



SENATE

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XAsano

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

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE 11 OCTOBER 2017 KILLINGS IN BARANGAY 19, TONDO, MANILA, AS CAPTURED BY SURVEILLANCE CAMERAS, AND FOR THE SENATE TO URGE THE PHILIPPINE NATIONAL POLICE TO PUBLICLY CONDEMN AND CENSURE THE ACTS OF STATION COMMANDER SANTIAGO PASCUAL OF READILY UNDERMINING EYEWITNESS TESTIMONIES AND VIDEO EVIDENCE, AS ACTS CONTRARY TO THE MANDATE AND OATH OF A POLICE OFFICER, BOTH WITH THE END IN VIEW OF ENACTING STRONGER AND MORE EFFECTIVE MEASURES THAT WILL ENSURE THAT STATE AGENTS ARE DISCHARGING THEIR OPERATIONS LEGITIMATELY, AND WITHOUT INTENTIONAL OR KNOWINGLY RECKLESS AND DEPRAVED DISREGARD FOR LIFE

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

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

WHEREAS, Article III, Section 1 guarantees that “[n]o person shall be deprived of life, liberty, or property without due process of law...”;

WHEREAS, Article XI, Section 1 states 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, the Philippines is a state party to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

WHEREAS, Article II, Section 2 of the Constitution likewise declares that “[t]he Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, ...”;

WHEREAS, on 27 November 2017, *Reuters* published a report relating to a drug-war operation on 11 October 2017 in Barangay 19, Tondo, Manila, which resulted in the fatal shooting of three individuals, namely, Rolando Campo (60 years old), Sherwin Bitas (34 years old) and Ronnie Cerbito (18 years old), by members of the anti-drug unit from Police Station 2 in Manila¹;

WHEREAS, *Reuters* reported that the police’s account of the incident is to the effect that the “[a]nti-drug officers shot and injured three men ..., then ‘rushed’ them to hospital where they were pronounced dead on arrival”, specifically, that Campo “sold drugs to an undercover officer, who signalled for back-up”, and that when “Campo ‘sensed the presence’ of the police officers,” he “ordered his two associates – [Bitas and Cerbito] – to draw their guns and open fire on them”, forcing the police to retaliate, “leaving the three men ‘fatally wounded’”²;

WHEREAS, *Reuters*, however, obtained and examined video footages of the incident, as caught by four surveillance cameras, which sharply contradicted the police report”, *i.e.*, showing (a) Campo chatting with people in the neighborhood mere minutes before the arrival of the police and not, as the report stated, selling drugs to an undercover officer; (b) the operation didn’t seem to be undercover as it showed officers in plainclothes, most of them visibly armed and wearing body armor, entering the area and even passing in full view of the victims’ house seven minutes before the shooting starts; (c) an officer appearing to open fire on an unseen target, with Campo thereafter falling backwards into the frame, his body hitting the ground and his arms moving a while before finally resting motionless; (e) police officers turning two of the cameras away from the scene; (f) it taking the police at least 25 minutes to haul away the men they had shot, with victims showing no signs of life; and (g) the police carrying them by their arms and legs, and loading their limp bodies onto *pedicabs* to take them to hospital³;

WHEREAS, an eyewitness account sheds further light into the incident, stating that she witnessed the police detaining the unarmed men in the alley next to her house, that they asked for an ID of Bitas, and, after one was produced, a police officer shouted “Positive! Positive!” and the officers opened fired on Bitas⁴;

WHEREAS, the same eyewitness, Arlene Gibaga, Bitas’s wife, also claimed that when she shouted for the police not to kill her husband, pointing out that there were

¹ Baldwin, Clare and Andrew R.C. Marshall, “Police tell one story of what happened in Barangay 19. Security cameras tell another”. *Reuters*, 27 November 2017. <https://www.reuters.com/investigates/special-report/philippines-drugs-surveillance/> (last accessed 7 December 2017).

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

surveillance cameras in the area, one police officer aimed his gun at her and ordered her to go inside their house⁵;

WHEREAS, this revelation is significant considering that it sheds light into the observation reported by *Reuters* back in 5 December 2016, wherein it reported that the Philippine National Police has racked up a “[k]ill ratio [that] is much higher than in countries with comparable drug-related violence”, reporting that in the Philippine cases it examined “the police killed 97 percent of those they shot”⁶;

WHEREAS, back then, *Reuters* reviewed police reports and discovered that “officers often give remarkably similar accounts each time a suspect is shot dead,” *i.e.*, describing the typical victim as an alleged user or small-time dealer in a poor neighborhood, that there was an attempt by undercover police to catch the suspect through a buy-bust operation, which quickly goes wrong with the suspect panicking, drawing a weapon and starts shooting, prompting the police to return deadly fire⁷;

WHEREAS, even then, it was already noted that eyewitnesses, including but not limited to, a rare survivor, “often contradicted the police version of events”, stating that the victims were unarmed and were even begging for their lives⁸;

WHEREAS, despite the fact that there has been several Senate inquiries into the spate of extrajudicial killings since August 2016, the same appear to be still insufficient, particularly considering that the first report produced by the Committee on Justice and Human rights last December 2016 stated that it found no evidence of state-sponsored extrajudicial killings, that the Committee Chairman initially refused to reopen the despite inquiry “despite an Amnesty International (AI) report showing that policemen are being paid to kill in the name of the government’s drug war,”⁹ and despite the reopening of the inquiry due to the death of Kian delos Santos, killings are still persisting, as proven by the 11 October 2017 incident reported on by *Reuters*;

