

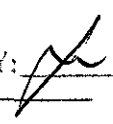
FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)



Senate
Office of the Secretary

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SENATE
P. S. R. No. 299

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

RESOLUTION

CONDEMNING THE VIOLENT DEATH OF PROMINENT BOTANIST
LEONARDO CO AND TWO OTHER COMPANIONS WHO WERE ALLEGEDLY
CAUGHT IN A CROSSFIRE IN THE LEYE PROVINCE AND
DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN
INQUIRY, IN AID OF LEGISLATION, ON THE MILITARY'S PROBABLE
BREACH OF THE RULES OF ENGAGEMENT BY INDISCRIMINATELY FIRING
WITHOUT VERIFYING THEIR TARGETS

WHEREAS, the Constitution, Article 2, Section 3 provides: "The Armed Forces of the Philippines is the protector of the people and the State. Its goal is to secure the sovereignty of the State and the integrity of the national territory";

WHEREAS, the Constitution, Article 3, Section 1 states: "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws";

WHEREAS, the Rules of Engagement of the Armed Forces of the Philippines stipulate that all actions must be taken to uphold the dignity of a person, his or her rights, even to those perceived as enemies;

WHEREAS, according to a 17 November 2010 article in gmanews.tv, the prominent Filipino botanist Leonardo Co was shot to death last 15 November 2010 in the forests of Kananga town along with forest guard Sofronio Cortez and their guide Julius Borromeo while the team was doing field research;

WHEREAS, two members of the research team, Policarpio Balute and Roniño Gibe, survived the shooting incident at Upper Mahiao in Barangay Lim-ao, where Dr. Co was engaged in field work as biodiversity consultant of the Lopez-owned Energy Development Corporation (EDC); the research involved collecting seedling specimens of wild tress for replanting;

WHEREAS, the research team had security clearance from the EDC security group, which in turn got clearance from the military; this supports the fact that the military was aware about the presence of Dr. Co's team in the area, but did not know their precise location;

WHEREAS, according to Lt. Col. Federico Tutaan, commanding officer of the 19th Infantry Battalion (IB), his troops went to the site after receiving reports that several New People's Army (NPA) rebels were seen around the locality and were planning an attack on the EDC facilities;

WHEREAS, Tutaan claims that Dr. Co's team was caught in the middle of a legitimate military operation against NPA rebels; the military contingent spotted a group of NPA rebels who fired at them and that was when the exchange of fire ensued;

WHEREAS, this statement from the military was contradicted by Policarpio Balute, one of the two survivors, claiming that the gunfire came from only one direction and that no one was firing back;

WHEREAS, the National Democratic Front-Eastern Visayas (NDF-EV) issued a press release expressing doubts about the reported clash that resulted in the deaths of the three civilians;

WHEREAS, NDF-EV posits that Dr. Co's group was mistaken for an NPA unit by the 19th IB elements who attacked based on a flimsy intelligence report, and who furthermore violated the rules of engagement by indiscriminately firing without verifying their targets;

WHEREAS, the NDF-EV further claims that it was highly improbable that Co and his companions had strayed near NPA hideouts since their camps are well-hidden; further, NPA units choose highly secure routes and avoid civilians to maintain secrecy, so it was unlikely that Dr. Co's team had stumbled upon a mobile NPA team;

WHEREAS, the Kalikasan for People's Environment Network (PNE) assailed that the Philippine Army 19th Infantry Battalion (IB) under the 802nd Infantry Brigade should be held responsible for the death of the three;

WHEREAS, given the situation, the Philippine Army should have prioritized the protection and safety of the civilians; it is apparent that they did not conduct desired protocols to validate and secure the presence of civilians in the area, especially since the environmental research team was said to have gotten clearance from the military to conduct a research;

WHEREAS, EDC must also be accountable for the incident since it was the one which commissioned the study and it was incumbent upon the company to secure the safety of the research team;

WHEREAS, the death of the three has put the number of environmentalists killed in the country to a total of 36 since 2001;

WHEREAS, based on the monitoring of Kalikasan PNE, most of the killings of environmentalists are allegedly done by military and paramilitary forces and the incidences of the killings are also in areas where there is high concentration of military forces or intense militarization since controversial projects which are environmentally destructive such as commercial logging and large-scale mining are often found in these areas;

WHEREFORE, be it hereby resolved by the Philippine Senate, to condemn the violent death of prominent botanist Leonard Co and two other companions who were allegedly caught in a crossfire in the Leyte Province and directing the proper Senate Committee to conduct an inquiry, in aid of legislation, on the military's probable breach of the rules of engagement by indiscriminately firing without verifying their targets.

Adopted,


MIRIAM DEFENSOR SANTIAGO

/dpm