

**SENATE**

P. S. Resolution No. 542

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Introduced by Senator M. A. Madrigal

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**RESOLUTION**

**DIRECTING THE COMMITTEE ON AGRICULTURE AND FOOD AND THE COMMITTEE ON JUSTICE AND HUMAN RIGHTS TO CONDUCT AN INVESTIGATION, IN AID OF LEGISLATION, INTO REPORTS THAT THE PEASANT LEADERS AND ADVOCATES COLLECTIVELY KNOWN AS THE 'TAGAYTAY 5' WERE ILLEGALLY ARRESTED AND PROSECUTED BY REASON OF THEIR INVOLVEMENT AND PARTICIPATION IN THE SENATE INVESTIGATION OF THE ARROYO GOVERNMENT'S FERTILIZER FUND SCAM**

**WHEREAS**, Messrs. Aristides Sarmiento, Axel Alejandro Pinpin, Riel Custodio, Enrico Ybanez and Michael Masayes are peasant leaders and advocates connected with the peasant group *Katipunan ng mga Magsasaka sa Kabite (Kamagsasaka Ka)* as well as the *Cavite Farmers Consultative Council*;

**WHEREAS**, the aforesaid individuals had actively participated in undertaking research and gathering evidence in support of the investigation previously conducted by the Committee on Agriculture and Food into the infamous fertilizer fund scam orchestrated by the Arroyo government through former Agriculture Undersecretary Jocelyn "Joc-Joc" Bolante, particularly by soliciting the signing and execution of affidavits and other pertinent documents to prove that farmers in Cavite province had not received a single centavo from the fertilizer funds allegedly released to them by the government;

**WHEREAS**, the same peasant leaders were forcibly, illegally and mercilessly abducted in Tagaytay City, at around sundown of 28 April 2006, by no less than thirty (30) to forty (40) heavily armed personnel of the Philippine National Police (PNP), and thereafter tortured and subjected to investigation and criminal prosecution in flagrant and indiscriminate violation of their fundamental constitutional rights;

**WHEREAS**, the peasant leaders, also collectively known as the "Tagaytay 5," have been held in detention, albeit under illegal and inhumane conditions, at the Camp Vicente Lim in Calamba, Laguna for more than 100 days already;

**WHEREAS**, President Ferdinand Marcos signed into law Presidential Decree No. 1620 (P.D. 1620) which granted IRRI immunity from jurisdiction on all civil, criminal and labor cases filed against it in Philippine courts;

**WHEREAS**, there have been numerous reports that the IRRI management has been committing, and continues to commit, abuses on its farmer-workers by forcing tenant tillers to sell their lands for less than their worth by virtue of Presidential Decree 457 (P.D. 457) and Presidential Decree 1046-A (P.D 1046-A);

**WHEREAS**, the Pesticide Action Network Asia and the Pacific (PAN AP), an independent international organization, has specifically reported that IRRI has violated the fundamental rights of its employees by forcibly retrenching them without complying with the legal requisites and conditions thereof;

**WHEREAS**, IRRI's indiscriminate use of harmful chemicals have led to the pesticide poisoning of its workers, with at least eight workers' deaths being attributed to the illegal and palpable use of harmful and toxic chemicals;

**WHEREAS**, the employees and workers of IRRI have been completely and unjustly deprived of a forum in which they can air their grievances and seek redress against the alleged abuses of IRRI management, particularly because IRRI is beyond the reach of Philippine courts by virtue of PD 1620;

**WHEREAS**, the aforesaid provisions of the Constitution, international treaties and statutes for the protection of labor are rendered nugatory with respect to IRRI because the latter has been granted immunity from suit;

**WHEREAS**, there is an imperative and compelling need to review PD 1620 and its pertinent provisions considering that the MOA creating the IRRI did not specifically grant the latter immunity from jurisdiction of local courts, and considering further, that such grant of immunity is being abused with impunity by IRRI;

**NOW THEREFORE, BE IT RESOLVED**, as it is hereby resolved, to direct the Committee on Labor, Employment and Human Resources Development to conduct an inquiry, in aid of legislation, into the alleged abuses committed by the International Rice Research Institute (IRRI) on its workers and employees with the end in view of enacting remedial legislation.

Adopted,

  
M.A. MADRIGAL