

FIFTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
First Regular Session )

SENATE  
OFFICE OF THE SECRETARY

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SENATE  
P. S. R. No. 104

RECEIVED BY:         

Introduced by Senator Miriam Defensor Santiago

RESOLUTION  
DIRECTING THE SENATE COMMITTEE ON JUSTICE AND HUMAN RIGHTS TO  
CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE NEED TO RE-  
EVALUATE POLICE PROCEDURES ON APPREHENDING SUSPECTS

WHEREAS, the Constitution, Article 3, Section 14 states:

“(1) No person shall be held to answer for a criminal offense  
without due process of law.

(2) In all criminal prosecutions, the accused shall be presumed  
innocent until the contrary is proved...”;

WHEREAS, on 3 August 2010, various news outfits reported the arrest of alleged  
carnapper, Ivan Padilla, during a reported shootout that happened around four in the  
morning in Makati City;

WHEREAS, a news clip from abs-cbnnews.com shows a bleeding Ivan Padilla  
being interviewed by Gretchen Malalad; Ivan Padilla claimed he had a gunshot wound in  
the head;

WHEREAS, though still alive during the interview, Padilla was pronounced dead  
minutes after he was brought to the Ospital ng Makati;

WHEREAS, there were insinuations by various news outfits that Padilla was  
deliberately delayed from being brought to the hospital; however, the policemen  
interviewed claimed that they were not doctors to determine whether a suspect is in  
critical condition or not; they claimed that their primary objective was to secure the  
premises before bringing the suspect to a hospital;

WHEREAS, during such operations, there should be a separate team that will  
assist the suspect especially if he or she has sustained injuries from the encounter; it is  
lamentable that in police operations such as this one, the suspect's condition is given very  
little regard;

WHEREAS, as stated by Police Superintendent Rommel Miranda, there are good  
reasons for capturing a suspect alive; in this case, if proven that Padilla was indeed the  
leader of a carnapping gang, Padilla could have assisted in the discovery of the other  
members;

WHEREAS, although the police should be commended for their speedy operation  
on capturing Padilla, it is still mandatory that they respect the suspect's rights and  
welfare;

WHEREAS, members of the media should also be reminded to be sensitive to the situation on the ground during police operations, and give a fair and true report of the situation;

WHEREAS, the legislature should mandate the police to have a yearly re-evaluation of the procedures used in apprehending suspects and of the procedures used in conducting such operations;

WHEREAS, guidelines should be created so as to speedily address the condition of injured suspects and policemen during violent encounters;

WHEREFORE, be it hereby resolved by the Philippine Senate, to direct the proper Senate Committee to conduct an inquiry in aid of legislation, on the need to re-evaluate police procedures on apprehending suspects.

Adopted,

  
MIRIAM DEFENSOR SANTIAGO

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