

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



14 MAR 12 P5:04

SENATE
P.S.R. No. 571

RECEIVED BY: *ji*

Introduced by Senator Aquilino "Koko" Pimentel III

**A RESOLUTION
DIRECTING THE COMMITTEE ON JUSTICE AND HUMAN
RIGHTS AND OTHER PROPER SENATE COMMITTEE(S) TO
CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE
ALLEGED DUE PROCESS VIOLATIONS AGAINST DAVAO
JOURNALIST ALEXANDER "ALEXIS" ADONIS, WITH THE
END IN VIEW OF REVIEWING OUR CURRENT LAWS ON
LIBEL AND OF ENACTING MEASURES THAT WILL
STRENGTHEN OUR SYSTEM OF FREE LEGAL SERVICES FOR
INDIGENT LITIGANTS AND THE PROBATION AND PAROLE
SYSTEM**

WHEREAS, *Article III, Sections 1 and 14(1) of the 1987 Philippine Constitution* provide that no person shall be deprived of life, liberty, or property without due process of law and that no person shall be held to answer for a criminal offense without due process of law, respectively;

WHEREAS, the right to counsel is absolute and may be invoked at all times. More so, in the case of an on-going litigation, it is a right that must be exercised at every step of the way, with the lawyer faithfully keeping his client company.¹ Tersely put, the right to counsel means an efficient and truly decisive legal assistance and not a simple perfunctory representation²;

WHEREAS, Alexander "Alexis" Adonis, a former Bombo Radyo Davao commentator, was charged in October 2001 and convicted on January 26, 2007 for Libel³ by Branch 17, Regional Trial Court of Davao City. He was sentenced to imprisonment for a minimum of five months and one day to a maximum of four years, six months and one day, and to pay a fine of P100,000.00;

¹ *Spouses Telan vs. Court of Appeals* (G.R. No. 95026; October 4, 1991).

² *Callangan vs. People* (G.R. No. 153414; June 27, 2006).

³ Criminal Case No. 48679-2001.

WHEREAS, during his trial, Adonis, after being reassigned to work in Cagayan de Oro, had a hard time travelling to and from Cagayan de Oro and Davao. The travel for his work and court trial was seven hours by bus and the travel expenses consumed much of his salary. Adonis left Bombo Radyo in 2005 and was declared AWOL (Absent Without Leave), prompting his lawyer, whom Bombo Radyo claims they hired, to withdraw from the case. Without money to pay for another lawyer, Adonis stopped attending the hearings altogether⁴;

WHEREAS, *Rule 115, Section 1 (c)* of the *Rules of Court* provides for the right of an accused to be present and to defend himself in person and by counsel at every stage of the proceedings, from arraignment to promulgation of the judgment;

WHEREAS, under *Republic Act No. 9406*, otherwise known as "*An Act Reorganizing and Strengthening the Public Attorney's Office*", the Public Attorney's Office (PAO) shall independently discharge its mandate to render, free of charge, legal representation, assistance, and counseling to indigent persons in criminal, civil, labor, administrative, and other quasi-judicial cases;

WHEREAS, Adonis was reported to have been tried *in absentia* after the Court considered: 1) his failure to attend consecutive scheduled hearings; and 2) his lawyer's withdrawal from the case as a waiver of his right to defend himself⁵;

WHEREAS, the fact that Adonis had gone missing during the critical phase of his trial and when his sentence of conviction was handed down brings to fore the situation of some of our people who cannot afford the services of counsel;

WHEREAS, if indeed it was true that Adonis was indigent, he was thus qualified to be assisted by the PAO in all the stages of his criminal prosecution, especially during the promulgation of the judgment against him. Sadly, Adonis was never given this opportunity;

WHEREAS, Adonis began serving his sentence at the Davao Prisons and Penal Farm (Davao Penal Colony) on February 20, 2007. On December 11, 2007, the Board of Pardons and Parole (BPP) issued an order for the Discharge on Parole of seven (7) inmates in various

⁴ Media Helping Media. Retrieved from: <http://www.mediahelpingmedia.org/news/asia-pacific/176-jail-for-journalist-charged-with-libel>. Retrieved on: March 11, 2014.

⁵ Center for Media Freedom and Responsibility. Retrieved from: <http://www.cmfr-phil.org/2012/02/17/decriminalizing-libel-un-declares-ph-libel-law-excessive/>. Retrieved on: March 11, 2014.

jails in the country, which included Adonis. The said document was received by the City Parole and Probation Office of Davao on May 2, 2008. However, Davao Penal Colony Warden, Venancio Tesoro, was reported to have refused to release Adonis on the ground that a second Libel⁶ case based on the same report for which he had been convicted was still pending in Court⁷;

WHEREAS, eventually, he was released from confinement on December 23, 2008, after accepting the conditions of the parole granted to him;

WHEREAS, soon after he was released, Adonis filed a case with the United Nations Human Rights Committee (UNHRC) questioning our laws on libel;

WHEREAS, on October 26, 2011, a landmark decision was issued by the UNHRC announcing that Philippine laws criminalizing libel are "*incompatible with Article 19, paragraph Three of the International Covenant on Civil and Political Rights (ICCPR)*"⁸. The UN body likewise decreed that the government must compensate Adonis for the time he spent behind bars;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED THAT THE COMMITTEE ON JUSTICE AND HUMAN RIGHTS AND OTHER PROPER SENATE COMMITTEE(S) BE DIRECTED TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ALLEGED DUE PROCESS VIOLATIONS AGAINST DAVAO JOURNALIST ALEXANDER "ALEXIS" ADONIS, WITH THE END IN VIEW OF REVIEWING OUR CURRENT LAWS ON LIBEL AND OF ENACTING MEASURES THAT WILL STRENGTHEN OUR SYSTEM OF FREE LEGAL SERVICES FOR INDIGENT LITIGANTS AND THE PROBATION AND PAROLE SYSTEM.

Adopted,


AQUILINO "KOKO" PIMENTEL III

⁶ Criminal Case No. 48719-2001 pending before Regional Trial Court, Branch 14.

⁷ Center for Media Freedom and Responsibility. Retrieved from: <http://www.cmfr-phil.org/2008/12/28/jailed-broadcaster-released/>. Retrieved on March 11, 2014.

⁸ *Article 19 of the UN Declaration on Human Rights*

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."