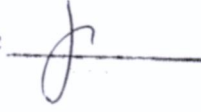


SEVENTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Third Regular Session )



'19 APR -3 AIO :05

SENATE

RECEIVED BY: 

P.S. Res. No. 1034

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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, REGARDING THE TARGETED AND CONTINUED KILLINGS OF FARMERS, PARTICULARLY IN NEGROS ORIENTAL, WITH THE END VIEW OF ENSURING ADHERENCE AND ACCOUNTABILITY OF STATE LAW ENFORCERS TO BOTH INTERNATIONAL HUMAN RIGHTS STANDARDS AND LOCAL OPERATING GUIDELINES AND PROCEDURES DURING THE CONDUCT OF POLICE OPERATIONS**

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, according to the UN Human Rights Council’s Basic Principles on  
7 the Use of Force and Firearms by Law Enforcement Officials, “government forces  
8 may use force only when strictly necessary and to the extent required for the  
9 performance of their duty”<sup>1</sup>;

10 WHEREAS, according to the same, governments shall ensure that arbitrary or  
11 abusive use of force and firearms by law enforcement officials is punished as a  
12 criminal offence under their law<sup>2</sup>;

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<sup>1</sup> United Nations Human Rights Office of the High Commissioner (NA). *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*. Retrieved from:

<https://www.ohchr.org/Documents/ProfessionalInterest/firearms.pdf>

<sup>2</sup> Ibid.

1           WHEREAS, Memorandum Order No. 32, Series of 2018, placed the regions of  
2 Eastern Visayas, Negros, and Bicol under a state of emergency on account of lawless  
3 violence which necessitates the “immediate deployment of additional forces of the  
4 AFP and PNP” in order to “prevent such violence from spreading and elsewhere in  
5 the country”<sup>3</sup>;

6           WHEREAS, on 30 March 2019, Police Colonel Raul Tacaca reported that  
7 government forces, namely, the Philippine National Police (PNP) and Armed Forces  
8 of the Philippines (AFP), launched a joint operation against illegal firearms targeting  
9 suspected communist rebels<sup>4</sup>. In this assignment, they served 36 search warrants to  
10 individuals in the City of Tanjay, and the municipalities of Canlaon, Manjuyod,  
11 Mabinay, Sta. Catalina and Siaton, all in the province of Negros Oriental. The  
12 warrants were for alleged violation of Republic Act 10951, or the Comprehensive  
13 Firearms and Ammunition Regulation Act<sup>5</sup>;

14           WHEREAS, 14 persons were killed and 16 were arrested in the  
15 aforementioned joint military and police operations in Negros Oriental. The slain  
16 individuals were believed to be supporters and members of the New People's Army  
17 (NPA), according to Regional Director 7 PBGen. Debold Senas<sup>6</sup>;

18           WHEREAS, the National Democratic Front (NDF) confirmed that one of the  
19 slain victims, identified as Ismael Avelino, was the leader of Hugpong Kusog  
20 Manguguma (HUKOM) under the left-wing organization Kilusang Magbubukid ng  
21 Pilipinas (KMP), while the rest were civilians<sup>7</sup>;

22           WHEREAS, initial reports of the police indicated that eight (8) of the fatalities  
23 were from Canlaon City, four (4) from the Manjuyod and two (2) from Santa Catalina  
24 Negros Oriental<sup>8</sup>. Despite being separate operations in different parts of Negros  
25 Oriental, State forces described their action in their press conference as, “[s]ila po ay  
26 lumaban” or the suspects resisted arrest after state security forces served their

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<sup>3</sup> Office of the President of the Philippines (NA). *Memorandum order no. 32*. Retrieved from <https://www.officialgazette.gov.ph/downloads/2018/11nov/20181122-MO-32-RRD.pdf>

<sup>4</sup> Gomez, C (March 30, 2019) *14 killed in PNP, Army operations vs loose firearms in Negros Oriental*. Retrieved from: <https://newsinfo.inquirer.net/1101546/14-killed-in-pnp-army-operations-vs-loose-firearms#ixzz5joTlchp7>

<sup>5</sup> CNN Philippines (31 March 2019) *14 killed in joint military, police operations in Negros Oriental*. Retrieved from: <http://www.cnnphilippines.com/regional/2019/3/31/killings-Negros-Oriental.html>

<sup>6</sup> Ibid.

<sup>7</sup> Ibid

<sup>8</sup> Ibid.

1 warrants and exchanged fire with their personnel on the ground, thereby allegedly  
2 justifying their retaliatory firing<sup>9</sup>;

3 WHEREAS, according to witnesses and family members of the slain victims,  
4 the police executed them “*tokhang*” style during Saturday’s pre-dawn raids drawing  
5 eerie parallels to the experiences of Metro Manila’s urban poor in almost three (3)  
6 years of President Rodrigo Duterte’s harsh crackdown on street peddlers and users of  
7 narcotics<sup>10</sup> under the so-called “war on drugs”;

8 WHEREAS, PNP Chief Dir. Gen. Oscar Albayalde said on 1 April 2019 that  
9 they are expecting results from their Internal Affairs Services (IAS) on the  
10 investigation “very soon.” However, he maintained that the slain victims opened fire  
11 at the police officers during the operation. Presidential Spokesperson Salvador  
12 Panelo echoed these sentiments, saying he is convinced the victims initiated the  
13 armed encounter that lead to their demise<sup>11</sup>;

