

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

OFFICE OF THE SECRETARY

9 FEB 23 AM 1:16

SENATE

RECEIVED BY 

COMMITTEE REPORT NO. 246

Submitted jointly by the Committees on Justice and Human Rights, and Public Order and Illegal Drugs on FEB 23 2009.

Re: Proposed Senate Resolution Nos. 227, 229, 230, 231 and 255; taking into consideration the Privilege Speech of Sen. Richard J. Gordon, delivered on December 3, 2007, entitled: "The Manila Peninsula Hotel Standoff" and the Privilege Speech of Sen. Aquilino Q. Pimentel Jr., delivered on December 10, 2007, entitled: "Status of Detained Senator Antonio Trillanes IV and Company" as well as the interpellations that ensued therein.

Recommending the adoption of the conclusions and recommendations of the Committees.

Sponsor: Senator Escudero

MR. PRESIDENT:

The Committees on Justice and Human Rights, and Public Order and Illegal Drugs, to which were referred P. S. Resolution No. 227, introduced by Senator Villar, entitled:

"RESOLUTION URGING THE SENATE COMMITTEES ON PUBLIC ORDER AND ILLEGAL DRUGS; NATIONAL DEFENSE AND SECURITY; ECONOMIC AFFAIRS AND OTHER APPROPRIATE COMMITTEE/S TO CONDUCT AN IMMEDIATE INQUIRY AND ASSESSMENT, IN AID OF LEGISLATION, ON THE NOVEMBER 29, 2007 TAKEOVER OF THE PENINSULA MANILA HOTEL, TAKING INTO CONSIDERATION THE MASS ARREST OF CITIZENS INCLUDING MEDIA MEN, THE CURFEW DECLARED, THE PERCEIVED INEFFECTIVENESS OF GOVERNMENT INTELLIGENCE GATHERING AND THE ECONOMICS OF THE ISSUE AND ITS IMPLICATION ON HUMAN RIGHTS WITH THE END-IN-VIEW OF FORMULATING REMEDIAL MEASURES AND TO PROVIDE THE CITIZENS THE SO-CALLED 'TEACHING FUNCTION' OF THE OCCURRENCE",

**P. S. Resolution No. 229**, introduced by Senators Roxas and Aquino III, entitled:

“ A RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE CIRCUMSTANCES LEADING TO THE ARREST AND 'PROCESSING' OF JOURNALISTS AND MEDIA PERSONALITIES AFTER THE MANILA PENINSULA STANDOFF ON 29 NOVEMBER 2007”,

**P. S. Resolution No. 230**, introduced by Senator Legarda, entitled:

“RESOLUTION DIRECTING THE SENATE COMMITTEE ON PUBLIC INFORMATION AND MASS MEDIA TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ARREST OF JOURNALISTS DURING THE SIEGE OF RENEGADE SOLDIERS AT THE MANILA PENINSULA HOTEL, WITH THE END IN VIEW OF RECOMMENDING REMEDIAL MEASURES TO PROTECT THE RIGHTS OF MEDIA PRACTITIONERS IN THE PERFORMANCE OF THEIR PROFESSION”,

**P. S. Resolution No. 231**, introduced by Senator Pangilinan, entitled:

“RESOLUTION CONDEMNING THE WARRANTLESS ARRESTS OF MEMBERS OF THE MEDIA CARRIED OUT BY THE GOVERNMENT DURING THE MANILA PENINSULA STAND OFF LAST 29 NOVEMBER 2007”,

**P.S. Resolution No. 255**, introduced by Senator Madrigal, entitled:

“RESOLUTION EXPRESSING THE SENSE OF THE SENATE THAT THE MILITARY AND POLICE OFFICERS WHO UNDERTOOK, OR OTHERWISE PARTICIPATED IN, THE UNWARRANTED AND ILLEGAL ARREST OF MEDIA PERSONNEL DURING THE MANILA PENINSULA STANDOFF OF 29 NOVEMBER 2007 SHOULD BE METED OUT THE APPROPRIATE PENALTIES SUCH AS, BUT NOT LIMITED TO, THE ISSUANCE OF STERN REPRIMANDS AND THE RECORDING OF SUCH REPRIMANDS IN THE OFFICER'S RESPECTIVE PERSONNEL OR "2001" FILES”,

and the Privilege Speeches of Senators Richard J. Gordon and Aquilino Q. Pimentel Jr. delivered on December 3, 2007 and December 10, 2007, respectively; including the interpellations that ensued therein, have considered the same and have the honor to report them back to the Senate with the following findings and recommendations:

## INTRODUCTION

The Committees on Justice and Human Rights, and Public Order and Illegal Drugs have conducted an inquiry, in aid of legislation, into P.S. Resolution Nos. 227, 229, 230, 231, 255; and the Privilege Speeches of Senators Richard J. Gordon and Aquilino Q. Pimentel Jr. delivered on December 3, 2007 and December 10, 2007, respectively, and the interpellations that ensued therein.

