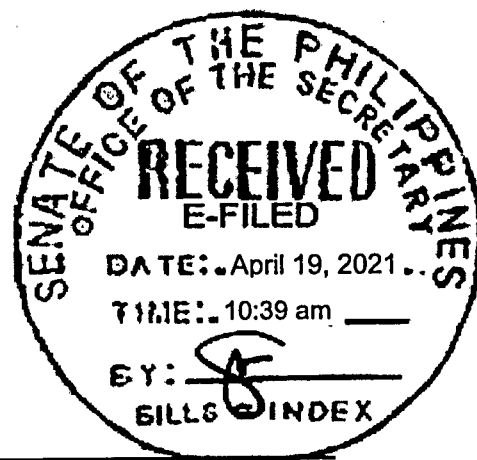


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)



SENATE

P.S. Res. No. 703

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

RESOLUTION
URGING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN
INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED HUMAN
RIGHTS VIOLATIONS OF ARRESTED CURFEW VIOLATORS DURING
THE REIMPLEMENTATION OF THE ENHANCED COMMUNITY
QUARANTINE (ECQ)

1 WHEREAS, Article II, Section 4 of the Constitution mandates that the prime
2 duty of the Government is to serve and protect the people;

3 WHEREAS, Section 5 of the same states that the maintenance of peace and
4 order, the protection of life, liberty and property and the promotion of the general
5 welfare are essential for the enjoyment by all the people of the blessings of democracy;

6 WHEREAS, Section 11 also mandates that the State values the dignity of every
7 human person and guarantees full respect for human rights;

8 WHEREAS, last March 22, government placed Metro Manila, Bulacan, Cavite,
9 Laguna and Rizal or "NCR Plus" under a bubble setup for two weeks which means that
10 only authorized persons can travel into and out of these areas¹;

11 WHEREAS, this was after the Department of Health reported a record high of
12 more than 7,000 new Covid-19 infections in a day²;

13 WHEREAS, days later, NCR Plus was put on enhanced community quarantine
14 (ECQ) beginning March 29;³

¹ Jalea, G. (22 March 2021) *EXPLAINER: What you need to know about the NCR Plus bubble*. 08 April 2021, Retrieved from https://cnnphilippines.com/news/2021/3/22/Explainer-GCQ-bubble-NCR-plus.html?fbclid=IwAR0kJSSwj8ESRoLjqSaMtrmD11_PbMhtaW10Njq3bZhZgKJPvSRXcbGLJdc
² Peralta, G. (20 March 2021). *New all-time high COVID-19 infections with nearly 8,000 new cases*. 08 April 2021, Retrieved from <https://www.cnnphilippines.com/news/2021/3/20/COVID-19-new-all-time-high-ph.html>
³ CNN Philippines (29 March 2021). *Metro Manila, four provinces shift to stricter ECQ for one week*. 08 April 2021. Retrieved from <https://cnnphilippines.com/news/2021/3/27/ECQ-2021-NCR-Plus-bubble.html>

1 WHEREAS, thereafter, the national government deployed around 10,000
2 police personnel tasked to man quarantine control checkpoints in borders within the
3 NCR Plus bubble to enforce public compliance with the curfew from 6pm to 5am and
4 to ensure physical distancing in public places⁴;

5 WHEREAS, on the first day of reimplementaion of ECQ, more than 5,400
6 violators of curfew and minimum health safety protocols were apprehended in NCR
7 Plus⁵;

8 WHEREAS, one of the controversial incidents was a Grab driver who was
9 blocked by a *tanod* who averred that *lugaw* or rice porridge is not considered as an
10 “essential” item, hence, prohibited. Another is a 21-year-old student who was likewise
11 arrested by *tanod* officials after being seen walking towards a Grab driver to pick up
12 his delivery;

13 WHEREAS, on April 1, a 28-year-old quarantine violator, Darren Manaog
14 Peñaredond, was nabbed by the *barangay tanods* of Barangay Tejero, General Trias,
15 Cavite after he was seen buying drinking water past 6pm⁶;

16 WHEREAS, according to his live-in partner, when Peñaredondo returned
17 home, he was limping in pain and he complained to her about their punishment of 300
18 rounds of a pumping exercise at Plaza Malabon. Hours later, he had seizures and lost
19 consciousness, had a stroke⁷ and eventually died⁸;

20 WHEREAS, initially, the General Trias Police denied the allegations of
21 Peñaredondo’s family, but upon the investigation of Cavite Provincial Police, they
22 confirmed that General Trias Police ordered Peñaredondo and two other quarantine
23 violators to do squats⁹;

24 WHEREAS, the General Trias Police added that two other quarantine violators,
25 in sworn affidavits, also supported Peñaredondo’s claim. They are currently preparing
26 administrative and criminal complaints against the policemen involved¹⁰;

⁴ De Leon, D. (29 March 2021). Heavy police presence marks return of ‘NCR Plus’ to ECQ. 08 April 2021
Retrieved from <https://www.rappler.com/nation/heavy-police-presence-marks-return-ncr-plus-ecq-march-april-2021>

⁵ Recuenco, A. (30 March 2021). 5,405 violators accosted during first day of ECQ implementation in NCR+. 08
April 2021. Retrieved from
<https://mb.com.ph/2021/03/30/5405-violators-accosted-during-first-day-of-ecq-implementation-in-ncr/>

