

Republic of the Philippines
Congress of the Philippines

Senate

Manila City

Fourteenth Congress

Second Regular Session



RESOLUTION No. 165

RESOLUTION EXPRESSING THE SENSE OF THE
SENATE THAT THE QUEZON CITY POLICE
OFFICERS OF THE PHILIPPINE NATIONAL
POLICE GRAVELY ABUSED THEIR
AUTHORITY IN ENFORCING THE
WARRANTLESS ARRESTS OF THE RELATIVES
AND HELPERS OF MR. TED FAILON ETONG

WHEREAS, the Bill of Rights under the 1987 Constitution guarantees the right of any person under investigation for the commission of an offense to be informed of the charges against him, of his right to remain silent and to have a competent and independent counsel. No torture, threat or intimidation or any means which vitiate the free will shall be used against him. Further, no person shall be held for a criminal offense without due process of law;

WHEREAS, in all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved and shall enjoy the right to be heard by himself and counsel;

WHEREAS, on April 15, 2009, Mrs. Trinidad Etong, wife of Mr. Ted Failon, sustained a gunshot wound in the head in a shooting incident, and that investigations are being conducted by the police. In the course of the investigation, QCPD's Criminal Investigation and Detection Unit filed charges of violation of Presidential Decree No. 1829 or obstruction of justice against Mr. Ted Failon and his househelpers Carlota Morbos and Frida Bolleser, driver Glen Polan, helper Pacifico Apacible and Mr. Failon's sister-in-law, Pamela Arteche. The QCPD said that respondents failed to immediately report the shooting of Mrs. Trinidad Etong on April 15, 2009, and that they cleaned up the bloodstains in the bathroom where Mrs. Etong's body was found in their residence and in the vehicle used to bring her to a hospital;

WHEREAS, Presidential Decree No. 1829, otherwise known as the Decree Penalizing Obstruction of Apprehension and Prosecution of Criminal Offenders, punishes persons who prevent witnesses from testifying in any criminal proceeding or from reporting the commission of any offense or identity of any offender/s by means of bribery, misrepresentation, deceit, intimidation, force or threats and altering, destroying, suppressing or concealing any paper, record, document or object with intent to impair its verity, authenticity, legibility, availability or admissibility as evidence in any investigation of or official proceedings in criminal cases, or to be used in any investigation of or official proceedings in criminal cases, among others;

WHEREAS, on the night of April 16, 2009, Pamela Arteche, Me-Ann and Maximo, the siblings of Mrs. Trinidad Etong, were taken into police custody. Within the full view of the public and media personnel, the police officers, with wanton disregard of the human rights of the alleged "suspects", arrested them and forcibly took them into custody apparently without affording and/or informing them of their Miranda rights guaranteed by no less the Constitution to persons placed under arrest. As evidenced by the media footages, the police officers used excessive and unnecessary force in implementing the illegal warrantless arrests and at one point even hitting and choking one of the siblings of Mrs. Trinidad Etong;

WHEREAS, Rule 113, Section 5 of the Revised Rules on Criminal Procedure enumerates the instances when warrantless arrests by a peace officer or a private person are allowed, to wit: 1) when in his presence, the person to be arrested has committed, is actually committing or is attempting to commit an offense; 2) when an offense has in fact just been committed and he has probable cause to believe based on personal knowledge of facts or circumstances that the person to be arrested has committed it; and 3) when the person to be arrested is a prisoner who has escaped from a penal establishment or place where he is serving final judgment or is temporarily confined while his case is pending, or has escaped while being transferred from one confinement to another;

WHEREAS, even assuming that the crime/s under Presidential Decree No. 1829 were actually committed by the relatives and helpers of Mr. Failon, their warrantless arrests are *illegal considering that the arrest does not fall under valid warrantless arrests under the Revised Rules on Criminal Procedure*. Neither were the alleged crime/s by the relatives considered as continuing crimes to allow warrantless arrests. Clearly, the arrests made on the person of the relatives and helpers of Mr. Failon are without basis and are patently *illegal*. Not only are they entitled to the rights under the Constitution but at the very least to humane and just treatment by the police officers, the supposed protectors of our civil rights;

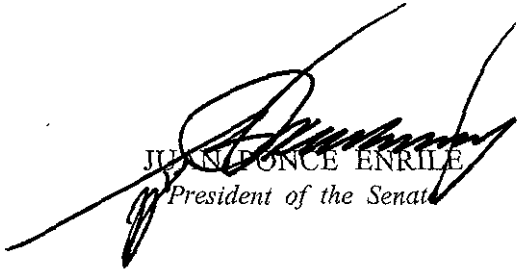
WHEREAS, on April 17, 2009, the Quezon City Prosecutor's Office ordered that Mr. Failon be placed under further investigation for the obstruction of justice charges filed against him relative to his wife's shooting last April 15, 2009;

WHEREAS, the other two (2) respondents, Carlota Morbos and Pamela Arteche, were ordered immediately released from custody of the Quezon City Police District;

WHEREAS, the National Capital Region Police Office (NCRPO) Director Chief Superintendent Roberto Rosales ordered the immediate relief of policemen who used excessive force in arresting the relatives of Mr. Failon at the New Era General Hospital last April 16, 2009. Director Rosales also ordered that all the policemen involved in the investigation be removed: Now, therefore, be it

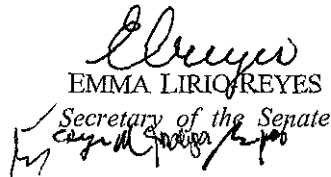
Resolved, as it is hereby resolved, To express the sense of the Senate that the Quezon City Police Officers of the Philippine National Police gravely abused their authority in enforcing the warrantless arrests of the relatives and helpers of Mr. Failon, the arrest itself being illegal and the manner in which it was carried out being abusive and with use of excessive and unnecessary force.

Adopted,



JUAN PONCE ENRILE
President of the Senate

This Resolution was adopted by the Senate on April 22, 2009.



EMMA LIRIO REYES
Secretary of the Senate

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