One (1) public hearing was conducted on 13 December 2007. A substantial number of witnesses appeared, bringing in their expertise on the issues brought before the committees. Witnesses who had answered the summons of and appeared before the committees, with corresponding dates, are listed below:

**Public Hearing**  
**Senate Session Hall**  
**December 13, 2007**  
**10:00 am**

Mr. Emmanuel Velasco	Senior State Prosecutor, DOJ
Ms. Purificacion V. Quisumbing	Chairperson, CHR
Mr. Amado Macasaet	President, Philippine Press Institute
Ms. Maria Ressa	Head, News and Current Affairs, ABS-CBN
Mr. Tony Lopez	Chairman, Manila Overseas Press Club
Mr. Butch Canoy	President, Kapisanan ng mga Brodkaster ng Pilipinas (KBP)
Mr. Roy Mabasa	President, National Press Club
Ms. Grace Peña-Reyes	Assistant Vice President for News Operation, GMA7
Ms. Chairmaine Deogracias	Reporter, NHK Broadcasting
Mr. Gil Cabacungan	Reporter, Philippine Daily Inquirer
Ms. Ellen Tordesillas	Journalist/Columnist, Malaya
Ms. Dana Batnag	Vice President, FOCAP

## PREFATORY STATEMENT

It is a matter of fundamental principle and practice that to strike a balance between police power and freedom of speech requires certain tests. But with the enormous resources of the State, tilting the balance to its favor should always be frowned upon, especially if the exercise of press freedom is coupled with the people's invocation of their rights to information and against unreasonable searches and seizure.

### 1. ANTECEDENTS

On 29 November 2007, elements of the Philippine National Police (PNP) arrested more than forty (40) journalists. With such a significant number of arrests involving even members of the media, what is dubbed as the Manila Peninsula siege cannot be overstated, Congress, specifically the Senate, must look into it and either define anew or review the concerned policies of government, or both.

The PNP claims that the above "mass arrest," if it may aptly be said so since there are 40 arrests, was made to ensure that no unwanted elements were then posing as members of the media to evade responsibility, criminal or otherwise.

They likewise justify the arrest on the ground that there was then obstruction of justice being committed. Hence, their action was valid under the rules on warrantless arrest.

The media, on the other hand, cries foul. They invoke the constitutionally guaranteed freedom of the press and right to information. They insist that such rights should remain inviolable and sacred, especially in the light of the circumstances then surrounding the Manila Peninsula siege. The arrests, in other words, are illegal.

This incident appears to be of major importance in Philippine society. Not only because the world was a witness to it given the presence of foreign media at the time of the siege. But more importantly, it once again seeks to strike a balance between police power and press freedom.

Accordingly, it is more than enough reason for the Senate to look into the incident, specifically the validity of the arrests, in aid of legislation.

## **2. OVERKILL IN DEALING WITH THE SITUATION**

Then PNP P/C Supt. Geary Barias, who was the ground commander of the government troops at that time, stated that he entered Manila Peninsula and asked the journalists who were at the scene to leave the hotel premises.

However, reporters on the scene testified otherwise. No media office nor news desk was informed of the said advice to leave the hotel premises, except the journalists who were at the scene themselves heard such verbal instructions from PNP P/C Supt. Barias.

Many of those reporters, nevertheless, chose to stay and continued their respective blow-by-blow coverage of the event, knowing that it was their duty to do so since the public has the right to know.

Soon after, the government assault began. A number of tear gas was fired followed by two Armored Personnel Carriers (APCs) ramming the front doors of the hotel. Eventually, the surrender of the Manila Peninsula takers consist of a senator, a handful of soldiers and other individuals, ensued. Fortunately, not a single person died.

The alleged perpetrators were arrested and brought outside the hotel to waiting vehicles, which brought them to police headquarters for questioning.

Unfortunately, however, the members of the media who covered the incident from inside the hotel were also rounded up, arrested and suffered the same fate as the alleged perpetrators of the siege.

Reporters, cameramen, photographers and other media personnel were ordered to stop their coverage – with stern warning that their equipment will be confiscated. Despite others following the instruction, some still had their equipment seized. They were rounded up at the point of a gun, either handcuffed or tied.

