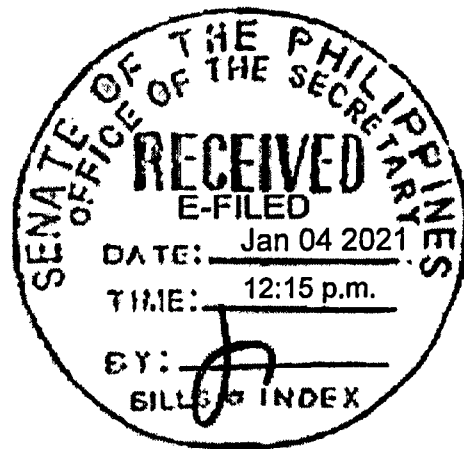


EIGHTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
Second Regular Session )



SENATE

P.S. Res. No. 602

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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 PANDEMIC OF KILLING THAT CONTINUES TO INFECT THE LEGAL PROFESSION AT AN ALARMINGLY ESCALATING RATE, WITH THE END IN VIEW OF SAFEGUARDING THE GUARDIANS OF THE LAW AND VANGUARDS OF JUSTICE IN ORDER TO LIKEWISE ERADICATE THE SERIOUS THREAT TO DEMOCRACY AND THE RULE OF LAW THAT THESE KILLINGS HAVE POSED**

WHEREAS, paragraph 16 of the Basic Principles on the Role of Lawyers adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, mandates that governments shall ensure that lawyers “are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference”;

WHEREAS, paragraph 17 of the same provides that “[w]here the security of lawyers is threatened as a result of discharging their functions, they shall be adequately safeguarded by the authorities”;

WHEREAS, the bloodshed began with a grandiose campaign promise to eradicate the drug problem in the Philippines within three to six months of assuming office. A systematic and targeted killing spree then followed, with drug suspects marked as the enemy who should be neutralized. The killings started with attacks made with the impunity that nighttime afforded, but as the culprits were not held to account, they grew

more brazen that even broad daylight and public audience no longer prevented them from perpetrating the violence;

WHEREAS, as the killings persisted, so did the attacks on other sectors of society. As reports would later reveal the killings have spread like a pandemic wreaking havoc across all sectors. Eventually, the victims were slain journalists,<sup>1</sup> public officials, priests and clergymen, human rights advocates and defenders;<sup>2</sup>

WHEREAS, so virulent is the pandemic of killing that it also poisoned the legal community – lawyers, prosecutors and judges. It festered the roll of attorneys so quick and so much that it rapidly transformed into a hit list;

WHEREAS, on February 2018, the Integrated Bar of the Philippines (IBP) passed a resolution that said, “[t]he apparent continued attacks on the members of the Bar, none of which had been successfully resolved or prosecuted, create an impression of impunity, wherein State forces appear indifferent and helpless, or, worse, in one case, even involved in such violent assaults”;<sup>3</sup>

WHEREAS, on 15 November 2018, International Commission of Jurists (ICJ) said that “[i]t is essential for the proper and effective functioning of the administration of justice that lawyers are kept safe as they fulfill their duties to protect the rights of their clients and promote the cause of justice.” The Alternative Law Groups (ALG), for its part stressed, that, “[t]he rising number of killings of lawyers is very concerning and alarming; it is an attack not only on individual lawyers but on the justice system as whole. The Philippine government must take immediate and proactive measures to ensure the safety of lawyers as they conduct their professional duties”;<sup>4</sup>

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<sup>1</sup> Rappler. (21 December 2018) *Philippines deadliest country for journalists in Southeast Asia – IFJ*. Retrieved from: <https://www.rappler.com/nation/219393-philippines-deadliest-country-journalists-southeast-asia-ifj>

<sup>2</sup> Rappler. (07 February 2019) *Human rights defenders also killed under Duterte administration*. Retrieved from: <https://www.rappler.com/newsbreak/iq/222796-human-rights-defenders-killed-under-duterte-administration>

<sup>3</sup> GMA News. (23 February 2019). *IBP forms task force to probe violence vs. lawyers*. Retrieved from: <https://www.gmanetwork.com/news/news/nation/644440/ibp-forms-task-force-to-probe-separate-ambushes-on-2-lawyers/story/>

