

SENATE

P. S. Res. No. 915



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Introduced by **SENATORS LEILA M. DE LIMA, PAOLO BENIGNO AQUINO IV, RISA HONTIVEROS, FRANCIS "KIKO" PANGILINAN, ANTONIO "SONNY" F. TRILLANES IV, and FRANKLIN M. DRILON**

**RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEE
TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION,
INTO THE RECENT SPATE OF KILLINGS DURING POLICE
OPERATIONS IN METRO CEBU, WITH THE END IN VIEW OF
ENSURING THAT OFFICERS OF THE PHILIPPINE NATIONAL POLICE
ABIDE BY THE OPERATING PROCEDURE, MAINTAIN RESPECT FOR
HUMAN RIGHTS AND UPHOLD THE RULE OF LAW
IN THE DICHARGE OF THEIR DUTIES**

1 WHEREAS, Article II, Section 4 of the Constitution states in part that “[t]he
2 prime duty of the Government is to serve and protect the people”;

3 WHEREAS, Article III, Section 1 of the same states that “[n]o person shall be
4 deprived of life, liberty, or property without due process of law, nor shall any person
5 be denied the equal protection of the laws”;

6 WHEREAS, Section 24 of Republic Act No. 6975, otherwise known as the
7 “Department of the Interior and Local Government Act of 1990”, details the Philippine
8 National Police’s (PNP) powers and functions, such as to “enforce all laws and
9 ordinances relative to the protection of lives and properties; maintain peace and order
10 and take all necessary steps to ensure public safety; investigate and prevent crimes,
11 effect the arrest of criminal offenders, bring offenders to justice and assist in their
12 prosecution; and exercise the general powers to make arrest, search and seizure in
13 accordance with the Constitution and pertinent laws”;

14 WHEREAS, on 5 December 2017, President Rodrigo Roa Duterte issued
15 Memorandum Order No. 17, restoring to the PNP and other law enforcement agencies
16 the “responsibility of providing active support to the Philippine Drug Enforcement

1 Agency (PDEA) in the conduct of anti-illegal drug operations”¹, effectively rescinding
2 the Memorandum from the President issued on 10 October 2017² delegating PDEA as
3 the sole agency conducting operations against illegal drugs, whose issuance was
4 “prompted by allegations from some sectors that summary killings of illegal drug
5 suspects had been perpetrated by law enforcement agencies, particularly the PNP”³;

6 WHEREAS, six people were killed and 74 others were arrested in the first phase
7 of the "one-time, big-time" (OTBT) operations conducted by Central Visayas police in
8 three cities in Cebu on 18 July 2018, Police Regional Office-Central Visayas Director
9 Debold Sinas saying they served 22 search warrants, 30 warrants of arrest, and
10 conducted 18 drug busts during that day’s operations⁴;

11 WHEREAS, former barangay captain and incumbent councilor Jessielou
12 Cadungog survived an ambush attempt on 30 July 2018 in Cebu City, his bodyguard
13 shot and killed one of the assailants identified as PO3 Eugene Alcain Calumba, who
14 was assigned in the drug enforcement unit of Parian police station in Cebu City⁵;

15 WHEREAS, a day after President Rodrigo Duterte called most law enforcers in
16 Cebu as addicts, the second phase of the OTBT operation on 23 August 2018 killed
17 three drug suspects in Talisay, Mandaue and Moalbal⁶ and arrested 111 others in the
18 province, implementing 37 search warrants, 20 buy-bust operations ⁷;

19 WHEREAS, on 26 September 2018, seven members of a notorious gun for hire
20 and illegal drugs group were killed in a shootout with the police in Barangay Pajac,
21 Lapu-Lapu City, and the police are still looking for the other 10 gang members,
22 including the leader⁸;

¹ Official Gazette. 5 December 2017. *Directing the Philippine National Police and Other Law Enforcement Agencies to Resume Providing Active Support to the Philippine Drug Enforcement Agency in the Conduct of Anti-Illegal Drug Operations*. Retrieved from <https://www.officialgazette.gov.ph/2017/12/05/memorandum-order-no-17-s-2017/>.

² Official Gazette. 10 October 2017. *Implementation of Republic Act 9165 Otherwise Known as the 'Comprehensive Dangerous Drugs Act of 2002'*. Retrieved from <http://www.officialgazette.gov.ph/downloads/2017/10oct/20171010-MEMO-RRD.pdf>.

