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SENATE  
P.S. RES. NO. 226

RECEIVED BY: 

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Introduced by Senator Richard "Dick" J. Gordon

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**A RESOLUTION DIRECTING THE APPROPRIATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE RECENT SERIES OF DEATHS OF PERSONS THAT ARE MAINLY DRUG-RELATED KILLINGS BY THE POLICE DURING POLICE OPERATIONS, UNDER POLICE CUSTODY AND DETENTION, AND OUTSIDE LEGITIMATE POLICE DUTY TO MAKE THE POLICE MORE ACCOUNTABLE AND RESPONSIBLE TO THE PEOPLE**

WHEREAS, the Philippine National Police (PNP) reported that for the period of July 1 to October 11, 2016, there have been 4,248 drug-related killings by the police of which 2,682 have been identified as due to police operations and 1,566 as deaths under investigation.<sup>1</sup> The most common reason cited for these deaths involves a situation wherein the person being arrested is able to disarm the police officer which thereafter results in a shootout with the police, more popularly known in the vernacular as "*nanlaban*";

WHEREAS, President Rodrigo Duterte publicly released his "narco-list", naming five generals as protectors of drug syndicates<sup>2</sup> and subsequently revealed the names of sitting and retired local government officials, policemen, and law enforcers allegedly involved in the drug trade.<sup>3</sup> Among the local government officials named were Mayor Samsudin Dimaukom of Datu Saudi Ampatuan, Maguindanao and Mayor Rolando Espinosa of Albueria, Samar;

WHEREAS, at about 4:30 am of October 28, 2016, Mayor Dimaukom and 9 others were killed in an alleged firefight with police in a checkpoint in Barangay Bulatukan, Makilala, North Cotabato.<sup>4</sup> On the other hand, on November 5, 2016, at around 4:00 am, Albueria City, Leyte Mayor Rolando Espinosa and inmate Raul Yap died during an alleged shootout in the Baybay City, Leyte Provincial Jail while reportedly being served a search warrant by the PNP Crime Investigation and Detection Group (CIDG), Region 8;<sup>5</sup>

WHEREAS, there are likewise incidents wherein police officers appear to have killed outside legitimate police duty such as in the case of Mark Anthony Culata of Cavite and Zenaida Luz of Oriental Mindoro, among others. Mark Anthony Culata, an Overseas Filipino Worker, was reportedly last seen being stopped by Police Officer

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<sup>1</sup> Report of the Philippine National Police during the October 13, 2016 hearing of the Committee on Justice and Human Rights on P.S.R. No. 9 and P.S.R. No. 151.

<sup>2</sup> Available at <http://www.gmanetwork.com/news/story/572476/news/nation/duterte-names-police-generals-protecting-drug-rings>, <Last accessed on November 5, 2016>.

<sup>3</sup> Available at <http://news.abs-cbn.com/news/08/07/16/dutertes-list-narco-politicos-lawmen-judges>, <Last accessed on November 5, 2016>.

<sup>4</sup> Available at <http://thestandard.com.ph/news/-main-stories/219993/datu-saudi-ampatuan-mayor-dies-in-alleged-shootout.html>, <Last accessed on November 5, 2016>.

<sup>5</sup> Available at <http://news.abs-cbn.com/news/11/04/16/albueria-mayor-espinosa-shot-dead-inside-jail-cell>, <Last accessed on November 5, 2016>.

(PO) 2 Yves Luyun and Emerson de Ocampo and PO1 Edgardo Fontanilla and Hernan Romanes<sup>6</sup> in a police checkpoint in Tanza, Cavite and whose body was later on found with several gunshot wounds and a cardboard labeled “*pusher ako*” beside his body.<sup>7</sup> On the other hand, Zenaida Luz, the regional head of the Citizens Crime Watch, was shot and killed allegedly by Senior Insp. Magdaleno Pimentel, Jr. and Insp. Markson Almeranez outside her house in Barangay Maligaya, Gloria, Oriental Mindoro;<sup>8</sup>

WHEREAS, there is a need to reiterate and emphasize the constitutional fiat that “the prime duty of the government is to serve and protect the people”<sup>9</sup> and that “the maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy;”<sup>10</sup>

WHEREAS, the cases of Dimaukom, Espinosa, Culata, and Luz, among others, are a dagger in the heart of the criminal justice system as it appears that even those who are in the custody of the law are no longer safe. The apparent lack of security and the divided, if not, disputing actions of law enforcement agencies are a slap on the face of the rule of law, signalling a regress to a more desperate system of law without due process – a ‘take no prisoners’ approach in criminal justice. This approach creates an atmosphere of intimidation and fear which puts the public in danger since they can be conditioned to “take the law in their own hands” to defend themselves;

WHEREAS, there is a need to address the serious questions on the apparent irregularity in police operations that needs to be investigated and clarified if only to allay the fear of the public that legal processes are already being used as a subterfuge for summary killings to liquidate or neutralize persons allegedly involved in crimes, especially illegal drugs; Now, therefore be it

*Resolved, as it is hereby resolved,* that an investigation be conducted, in aid of legislation, on the recent series of deaths of persons that are mainly drug-related killings by the police during police operations, under police custody and detention, and outside legitimate police duty, with the objective of making the members of the Philippine National Police (PNP) more accountable and responsible in fulfilling their constitutional duty to serve and protect the people.

Adopted,



**RICHARD “DICK” J. GORDON**

<sup>6</sup> Available at <http://www.philstar.com/nation/2016/09/26/1627294/4-cops-sacked-over-ofws-slay>, <Last accessed on November 5, 2016>.

<sup>7</sup> Available at <http://www.gmanetwork.com/news/story/583579/news/pinoyabroad/pnp-nbi-grilled-over-slow-resolution-of-ofw-s-slay-case>, <Last accessed on November 5, 2016>.

<sup>8</sup> Available at <http://newsinfo.inquirer.net/825201/2-cops-kill-anticrime-crusader-in-mindoro>, <Last accessed November 5, 2016>.

<sup>9</sup> Section 4, Article II of the 1987 Constitution.

<sup>10</sup> Section 5, Article II of the 1987 Constitution.