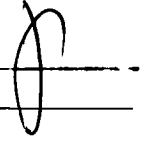


NINETEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

24 FEB -7 AM 11:17

SENATE
P.S. Resolution No. 927

RECEIVED BY: _____



Introduced by **SENATOR IMEE R. MARCOS**

RESOLUTION
DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN
INQUIRY, IN AID OF LEGISLATION, INTO THE UNWARRANTED PRESENCE
OF VARIOUS INTERGOVERNMENTAL ORGANIZATIONS THAT POSE A
THREAT TO THE COUNTRY'S INDEPENDENCE AND SOVEREIGNTY

WHEREAS, Article II, Section 1 of the 1987 Constitution states that, "the Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them." Moreover, Section 2 of the same Article provides that, "the Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, cooperation, and amity with all nations";

WHEREAS, Article II, Section 5 of the 1987 Constitution further provides that, "the maintenance of peace and order, the protection of life, liberty, and property, and promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy";

WHEREAS, Article II, Section 7 of the 1987 Constitution declares that the State shall pursue an independent foreign policy and that in its relations with other states, the paramount consideration shall be national sovereignty, territorial integrity, national interest, and the right to self-determination;

WHEREAS, pursuant to the constitutional duty of the State to maintain peace and order, former President Rodrigo Duterte issued Executive Order No. 70 in 2018, creating the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), to ensure a whole-of-nation approach in ensuring sustainable peace and addressing the root causes of insurgencies, internal disturbances and tensions as well as other armed conflicts and threats in identified areas;

WHEREAS, in 2023, the Armed Forces of the Philippines (AFP), in coordination with the NTF-ELCAC, successfully defeated 1,399 members of communist and local terrorist groups and seized 1,751 firearms through capture, confiscation, recovery, or surrender;

WHEREAS, the NTF-ELCAC, since its creation during the previous administration, has accomplished more than any other administrations in neutralizing the Communist Party of the Philippines – New People’s Army – National Democratic Front (CPP-NPA-NDF);

WHEREAS, pursuant to the Constitutional mandate to promote the general welfare of the citizenry, the Philippine Government launched a “War on Drugs” in June 2016 to combat the severe drug problem of the country;

WHEREAS, a survey conducted by the Social Weather Station in 2019 shows that 82% of Filipinos are overwhelmingly satisfied with the “War on Drugs.” A total of 327,039 drug suspects were arrested and Php 75.4 billion of illegal drugs were seized from July 2016 to March 2022;

WHEREAS, on 16 March 2018, the Philippines submitted to the United Nations (UN) a Notice of Withdrawal from the International Criminal Court (ICC). Three days after, or on 19 March 2018, the ICC announced the country’s departure from the Rome Statute which took effect on 17 March 2019;

WHEREAS, on 08 February 2018, the Office of the Prosecutor of the ICC announced that it will be opening the preliminary examination in the Philippines. The examination covered the crimes allegedly committed by the State since 01 July 2016 during the conduct of the government’s War on Drugs campaign. Particularly, the ICC prosecutor examined cases of alleged extrajudicial executions committed during the anti-drug operations by the police;

WHEREAS, despite the country’s withdrawal, the ICC still continued its investigation into the alleged crimes, even rejecting in July 2023 the country’s appeal to cease the investigation;

WHEREAS, on 24 November 2023, Pres. Ferdinand Marcos Jr. reiterated that the ICC has no jurisdiction to conduct its investigation into former President Duterte’s war on illegal drugs, as he insisted that the country’s judicial system is well-functioning. Pres. Marcos further said, *“Simple lang para sa akin. Simple lang naman ‘yang isyung ‘yan. Hindi naman siguro tama na ang mga tiga-labas, mga dayuhan ang magsasabi sa atin kung sino iimbestigahan ng pulis natin, sino aarestuhin ng pulis natin, sinong ikukulong ng pulis natin. Hindi naman siguro tama ‘yun”*;

WHEREAS, on 22 January 2024, former Sen. Antonio Trillanes IV announced that the ICC investigators were able to gather enough evidence against former President Rodrigo Duterte when they visited the country in December, and a warrant of arrest may be issued soon;

