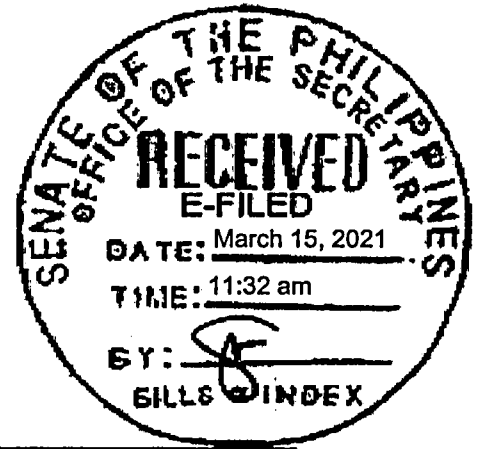


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

P.S. Res. No. 681

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

RESOLUTION
URGING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN
INQUIRY, IN AID OF LEGISLATION, ON THE RECENT KILLINGS OF
ACTIVISTS IN THE CALABARZON REGION AND REVIEW THE
ADMINISTRATION'S COUNTER-INSURGENCY CAMPAIGN IN
RELATION TO THE WIDESPREAD ALLEGATIONS OF HUMAN RIGHTS
VIOLATION

1 WHEREAS, Article II, Section 4 of the Constitution states in part that “[t]he
2 prime duty of the Government is to serve and protect the people”;

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

5 WHEREAS, Article III, Section 1 of the same states that “[n]o person shall be
6 deprived of life, liberty, or property without due process of law, nor shall any person
7 be denied the equal protection of the laws”;

8 WHEREAS, the human rights situation of the country has been the subject of
9 much debate and investigation from human rights defenders here and abroad as
10 allegations of rampant human rights abuses and violations have surrounded the
11 Duterte administration since assuming power in 2016. One of its most pronounced
12 campaigns that is subject to much controversy is its fight to end the decades-long
13 communist insurgency in the Philippines;

14 WHEREAS, in December 2018, President Duterte created the National Task
15 Force to End Local Communist Armed Conflict (NTF-ELCAC) by way of Executive
16 Order (E.O.) 70, essentially mobilizing the entire bureaucracy against the decades-old
17 communist rebellion. The strategy comprises of multiple approaches, as follows:
18 unrelenting battlefield operations, red-tagging of perceived and known communist

1 supporters and sympathizers, massive propaganda war, legal offensives here and
2 abroad, localized peace talks, development and livelihood projects, and money for
3 rebel returnees;¹

4 WHEREAS, this sweeping counter-insurgency campaign has led to the
5 countless cases of harassment, arrests and even killings of activists nationwide;

6 WHEREAS, in a speech delivered on 5 March 2021, President Duterte told
7 police and the military to ignore human rights and gave the order to kill communist
8 insurgents in all armed encounters;²

9 WHEREAS, barely two days later on 7 March 2021, simultaneous raids
10 conducted by the Philippine National Police (PNP) and Armed Forces of the
11 Philippines (AFP) led to the killing of nine and arrest of six individuals believed to be
12 with activist groups in Laguna, Rizal, Cavite and Batangas marking the most recent in
13 a long line of activist killings perpetrated by police and military in the country;³

14 WHEREAS, human rights group Karapatan was able to identify five of the
15 fatalities as Emmanuel "Manny" Asuncion, a Bagong Alyansang Makabayan (Bayan)
16 coordinator in Cavite; Mark Lee Bacasno and Melvin Dasigao of the urban poor group
17 San Isidro Kasiglahan, Kapatiran at Damayan para sa Kabuhayan, Katarungan at
18 Kapayapaan (SIKKAD K-3), who were killed in Rodriguez, Rizal; and Ariel Evangelista
19 and his wife, Chai Lemita Evangelista, activists who advocated for fishermen's rights,
20 who were killed in their home in Nasugbu, Batangas;⁴

21 WHEREAS, the PNP maintained that their operations were legitimate, claiming
22 that the fatalities were the subjects of search warrants and engaged police and soldiers

