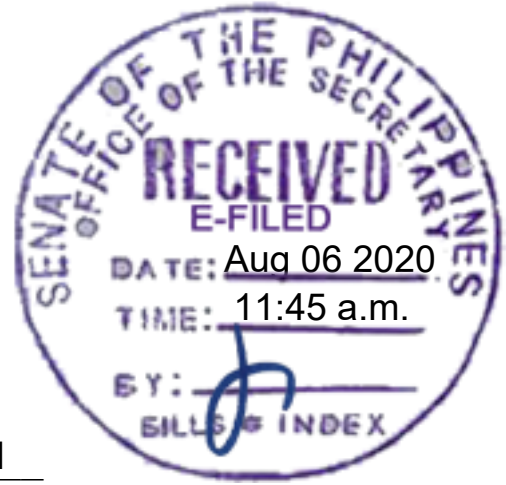


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
*Second Regular Session* )



**SENATE**

**P.S. Res. No. 491**

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Introduced by **SENATOR LEILA M. DE LIMA**

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**RESOLUTION**  
**DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT**  
**AN INQUIRY, IN AID OF LEGISLATION, INTO THE ALARMING LACK**  
**OF TRANSPARENCY SURROUNDING THE DEATHS OF PERSONS**  
**DEPRIVED OF LIBERTY (PDLs) AND THE ACTUAL EXTENT OF COVID-**  
**19 CONTAGION IN JAILS AND PRISONS NATIONWIDE**

1           WHEREAS, Article II, Section 11 of the Constitution mandates that “[t]he  
2 State values the dignity of every human person and guarantees full respect for  
3 human rights”;

4           WHEREAS, Rule 1 of the United Nations Standard Minimum Rules for the  
5 Treatment of Prisoners or the Nelson Mandela Rules states that “[a]ll prisoners shall  
6 be treated with the respect due to their inherent dignity and value as human  
7 beings...”;

8           WHEREAS, Rule 24 of the same also states that “[t]he provision of health care  
9 for prisoners is a State responsibility. Prisoners should enjoy the same standards of  
10 health care that are available in the community, and should have access to necessary  
11 health-care services free of charge without discrimination on the grounds of their  
12 legal status”;

13           WHEREAS, last 20 March 2020, Department of Interior and Local  
14 Government Secretary Eduardo Año rejected calls to release Persons Deprived of  
15 Liberty (PDLs) during the height of COVID-19 outbreak, avowing that prison  
16 detention cell [is] “the safest place” for the PDLs. Five days later, however, a PDL in

1 Quezon City Jail died after complaining of “difficulty in breathing” and it was  
2 reported that COVID-19 was a possible contributing factor to his death<sup>1</sup>;

3 WHEREAS, it was reported that as of July, at least 476 PDLs died in different  
4 prison facilities nationwide from January to July 2020, with a daily average of two  
5 (2) to three (3) deaths a day or 50 to 60 deaths per month. Of the deaths, 21 were  
6 confirmed COVID-19 cases and another 24 were suspected to be COVID-19<sup>2</sup>;

7 WHEREAS, as early as April, concerns have been consistently raised  
8 regarding the increasing number of casualties inside the New Bilibid Prison (NBP),  
9 especially by families of the deceased PDLs. However, the Bureau of Corrections  
10 (BuCor) has yet to verify whether the deaths were actually because of COVID-19<sup>3</sup>;

11 WHEREAS, Department of Justice (DOJ) Undersecretary Mark Perete  
12 confirmed that at least one PDL who died on April 23 and whose death was recorded  
13 as “pneumonia to consider COVID-19” was never even tested for the virus<sup>4</sup>;

14 WHEREAS, BuCor Spokesperson Gabriel Chaclag said that given the limited  
15 resources and shortage of test kits available they “would rather use the test kits on  
16 the living” inmates<sup>5</sup>;

17 WHEREAS, according to a Philippine Center for Investigative Journalism  
18 (PCIJ) report, BuCor Chief Physician Henry Fabro said that he believed half of the  
19 NBP PDLs were infected with the virus. Fabro added that with “scant testing that  
20 yields snail-paced and unreliable results”, gauging the true extent of the outbreak is  
21 impossible<sup>6</sup>;

22 WHEREAS, in that same report, Fabro cited one instance “when they  
23 discharged two inmates from the NBP isolation area because the Department of

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<sup>1</sup> PCIJ. See, Aie Balagtas. *How Covid-19 Cases Exploded in Prisons*. 23 June 2020. Retrieved from <https://pcij.org/article/4198/covid-19-in-philippine-prisons-a-timeline>

