"**, and **Republic Act No. 9344 or the "Juvenile Justice and Welfare Act of 2006"**;

WHEREAS, Article 6 of the CRC provides that State Parties, like the Philippines, recognize that every child has the inherent right to life. This obligation requires from the government to undertake measures to provide protection against factors that threaten it, including violence in the community,¹ which in the current country setting is exacerbated by the deficient policy design to address drug trafficking;

WHEREAS, the consistent public statements of President Rodrigo Duterte that he shall answer for every murder committed by law enforcement, incites violence and elevates vulnerability of children to be harassed, injured, even killed;

¹ Office of the United Nations Special Representative of the Secretary General on Violence against Children. 2016. Protecting Children Affected by Armed Violence in the Community.

WHEREAS, Article 19 of the CRC affirms the non-derogable nature of the right to life by explicitly obligating State Parties to take all appropriate legislative, administrative, social and educational measures to ensure that children are protected against violence;²

WHEREAS, the right to life of every person is outlined in the Universal Declaration of Human Rights, and the UN Covenant on Civil and Political Rights to which the Philippines is also a State Party;

WHEREAS, on 31 July 2017 through a Joint Statement, UN Special Rapporteurs³ made urgent appeal to the Philippine government to address severe, multiple human rights violations including against human rights defenders and children who continue to be at high risk in a climate of prevailing violence;⁴

WHEREAS, similar appeal was communicated to the Philippines in 2016 to adopt necessary measures to protect all persons from targeted killings and extrajudicial executions;⁵

WHEREAS, at the **May 2017 Universal Period Review of the Philippines**, thirty State representatives called for the investigation on extrajudicial killings;⁶

WHEREAS, the Philippines is expected to announce its responses to the UPR Recommendations at the 36th Session of the Human Rights Council in September 2017;

WHEREAS, the Philippines is a Member State of the Association of South East Asian Nations (ASEAN) and currently holds its Chairmanship;

WHEREAS, the ASEAN established the **Commission on Promotion and Protection of the rights of Woman and Children (ACWC)** to uphold human rights as prescribed by international instruments adopted and ratified by ASEAN Member States which includes the **Universal Declaration of Human Rights, UN Convention on the Elimination of Forms of Discrimination against Women, the CRC** and other related guidelines on human rights of women and children;⁷

² Article 19 (1).

³ Agnes Callamard Special Rapporteur on extrajudicial, summary or arbitrary executions; Mr. Michel Forst, Special Rapporteur on the situation of human rights defenders; and Ms. Maud de Boer-Buquicchio, Special Rapporteur on the sale and sexual exploitation of children.

⁴ OHCHR. 31 July 2017. Philippines needs urgent action to reverse spiralling rights violations, UN experts say. Retrieved from <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21926&LangID=E>. Accessed on 20 August 2017.

⁵ OHCHR. 18 August 2016. UN experts urge the Philippines to stop unlawful killings of people suspected of drug-related offences. Retrieved from <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20388&LangID=E>. Accessed on 19 August 2017.

⁶ Forum Asia. 9 May 2017. 30 States Call on the Philippines to Stop Extrajudicial Killings. Retrieved from https://www.forum-asia.org/?p=23805#_edn1. Accessed on 20 August 2017.

⁷ See ToR ACWC, paragraph 2.5.

WHEREAS, the ACWC in 2013 developed the **Declaration against Violence against Women and Children**, whereby ASEAN Member States, collectively or individually commit to promote and protect human rights of women and children through specific measures and strategies that each government should adopt to address violations of said rights;⁸

WHEREAS, in the ASEAN, Member States also commit to strengthen their national mechanisms to implement Concluding Observations of UN Treaty Bodies and accepted recommendations under the Universal Periodic Review Process related to the elimination of all forms of violence against women and violence against children;⁹

WHEREAS, extrajudicial killings pursuant to President Rodrigo Duterte's campaign against all activities and transactions related to illicit drugs remain unabated, with victims as young as five years old in the person of Danica May of Dagupan City, Pangasinan;¹⁰

WHEREAS, on 16 August 2017, police officers conducted "**Oplan Galugad**" the anti-drug operation of the Philippine government ('government'), in Barangay 160 in Caloocan City, Metro Manila;¹¹

WHEREAS, witnesses alleged that contrary to the report of the Police Officers, Kian delos Santos (Kian) had no gun at the time he was arrested. The witnesses further stated that they saw the police officers forced the gun on Kian with instruction to fire the same.¹² Kian was discovered dead on the site of the alleged shoot-out with wound in his head;¹³

WHEREAS, according to the Public Attorney's Office (PAO) forensic laboratory's autopsy result, Kian sustained a gunshot wound to his back, to the back of his left ear, and one inside his left ear and that such angulated trajectory showed that he was on the ground when he was shot and the shooter was standing above him;¹⁴

WHEREAS, according to **Children's Legal Rights and Development Center**, a non-governmental human rights organization working on children, the

⁸ See ASEAN Declaration on the Elimination of Violence against Women and Children, para.3.