*"The police violated their own definition of the crime scene by approaching our transmission facilities outside the Peninsula to try to confiscate our video tapes and stop our coverage. This is effectively censorship at a time when the conflict had all but been resolved. To date, they still have at least one video tape and two radios owned by ABS-CBN,"* said Maria Ressa, Head of ABS-CBN News and Current Affairs Group.<sup>1</sup>

The reporters were brought outside of the hotel heavily escorted. When the media men put their cuffed or tied hands outside the windows of the bus that would transport them to Camp Bagong Diwa, to tell their co-reporters that they were being taken in, they were hit by the rattan truncheons of their police escorts. Co-workers then just tried to pass packed dinner to the hungry journalists on the bus, but eating was next to impossible since their hands were tied.<sup>2</sup>

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<sup>1</sup> Transcript of Stenographic Notes (TSN) of December 13, 2007 public hearing, 11:16 a.m., p.39. Likewise, Maria Ressa of ABS-CBN testified before the Joint Committees on Justice and Human Rights and Committee on Public Order and and Illegal Drugs.

<sup>2</sup> TSN, 10:56a.m., p.25. Ellen Tordesillas of Malaya testified before the joint committees her experience of the event.

Was the arrest of media men valid or was it an overkill that trampled on their constitutionally guaranteed rights, specifically freedom of the press and right to public information?

### 3. ARRESTING THE MEDIA

The Philippines had experienced more than a dozen coup attempts since 1986, in all these events not a single journalist was reportedly arrested.<sup>3</sup> The only incident that led to the arrest of journalists was in 1972, it was not a result of a coup, but a declaration of Martial Law. Yet the number of those arrested last year were eight times more than those arrested during the first thirty days of the dark era of the Martial Law period!

A veteran reporter and chairperson of the Manila Overseas Press Club Tony Lopez recalls that *"those journalists arrested 35 years ago were not arrested by lowly SPOs; they were arrested by officers with the rank of major and colonel. They were not handcuffed; they were invited for questioning, and of course they were briefly detained. They knew why they were being arrested because they were journalists critical of Ferdinand Marcos."*<sup>4</sup>

In contrast, the reporters, who were rounded up in the Peninsula siege, did not know, and never knew up to this date, and in the language of Senator Dick Gordon why they were *"herded like cattle"* and transported to a military camp. No Miranda rights were read, no information as to the destination of the bewildered reporters was divulged to them by their arresting officers.<sup>5</sup>

### 4. OBSTRUCTION OF JUSTICE?

On the other hand, authorities maintained that the arrests were valid because

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<sup>3</sup> TSN, 11:46 a.m. p. 58. Tony Lopez of Manila Overseas Press Club compared the Peninsula siege to the Martial Law period before his testimony to the joint committees.

<sup>4</sup> TSN, 11:36 a.m., p. 56. Lopez.

<sup>5</sup> TSN, 12:06 p.m., p. 77. Tordesillas' reply to the inquiry of Sen. Aquino.

the media men were hindering their operations. And that the arrest was necessary for "processing" or identification to prevent escape of those who were part of the alleged rebel soldiers posing as journalists.

They added that should the media men press charges against them they will not think twice in filing counter-charges for transgression of Presidential Decree (PD) 1821 or Obstruction of Justice and violation of Art. 151 of the Revised Penal Code for Resistance and *Disobedience to a Person in Authority*.

This is a not a game of dare. What transpired was clearly a shocking controversy ever encountered by the Philippine media. If there was a violation committed, why has there not been a single case filed against the reporters?

Is it because of the kindness on the part of authorities, having been aware that the media men were merely performing their jobs of recording the news as it happens?

Or is it because authorities know fully well that there is no probable cause in the first place that would warrant the filing of the case against these newsmen?

## **5. RIGHT TO KNOW AND FREEDOM OF THE PRESS**

While the State has the right to protect itself, the public has the right to know. It recognized that an informed citizenry is vital to a working democracy because it is the people who choose their representatives, who will in the end hold the reigns of the government. In any given social contract, the people or the public is always the principal.

*"We journalists are by no means perfect...But the reason we feel we need to hold the line is simply because if we give in, we would have contributed to weakening our*



*democracy by depriving the public of the information it wants and it needs.”<sup>6</sup>*  
Moreover, most reporters are not alien to threats. They acknowledge that they balance the fate of their lives with their duty to inform.

No democratic country can properly function without a truly free press which is why the framers of our Constitution specifically put in place Section 4 of Article III, *viz*:

*"No law shall be passed abridging the freedom of speech, of expression and of the press, or the right of the people to peaceably assemble and petition the government for redress of grievances."*

Indeed this may not be an absolute freedom but to curtail it requires strong basis and justification from the government. The exercise of police power *per se* is not enough to lessen, much less suppress, this freedom.

The Supreme Court, as well as Courts of other jurisdictions, in a long line of cases, has pronounced that such freedom can only be trampled upon by state power only if it passes any of the following tests: 1) the *clear and present danger*; 2) the *dangerous tendency*; and 3) the *balancing interest*. And the Committees believe that the circumstances surrounding the Manila Peninsula siege that led to the arrest of reporters and cameramen was and can never be justified by any of the said tests.

