

Republic of the Philippines  
Congress of the Philippines

Senate

Manila City

Fifteenth Congress

First Regular Session



RESOLUTION No. 7

RESOLUTION EXPRESSING THE SENSE OF THE SENATE FOR THE TRANSFER OF CUSTODY OF SENATOR ANTONIO "SONNY" F. TRILLANES IV TO THE SENATE SERGEANT-AT-ARMS, IN ORDER THAT HE MAY BE ABLE TO ATTEND AND PARTICIPATE IN THE SESSIONS AND OTHER OFFICIAL FUNCTIONS OF THE SENATE, AND CAUSING THIS RESOLUTION TO BE MANIFESTED BEFORE THE REGIONAL TRIAL COURT OF MAKATI – BRANCH 148

WHEREAS, in May 2007, Senator Antonio "Sonny" F. Trillanes IV was elected Senator of the Republic, garnering more than twelve million votes, indicating the clear mandate of the electorate for him to serve in the Philippine Senate;

WHEREAS, on 25 July 2007, the Senate adopted Senate Resolution No. 3, entitled, *"Expressing the Sense of the Senate that Senator Antonio Trillanes IV be Allowed to Participate*

*in the Sessions and other Functions of the Senate in Accordance with the Rule of Law”;*

WHEREAS, on 11 November 2008, a majority of Senators filed then proposed Senate Resolution No. 765, entitled, *“Amending The Rules of the Senate By Incorporating A Rule To Allow Senators to Participate in Senate Sessions, Hearings and/or Meetings Through Remote or Electronic Means”*, which sought to enable Senator Trillanes IV to participate in the sessions and other official functions of the Senate;

WHEREAS, the Inter-Parliamentary Union (IPU), an international organization founded in 1889 composed of one hundred fifty-five (155) of the World’s Legislature, of which the Philippines is an active member, has formally adopted at least five (5) official *decisions* urging the Government of the Philippines to either release Senator Trillanes pending trial of his cases or to allow Senator Trillanes IV *“to attend Senate sessions and to grant him any such facilities as to enable him to exercise his mandate in a meaningful way”*;

WHEREAS, Senator Trillanes IV is charged with political offenses and may thus be classified as political prisoner in accordance with International Law;

WHEREAS, the Philippines is a party to the International Covenant on Civil and Political Rights (ICCPR), which enshrines fair trial guarantees; and is likewise a member of the United Nations Human Rights Council which upholds the highest standards of human rights;

WHEREAS, Senator Trillanes IV has been under detention for more than seven (7) years now, which period, in the light of international jurisprudence, may well violate his fundamental rights under Article 9, paragraph 3, and Article 14, paragraph 3 (c), of the ICCPR as pointed out by the Inter-Parliamentary Union;

WHEREAS, his Excellency, President Benigno S. Aquino III, in a number of instances, has expressed his personal belief

that the continued incarceration of Senator Trillanes IV needs to be properly addressed;

WHEREAS, former Senator Aquilino Q. Pimentel Jr., who was President of the Committee on Human Rights of the Inter-Parliamentary Union in 2009, pointed out that in a number of countries, legally detained parliamentarians are allowed and permitted to attend parliament and participate in its work, particularly in Japan, Canada, Netherlands, Norway, Switzerland, Luxembourg and Turkey, and that in countries like Pakistan and Cameroon, a mere request of the National Assembly is sufficient to enable detained legislators to attend sessions of their legislatures;

WHEREAS, as previously submitted by the Legal Counsel of the Senate: *"[T]he collective wisdom and judgment of the Senate and the Senators is greatly diminished if not impaired even if only one seat in the Senate is made unnecessarily vacant, and the inability of Senator Antonio F. Trillanes IV, a member of the Senate, to attend Senate sessions, hearings and meetings necessarily affects and impairs the capability of the Senate as a whole to discharge its role and functions in the Legislature, accordingly depriving the 11 million citizens who voted for him of representation in parliament, can only have a detrimental effect on the democratic process";*

WHEREAS, as can be seen from all the foregoing, the continuing inability of Senator Trillanes IV to participate in the sessions and other official functions of the Senate unduly deprives the more than twelve million Filipinos of representation in the Senate;


WHEREAS, this situation can be addressed if the Judiciary, through the Honorable Trial Court, will allow the temporary transfer of the custody of Senator Trillanes IV from the Philippine National Police (PNP) Custodial Center in Camp Crame, Quezon City, to the Senate, particularly to the Office of the Senate Sergeant-At-Arms (OSAA), with the understanding that the OSAA shall ensure the attendance of Senator Trillanes IV when required by the court; and

WHEREAS, Senator Trillanes IV should not be placed outside the reach of the other branches of government, and the temporary transfer of the custody of Senator Trillanes IV would not amount to a release and is not an impairment of the doctrine of separation of powers among the revered branches of government, it not amounting to an infringement of the judiciary's prerogatives and its power of commitment. Now therefore, be it


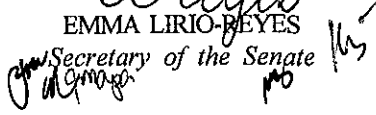
*Resolved, as it is hereby resolved,* To express anew the sense of the Senate of the Philippines that Senator Antonio "Sonny" F. Trillanes IV be transferred to the custody of the Senate Sergeant-at-Arms in order to allow him to attend and participate in the sessions and other official functions of the Senate, in accordance with the mandate clearly bestowed upon him by the more than twelve million Filipinos who voted for him in the May 2007 Elections.

*Resolved, finally,* That a copy of this Resolution be manifested to the Honorable Regional Trial Court of Makati - Branch 148, to allow the temporary transfer of the custody of Senator Trillanes from the Philippine National Police (PNP) Custodial Center to the Senate, particularly, the Office of the Senate Sergeant-At-Arms (OSAA).

Adopted,

  
 JUAN PONCE-ENRILE  
 President of the Senate

This Resolution was adopted by the Senate on August 23, 2010.

  
 EMMA LIRIO-BEYES  
 Secretary of the Senate  
  
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