¹ Gotinga, J. (14 May 2020). *Duterte's final gambit to end insurgency: task force vs communists*. Retrieved 9 March 2021, from <https://www.rappler.com/newsbreak/in-depth/duterte-final-gambit-task-force-against-communists>

² Lacorte, G. (5 March 2021). *Duterte order to police, military on Reds: 'Kill them all'*. Retrieved 9 March 2021, from <https://newsinfo.inquirer.net/1403556/duterte-order-to-police-military-on-reds-kill-them-all>

³ Talabong, R. (7 March 2021). *Bloody Sunday: 9 dead, 6 arrested in Calabarzon crackdown on activists*. Retrieved 9 March 2021, from <https://www.rappler.com/nation/dead-arrested-calabarzon-crackdown-progressives-march-7-2021>

⁴ Mallari, D. T., Jr., Subingsubing, K., Cinco, M. (8 March 2021). *CHR asked to probe killings of 9 activists*. Retrieved 9 March 2021, from <https://newsinfo.inquirer.net/1404154/chr-asked-to-probe-killings-of-9-activists>

1 in armed confrontations, otherwise known as “nanlaban”.⁵ Progressive groups,
2 however, decried these as nothing more than executions and ‘Tokhang-style’ killings;⁶

3 WHEREAS, Department of Justice (DOJ) Secretary Menardo Guevarra
4 expressed his disappointment about the encounter considering that just weeks prior,
5 he admitted before the United Nations Human Rights Council that in “more than half”
6 of the anti-drug operations reviewed by a government panel, law enforcers failed to
7 follow standard protocols. He hoped that law enforcers “would be more careful” in
8 conducting operations;⁷

9 WHEREAS, on 9 March 2021, National Security Adviser (NSA) Hermogenes
10 Esperon Jr. confirmed that President Duterte had now issued a shoot-to-kill order
11 against armed CPP-NPA rebels;⁸

12 WHEREAS, in an attempt to justify the bloody incident that came at a cost too
13 high – claiming 9 lives, Presidential Spokesman Harry Roque said that while the
14 occurrence is saddening, there can actually be deaths in a fight especially among those
15 who are part of the fight. He claimed that under international humanitarian law, the
16 President’s order to “kill, kill, kill” is right – “*Dahil may digmaang nangyayari with*
17 *CPP-NPA, hindi po ipinagbabawal ang pagpatay.*” He added that law enforcers no
18 longer need to wait, “*kasi nga po kapag mayroong labanan, kapag ang kalaban mo,*
19 *may baril na puwede kang patayin, alangan namang ikaw ang maghintay na...*”;⁹

20 WHEREAS, international laws and instruments uphold the protection to
21 civilian persons in times of armed conflict. Article 3 of Fourth Geneva Convention, for
22 instance, mandates that persons taking no active part in hostilities shall in all
23 circumstances be treated humanely. Under the same article, it is prohibited at any time

⁵ Andrade, J. I., Subingsubing, K., Ramos M. (9 March 2021). *PNP defends Calabarzon raids, says activists fought back*. Retrieved 9 March 2021, from <https://newsinfo.inquirer.net/1404602/pnp-defends-raids-says-activists-fought-back>

⁶ Cepeda, M. (8 March 2021). *Makabayan wants probe into ‘Tokhang-style’ killings of activists in Calabarzon*. Retrieved 9 March 2021, from <https://www.rappler.com/nation/makabayan-bloc-wants-probe-killings-raids-activists-calabarzon>

⁷ Torres-Tupas, T. (8 March 2021). *Task force to probe killings of 9 activists in Calabarzon police operations – Guevarra*. Retrieved 9 March 2021, from <https://newsinfo.inquirer.net/1404559/ejk>

⁸ Sadongdong, M. (9 March 2021). *Duterte issued ‘shoot to kill’ order vs. armed communist rebels, Esperon confirms*. Retrieved 9 March 2021, from <https://mb.com.ph/2021/03/09/duterte-issued-shoot-to-kill-order-vs-armed-communist-rebels-esperon-confirms/>