<sup>2</sup> CNN Philippines. LIST: High-profile Bilibid inmates whose deaths are linked to COVID-19, according to BuCor. 22 July 2020. Retrieved from <https://www.cnnphilippines.com/news/2020/7/22/list-high-profile-bilibid-covid-19-deaths.html>

<sup>3</sup> Buan, Lian. Rappler.com. Concern over deaths in Bilibid mounts in the face of the pandemic. 30 April 2020. Retrieved from <https://rappler.com/newsbreak/investigative/concern-bilibid-deaths-mounts-coronavirus-pandemic>

<sup>4</sup> Buan, Lian. Rappler.com. In Bilibid, dozens die of unclear causes without being tested for coronavirus. 22 May 2020. Retrieved from <https://rappler.com/newsbreak/investigative/bilibid-dozens-die-unclear-causes-not-tested-coronavirus>

<sup>5</sup> Ibid

<sup>6</sup> See, Aie Balagtas. PCIJ. *The Old and New Bilibid Prisons in the Time of Pandemics*. 23 June 2020. Retrieved from <https://pcij.org/article/4195/the-old-and-new-bilibid-prisons-in-the-time-of-pandemics>

1 Health said they tested negative for the virus. Days later, the health department said  
2 it made a mistake”<sup>7</sup>;

3 WHEREAS, according to the same June 2020 PCIJ report, Fabro also  
4 admitted that the NBP hospital inside the maximum-security compound “cannot  
5 adequately serve the overpopulated prison”<sup>8</sup>;

6 WHEREAS, Fabro was also quoted saying that most of the deaths in NBP  
7 came from the “Medium Security Compound, where inmates were cramped after  
8 returning to prison amid the Good Conduct Time Allowance (GCTA) fiasco”<sup>9</sup>;

9 WHEREAS, it is important to note that of the 476 reported deaths, nine were  
10 deaths of high-profile PDLs housed at Building 14, the most secured facility within  
11 the NBP Maximum Security Compound, namely - Jaybee Sebastian, Boratong,  
12 Benjamin Marcelo, Zhang Zhu Li, Jimmy Kinsing Hung, Francis Go, Jimmy Yang,  
13 Eugene Chua and Ryan Ong<sup>10</sup>. Eight PDLs died around May and June while  
14 Sebastian allegedly succumbed to the virus last July 18<sup>11</sup>;

15 WHEREAS, even if the BuCor later released the death certificates of said nine  
16 high-profile PDLs, because of lack of transparency and poor track record of BuCor,  
17 there are speculations that the said nine PDLs may have not died due to COVID-19,  
18 even to the extent that their deaths were simulated;

19 WHEREAS, a relative of Boratong told Inquirer that their family was able to  
20 retrieve his body and bury it...on the same day he died, following Muslim burial  
21 customs”. But the relatives of Boratong revealed that they were not sure if it was  
22 Boratong since BuCor personnel refused to open the body bag. All of Boratong’s  
23 belongings were burned; his medical records were not released to relatives even upon  
24 lawyers’ request<sup>12</sup>;

25 WHEREAS, according to the same relative of Boratong, they were surprised to  
26 learn that he died of COVID-19. They were told that Boratong, although

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<sup>7</sup> Ibid

<sup>8</sup> Supra foot note #3

<sup>9</sup> Supra foot note #6

<sup>10</sup> Macairan, Evelyn. Philstar.com. “DOJ: 476 inmates died in first half of 2020 Senators want BuCor chief out”. 23 July 2020. Retrieved from <https://www.philstar.com/headlines/2020/07/23/2030001/doj-476-inmates-died-first-half-2020-senators-want-bucor-chief-out>.

<sup>11</sup> Supra foot note# 1

<sup>12</sup> Cabalza, Dexter and Cinco, Maricar. Inquirer.net. Sebastian wife hysterical; Boratong kin not sure it was he they buried. 22 July 2020. Retrieved from <https://newsinfo.inquirer.net/1310112/sebastian-wife-hysterical-boratong-kin-not-sure-it-was-he-they-buried>

1 asymptomatic, was isolated last May 23 for testing positive, together with 11 other  
2 PDLs at Building 14<sup>13</sup>;

