

SENATE

P. S. RES. NO. 84

Introduced by Senators Vicente C. Sotto III, Edgardo J. Angara, Joker P. Arroyo, Alan Peter "Compañero" S. Cayetano, "Compañera" Pia S. Cayetano, Miriam Defensor-Santiago, Franklin Drilon, Jinggoy P. Ejercito-Estrada, Juan Ponce Enrile, Francis "Chiz" G. Escudero, Teofisto Guingona III, Gregorio B. Honasan II, Panfilo M. Lacson, Manuel "Lito" M. Lapid, Loren B. Legarda, Ferdinand "Bongbong" Marcos, Sergio Osmeña III, Francis N. Pangilinan, Ralph G. Recto, Ramon A. Revilla, Jr., Manny Villar, Juan Miguel F. Zubiri

RESOLUTION

EXPRESSING ANEW THE SENSE OF THE SENATE FOR SEN. ANTONIO "SONNY" F. TRILLANES IV BE ALLOWED TO ATTEND AND PARTICIPATE IN THE SESSIONS AND OTHER OFFICIAL FUNCTIONS OF THE SENATE AND REQUESTING THE JUDICIARY, THROUGH THE REGIONAL TRIAL COURT OF MAKATI - BRANCH 148, TO RECTIFY THE APPARENT INJUSTICE BY ALLOWING THE TEMPORARY TRANSFER OF THE CUSTODY OF SENATOR TRILLANES TO THE SENATE AND FOR OTHER RELATED PURPOSES.

WHEREAS, Senator Antonio "Sonny" F. Trillanes IV was elected as a Senator of the Republic during the May 2007 National and Local Elections by the vote of *Eleven Million One Hundred and Eighty-Nine Thousand Six Hundred and Seventy-One (11,189,671) Voters*¹ despite the fact that he was under detention pending the resolution of the charge against him for *Coup D'Etat* before the Regional Trial Court of Makati - Branch 148, thus, indicating the clear and unmistakable mandate of the electorate for him to serve as one of their elected representatives at the Senate;

WHEREAS, in recognition of the said mandate of the electorate, on 25 July 2007, the Senate formally adopted **Senate Resolution No. 3** "*Expressing the Sense of the Senate that Senator Antonio Trillanes IV be Allowed to Participate in the Sessions and other Functions of the Senate in Accordance with the Rule of Law*";

WHEREAS, likewise in recognition of his mandate from the people, a majority of Senators filed on 11 November 2008 **Senate Resolution No. 765** "*Amending The Rules of the Senate By Incorporating A Rule To Allow Senators to Participate in Senate sessions, Hearings and/or Meetings Through Remote or Electronic Means*" in order to enable Senator Trillanes, among others, to participate in the sessions and other official functions of the Senate. However, the aforementioned measures have not been implemented, thus, preventing Senator Trillanes

¹ Please see: COMELEC's Senatorial Canvass Report No. 31 as of 6:00 AM, August 08, 2007 (See: www.comelec.gov.ph).

from exercising his mandate meaningfully and depriving the electorate proper representation in legislature;

WHEREAS, the **Inter-Parliamentary Union (IPU)**, an international organization founded in 1889 composed of One Hundred Fifty-Five (155) of the World's Legislature, of which the Philippines is an active member, has formally adopted at least five (5) official *decisions* urging the Government of the Philippines to either release Sen. Trillanes pending trial of his cases and/or to allow Senator Trillanes "to attend Senate sessions and to grant him any such facilities as to enable him to exercise his mandate in a meaningful way"²;

WHEREAS, the offenses with which Senator Trillanes is charged are political offenses. Thus, he is properly classified as a political prisoner in accordance with International Law³;

WHEREAS, the Philippines is a party to the **International Covenant on Civil and Political Rights (ICCPR)**, which enshrines fair trial guarantees. Likewise, as a member of the **United Nations Human Rights Council**, the Philippines is bound to uphold the highest standards of human rights⁴;

WHEREAS, Senator Trillanes has been on trial and has been kept under detention for more than seven (7) years now, which period, in the light of international jurisprudence, may well violate his fundamental rights under Article 9, paragraph 3, and Article 14, paragraph 3 (c), of the ICCPR as pointed out by the **Inter-Parliamentary Union**⁵;

WHEREAS, even his Excellency, **President Benigno S. Aquino III**, Chief Executive of the Republic, in a number of instances, has expressed his personal belief that the continued incarceration of Senator Trillanes is an apparent injustice which needs to be properly addressed⁶;

WHEREAS, former **Sen. Aquilino Q. Pimentel**, who was elected as the President of the Committee on Human Rights of the **Inter-Parliamentary Union** in 2009, has pointed out that in a number of countries, legally detained parliamentarians are allowed and permitted to attend parliament and participate in its work, particularly in Japan, Canada, Netherlands, Norway, Switzerland, Luxembourg and Turkey and that in countries like Pakistan and

² Decisions of the Committee on the Human Rights of Parliamentarians of the IPU adopted during its 123rd, 124th, 126th, 127th & 128th Sessions from July 2008 to January 2010.

³ Political prisoners are men and women who have been incarcerated for their political views and actions, have consciously fought against social injustice, colonialism, and/or imperialism and have been incarcerated as a result of their political commitments. Even while in prison, these men and women continue to adhere to their principles (See: Elijah, Jill Sofia: *The Reality of Political Prisoners in the United States: What September 11 Taught us About Defending Them*, Crime and Social Justice Associates Volume 30, Issue 2, Page 115 (4) [2003]).