⁹ *Ibid.*

¹⁰ Cardinoza, Gabriel. 25 August 2016. 5 year old latest fatality in drug war. *Inquirer*. Retrieved from <http://newsinfo.inquirer.net/809411/5-yr-old-girl-latest-fatality-in-drug-war>. Accessed on 20 August 2017.

¹¹ Cahiles, Gerg. 18 August 2017. 17-year-old student gunned down by cops in anti-drug operations. *CNN Philippines*. Retrieved from <http://cnnphilippines.com/news/2017/08/18/Kian-Loyd-Delos-Santos-war-on-drugs-Caloocan-police-operations.html>. Accessed on 19 August 2017.

¹² ABS-CBN News. 17 August 2017. *TV Patrol: Binatilyo, patay nang 'manlaban' sa pulis; pero iba ang kuha sa CCTV*. Retrieved from <https://www.youtube.com/watch?v=cj-XMJJHhOk>. Accessed on 19 August 2017.

¹³ See Note 1 above.

¹⁴ ABS-CBN News. 21 August 2017. Autopsy shows 11th grader shot 3 times, twice in the head. Retrieved from <http://news.abs-cbn.com/news/08/21/17/autopsy-shows-11th-grader-shot-3-times-twice-in-the-head>. Accessed on 21 August 2017.

death of Kian delos Santos brings to fifty-four (54), the number of minors killed within the context of the government's campaign against drug trafficking;¹⁵

WHEREAS, on 17 August 2017 at close to midnight, nineteen (19) year-old **Carl Arnaiz** ("Carl") of Cainta Rizal left home to buy snacks;

WHEREAS, Arnaiz was last seen with fourteen (14) year-old **Reynaldo "Kulot" de Guzman**;

WHEREAS, Carl did not return home from his supposed purchase of snacks, instead reportedly took a taxi ride and robbed the driver in the area of C-3 Navotas;

WHEREAS, Carl was killed in Caloocan City in an alleged shoot-out with patrolling members of the Philippine National Police who responded to the request for assistance by the taxi driver who claimed to have been robbed by Carl;¹⁶

WHEREAS, the findings of the PAO through its Forensic Laboratory belie the claim of a shoot-out between Carl and the police in that there are neither bullet marks nor slugs in the identified crime scene;¹⁷

WHEREAS, on 05 September 2017 the body of **Reynaldo de Guzman** was found in a creek in Barangay San Roque in Gapan, Nueva Ecija, with thirty (30) stab wounds;¹⁸

WHEREAS, also on 05 September 2017 nineteen (19) year old **Obillo Bayao**, a Lumad, was shot by suspected militia;¹⁹

WHEREAS, these killings are clear failure of the State to protect children and youth, including indigenous peoples, from summary execution and extrajudicial killings;

NOW THEREFORE, BE IT RESOLVED, as it is hereby resolved, to direct the appropriate Senate Committee to investigate, in aid of legislation, all reported deaths of children and young individuals within the context of the Philippine government's campaign against drug trafficking and other State actions not aligned with human rights obligations of the Philippines, regardless of whether said reports are from media, the CHR or the PNP; to hold accountable public officials, officers

¹⁵ ABS-CBN News. 04 September 2017. Isolated? Kian is 54th minor killed in drug war, says children's rights group. Retrieved from <http://news.abs-cbn.com/news/09/04/17/isolated-kian-is-54th-minor-killed-in-drug-war-says-childrens-rights-group>. Accessed on 08 September 2017.

¹⁶ Talabong, Rambo. 07 September 2017. PNP leaves Carl Arnaiz, Reynaldo de Guzman probe up to NBI. *Rappler*. Retrieved from <https://www.rappler.com/nation/181415-pnp-defer-investigation-carl-arnaiz-reynaldo-de-guzman-probe-nbi>. Accessed on 08 September 2017.

¹⁷ Talabong, Rambo. 08 September 2017. Crime scene where Carl Arnaiz was killed staged-PAO. *Rappler*. Retrieved from <https://www.rappler.com/nation/181415-pnp-defer-investigation-carl-arnaiz-reynaldo-de-guzman-probe-nbi>. Accessed on 08 September 2017.

¹⁸ Talabong, Rambo. 06 September 2017. Missing teen last seen with Carl Arnaiz found dead with 30 stab wounds. *Rappler*. Retrieved from <https://www.rappler.com/nation/181324-missing-teen-reynaldo-de-guzman-dead-nueva-ecija>. Accessed on 08 September 2017.

¹⁹ Lim, Frinston. 07 September 2017. Suspected militiamen killed Lumad student. *Inquirer*. Retrieved from <http://newsinfo.inquirer.net/928489/suspected-militiamen-kill-lumad-student>. Accessed on 08 September 2017.

and staff who participated in varying degrees in the perpetuation of extrajudicial killings; to reinforce the rule of law and strengthen institutions relating to justice and human rights especially the Commission on Human Rights; to request the assistance of the Office of the High Commissioner for Human Rights, relevant Mandate Holders and Human Rights experts in designing the appropriate process or mechanism to bring to justice perpetrators and families of victims for the thousands of murders committed in pursuit of the anti-drug campaign; and establish legislative measures to protect individuals suspected of involvement in any crime against arbitrary taking of life.

Adopted,


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