

THIRTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
Third Regular Session)

SENATE

P. S. Res. No. 609

Introduced by Senator Franklin M. Drilon

RESOLUTION DIRECTING THE SENATE COMMITTEES ON PUBLIC ORDER AND ILLEGAL DRUGS AND LOCAL GOVERNMENT TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE LAWS, LEGAL PROCESSES AND SYSTEM FOR THE ENFORCEMENT OF ORDERS FROM THE OMBUDSMAN AFFECTING ELECTED LOCAL GOVERNMENT OFFICIALS IN LIGHT OF THE VIOLENT ENFORCEMENT BY THE PHILIPPINE NATIONAL POLICE , UPON ORDERS OF THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT, OF THE DISMISSAL OF ILOILO PROVINCIAL GOVERNOR NIEL D. TUPAS, SR.

WHEREAS, on 4 December 2006, the Office of the Ombudsman issued two orders finding Iloilo Governor Niel D. Tupas guilty of two counts of grave misconduct and further issuing the penalty of dismissal with the accessory penalties of cancellation of eligibility, forfeiture of retirement benefits and perpetual disqualification to hold public office;

WHEREAS, the Department of Interior and Local Government ordered the dismissal of Gov. Tupas and declared the position of governor vacant and swore into office Iloilo Vice Governor Roberto Armada;

WHEREAS, Iloilo residents peacefully converged on the capitol grounds in Iloilo City to protect the duly-elected governor of Iloilo;

WHEREAS, DILG Sec. Puno was reported to have directed the use of force to disperse the crowds to allow Vice Governor Armada to force his way inside the Provincial Capitol and Vice Governor Armada was quoted to have warned to resort to violence if necessary;

WHEREAS, pending the service of the orders of the Ombudsman, Gov. Tupas filed a timely petition before the Court of Appeals praying for a temporary restraining order;

WHEREAS, on 17 January 2007 at 4:30 pm, the Court of Appeals issued a 60-day temporary restraining order on the enforcement order against Iloilo Gov. Tupas barring the Office of the Ombudsman, the DiLG and other government agencies from removing Gov. Tupas from office during the period;

WHEREAS, on the same afternoon while the supporters of Gov. Tupas were praying inside the capitol, hundreds of fully-armed policemen assaulted the

provincial capitol to forcibly remove Gov. Tupas even before the lapse of the 48-hour deadline set for dismissed and suspended local executives to leave their respective offices by DILG Sec. Puno ;

WHEREAS, as reported by the Philippine Daily Inquirer, "*Hundreds of police assaulted the Iloilo Provincial Capitol at around 4 pm, smashing and destroying padlocked doors to physically remove Tupas. The police in antiriot gear and armed with M-16 Armalite rifles dispersed Tupas' supporters gathered at the provincial capitol entrance. The provincial government employees cried and shouted as the assault team took over the five-story building. Tupas' son and Provincial Board Member Niel Jr. suffered bruises. Policemen pushed and kicked him, and pointed their Armalite rifles at him. The governor and his lawyers pleaded with the assault team to wait for a copy of the TRO issued by the Court of Appeals in Cebu*";

WHEREAS, such brazen and violent manner used by the DILG and the Philippine National Police in effecting the dismissal order and physically removing Gov. Tupas from the provincial capitol is condemnable and characteristic of a barbaric and utter disregard for the rule of law;

WHEREAS, five governors in Western Visayas have openly declared their support for Gov. Tupas and denounced the illegal manner by which he is forcibly being removed;

WHEREAS, contrary to the claims of the Ombudsman and the DILG, the dismissal order against Gov. Tupas is not immediately executory as several decisions of the Supreme Court have elucidated that an order imposing the penalty of dismissal from service is not immediately executory, unlike penalties of public censure, reprimand or suspension of not more than 1 month handed down by the Ombudsman;

WHEREAS, "the fact that the Ombudsman Act gives parties the right to appeal from its decisions should generally carry with it the stay of these decisions pending appeal. Otherwise, the essential nature of these judgments as being appealable would be rendered nugatory." (Lapid vs. CA, GR No. 142261, 29 June 2000);

WHEREAS, the option for appeal is still available for Gov. Tupas and yet the Ombudsman and the DILG insisted on enforcing the dismissal order and physically removing Gov. Tupas from his office contrary to Supreme Court rulings;

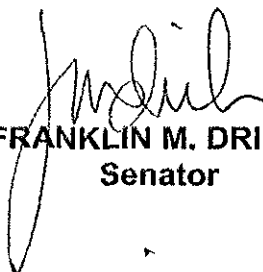
WHEREAS, other local government officials face a similar fate as Gov. Tupas and there appears to be blatant disregard for due process with this unlawful and shameless political bullying of local officials identified with the opposition;

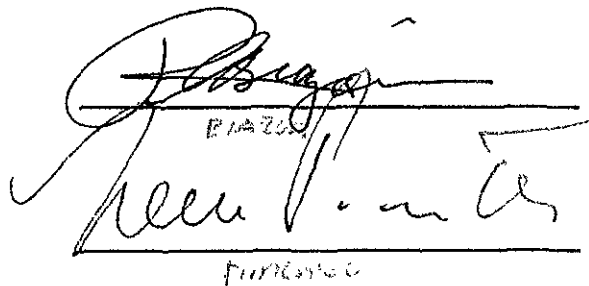
WHEREAS, a review of the pertinent laws on the power and authority of the PNP and the DILG and the legal processes and system in effecting decisions of the Office of the Ombudsman affecting elected local officials is necessary and imperative: Now, therefore, be it

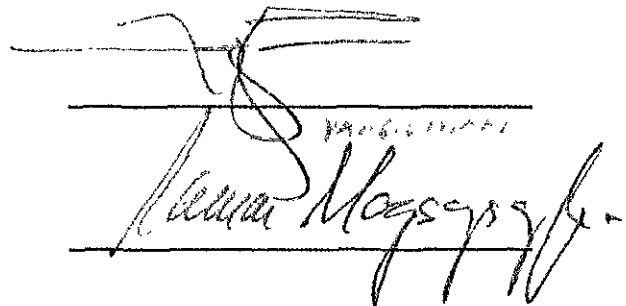
Resolved, to direct, as it hereby directs, the Senate Committees on Public Order and Illegal Drugs and Local Government to conduct an inquiry, in aid of legislation, on the laws, legal processes and system for the enforcement of orders from the Ombudsman affecting elected local government officials in light

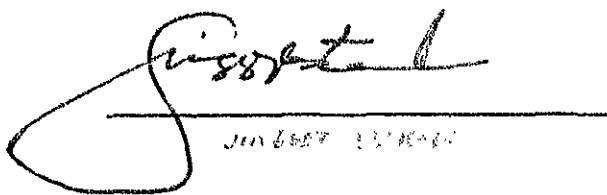
of the violent enforcement by the Philippine National Police , upon orders of the Department of Interior and Local Government, of the dismissal of Iloilo Provincial Governor Niel D. Tupas, Sr.

Adopted,


FRANKLIN M. DRILON
Senator


Ponce Enrile
Senator


Juan Magsaysay
Senator


Juan Magsaysay
Senator

