

SENATE

P. S. RES. NO. 600

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

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE MEASURES BEING TAKEN BY THE PHILIPPINE NATIONAL POLICE TO PRESERVE EVIDENCE AND TO ENSURE THEIR PROPER HANDLING AND SAFEKEEPING AT ALL STAGES OF THE INVESTIGATION UP TO FINALITY OF ANY RESULTING COURT PROCEEDINGS, INCLUDING THEIR ULTIMATE DISPOSITION, WITH THE END IN VIEW OF MAINTAINING THE INTEGRITY AND STRINGENCY OF POLICE INVESTIGATION

WHEREAS, Article II, Section 5 of the 1987 Constitution provides 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 III, Section 2 of the same states, in part, 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, Article 29 of the Universal Declaration of Human Rights states that “[i]n the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society”;

WHEREAS, Section 24 (c) of Republic Act No. 6975, otherwise known as the Department of the Interior and Local Government Act of 1990, outlines the powers and functions of the Philippine National Police (PNP), one of which is to “[i]nvestigate and prevent crimes, effect the arrest of criminal offenders, bring offenders to justice and assist in their prosecution”;

WHEREAS, the PNP Standard Operating Procedure (SOP) Number 2012-004 on Recovered Personal Effects of Victims outlines, in its documentation procedure, that “[a]ll evidence recovered in the crime scene must be properly documented, photographed and properly turned over to the evidence custodian”;

WHEREAS, the same provides that “[a]ny violation of this SOP shall be dealt with administratively” and that “[i]f evidence warrants, criminal complaints shall also be filed against those who may have committed acts or omissions in violation of the Revised Penal Code or any special law”;

WHEREAS, PNP SOP Number ODIDM-2011-008 lays down that “[a] systematic and organized procedure on crime scene investigation is therefore the key to ensuring that all potential physical evidence are properly preserved and collected, all possible witnesses are identified and documented, and all the necessary basic procedures are undertaken properly”;

WHEREAS, on 1 April 2017, CNN Philippines reported that the PNP Crime Laboratory said it is ready for any investigation and inventory of drug evidence after Police Superintendent Lito Cabamongan, who was arrested in a Las Pinas anti-drug raid, claimed that an intelligence officer of the unit sells drug evidence in southern Metro Manila¹;

WHEREAS, on 18 April 2017, Reuters reported information from two undisclosed senior PNP officials that the PNP have received cash payments for executing drug suspects, planted evidence at crime scenes and carried out most of the killings they have long blamed on vigilantes²;

WHEREAS, the same report cited that so-called “buy-busts” are actually well-planned executions, where targets are chosen from lists of suspects drawn up by police and local officials, who later coordinate to unplug security cameras in the neighborhood where a killing is planned – planting guns and drugs at the crime scene to justify the use of deadly force after executing the target;

WHEREAS, on 21 June 2017, the Philippine Daily Inquirer reported Surigao del Sur Rep. Johnny Pimentel as saying, during a House inquiry, that valuable items such as a Rolex watch, and credit and ATM cards went missing from the body of the wife of Pampanga Rep. Aurelio Gonzales Jr., after it was sent to the morgue in the aftermath of the fatal shooting incident at Resorts World last 2 June 2017³;

WHEREAS, the same report quoted Rep. Pimentel as noting that though “[t]he incident happened on June 2, ... there was withdrawal of P25,000 on June 5 from her ATM card. How could that be possible? Somebody used her ATM card”⁴;

¹ Cahiles, Gerg. 1 April 2017. Crime Lab ready for investigation on alleged 'recycling' of drug evidence. CNN Philippines. Available at <http://cnnphilippines.com/news/2017/04/01/Crime-Lab-ready-investigation-on-alleged-recycling-of-drug-evidence.html>.

² Mogato, Manuel and Baldwin, Clare. 18 April 2017. Special Report: Police describe kill rewards, staged crime scenes in Duterte's drug war. Reuters. Available at <https://www.reuters.com/article/us-philippines-duterte-police-specialrep/special-report-police-describe-kill-rewards-staged-crime-scenes-in-dutertes-drug-war-idUSKBN17K1F4>.

³ Yap, DJ. 21 June 2017. Looting after Resorts World tragedy? Items stolen from dead, says solon. Inquirer. Available at <http://newsinfo.inquirer.net/907379/looting-after-resorts-world-tragedy-items-stolen-from-dead-says-solon>.