³ *Supra*, Note 1.

⁴ Lagunda, Kevin. 18 July 2018. "6 killed, 74 nabbed, P11.6-M drugs seized in 'one-time, big-time' operations". SunStar Cebu. Retrieved from <https://www.sunstar.com.ph/article/1753403>.

⁵ Lopez, Eloisa. 30 July 2018. "Ex-barangay captain in Cebu survives ambush attempt". Rappler. Retrieved from <https://www.rappler.com/nation/208493-cebu-jessielou-cadungog-survives-ambush-attempt-july-30-2018>.

⁶ Semilla, Nestle. 24 August 2018. "Cops kill 3, nab 75 in Cebu drug raids". Philippine Daily Inquirer. Retrieved from <https://newsinfo.inquirer.net/1024511/cops-kill-3-nab-75-in-cebu-drug-raids#ixzz5T9LGKLDj>.

⁷ Moradas, Ermida. 24 August 2018. "One-time, bigtime police operation: 3 dead, 111 nabbed". The Philippine Star. Retrieved from <https://www.philstar.com/the-freeman/cebu-news/2018/08/24/1845368/one-time-bigtime-police-operation-3-dead-111-nabbed>.

⁸ Cordova, Calvin. 27 September 2018. "7 crime gang members killed in Cebu shootout". Manila Bulletin. Retrieved from <https://news.mb.com.ph/2018/09/27/7-crime-gang-members-killed-in-cebu-shootout/>.

1 WHEREAS, there were 16 fatalities in drug-related shootings in Metro Cebu
2 within 24 hours – including nine men who were killed in OTBT operations in the cities
3 of Talisay and Cebu, and five men who were killed in Brgy. Malubog by alleged
4 policemen on 4 October 2018. On 3 October 2018, a fatality was recorded during the
5 OTBT operations in Lapu-Lapu City for allegedly trying to shoot at police operatives,
6 after one (1) got killed in a drug-related shooting in Minglanilla town by unknown
7 assailants⁹;

8 WHEREAS, among the five men reportedly shot by policemen in an isolated
9 portion of Transcentral Highway in Malubog, Cebu City on 4 October 2018 were two
10 habal-habal drivers hired to bring two passengers to an apartment at Guadalupe
11 village in Cebu City, surviving habal-habal driver Antonio Ruiz Belande and his
12 passenger Charmaine Poran, pointing to policemen as the assailants¹⁰;

13 WHEREAS, Belande said he was picked up by policemen in Barangay
14 Guadalupe and was later transferred to a van with other people, mentioning the names
15 "Bautista" and "Sir Abella" as among those who talked to the men who told them that
16 they will be brought to the police camp¹¹;

17 WHEREAS, in a story corroborating Belande's, the other survivor Charmaine
18 Poran narrated that she was picked up by unidentified men in Barangay Mambaling
19 last 3 October 2018 and brought to a warehouse where she and other men were
20 blindfolded and fired at by armed men, only escaping death by playing dead then
21 throwing herself on the cliff to hide¹²;

22 WHEREAS, a total of nineteen suspected drug personalities have died in the
23 three (3) phases of OTBT operations initiated by PRO 7. In the third phase alone, it
24 was reported that 10 drug suspects died during the operations, while the police
25 implemented more than 100 search warrants, arrested 76 persons involved in the

⁹ Lagunda, Kevin. 5 October 2018. "16 dead in 17 hours in Metro Cebu". SunStar Cebu. Retrieved from <https://www.sunstar.com.ph/article/1767689/Cebu/Local-News/16-dead-in-17-hours-in-Metro-Cebu>.

¹⁰ Mayol, Ador Vincent and Talisic, Benjie. 5 October 2018. "Victim pleaded for life but gunfire drowns out his voice". Philippine Daily Inquirer. Retrieved from <https://newsinfo.inquirer.net/1039662/victim-pleaded-for-life-but-gunfire-drowns-out-his-voice#ixzz5T8m0VD86>.

¹¹ Israel, Dale. 5 October 2018. "9 killed, 60 arrested in Cebu City police operations". CNN Philippines. Retrieved from <http://cnnphilippines.com/news/2018/10/04/malubog-cebu-anti-drug-operation.html>.

¹² Cordova, Calvin and De Vela, Juan Carlo. 5 October 2018. "Woman escapes death; 5 killed". Tempo. Retrieved from <http://tempo.com.ph/2018/10/05/woman-escapes-death-5-killed/>.

