

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

10 AUG 23 P 2:09

SENATE
P. S. R. No. 136

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON JUSTICE AND HUMAN RIGHTS
AND THE SENATE COMMITTEE ON HEALTH AND DEMOGRAPHY TO
CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE NEED TO AMEND
POLICE PROCEDURES WITH REGARD TO INVESTIGATIONS ON ALLEGED
ACCIDENTAL DEATHS OF MINORS

WHEREAS, the Constitution, Article 2, Section 5 states: "The 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, the *Philippine Daily Inquirer*, in its 7 April 2010 article reported that a one year old child died of accidental poisoning when she drank a glass of water that contained silver cleaning fluid;

WHEREAS, it was reported that the parents of the child refused to let the police investigate their daughter's death, claiming it was an accident; the father claimed that the child had managed to take hold of a glass of water laced with silver cleaner inside their home;

WHEREAS, Senior Police Officer 3 Paul Dennis Javier of the Manila Police District homicide section allowed the father of the child to simply sign a waiver to formalize his desire not to have his child's death probed anymore;

WHEREAS, due to the waiver, the police said that they would no longer conduct an investigation into the child's death; however, Javier said this should serve as a warning for parents to hide poisonous chemicals from their children;

WHEREAS, according to the University of the Philippines-National Poison Management and Poison Control Center (UP-NMPCC), the silver cleaning fluid was the fourth most commonly ingested chemical poison in 2008, and the third most commonly swallowed poison among children;

WHEREAS, the report claimed that between January and April of 2009, UP-NMPCC handled 99 cases of silver cleaner poisoning involving 11 accidental and 88 non-accidental cases, resulting in the death of six people aged 18 and below; such allegedly prompted several concerned groups and individuals to push for a ban on the sale of the poisonous fluid;

WHEREAS, it should be noted that though the death of the child is claimed by the parents to be an accident, the police should not have simply dismissed the case without a thorough investigation;

WHEREAS, an alleged death due to accident by a minor must still be probed as foul play might have been involved; the activity of the child, who was only 1 year old should be considered; it is highly unlikely that a one year old child could already grasp a glass of water without aid from an adult;

WHEREAS, the legislature should provide for measures that will protect the interests of minors, especially since their voices are minimally considered most of the time in the legal sphere;

WHEREAS, the police should be more prudent in ruling out other causes of death aside from accident, and should be disallowed from issuing waivers in lieu of investigation, especially in this case, where the parents should be investigated to ascertain whether or not they are responsible for the death of their child;

WHEREFORE, be it hereby resolved by the Philippine Senate, to direct the Senate Committee on Justice and Human Rights and the Senate Committee on Health and Demography to conduct an inquiry, in aid of legislation, on the need to amend police procedures with regard to investigations on alleged accidental deaths of minors.

Adopted,

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

/mat