

THIRTEENTH CONGRESS OF THE REPUBLIC )  
OF THE PHILIPPINES )  
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SENATE

RECEIVED BY: 

P.S. RESOLUTION No. 535

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Introduced by Senator Lacson

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**RESOLUTION**

**DIRECTING THE SENATE COMMITTEE ON JUSTICE AND HUMAN RIGHTS TO INQUIRE, IN AID OF LEGISLATION, ON THE ALLEGED ABDUCTION, ARBITRARY DETENTION AND TORTURE OF THREE (3) PEASANT LEADERS/ORGANIZERS AND TWO (2) PEASANT ADVOCATES, BY INTELLIGENCE OPERATIVES OF THE PNP AND PHILIPPINE NAVY, WITH THE END IN VIEW OF PROVIDING REMEDIAL LEGISLATIONS THAT WILL GIVE MORE ADEQUATE PROTECTION TO OUR CITIZENS AGAINST UNLAWFUL, ILLEGAL AND EXCESSIVE EXERCISE OF AUTHORITY BY THE MEMBERS OF THE PNP AND AFP.**

**Whereas**, on April 28, 2006, Mr. Axel Alejandro Pinpin, Aristides Sarmiento, Enrico Ybañez, Riel Custodio and Michael Masayes collectively known as the Tagaytay 5 were arrested/abducted while in transit along Ligaya Drive, Brgy. Sungay, Tagaytay City, Cavite by joint operatives of the Philippine National Police and Philippine Navy Intelligence and Security Force;

**Whereas**, according to reports, the combined elements of the PNP and the Philippine Navy were not in possession of any warrant of arrest when they forced the five to board a van at gunpoint;

**Whereas**, the whereabouts of the said victims were unknown for sometime as the military and the police denied that they have them in their custody;

**Whereas**, belatedly, on May 1, 2006, the PNP presented the aforesaid missing persons in a press conference and therein stated they were arrested because they are members of the New People's Army (NPA) who had allegedly planned to sabotage the May 1 Labor Day Celebration;

**Whereas**, the PNP stated that they have recovered from the group cell phones, laptops, maps, explosive ingredients, blasting caps and a Cal 9MM gun with ammunitions;

**Whereas**, according to the victims, they were blindfolded and hog tied, involuntary interrogated without the aid of counsel, physically harmed and repeatedly threatened with electrocution and summary execution by their captors in violation of their rights as guaranteed by the Constitution

**Whereas**, the five claimed that they were never told of the reasons for their arrest as their captors were just intent on forcing them to admit that they were NPA rebels and that they were involved in a destabilization plot against the Arroyo regime;

**Whereas**, the five were subsequently subjected to inquest proceeding only on the night of May 2, 2006 and thereafter charged before the Regional Trial Court Branch 18 of Tagaytay City with rebellion on May 3, 2006 or 5 days after their arrest/abduction;

**Whereas**, from the foregoing it is evident that the five were detained for a longer period than that allowed by the provisions of Articles 124 and 125 of the Revised Penal Code;

**Whereas**, the stories of the Tagaytay Five is similar to that of the ERAP Five who were also illegally arrested, arbitrary detained and tortured by the law enforcement operatives in violation of their fundamental rights; **Now, Therefore,**

**BE IT RESOLVED AS IT IS HEREBY RESOLVED**, that the Senate Committee on Justice and Human Rights conduct an immediate investigation, in aid of legislation on the alleged illegal arrest, *arbitrary detention and torture* of three (3) peasant leaders/organizers and two (2) peasant advocates collectively known as the Tagaytay Five by the combined elements of the PNP and Philippine Navy, with the end in view of providing remedial legislations that will strengthen the rights of our people against the said illegal and unlawful acts by the members of the AFP and PNP.

*Adopted,*

  
**PANFILO M. LACSON**  
Senator