⁶ Ibid

⁷ Bolledo, J. (07 April 2021). *General Trias police chief relieved over quarantine violator’s death*. 08 April 2021
Retrieved from <https://www.rappler.com/nation/general-trias-cavite-police-chief-relieved-quarantine-violator-death>

⁸ Ibid

⁹ Supra footnote # 7

¹⁰ Supra footnote # 7

1 WHEREAS, last April 11, another curfew violator Ernanie Jimenez died after
2 being arrested and beaten up for going outside his residence at 10pm to buy food¹¹;

3 WHEREAS, according to news reports, when Jimenez asked if he can go to the
4 bathroom, the barangay tanods snapped at him which made him run out of fear. When
5 he was caught again, the tanods beat him up and thus, he sustained numerous bruises,
6 wounds and a broken skull and he eventually died¹²;

7 WHEREAS, coincidentally, it was also on April 11 when the Philippine National
8 Police released a statement that police will be barred from arresting quarantine
9 violators and cannot impose punishments, this is after the PNP has already
10 apprehended more than 47,000 individuals for violating ECQ rules since March 29¹³;

11 WHEREAS, this was not the first time quarantine implementers have been
12 promoters of human rights violations;

13 WHEREAS, last year, when ECQ was first implemented, the barangay captain
14 of Pandacaqui, Pampanga ordered a group of LGBTQ+ to kiss each other and do a sexy
15 dance in front of a minor. An army veteran, Winston Ragos, who was at the same time
16 “mentally ill” was shot and killed by police officers alleging that Ragos was carrying a
17 loaded revolver inside his bag despite witnesses’ claim that Ragos has no firearms.¹⁴;

18 WHEREAS, it is important to note that it was also last year when President
19 Duterte told the police and soldiers to “shoot” residents causing “trouble” during the
20 government’s lockdown¹⁵;

21 WHEREAS, since 2020, it has long been reiterated by human rights groups that
22 violating ECQ protocols is not a criminal act. National Union of Peoples Lawyers
23 (NUPL) stated that the “[t]he general rule on arrest is still in place and a person can
24 only be arrested if there is a warrant.”¹⁶ Amnesty International stated that such

¹¹ Sarao, Z. (11 April 2021). Barangay tanods beat up curfew violator in Calamba. 12 April 2021. Retrieved from <https://newsinfo.inquirer.net/1417486/another-curfew-violator-gets-beat-up-by-barangay-tanod-in-calamba#ixzz6rmdARzCo>

¹² Ibid

¹³ Salaverria, L. (11 April 2021). PNP: Police can't arrest quarantine violators. 12 April 2021. Retrieved from <https://newsinfo.inquirer.net/1417367/pnp-police-cant-arrest-quarantine-violators>

¹⁴ Talabong, Rambo. Rappler. *Who is Winston Ragos, the former military man killed by police?*. 23 April 2020. Retrieved from <https://www.rappler.com/newsbreak/iq/things-to-know-winston-ragos-former-soldier-killed-by-police>

¹⁵ Tomarcuz, Sofia. Rappler. *'Shoot them dead': Duterte orders troops to kill quarantine violators*. 1 April 2020. Retrieved from <https://www.rappler.com/nation/duterte-orders-troops-shoot-kill-coronavirus-quarantine-violators>

¹⁶ Umill, Anne Marxe. Bulatlat. *Violating ECQ protocol is not a crime - human rights lawyers*. 22 April 2020. Retrieved from <https://www.bulatlat.com/2020/04/22/violating-ecq-protocol-is-not-a-crime-human-rights-lawyers/>

1 inhumane treatment by barangay officials “should not be swept under the rug by local
2 authorities under the pretense of ‘implementing curfews’ and ‘just following orders’¹⁷;

3 WHEREAS, these violations and senseless deaths are manifestations of clear
4 abuse of power by government;

5 WHEREAS, this series of beatings which led to deaths of innocent victims is a
6 demonstration of how government is continuing with its campaign of systemic
7 violence, climate of fear and impunity among officials and lack of regard for human
8 rights;

9 WHEREAS, measures must be taken to ensure respect of our constitutionally-
10 guaranteed rights, especially by the State who is duty bound to maintain peace and
11 order, to protect life, liberty and property and to promote the general welfare of the
12 public;

13 WHEREAS, there is also an urgent need to conduct an investigation and to hold
14 accountable the public officers responsible for the numerous attacks on our citizens
15 right to life, liberty and property during the reimplementaion of the ECQ;

16 WHEREAS, if the COVID-19 pandemic persists which requires re-
17 implementation of lockdowns and other mobility restrictions on citizens, the rules of
18 engagement with and treatment of violators must be clarified as to ensure that no
19 unnecessary injury or death is caused by abuse or misunderstanding by the quarantine
20 implementers;

21 WHEREAS, moving forward, government must craft policies that will ensure
22 respect for basic human rights and avoid future violation of rights;

23 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to direct the
24 appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the
25 reported human rights violations of arrested curfew violators during the
26 reimplementaion of the Enhanced Community Quarantine (ECQ).

Adopted,


LEILA M. DE LIMA

¹⁷ Amnesty International. 8 April 2020. Retrieved from
<https://www.amnesty.org/en/latest/news/2020/04/philippines-investigate-humiliating-abuses-curfew/>