⁴ *Ibid.*

WHEREAS, on 8 September 2017, Rappler reported Public Attorney's Office forensic lab chief Erwin Erfe, after re-examining the crime scene on 7 September 2017, as saying that the crime scene where Carl Arnaiz was killed was apparently staged, and that "[their] conclusion – and there were no traces of blood too – is that it was a secondary crime scene"⁵;

WHEREAS, on 22 September 2017, ABS-CBN News reported that CCTV footage of the alleged anti-drug operation last 7 September 2017 in Caloocan showed an alleged asset, a minor, apparently stuffing cellphones and watches into his pockets, while one police officer signaled to him to keep quiet⁶;

WHEREAS, on 26 September 2017, ABS-CBN News also reported that it was discovered that a member of the PNP Scene of the Crime Operatives (SOCO) in Cavite, PO2 Roman Arcillas, stole a cellphone from the crime scene involving the killing of two senior citizens-spouses last 2 January 2017, which could potentially have evidentiary value,⁷ and, thus, the theft of which could have irretrievably damaged the chances of solving the crime and of successfully prosecuting those responsible;

WHEREAS, on 27 November 2017, a Reuters article cited a police report as saying that the account of anti-drug officers who shot and injured three men last 11 October 2017 in Barangay 19, Tondo, Manila, claiming that they "rushed" the victims to a hospital where they were pronounced dead on arrival, was contradicted by a security camera footage obtained by Reuters, which shows that the police officers took at least 25 minutes to haul away the men they had shot, who were showing no signs of life, and that the police were seen carrying them by their arms and legs and loading their limp bodies onto pedicabs to take them to hospital⁸;

WHEREAS, in the same report, bereaved relatives and other witnesses allege police are sending corpses to hospitals to disrupt crime scenes and cover up extrajudicial killings⁹;

WHEREAS, on 7 December 2017, Inquirer reported that Supreme Court Senior Associate Justice Antonio Carpio ordered the PNP and Solicitor General Jose Calida to submit to the tribunal the police investigation reports on the killing of 3,806 suspects in President Rodrigo Duterte's war on drugs, saying he also wanted the names of the police officers who took part in the operations and the members of the PNP crime scene investigators who processed the bodies and gathered the evidence at the crime scenes¹⁰;

⁵ Talabong, Rambo. 8 September 2017. Crime scene where Carl Arnaiz was killed 'staged' – PAO. Rappler. Available at <https://www.rappler.com/nation/181505-carl-arnaiz-crime-scene-staged-pao>.

⁶ ABS-CBN News. 22 September 2017. Police official admits lapses in drug raid that led to 'robbery'. Available at <http://news.abs-cbn.com/news/09/22/17/police-official-admits-lapses-in-drug-raid-that-led-to-robbery>.

⁷ ABS-CBN News. 26 September 2017. Taga-SOCO na nagnakaw ng cellphone sa crime scene, sinibak. Available at <http://news.abs-cbn.com/news/09/26/17/taga-soco-na-nagnakaw-ng-cellphone-sa-crime-scene-sinibak>

⁸ Baldwin, Clare and Marshall, Andrew R.C. 27 November 2017. Special Report: Manila police tell one story of a drug killing. Videos tell another. Reuters. Available at <https://www.reuters.com/article/us-philippines-drugs-surveillance/special-report-manila-police-tell-one-story-of-a-drug-killing-videos-tell-another-idUSKBN1DR1CD>.

⁹ *Ibid.*

¹⁰ Ramos, Marlon. 7 December 2017. SC to SolGen: Submit reports on drug kills. Inquirer. Available at <http://newsinfo.inquirer.net/950452/sc-to-solgen-submit-reports-on-drug-kills#ixzz53ITrsh3l>.

WHEREAS, in the Office of the United Nations High Commissioner for Human Rights' *Trainer's Guide on Human Rights for the Police*, it had occasion to state that:

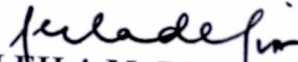
In fact, violations of human rights by police only make the already challenging task of law enforcement more difficult. When the law enforcer becomes the lawbreaker, the result is an assault on human dignity, on the law itself and on all institutions of public authority. The effects of police human rights violations are manifold:

- They erode public confidence;
- They hamper effective prosecutions in court;
- They isolate the police from the community;
- They result in the guilty going free and the innocent being punished;
- They leave the victim of crime without justice for his or her suffering;
- They force police agencies to be reactive rather than preventive in their approach to crime;
- They bring agents and institutions of public authority into disrepute; and
- They exacerbate civil unrest.¹¹

WHEREAS, it is incumbent upon the PNP to make sure procedures in collection and preservation of evidence are lawfully adhered to in all stages of police investigation, and duly sanction those who err to fulfill this mandate;

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 measures being taken by the Philippine National Police to preserve evidence and to ensure their proper handling and safekeeping at all stages of the investigation up to finality of any resulting court proceedings, including their ultimate disposition, with the end in view of maintaining the integrity and stringency of police investigation.

Adopted,


LEILA M. DE LIMA

¹¹ Office of the United Nations High Commissioner for Human Rights. 2002. Human Rights and Law Enforcement: A Trainer's Guide on Human Rights for the Police. Geneva, Switzerland: United Nations. Retrieved from <http://www.ohchr.org/Documents/Publications/training5Add2en.pdf>.