1 illegal drug trade, including six (6) persons who carried unlicensed firearms, and 23
2 persons who have pending warrants of arrest for various offenses¹³;

3 WHEREAS, Cebu City Mayor Tomas Osmeña admitted in an interview that
4 when Cebu City Police Office Director Royina Garma and Police Regional Office-7
5 Director Debold Sinas assumed their respective posts, the number of killings started
6 to rise, the Mayor thinking the police are allegedly involved in the recent spate of
7 killings “because they were shot by themselves. And this is very unusual for Cebu”¹⁴;

8 WHEREAS, in a fairly recent statement, “[t]he minority senators stand together
9 with Filipinos who are alarmed by an emboldened culture of violence and impunity in
10 our country. The foiled assassination attempt on a village official in Cebu City by a
11 police antidrug officer reveals the abuse of power by policemen in carrying out the
12 government’s war on drugs. If any, this shows that cops are involved in the so-called
13 extra-judicial killings”¹⁵;

14 WHEREAS, the allegation that police officers themselves are behind some of
15 the killings is highly disturbing. Based on internationally recognized standards, the
16 use of force in police operations must only be when “strictly necessary, for lawful law
17 enforcement purposes, proportional to lawful objectives, and damage and injury are
18 to be minimized”¹⁶;

19 WHEREAS, as duty bearers, the PNP must observe proper operational
20 procedures in order to fulfill the organization’s obligation with respect to human
21 rights-based policing, emphasizing that “in order to prevent human rights violations,
22 the police must only use calibrated force to subdue suspects... They must understand
23 that force is only used when normal persuasion fails and when it is absolutely
24 necessary to overcome a threat to public safety”¹⁷;

¹³ *Supra*, Note 9.

¹⁴ Leyson, Odessa. 11 August 2018. “Osmeña: Killings increased when Garma, Sinas came”. Philippine Star. Retrieved from <https://www.philstar.com/the-freeman/cebu-news/2018/08/11/1841608/osmea-killings-increased-when-garma-sinas-came>.

¹⁵ Senate of the Philippines. 31 July 2018. “Statement of minority senators on Cebu police involvement”. Retrieved from http://www.senate.gov.ph/press_release/2018/0731_pangilinan1.asp.

¹⁶ United Nations High Commissioner for Human Rights Centre for Human Rights. *International Human Rights Standards for Law Enforcement*. Geneva, 1999, Retrieved from <https://www.ohchr.org/Documents/Publications/training5Add1en.pdf>.

¹⁷ Philippine National Police. *PNP Guidebook on Human Rights-Based Policing*. Retrieved from http://www.pnp.gov.ph/images/Manuals_and_Guides/PNP-Guide-on-Human-based-Policing.pdf.

1 WHEREAS, the recurring narrative of “*nanlaban*” or suspects having resisted
2 arrest, has been serving as a wrongful justification for fatalities during the conduct of
3 police operations to curtail proliferation of illegal drugs;

4 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to direct the
5 appropriate Senate Committee to conduct an inquiry, in aid of legislation, into the
6 recent wave of killings during police operations in Metro Cebu, with the end in view of
7 ensuring that Philippine National Police officers follow the operating procedure,
8 maintain respect for human rights and uphold the rule of law in the performance of
9 their duties.

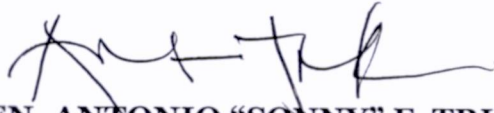
Adopted,


SEN. LEILA M. DE LIMA

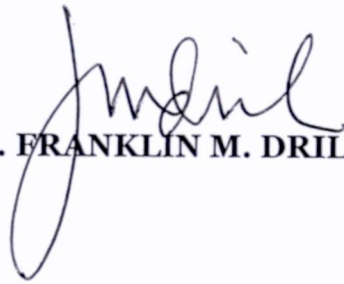

SEN. PAOLO BENIGNO AQUINO IV


SEN. RISA HONTIVEROS


SEN. FRANCIS “NIKO” PANGILINAN

A handwritten signature in black ink, appearing to read 'Antonio F. Trillanes IV', written in a cursive style.

SEN. ANTONIO "SONNY" F. TRILLANES IV

A handwritten signature in black ink, appearing to read 'Franklin M. Drilon', written in a cursive style.

SEN. FRANKLIN M. DRILON