


SENATE  
P. S. Res. No. 1273

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Introduced by Senate President Juan Ponce Enrile

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**RESOLUTION URGING THE APPROPRIATE SENATE  
COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF  
LEGISLATION, ON THE ILLEGAL PRACTICE OF REMOVING  
DETENTION PRISONERS FROM THEIR DETENTION CELLS  
WITHOUT ANY AUTHORITY FROM A COURT OF LAW**

*Whereas*, it is the policy of the state to guarantee full respect for human rights, and this guarantee is given to all, even to those who are detained or incarcerated inside our jails;

*Whereas*, it has come to our attention that there are some jails or detention centers which allow the removal of detention prisoners from their detention cells without any authority from a Court of Law;

*Whereas*, such removal from their respective detention places is for the purpose of interrogating them, and such interrogation is without the knowledge of, much less the presence of, the detainee's lawyer;

*Whereas*, the right to counsel, as enshrined in our Bill of Rights, includes the right of a person to have his own chosen counsel during any custodial investigation, or even when merely "invited" for questioning;

*Whereas*, an example of such unlawful removal is that of the case of Jonathan Balo, a detainee for the crime of murder at the BJMP Jail Salvacion, in Panabo City, Davao Del Norte;

*Whereas*, in the morning of July 26, 2009, Jonathan Balo was removed and taken from his cell by a certain SJO1 Rodney Mediqueso, a P/Supt. Alexander Serrano and three (3) other escorts against his will and without authorization from the Regional Trial Court Branch 4 of Panabo City where his case is pending;

*Whereas*, Jonathan Balo was handcuffed and brought to a quarry located in Ma-a, Davao City where he was coaxed by police officers to identify alleged mass graves of victims of supposed



summary killings perpetrated by the so-called "Davao Death Squad" (DDS);

*Whereas*, Jonathan Balo did not acquiesce to the demands of the police officers as the former has no personal knowledge about the incidents asked of him by the latter;

*Whereas*, all throughout his questioning, Jonathan Balo was terrified that he will be killed and be a victim of "salvage;"

*Whereas*, although the police officers who took Jonathan Balo returned him to his detention cell, he was nonetheless unsettled, if not rattled, at how the police authorities can just take him away without a court order;

*Whereas*, notwithstanding the innocence or guilt of detainees, they should still be protected under the law, their basic human rights should be respected, and the proceedings governing them should be in accordance with a lawful court order;

*Now, Therefore, Be It Resolved, as it is hereby resolved by the Senate*, that the appropriate Senate Committees are urged to conduct an investigation, in aid of legislation, on the practice of removing detention prisoners from their detention cells.

Adopted,



JUAN PONCE ENRILE  
Senator