<sup>4</sup> ICJ.Org. (15 November 2019). *Philippines: Government must act to ensure justice in killing of lawyer Benjamin Ramos*. Retrieved from: <https://www.icj.org/philippines-government-must-act-to-ensure-justice-in-killing-of-lawyer-benjamin-ramos/>

WHEREAS, on 19 March 2019, when the number of casualties reach its record-high of 38, the IBP in a statement renewed their call for a thorough and impartial investigation into all the killings of Filipino lawyers. The IBP lamented that “[l]awyers, prosecutors, and judges are being targeted with surging frequency and impunity.” The series of unsolved crimes against lawyers “has germinated a dark halo of fear that has paralyzed the most important pillars of the justice system,” the IBP underscored;<sup>5</sup>

WHEREAS, Human Rights Watch (HRW) emphasized that the spate of killings poses a threat not only to the legal profession, but to the very justice system of the Philippines. “The killing of lawyers who represent members of the poorest, most marginalized parts of Philippine society, including many of the victims of the ‘drug war’ and their families, has a devastating impact on access to justice in the Philippines,”<sup>6</sup> HRW proclaimed;

WHEREAS, this pandemic of killing the members of the legal profession represents how the rule of law has been skewed against the abused and the oppressed. As the HRW puts it, “[b]y silencing a lawyer, many victims are also silenced. But then perhaps that is the purpose”;<sup>7</sup>

WHEREAS, in 2019, a delegation of international lawyers, including the International Association of Democratic Lawyers, the International Association of Lawyers, and the Day of the Endangered Lawyer Foundation, reviewed 13 incidents of reported attacks against lawyers in the Philippines. In their preliminary findings, they concluded that there were “severe human rights violations” committed against legal professionals which increased during the Duterte administration. They noted President Duterte’s statement on August 2016, to wit: “If they [lawyers] are obstructing justice, you shoot them.” Their report thus stated that “Duterte’s declarations and almost

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<sup>5</sup> Manila Bulletin. (16 March 2019) *IBP asks SC to probe continued killing of lawyers*. Retrieved from <https://news.mb.com.ph/2019/03/16/ibp-asks-sc-to-probe-continued-killing-of-lawyers/>

<sup>6</sup> PhilStar Global. (16 March 2019). *HRW: 38<sup>th</sup> lawyer killed since Duterte admin possible ‘drug war murder’ victim*. Retrieved from: <https://www.philstar.com/headlines/2019/03/16/1901988/hrw-38th-lawyer-killed-duterte-admin-possible-drug-war-murder-victim>

<sup>7</sup> Inquirer. (16 March 2019) *HRW: Killing pro-poor lawyers is silencing the voice of poor people*. Retrieved from: [https://newsinfo.inquirer.net/1096476/hrw-killing-lawyers-is-silencing-the-voice-of-poor-people?utm\\_expId=.XqNwTug2W6nwdVUSgFJXed.1](https://newsinfo.inquirer.net/1096476/hrw-killing-lawyers-is-silencing-the-voice-of-poor-people?utm_expId=.XqNwTug2W6nwdVUSgFJXed.1)

complete impunity of offenders give police, military, and effectively anyone a license to harass and kill”;<sup>8</sup>

WHEREAS, Department of Justice (DOJ) Secretary Menardo Guevarra, in response to the abovementioned findings of the delegation of international lawyers, called the facts laid down therein and the conclusions arrived at as “preposterous”; “there are so many reasons why lawyers get killed – work-related, personal, business, political, etc. and pinning the blame on government may be pushing it too far”, he said. His expression of support for protection of prosecutors has, however, been belied but his admission that the DOJ lacked budget to provide for bulletproof vehicles or body armor;<sup>9</sup>

WHEREAS, even with the COVID-19 health protocols and lockdowns in 2020, and the checkpoints that should have provided an additional line of defense against the killings, the bloodshed continued to trickle down. This year alone, ten (10) lawyers have been slain – many of whom even in broad daylight, some at their very offices and chambers where they should have felt most safe;

WHEREAS, on 09 January 2020, former congressman and lawyer Edgar Mendoza’s remains were found inside a burnt vehicle in Tiaong, Quezon. Four days later, Atty. Raymond Moncada, was attacked by unidentified men in front of his home in Dumaguete, City. Before the month of January ended, on 28 January 2020, Atty. Anselmo Carlos was gunned down in front of the San Vicente Parish in Pampanga;<sup>10</sup>

