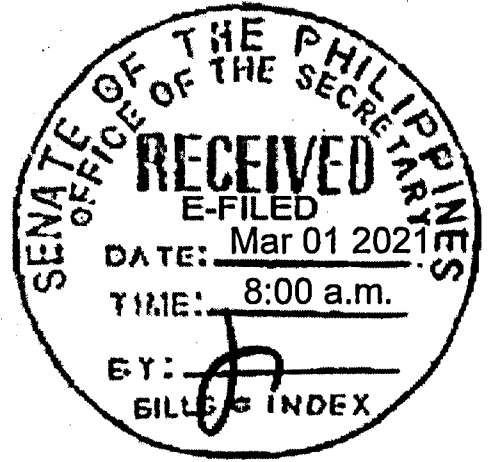


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

P. S. RES. NO. 662

Introduced by SENATOR VICENTE C. SOTTO III

RESOLUTION

DIRECTING THE COMMITTEE ON PUBLIC ORDER AND DANGEROUS DRUGS AND OTHER APPROPRIATE COMMITTEES TO INVESTIGATE, IN AID OF LEGISLATION, ON THE ALLEGED MISENCOUNTER BETWEEN THE MEMBERS OF PHILIPPINE DRUG ENFORCEMENT AGENCY'S (PDEA) SPECIAL ENFORCEMENT SERVICE AND THE QUEZON CITY POLICE DISTRICT'S (QCPD) DISTRICT SPECIAL OPERATIONS UNIT NEAR A MALL IN QUEZON CITY ON 24 FEBRUARY 2021 KILLING TWO (2) POLICE OFFICERS, ONE (1) PDEA AGENT AND ONE (1) PDEA INFORMANT, AND WOUNDING OTHERS AS A RESULT

WHEREAS, an armed encounter transpired between the members of the Philippine Drug Enforcement Agency's (PDEA) Special Enforcement Service and Quezon City Police District's (QCPD) District Special Operations Unit on 24 February 2021 near a mall along Commonwealth Avenue in Quezon City;

WHEREAS, the "unfortunate event", as termed by PDEA Director General Wilkins Villanueva, resulted to the killing of two (2) police officers one (1) PDEA agent, and one (1) PDEA informant, and wounding of one (1) policemen and three (3) PDEA agents;

WHEREAS, the initial investigation conducted by the Batasan Police Station 6 revealed that during the operation, the PNP personnel involved had no idea that the people they were transacting with were agents of PDEA;

WHEREAS, according to said police report, QCPD's District Special Operations Unit (DSOU) was conducting a buy-bust operation at around 5:45 in the afternoon at the parking lot of McDonald's beside Ever Gotesco Mall;

WHEREAS, the same report likewise alleged that PDEA agents first engaged to shoot towards the PNP personnel leaving no option for the policemen to fight back against them;

WHEREAS, PDEA, through its spokesperson Derrick Carreon, claims that their agents were also conducting a legitimate buy-bust operation when the gunfire broke out;

WHEREAS, Section 86 of Republic Act Number 9165, otherwise known as the Comprehensive Dangerous Drugs Act, states that "...the NBI, PNP and the Bureau of Customs shall maintain close coordination with the PDEA on all drug related matters";

WHEREAS, Section 86 Section (b) of the Implementing Rules and Regulations of RA 9165 provides that the PDEA may enter into a Memorandum of Agreement (MOA) with the PNP, the NBI, the Bureau of Customs and other law enforcement agencies to carry out the implementation of the Act, provided that the respective MOAs shall include specific roles of enumerated agencies in the administrative and operational matters;

WHEREAS, after the creation of the PDEA, it entered into a MOA with the PNP that the latter's personnel will be issued "detail order" by the PDEA for police officers to be clothed with legitimacy in its anti-drug operation. Nothing in the IRR shall deprive the PNP, the NBI, other law enforcement personnel and the personnel of the Armed Forces of the Philippines (AFP) from effecting lawful arrests and seizures in consonance with the provisions of Section 5, Rule 113 of the Rules of Court;

WHEREAS, the protocol observed by PDEA and PNP in the early years provides that the PNP could conduct anti-drug operations, provided that the two requirements are complied with: DETAIL ORDER issued by the PDEA and PRE-OPERATION/COORDINATION to be submitted by the PNP to PDEA for every anti-drug operation, such as application for search warrants and the conduct of buy-bust operations. The wisdom of these

protocols is to avoid misencounter and compromise of existing or similar targets;

WHEREAS, despite the consistent statements of both PDEA and PNP that they had proper coordination prior to the subject buy-bust operations and that both operations are legitimate, still several uniformed personnel were killed and seriously wounded due to the incident;

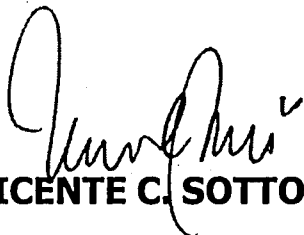
WHEREAS, the alleged misencounter between PDEA and PNP shows the wisdom and ripeness of the passage of Senate Bill Number 3, which creates a Presidential Drug Enforcement Authority. This bill seeks to unify the four major illegal drug-related programs – enforcement, prosecution, prevention and rehabilitation – into a single government agency;

WHEREAS, questions on the circumstances leading to the shootout remained unanswered even after the joint press conference conducted by the PDEA and PNP on February 25, 2021;

WHEREAS, due to unclear, inaccurate, and unverified reports, speculations are now being made as to whether or not the incident was a “misencounter”, and whether or not the policemen and the PDEA agents involved followed the necessary protocols;

NOW, THEREFORE, BE IT RESOLVED, as it hereby resolved by the Senate to direct the Committee on Public Order and Dangerous Drugs and other appropriate Committees to investigate, in aid of legislation, on the alleged misencounter between the members of the Philippine Drug Enforcement Agency’s (PDEA) Special Enforcement Service and the Quezon City Police District’s (QCPD) District Special Operations Unit near a mall in Quezon City on 24 February 2021 killing two (2) police officers, one (1) PDEA agent and one (1) PDEA informant, and wounding others as a result.

Adopted,


VICENTE C. SOTTO III