

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. 137

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

DIRECTING THE COMMITTEE ON JUSTICE AND HUMAN RIGHTS AND THE COMMITTEE ON PUBLIC ORDER AND ILLEGAL DRUGS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED TORTURE INCIDENT INVOLVING MANILA POLICE OFFICERS

WHEREAS, the Constitution, Article 3, Section 12, Paragraph 2 states that No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, *incommunicado*, or other similar forms of detention are prohibited”;

WHEREAS, according to various sections of Article 2 of the Constitution:

“Section 5. 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.

Section 11. The State values the dignity of every human person and guarantees full respect for human rights.

Section 27. The State shall maintain honesty and integrity in the public service and take positive and effective measures against graft and corruption”;

WHEREAS, Republic Act No. 9745, or the Anti-Torture Act of 2009 was passed to adhere to the said Constitutional provisions and international instruments to which the Philippines is a State party, such as the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of the Child (CRC), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT);

WHEREAS, various local and international media outlets reported on 18 August 2010 an alleged torture incident perpetrated by a Manila police precinct commander caught on video, shot with a cell phone camera;

WHEREAS, the video showed the victim naked, bound, and lying on the floor, grimacing in great pain as a man tugged at a string tied to the victim’s genitals each time he failed to answer questions;

WHEREAS, the video also showed men, alleged to be policemen, hitting the suspect while others looked on;

WHEREAS, reports failed to identify the victim but identified the other man as Senior Insp. Joselito Binayug, the chief of the precinct station on Asuncion Street in Tondo, Manila, who was consequently suspended with thirteen of his men;

WHEREAS, the National Police Commission (Napolcom), the Philippine National Police (PNP), the Office of the Ombudsman, and the Commission on Human Rights (CHR) all condemned and accordingly formed bodies to investigate the incident;

WHEREAS, aside from all 14 officers being culpable the Anti-Torture Act of 2009, reports also say that the officers were to undergo neuropsychiatric tests;

WHEREAS, the CHR said that the mistreatment of criminal suspects appeared to be the norm for law enforcement officers, and reported that their agency recorded more than 200 cases of police maltreatment in the first semester of 2010 alone;

WHEREAS, the incident may prove to be the first test for the implementation of the Anti-Torture Act of 2009, and, considering the gravity and implications of this incident to legislation and the country's commitment to various international treaties and agreements, Congress should always be on its toes in refining the laws it passed;

WHEREAS, Congress should also consider amending other pertinent laws to safeguard against the heinous illegal procedures such as torture perpetrated by the police and military officers to improve both the preventive and punitive aspects of the law;

WHEREFORE, be it hereby resolved by the Philippine Senate, to direct the Senate Committee on Justice and Human Rights and the Committee on Public Order and Illegal Drugs to conduct an inquiry in aid of legislation, on the reported torture incident involving Manila police officers.

Adopted,


MIRIAM DEFENSOR SANTIAGO

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