⁴ See: The Confidential Decision adopted by the Committee on Human Rights of Parliamentarians of the IPU at its 126th Session held in Geneva, Switzerland from 28 June - 1st July 2009.

⁵ Resolution adopted unanimously by the IPU Governing Council at its 185th Session in Geneva, Switzerland on 21 October 2009.

⁶ *Aquino: Trillanes may be victim of injustice*; Banner headline of the Philippine Daily Inquirer - July 17, 2010 Issue; Also see Inquirer.net (Philippine Daily Inquirer Internet/Online Edition for 17 July 2010); Information retrieved from <http://newsinfo.inquirer.net/inquirerheadlines/nation/view/20100717-281561/Aquino-Trillanes-may-be-victim-of-injustice>; Retrieved on 01 August 2010.

Cameroon, a mere request of the National Assembly is sufficient to enable detained legislators to attend sessions of their legislatures⁷.

WHEREAS, as previously explained by the Legal Counsel of the Senate: “[T]he collective wisdom and judgment of the Senate and the Senators is greatly diminished if not impaired even if only one seat in the Senate is made unnecessarily vacant, and the inability of Senator Antonio F. Trillanes IV, a member of the Senate, to attend Senate sessions, hearings and meetings necessarily affects and impairs the capability of the Senate as a whole to discharge its role and functions in the Legislature, accordingly depriving the 11 million citizens who voted for him of representation in parliament can only have a detrimental effect on the democratic process”⁸;

WHEREAS, as can be seen from all the foregoing, the continuing inability of Sen. Trillanes to participate in the Sessions and other official functions of the Senate not only amounts to a personal injustice to him but is likewise an injustice to the **11,189,671 Filipino voters** who voted for Sen. Trillanes as well as to the Senate as an institution and a co-equal and coordinate branch of Government;

WHEREAS, this apparent injustice can be rectified and resolved if the Judiciary, through the Honorable Trial Court, can be requested to allow the temporary transfer of the custody of Sen. Trillanes from the PNP Custodial Center in Camp Crame, Quezon City, to the Senate, particularly to the Office of the Senate Sergeant-At-Arms (OSAA) at least while the Senate is in session, with the express understanding that OSAA shall ensure the attendance of Senator Trillanes in trial, hearings and all proceedings of the cases filed against him, unless otherwise excused by the courts;

NOW, WHEREFORE, premises considered, **RESOLVED** as it is hereby **RESOLVED**, to express anew the sense of the Senate of the Philippines for **Senator Antonio “Sonny” F. Trillanes IV** to be allowed to attend and participate in the sessions and other official functions of the Senate, in accordance with the mandate clearly bestowed upon him by the **11,189,671 Filipino voters** who voted for him during the May 2007 National and Local Elections;

RESOLVED FURTHER, to urge the Judiciary, through the Regional Trial Court of Makati – Branch 148, to rectify the apparent injustice by allowing the temporary transfer of the custody of the person of Sen. Trillanes from the Philippine National Police (PNP) Custodial Center to the Senate, particularly, the Office of the Senate Sergeant-at-Arms (OSAA) while the Senate is in session;

RESOLVED FINALLY, to direct the Secretariat of the Senate, through its Legal Counsel, to cause the immediate implementation of this Resolution by filing the appropriate

⁷ See: Statement of former Sen. Aquilino Q. Pimentel, President of IPU’s Committee on Human Rights of Parliamentarians as published in Filipino Voices, *Pimentel: Allow Senator Trillanes To Attend Senate Sessions*. Information retrieved from: <http://filipinovoices.com/pimentel-allow-senator-trillanes-to-attend-senate-sessions>. Retrieved on 27 July 2010.

⁸ See: The Senate’s Motion for Intervention in SC G.R. 179817.

manifestation and motion before the Honorable Regional Trial Court of Makati – Branch 148 at the soonest possible time and to perform any and all acts as may be proper and appropriate under the premises.

Adopted,


VICENTE C. SOTTO III

JOKER P. ARROYO

EDGARDO J. ANGARA



ALAN PETER "COMPAÑERO" S. CAYETANO


"COMPAÑERA" PIA S. CAYETANO

MIRIAM DEFENSOR-SANTIAGO

 with due respect to the court proceedings

JINGGOY EJERCITO ESTRADA

 with due respect to courts

JUAN PONCE ENRIQUE


TEOFISTO "TG" GUINGONA III

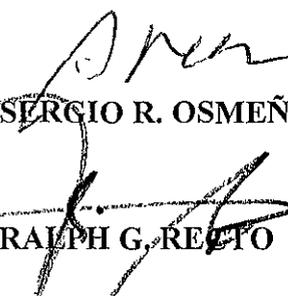
GREGORIO B. HONASAN II

PANFILO M. LACSON

MANUEL "LITO" M. LAPID


LOREN B. LEGARDA

FERDINAND "BONGBONG" MARCOS

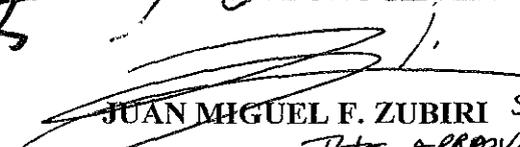
 with due respect to the courts

FRANCIS N. PANGILINAN

RALPH G. RECTO

RAMON B. BONG REVILLA, JR.

MANNY VILLAR

 SUBJECT TO THE APPROVAL OF THE COURT