WHEREAS, on 19 February 2020, Atty. Fredric Santos of the Bureau of Corrections was shot in the head by two unidentified men in front of his daughter’s

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<sup>8</sup> CNN Philippines. (18 March 2019) *International lawyers call on Duterte admin to protect, not attack legal practitioners*. Retrieved from: <https://cnnphilippines.com/news/2019/3/18/International-Lawyer-Delegation-killings-Rodrigo-Duterte.html>

<sup>9</sup> CNN Philippines. (19 March 2019) *Justice secretary slams foreign lawyers' report on 'state-sanctioned' slay of legal practitioners*. Retrieved from: <https://www.cnnphilippines.com/news/2019/3/19/Menardo-Guevarra-DOJ-lawyer-killings.html>

<sup>10</sup> Rappler. (08 November 2020) *LIST: Judges, prosecutors and lawyers killed under Duterte gov't*. Retrieved from: <https://www.rappler.com/newsbreak/iq/list-judges-prosecutors-lawyers-killed-under-duterte-government>

school in Muntinlupa City. On 28 February 2020, Atty. Bayani Dalangin was shot dead by motorcycling-riding gunmen in front of his office and clients in Nueva Ecija;<sup>11</sup>

WHEREAS, on 7 July 2020, Manila's chief inquest prosecutor Atty. Jovencio Senados was in his car along Quirino Highway when he was attacked and shot to death;<sup>12</sup>

WHEREAS, on 11 November 2020, Manila Regional Trial Court Branch 45 Judge Ma. Theresa Abadilla was shot by her clerk of court while inside her own chamber;<sup>13</sup>

WHEREAS, on 17 November 2020, while on his way to a hearing in Palawan, Atty. Eric Jay Magcamit was shot by two unidentified men in broad daylight;<sup>14</sup>

WHEREAS, on 23 November 2020, Atty. Joey Luis Wee was gunned down by two unidentified men while walking up the stairs to his office in Cebu City;<sup>15</sup>

WHEREAS, on 17 December 2020, Atty. Baby Maria Concepcion Landero-Ole was shot to death by unidentified men while driving along Danao City in Cebu;<sup>16</sup>

WHEREAS, as of 17 December 2020, 54 lawyers, prosecutors and judges have been assassinated since July 2016.<sup>17</sup> However, to date, neither the *modus operandi* nor the pattern of attacks has been uncovered by the State. This most prominent symbol of the declining rule of law in the country has, unfortunately, failed to prod serious and intense government mobilization in order to put an end to the attacks;

WHEREAS, data would show that 31 judges and prosecutors were killed in a span of 16 years from 1999. Juxtaposed with the 21 deaths of judges and prosecutors in only 4 years since President Duterte rose to power. The chilling effect of these deaths has made it imperative upon the very administration that granted imprimatur to the killings, whether through spoken orders, tolerance or acquiescence, to not only call for and

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<sup>11</sup> *Ibid.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

demand fair and independent investigations, but also for the swift and judicious administration of justice;

WHEREAS, the State should not remain alarmingly unperturbed when only 5 out of 54 murders in the legal profession since 2016, have reached the courts;<sup>18</sup>

WHEREAS, the acute impact of the targeted and systematic attacks against the members of the legal profession is so far-reaching that it demands more than just condemnation, but a palpable and swift government action;

WHEREAS, the attack on the guardians of justice is as impactful to the lawyers, as it is to their clients who they advocate for;

WHEREAS, an affront to lawyers, prosecutors and judges amounts to nothing less than an affront to the very rule of law;

**NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED,** to direct the appropriate Senate Committee to conduct an inquiry, in aid of legislation, into the pandemic of killing that continues to infect the legal profession at an alarmingly escalating rate, with the end in view of safeguarding the guardians of the law and vanguards of justice in order to likewise eradicate the serious threat to democracy and the rule of law that these killings have posed.

*Adopted,*

  
**HEILA M. DE LIMA**

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<sup>18</sup> Rappler. (01 December 2020) *Only 5 cases reached the courts in 54 lawyer killings since 2016*. Retrieved from: <https://www.rappler.com/newsbreak/in-depth/number-cases-reached-courts-lawyer-killings-since-2016>