⁹ Punzalan, J. (8 March 2021). *Duterte, ‘kill, kill, kill’ order vs rebels is ‘legal’, says spokesman*. Retrieved 10 March 2021 from <https://news.abs-cbn.com/news/03/08/21/duterte-kill-kill-kill-order-vs-rebels-is-legal-says-spokesman>

1 and in any place whatsoever to commit violence to life and person, in particular,
2 murder of all kinds, mutilation, cruel treatment and torture with respect to those who
3 do not take active part in hostilities. While under the Basic Rules of International
4 Humanitarian Law in Armed Conflict drafted by the International Committee of the
5 Red Cross, Persons *hors de combat* ('out of combat') and those who do not take direct
6 part in hostilities are entitled to respect for their lives and their moral and physical
7 integrity. Furthermore, the said rules mandate that parties to a conflict shall "at all
8 times distinguish between civilian population and combatants in order to spare
9 civilian population and property...";¹⁰

10 WHEREAS, according to the Human Rights Watch, the fundamental problem
11 in the State's counter-insurgency campaign lies in its deliberate inability to distinguish
12 between armed rebels and noncombatant activists, labor leaders and rights defenders.
13 It further noted that it was not a coincidence that the deadly raids happened two days
14 after President Duterte ordered police and military to ignore human rights and kill all
15 communists;¹¹

16 WHEREAS, a fundamental principle of international humanitarian law,
17 considered as both "cardinal" and "intransgressible", is the Principle of Distinction
18 which provides that parties to an armed conflict must "at all times distinguish between
19 the civilian population and combatants and between civilian objects and military
20 objectives and accordingly shall direct their operations only against military
21 objectives".¹² Under the said principle, one must know who and what may be targeted
22 and who and what may not, and what protection to afford depending on the category
23 to which a person belongs. This implies that indiscriminate attacks and the use of
24 indiscriminate means and methods of warfare are prohibited. Any such government
25 order or acts committed by its agents that deliberately violates this principle must not
26 be tolerated;

¹⁰ International Committee of the Red Cross. (31 December 1988) *Basic rules of international humanitarian law in armed conflicts*. Retrieved 10 March 2021 from

<https://www.icrc.org/en/doc/resources/documents/misc/basic-rules-ihl-311288.htm>

¹¹ Mallari, D. T., Jr., Subingsubing, K., Cinco, M. (8 March 2021). *CHR asked to probe killings of 9 activists*. Retrieved 9 March 2021, from <https://newsinfo.inquirer.net/1404154/chr-asked-to-probe-killings-of-9-activists>

¹² International Committee of the Red Cross. Retrieved 10 March 2021 from <https://casebook.icrc.org/law/principle-distinction>

1 WHEREAS, a careful review and scrutiny of the events that transpired that
2 came at the price of human lives must thus be undertaken in order to determine the
3 transgressions committed and prosecuted to the fullest extent of the law;

4 WHEREAS, the State should not condone the illegal activities of the NPA and
5 should exert all efforts to neutralize any threats to destabilize government in order to
6 maintain peace and order. However, the State should also be able to readily distinguish
7 between armed combatants and civilians and ensure that human rights be strictly
8 observed and respected at all times in the engagement of its suspects;

9 WHEREAS, there is a need to conduct a proper investigation into the legitimacy
10 of the joint and simultaneous operations by the PNP and AFP and determine the
11 surrounding facts. Simply buying into the narratives robs those who were killed of due
12 process, their right to equality before courts and to a fair trial, which are guaranteed
13 in international human rights law and denies the State's security forces the
14 opportunity to reflect on and learn from the incident;

15 WHEREAS, it is imperative to conduct a thorough, independent and impartial
16 inquiry to determine, once and for all, if the government's whole-of-nation approach
17 to counter-insurgency has truly been an effective means of addressing the decades-
18 long communist insurgency;

19 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to urge the
20 appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the
21 recent killings of activists in the CALABARZON region and review the administration's
22 counter-insurgency campaign in relation to the widespread allegations of human
23 rights violation.

Adopted,


HEILA M. DE LIMA