

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



Senate  
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SENATE  
P. S. R. No. **492**

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Introduced by Senator Aquilino "Koko" Pimentel III

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**RESOLUTION**  
**DIRECTING THE SENATE COMMITTEE ON JUSTICE AND HUMAN RIGHTS AND OTHER APPROPRIATE SENATE COMMITTEE(S), TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE PRACTICE OF THE PHILIPPINE NATIONAL POLICE (AND POSSIBLY OF OTHER LAW ENFORCEMENT AGENCIES) OF FORCIBLY TAKING PERSONS TO POLICE STATIONS FOR QUESTIONING, UNDER THE GUISE OF AN "INVITATION", WITH THE END IN VIEW OF ENACTING MEASURES THAT WOULD PUT A STOP TO THIS CONSTITUTIONALLY OBJECTIONABLE PRACTICE WHICH VIOLATES THE HUMAN RIGHTS AND CIVIL LIBERTIES OF THE FILIPINO PEOPLE**

**WHEREAS**, Article II, Section 11 of the 1987 Constitution assures us that the "*State values the dignity of every human person and guarantees full respect for human rights*";

**WHEREAS**, Article III, Section 2 of the 1987 Constitution guarantees that the "*right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable*";

**WHEREAS**, the Universal Declaration of Human Rights provides in Article 3 that "*[E]veryone has the right to life, liberty and security of person*" and in Article 9 that "*[N]o one shall be subjected to arbitrary arrest, detention or exile*";

**WHEREAS**, under Article 9.1 of the International Covenant on Civil and Political Rights, "*[E]veryone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law*";

**WHEREAS**, on November 30, 2013, a closed-circuit television (CCTV) footage captured a scene where three (3) security guards of Dasmarinas Village in Makati were forcibly taken by members of the Makati City police, after what looked like an altercation between the said security guards and the camp of the Mayor of Makati City (the "Dasmarinas Village Gate Incident");

WHEREAS, newspaper accounts reveal that the said security guards were brought to the Makati City police headquarters where they remained for about four (4) hours<sup>1</sup>;

WHEREAS, the chief of the Makati City police claimed in an interview that the guards were only invited to the station for "clarification and custodial inquiry"<sup>2</sup>;

WHEREAS, the act of forcibly taking persons to police stations for questioning, under the guise of an "invitation", committed by law enforcement agents is a serious breach of the rights of our people under the Bill of Rights, Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights;

WHEREAS, there is a need for Congress, the Senate in particular, to find out (1) the extent of this pernicious practice among our law enforcement agencies and (2) how we can put an immediate stop to this constitutionally objectionable practice;

WHEREAS, an inquiry into the Dasmaringas Village Gate Incident is likewise necessary considering that taking any person to a police station against his will, in situations not authorized by law, may amount to a felony or felonies under the Revised Penal Code like unlawful arrest, arbitrary detention, and grave coercion, among others;

WHEREAS, this unfortunate incident highlights the need for Congress as well as the leadership of our law enforcement agencies to review the standard operating procedure on effecting arrests, particularly warrantless arrests, by law enforcement agents;

WHEREAS, it is the duty of Congress to uphold the basic human rights of every Filipino and to ensure that no person shall be deprived of his life, liberty, or property without due process of law;

**WHEREFORE, BE IT HEREBY RESOLVED, AS IT IS HEREBY RESOLVED, BY THE PHILIPPINE SENATE, TO DIRECT THE COMMITTEE ON JUSTICE AND HUMAN RIGHTS AND OTHER APPROPRIATE SENATE COMMITTEE(S), TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE PRACTICE OF THE PHILIPPINE NATIONAL POLICE (AND POSSIBLY OF OTHER LAW ENFORCEMENT AGENCIES) OF FORCIBLY TAKING PERSONS TO POLICE STATIONS FOR QUESTIONING, UNDER THE GUISE OF AN "INVITATION", WITH THE END IN VIEW OF ENACTING MEASURES THAT WOULD PUT A STOP TO THIS CONSTITUTIONALLY OBJECTIONABLE PRACTICE WHICH VIOLATES THE HUMAN RIGHTS AND CIVIL LIBERTIES OF THE FILIPINO PEOPLE.**

*Adopted,*

  
AQUILINO "KOKO" PIMENTEL III

<sup>1</sup> Carvajal, N.C. (2013, December 19). 3 Dasma guards who stopped Bmay convoy held, freed. *Philippine Daily Inquirer*. Retrieved January 6, 2014 from [newsinfo.inquirer.net](http://newsinfo.inquirer.net).

<sup>2</sup> De Jesus, J.L. (2013, December 19). 3 guards were invited for clarification, not detained, says Makati police chief. *Philippine Daily Inquirer*. Retrieved February 3, 2014 from [newsinfo.inquirer.net](http://newsinfo.inquirer.net).