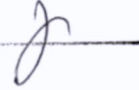


SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )

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SENATE

P. S. RES. NO. 668

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

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**RESOLUTION**  
**DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT**  
**AN INQUIRY, IN AID OF LEGISLATION, INTO THE ALARMING**  
**KILLINGS AND ATTACKS AGAINST MEMBERS OF THE BAR AND**  
**JUSTICE SECTOR OFFICIALS**

*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 promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy”;

*WHEREAS*, paragraph 16 of the Basic Principles on the Role of Lawyers adopted by the Eighth United Nations (UN) Congress on the Prevention of Crime and the Treatment of Offenders, provides in part, that “[g]overnments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference...”;

*WHEREAS*, the succeeding paragraph of the same emphasizes that “[w]here the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities”;

*WHEREAS*, in recent years, there has been a spate of killings victimizing members of the Bar;

*WHEREAS*, Alternative Law Journal reported 114 legal professionals were killed between 01 January 1999 and October 2014 – four were Judges, eight were Prosecutors and the rest were lawyers<sup>1</sup>;

*WHEREAS*, on August 2016, Atty. Rogelio Bato, lawyer of the late Mayor Rolando Espinosa and suspected drug lord Kerwin Espinosa Jr., was killed in an

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<sup>1</sup> Alternative Law Journal. Retrieved from <http://www.altlj.org/news-and-views/the-last-word/833-attacks-on-lawyers-a-threat-to-democracy>. Accessed 22 February 2018.

ambush in Albueria, Leyte. The ambush happened weeks after ₱1.9 million worth of shabu was discovered in a tennis court near the Espinosa residence<sup>2</sup>;

*WHEREAS*, in the same month, Atty. Hermie Aban, the handling lawyer for the case of detained former Governor Joel Reyes, was shot by a gunman aboard a motorcycle in Palawan. Gov. Reyes was facing murder charges for the killing of radio broadcaster Dr. Gerry Ortega<sup>3</sup>;

*WHEREAS*, on September 2016, Atty. Melver Tolentino, lawyer of a person currently involved in a drug case, was shot several times by two (2) men while he was refuelling at a gasoline station in Ilocos Sur<sup>4</sup>;

*WHEREAS*, in the Complaint-Affidavit of the wife of the late Atty. Tolentino, it was stated that prior to the ambush, Atty. Tolentino told her that the Police Chief and the Municipal Mayor of Magsingal, Ilocos Sur both tried to convince him to withdraw from the drug cases that he was handling;

*WHEREAS*, on February 2017, Atty. Mia Manuelita Mascarinas-Green, known environmental lawyer who handled property disputes and criminal cases, was also ambushed by four (4) motorcycle-riding gunmen near her home in Bohol<sup>5</sup>;

*WHEREAS*, this month alone, two members of the legal profession have been ambushed;

*WHEREAS*, Atty. Jonah John Ungab was shot by a lone gunman riding a getaway motorcycle after attending hearings at the Cebu City Hall of Justice, including the case of his client Kerwin Espinosa Jr.<sup>6</sup>;

*WHEREAS*, on the other hand, Atty. Argel Cabatbat and his companions survived an ambush by men on motorcycles while aboard a car at the corner of EDSA and East Avenue. Two of three suspects were already identified as dismissed Police Officer<sup>1</sup> Mark Ayeras and John Paul Napoles<sup>7</sup>;

*WHEREAS*, attacks against legal professionals, as in human rights defenders, journalists and activists, continue to be common practice because suspects “are rarely caught”<sup>8</sup>;

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<sup>2</sup> Rappler.com (24 August 2016). Eastern Visayas lawyers condemn killing of Rogelio Bato Jr. Retrieved from <https://www.rappler.com/nation/144008-eastern-visayas-condemn-lawyer-bato-killing>. Accessed 22 February 2018.

<sup>3</sup> Inquirer. Net. (16 August 2017). Lawyer handling drug cases shot dead in Palawan. Retrieved from <http://newsinfo.inquirer.net/923006/lawyer-handling-drug-cases-shot-dead-in-palawan>. Accessed 22 February 2018.

<sup>4</sup> ABSCBN News. (16 September 2016). Lawyer shot dead in Ilocos Sur. Retrieved from <http://news.abs-cbn.com/news/09/16/16/lawyer-shot-dead-in-ilocos-sur>. Accessed 22 February 2018.

<sup>5</sup> ABSCBN News. (16 February 2017). Lawyer killed in Bohol shooting incident. Retrieved from <http://news.abs-cbn.com/news/02/15/17/lawyer-killed-in-bohol-shooting-incident>. Accessed 22 February 2018.

<sup>6</sup> SunStar Cebu. (20 February 2018). Motive: 3 angles eyed in attack on Ungab. Retrieved from <http://www.sunstar.com.ph/cebu/local-news/2018/02/20/motive-3-angles-eyed-attack-ungab-589835>. Accessed 22 February 2018.

<sup>7</sup> GMA News Online (17 February 2018). Lawyer, companions who survived QC ambush may face criminal raps — police. Retrieved from <http://www.gmanetwork.com/news/news/metro/643742/lawyer-companions-who-survived-qc-ambush-may-face-criminal-raps-police/story/>. Accessed 22 February 2018.

<sup>8</sup> Philippine Star Editorial (21 February 2018). Killing the Defense. Retrieved from <http://old.philstar.com/opinion/2018/02/21/1789779/editorial-killing-defense/>. Accessed 22 February 2018.

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*WHEREAS*, various human rights groups and lawyer organizations have expressed alarm over the recent incidents saying that these attacks are attacks against the legal profession and the judicial system;

*WHEREAS*, since the beginning of this administration, in spite of constant calls for action to protect members of legal profession, the numbers of lawyers killed have increased and without any significant executive or legislative action taken;

*WHEREAS*, pursuant to the UN Basic Principles on the Role of Lawyers, our government should ensure that lawyers are able to perform their mandate without intimidation, hindrance, harassment or improper interference from State or non-State actors;

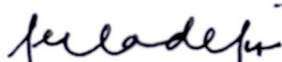
*WHEREAS*, it is also the State's responsibility to protect lawyers from threats to their person or property in discharging their functions as defined by the Supreme Court in *Cayetano v. Monsod*<sup>9</sup>;

*WHEREAS*, lawyers are advocates of the litigants and they act to facilitate the administration of justice. To threaten or endanger the lawyers is to subvert the effective functioning of our justice system;

*WHEREAS*, legal professionals are guardians of justice, and such vile incidences pose a serious threat to democracy and the rule of law;

***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 alarming killings and attacks against members of the Bar and Justice Sector Officials.

*Adopted,*

  
LEILA M. DE LIMA

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<sup>9</sup> G.R. No. 100113, September 3, 1991.