WHEREAS, it further appears that those involved are proving to be incorrigible, perhaps emboldened by their superiors’ insistence on the suspiciously implausible yet oft-repeated official account of self-defense, even in spite of the existence of various video and testimonial evidence to the contrary;

WHEREAS, even as recently as this October 2017 incident, Station Commander Santiago Pascual disturbingly insisted, without even a full-blown investigation, that “[t]he operation was legitimate” and blithely dismissed eyewitness testimony as “untrue and unfounded”,¹⁰ thus betraying a continuing, persisting and callous

⁵ *Ibid.*

⁶ Baldwin, Clare, Andrew R.C. Marshall and Damir Sagol, “Good Shots: Police rack up an almost perfectly deadly record in Philippine drug war”. *Reuters*, 5 December 2017. <https://www.reuters.com/investigates/special-report/philippines-duterte-police/> (last accessed 7 December 2017).

⁷ *Ibid.*

⁸ *Ibid.*

⁹ Romero, Paolo. “Gordon slammed over EJK probe”. *PhilStar*, 4 February 2017. <http://www.philstar.com/headlines/2017/02/04/1668932/gordon-slammed-over-ejk-probe> (last accessed 7 December 2017).

¹⁰ *Supra* footnote #1.

unresponsiveness on the part of authorities to the readily apparent need to seriously investigate these killings;

WHEREAS, the same Station Commander even had the temerity to go so far as defending the act of tampering with surveillance cameras as being done for a “valid security reason” and to ensure the operation wasn’t compromised,¹¹ which raises more questions about, if not outrightly invalidating, the claimed legitimacy of the operations;

WHEREAS, it is even more disturbing considering that eyewitnesses and victims’ families are being discouraged from coming forward and pressing charges, being told by police officers that “it was useless to complain [because it’s] the government you will be fighting against”, and that the police “are just following orders”¹²;

WHEREAS, the foregoing appear to clearly coincide with the concept of “democide”, which are killings committed by government or caused through the reckless and depraved indifference to life exhibited by a governmental figure of authority, specifically those that: (a) are “designed to kill or cause the death of people because of their ... actions construed as opposing the government or wrecking social policy... [or] in order to fulfil a quota or requisition system”; or (b) cause death by virtue of an intentionally or knowingly reckless and depraved disregard for life (which constitutes practical intentionality), such as by “encouraged or condoned murder...”¹³;

WHEREAS, under international law, a state can be held responsible for its failure to discharge its obligation to guarantee the full and free exercise of human rights if it fails to investigate, prosecute and punish acts committed by its agents, not just when it utterly fails to investigate the allegations, but also when so-called “investigations” are being conducted by the very same party alleged to have perpetrated the crimes¹⁴;

WHEREAS, the persistence of killings, as exemplified by the documented incident last October 2017, speaks for itself and is indicative that the measures that are being taken thus far, if any, are insufficient to deterring both current and future violators;

WHEREAS, it is, therefore, imperative for the government to enact stronger measures that will ensure that police officers, and any other agents acting in behalf of the state, are conducting their operations with due respect for human rights, such as by ensuring that operations are planned in such a way to prevent casualties as far as possible, with use of deadly force employed as a last, not as the first or only resort; and with sufficient protocols for timely calling in emergency and medical support services where the need is reasonably anticipated or thereafter becomes necessary, so that on-

¹¹ *Ibid.*

¹² *Ibid.*

¹³ Rummel, Rudolph. *Death by Government: Genocide and Mass Murder* (New Jersey, 1994). Accessible at: <https://www.hawaii.edu/powerkills/DBG.CHAP2.HTM> (last accessed 7 December 2017).

¹⁴ *Velasquez Rodriguez Case*, Inter-Am. Ct. H.R. 35, OAS/ser. L/V/III. 19, doc. 13, app. VI (1988), par. 178-180.

site care can be readily administered and police officers have no excuse for sending dead bodies to hospitals via *pedicabs*;

WHEREAS, there is also an imperative need to ensure that killings are seriously investigated, prosecuted and punished, especially by ensuring that victims, witnesses and victims' families are not discouraged from coming forward, and that an investigation by an independent body is immediately and automatically launched every time there are serious injuries and casualties resulting from law enforcement operations, which body will automatically preserve the evidence, including eyewitness testimonies;

WHEREAS, in relation to the foregoing, there is also a serious and urgent need to define and punish extrajudicial killings that constitute acts of democide;

WHEREAS, there is likewise a serious need to discourage pronouncements by law enforcement agents that readily discredit eyewitness testimonies that allege abuses on the part of government authorities, in order to prevent a chilling effect on those who have information about such abuses;

NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, to direct the appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the 11 October 2017 killings in Barangay 19, Tondo, Manila, and for the Senate to urge the Philippine National Police to publicly condemn and censure the acts of Station Commander Santiago Pascual of readily undermining eyewitness testimonies and video evidence, as acts contrary to the mandate and oath of a police officer, both with the end in view of enacting stronger and more effective measures that will ensure that state agents are discharging their operations legitimately, and without intentional or knowingly reckless and depraved disregard for life.

Adopted,


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