WHEREAS, Pres. Marcos Jr., on 23 January 2024, said in a press briefing that the ICC may visit the Philippines but the government will not cooperate in the international tribunal’s investigation into the country’s war on illegal drugs. He further said, “Let me say this for the 100th time. I do not recognize the jurisdiction of the ICC in the Philippines. I consider this as a threat to our sovereignty. Therefore, the

Philippine government will not lift a finger to help any investigation that the ICC conducts. However, as ordinary people, they can come and visit the Philippines, *pero hindi kami tutulong sa kanila*. We do not recognize your jurisdiction. Therefore, we will not assist in any way, shape, or form, in any investigation that the ICC is doing in the Philippines”;

WHEREAS, on or around the same time that the ICC was conducting its investigation, the United Nations Human Rights Council (UNHRC) released its 2023 Universal Periodic Review report on the Philippines’ human rights record and highlighted that the government did not accept recommendations to end the practice of red-tagging, indicating a lack of commitment by the government to end this practice, which caused significant harm to human rights defenders. According to the UNHRC, the government also rejected dozens of important recommendations such as: to end extrajudicial killings, enforced disappearances, illegal detention, torture, red-tagging and attacks on media freedom; to protect journalists and human rights defenders; to review the NTF-ELCAC, Anti-Terrorism Law and other abusive mechanisms and revise these and to conduct thorough and impartial investigations towards accountability and ending impunity. In November 2023, UN Special Rapporteur, Ian Fry, called for the abolition of NTF-ELCAC;

WHEREAS, on 22 January 2024, UN Special Rapporteur Irene Khan arrived in the Philippines to assess the government’s human rights mechanism, particularly on the freedom of opinion and expression;

WHEREAS, UN Special Rapporteur Khan conducted an official 10-day visit to the Philippines from 23 January to 02 February 2024 regarding the freedom of expression and opinion in the Philippines. During a press briefing held on 02 February 2024, Khan recommended the abolition of the NTF-ELCAC to End Communist Conflict, noting that “the killing of journalists is the most egregious form of censorship and the Philippines remains a dangerous country for journalists. Violence against journalists and human rights defenders, as we all know, was particularly high during the [Rodrigo] Duterte administration. However, the past 18 months show that the trend remains disturbing with four journalists killed since a new administration took office”;

WHEREAS, according to Khan, the foundations of NTF-ELCAC’s creation, through then-President Rodrigo Duterte’s Executive Order No. 70, had changed already. The NTF-ELCAC had not taken into consideration the peace negotiations sought by President Ferdinand Marcos Jr.’s administration with the National Democratic Front of the Philippines. Khan said, “NTF-ELCAC was established about six years ago in a different context. It is outdated. It does not take into account the ongoing prospects of peace negotiations”;

WHEREAS, Khan further stated that the creation of an Anti-Red Tagging Policy including the creation of an executive order that would discourage and disincentivize red-tagging should be adopted by the Philippines;

WHEREAS, the abovementioned actions of the representatives of the UN and the ICC have become allegedly an impolite intrusion against the independence,

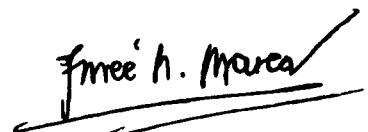
sovereignty, and prerogative of the Philippines to formulate, launch, and implement programs that address the peace and order situation of the country and ensure the general welfare of the people. These undue interferences could prove counterproductive to the country's staunch fight against terrorism, armed conflict, illegal drugs, crimes, and other acts that pose a serious threat to public security and public order;

WHEREAS, the Department of Justice maintained its stand that foreign entities must first obtain the approval of several government agencies before conducting official activities within the Philippines. In addition, Solicitor General Menardo Guevarra said that although the ICC may issue an arrest warrant, its enforcement is another matter;

WHEREAS, on the other hand, the NTF-ELCAC is an effective adjunct to the (AFP) which helped in effectively addressing the communist insurgency in the country;

WHEREAS, NTF-ELCAC Executive Director and Undersecretary Ernesto Torres Jr. felt betrayed by Khan's recommendation and believed the UN expert failed to comprehend the government's established and institutionalized mechanisms for anti-terrorism and peace efforts;

NOW, THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, directing the appropriate Senate Committee to conduct an inquiry, in aid of legislation, into the unwarranted presence of various intergovernmental organizations that pose a threat to the country's independence and sovereignty.


IMEE R. MARCOS