3 WHEREAS, on the other hand, the wife of Sebastian was not able to retrieve  
4 his body. She said she was told that Sebastian’s remains had to be cremated  
5 immediately at a public cemetery in Cavite within 12 hours “to prevent the spread of  
6 infection”<sup>14</sup>. No autopsy was conducted”<sup>15</sup>;

7 WHEREAS, DOJ Secretary Menardo Guevarra has even ordered the National  
8 Bureau of Investigation (NBI) to look into the deaths of the nine drug lords in NBP<sup>16</sup>.  
9 Guevarra himself admitted that BuCor protocols were inadequate<sup>17</sup>;

10 WHEREAS, BuCor Chief Doctor Fabro said that there remain five (5) high  
11 profile PDLs in isolation at Site Harry<sup>18</sup>. BuCor Spokesperson Chaclag said that as of  
12 July 19, there are 258 convicts confirmed to have had coronavirus, but 230 have  
13 already recovered.<sup>19</sup>;

14 WHEREAS, while DOJ Secretary Guevarra claims that the dramatic increase  
15 on the number of daily deaths is not “suspicious”<sup>20</sup>, the lack of transparency of BuCor  
16 with regard to deaths and of the true extent of contagion in jails and prison facilities,  
17 together with overcrowding, absence of reliable testing, inadequate health facilities,  
18 lack of protective medical equipment, non-implementation of physical distancing  
19 and health protocols inside jails and prisons, all show that the government failed in  
20 its duty to protect basic human rights and to value dignity of PDLs;

21 WHEREAS, these deaths of high-profile NBP PDLs not only raise numerous  
22 doubts on how health protocols and procedures are being outrightly neglected by

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<sup>13</sup> Ibid

<sup>14</sup> Pazzibugan, Dona and Salaverria, Leila. Inquirer.net. Deaths of high-profile NBP inmates raise questions – Sotto. 21 July 2020. Retrieved from <https://newsinfo.inquirer.net/1309591/deaths-of-high-profile-inmates-raise-questions#ixzz6SyzKYdTX>.

<sup>15</sup> Supra foot note#1

<sup>16</sup> Ibid

<sup>17</sup> Supra foot note#10

<sup>18</sup> Torres-Tupas, Tetch Inquirer.net. DOJ confirms death of high profile Bilibid inmate Jaybee Sebastian/ 20 July 2020. Retrieved from <https://newsinfo.inquirer.net/1309458/doj-confirms-death-of-high-profile-bilibid-inmate-jaybee-sebastian>.

<sup>19</sup> Buan, Lian. Rappler.com. High-profile Bilibid inmates died within days of each other. 23 July 2020. Retrieved from [https://rappler.com/nation/high-profile-bilibid-inmates-died-within-days-each-other?utm\\_source=facebook&utm\\_medium=social&utm\\_campaign=nation](https://rappler.com/nation/high-profile-bilibid-inmates-died-within-days-each-other?utm_source=facebook&utm_medium=social&utm_campaign=nation).

<sup>20</sup> CNN Philippines. Guevarra says nothing suspicious with nearly 500 deaths within PH Jails. 22 July 2020. Retrieved from <https://cnnphilippines.com/news/2020/7/22/DOJ-nothing-suspicious-about-jail-deaths.html>

1 BuCor but also how this pandemic can be a convenient excuse to cover up torture  
2 and killings of PDLs or worse, to even simulate deaths of PDLs;

3 WHEREAS, the Human Rights Watch (HRW) said that the “government has  
4 not fully reported prison deaths” and that concerned authorities should urgently  
5 investigate it. Commission on Human Rights (CHR) Commissioner Karen Gomez-  
6 Dumpit also called for the accounting of deaths inside the NBP in order for the  
7 government to identify appropriate actions to address the pandemic in prisons<sup>21</sup>;

8 WHEREAS, the country’s national penitentiaries have long been experiencing  
9 a humanitarian crisis for tolerating subhuman conditions like congested cells,  
10 unhygienic food, and inadequate healthcare services. Clearly, the continuous neglect  
11 of PDLs’ rights especially during a pandemic puts them at a greater risk and displays  
12 how the State puts little or no regard to their basic human rights;

13 **NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY**  
14 **RESOLVED**, to direct the appropriate Senate Committee to conduct an inquiry, in  
15 aid of legislation, into the alarming lack of transparency surrounding the deaths of  
16 Persons Deprived of Liberty (PDLs) and the actual extent of COVID-19 contagion in  
17 jails and prisons nationwide.

*Adopted,*

  
**LEILA M. DE LIMA**

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<sup>21</sup> Supra Ibid 9