14 WHEREAS, Karapatan Secretary General Cristina Palabay in a statement  
15 condemned the incident and claimed that the “Negros region has been a consistent  
16 target of escalating police and military operations, which have had severe and  
17 catastrophic consequences for the communities in the area” and that the killings  
18 were “the handiwork of vicious butchers and men-in-uniform intoxicated by power,  
19 thinking they can just do whatever they like without consequences”<sup>12</sup>;

20 WHEREAS, Ms. Palabay cited the recent killing of six (6) persons in Negros  
21 Oriental in December 27, 2018, and the *Sagay 9* massacre in November 2018 in  
22 Negros Occidental, and further asserted that “a bloodbath is happening in Negros,  
23 victimizing farmers and mercilessly perpetrated by a government with no regard for  
24 human rights and due process”<sup>13</sup>;

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<sup>9</sup> News5 (31 March 2019) ‘*SILA PO AY LUMABAN*’ - 14 killed in Negros Oriental police operations. Retrieved from: <http://news.tv5.com.ph/breaking/sila-po-ay-lumaban-14-killed-in-negros-oriental-police-operations>

<sup>10</sup> ABS CBN News (31 March 2019) *Witnesses, kin relate 'tokhang' style executions in Negros Oriental killings*. Retrieved from <https://news.abs-cbn.com/news/03/31/19/witnesses-kin-relate-tokhang-style-executions-in-negros-oriental-killings>

<sup>11</sup> CNN Philippines (1 April 2019) *Police probes Negros Oriental ops that killed 14*. Retrieved from <http://cnnphilippines.com/news/2019/4/1/pnp-probe-negros-oriental-operation.html>

<sup>12</sup> Karapatan (30 March 2019) *At least ten peasants reported killed in a day as police operations plague Negros Oriental*. Retrieved from <https://www.karapatan.org/At+least+ten+peasants+reported+killed+in+a+day+as+police+operations+plague+Negros+Oriental>

<sup>13</sup> *Ibid.*

1           WHEREAS, Kabataan Party-list Representative Sarah Elago revealed that at  
2           least 180 farmers have been killed during the Duterte administration, 40 of which  
3           were from Negros Island<sup>14</sup>;

4           WHEREAS, as agents of the state, the PNP and the AFP must observe both  
5           international and local operational procedures in order to enforce the law with  
6           respect to human rights-based policing, and reasonable rules of engagement;

7           WHEREAS, according to the PNP Guidebook on Human Rights-Based  
8           Policing, “[t]he police arrest and restrain persons or suspects based on the basis of  
9           ‘probable cause’ while judges adjudicate and punish on the burden of ‘beyond a  
10           reasonable doubt’ which is a higher legal standard. However, it is clear that the police  
11           must use commensurate degrees of force in order to effectively enforce the law and  
12           ensure public safety”<sup>15</sup>;

13           WHEREAS, the recurring narrative of suspects having resisted arrest  
14           otherwise known as “*nanlaban*”, has long been serving as a wrongful justification for  
15           the targeted and continuous killings around the country, including assaults to  
16           farmers who have advocated for their long-standing call for agrarian reform, during  
17           the conduct of counterinsurgency operations of State agents against so-called pre-  
18           identified threats to national security or “enemies of the State”;

19           WHEREAS, these killings tend to prove the inability of the Philippine  
20           government to discharge its basic duty to preserve and maintain peace and order,  
21           and to hold accountable the perpetrators of crimes and abuses. They have cultivated  
22           a culture of impunity and lawlessness across the country;

23           WHEREAS, the indiscriminate and thoughtless killings of the members of the  
24           impoverished and marginalized sectors of society by the agents of the State  
25           themselves, who are mandated to uphold their welfare, must be checked and stopped  
26           immediately;

27           WHEREAS, there is an urgent need to investigate this escalating trend and  
28           spate of killings victimizing our farmers, making it imperative for the government

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<sup>14</sup> ABS CBN News (30 March 2019) *14 farmers massacred in Negros Oriental, lawmaker says*. Retrieved from: <https://news.abs-cbn.com/news/03/30/19/14-farmers-massacred-in-negros-oriental-lawmaker-says>

<sup>15</sup> Philippine National Police Human Right Office (NA) *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](http://www.pnp.gov.ph/images/Manuals_and_Guides/PNP-Guide-on-Human-based-Policing.pdf). (p. 15).

1 and law authorities and institutions to develop mechanisms which can hold these  
2 perpetrators accountable in order for justice and the rule of law to be restored and  
3 upheld throughout our lands;

4 **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE,** to direct  
5 the appropriate Senate Committee to conduct an inquiry, in aid of legislation,  
6 regarding the targeted and continued killings of farmers, particularly in Negros  
7 Oriental, with the end view of ensuring adherence and accountability of state law  
8 enforcers to both international human rights standards and local operating  
9 guidelines and procedures in the conduct of police operations, and to improve  
10 existing relevant laws and policies.

*Adopted,*

*leila de lima*  
**LEILA M. DE LIMA** 