The government forces were all along in control of the situation. Its strength was far more superior and overwhelming to quell the group that took Manila Peninsula. For in the first place, there was no *danger nor interest* to contend with.

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<sup>6</sup> TSN, 11:16 a.m., p. 41. Ressa.

Moreover, *Malaya* newspaper's Ellen Tordesillas said, there was clearly no justification on how the police reacted towards the media during the event, noting that even in armed conflicts, under the Geneva Convention, journalists enjoy the status of protected persons as recognition of the role they play in society.<sup>7</sup>

Based on the testimonies of the witnesses during the committee hearings, the arrests were clearly illegal, without any basis and were clear violations of press freedom because the journalists were present not to cause any problems but merely to report the unfolding events.

By no stretch of imagination can the arrest of media personnel be called as "standard procedure" or "identification" as claimed by the police. This is especially obvious when most of the media personnel presented proper identification, and are not only personalities themselves but who are also known to the arresting officers – to which many in the PNP roster admits.<sup>8</sup>

Neither can the arrest of the media personnel be justified under "warrantless arrest" as enunciated under Section 5 of Rule 113 of the Rules of Court which states that:

*"A peace officer, or even private person, may effect an arrest without: When the person to be arrested has committed, is actually committing, or is attempting to commit in his presence."*

It is crystal clear, that the media personnel at the Manila Peninsula standoff were legally performing their jobs when they were arrested and were far from committing any crime that would justify the arrests. Therefore, the arresting

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<sup>7</sup> TSN, 10:56 a.m., p.25.

<sup>8</sup> PS Resolution 231.

officers exceeded in the performance of their functions and violated press freedom.

Likewise, the seizure of media equipment such as tapes and radios violates Sec. 2 of Article III which provides that:

*“The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature for whatever purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.”*

The government, in its eagerness to show its authority and power during the siege, violated various rights enshrined in the very same Constitution it claims to uphold. The Senate warns the government agencies involved that further violation of the Constitution on their part erodes the people’s trust and confidence in the government. Should these transgressions go on, it would not be surprising to see more and more people turning to the media or even to the streets to seek justice – note that EDSA 1 and EDSA 2 are testaments to this.

Already, the Philippines as it is today, is considered by several media watch groups like the<sup>9</sup> International Federation of Journalists and the National Union of Journalist of the Philippines (NUJP), as one of the most dangerous places in the world for journalists. The NUJP reported that fifty (56) media practitioners have been killed in the country from 2001 to April 2008.<sup>9</sup> This is ironic considering that the Philippines prides itself on having the freest media in Southeast Asia.

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<sup>9</sup> Antonio Zumel Press Freedom. April 16, 2008.  
[http://zumel.com/index.php?option=com\\_content&task=view&id=466&Itemid=2](http://zumel.com/index.php?option=com_content&task=view&id=466&Itemid=2)

It is obvious that the threats of various lawsuits – which are clearly without basis, by the government against those arrested last November 29, 2007 are mere forms of harassment and a means to burden a free press.

Our government, however, should be reminded that the Constitution is not a mere compilation of rhetoric; albeit, it is the supreme law of the land, and a violation of which is a serious offense to the people of this country.

The country and the world, sadly, have stood witness to the government's pathetic attitude toward press freedom during the Manila Peninsula incident. Like the other incidents before it, the media's experience shows that press freedom is constantly under threat and must be resolutely defended and advanced.

The committees believe that media's role in society can be effective only when it is free and unfettered. The performance of its duties and responsibilities must be without any *undue interference*. The arrests of the media personnel who were merely doing their job, within the bounds of law, during the Manila Peninsula siege is condemnable in the strongest terms and an unwelcome curtailment of the freedom of the press, of the right against unreasonable searches and seizures, and of the right of the people to information.

## **6. RECOMMENDATIONS**

The committees recognize the vital role of law enforcement officers in the promotion of peace and order in our society, but it also notes the need to respect the role of the media in the full development of democracy in this country.

The warrantless arrests of media men during the November 29, 2007 Manila Peninsula incident in Makati is indicative of press repression albeit police authorities claim that those were standard procedures in conflict zones. It had a chilling effect on the Philippine press, obviously due to unclear guiding principles.

Based on the foregoing investigation, it was crystal clear that authorities could have achieved its goal in securing Manila Peninsula from a handful of alleged renegade soldiers without violating protected constitutional freedom.

In light of the committees' inquiries, it is recommended that:

6.1. There must be clear "rules of engagement" established to prevent a repeat of this unfortunate incident. Law enforcement officers from the PNP/DILG and AFP should sit down and come out with a uniform rule – published and made known to the public, in handling situations where media men are at the crossroads of an encounter, so that the latter are aware of what to expect and how to react on situations similar to this incident.

Until an engagement framework is established between the authorities and the press, the Manila Peninsula arrest can set precedence to a vicious cycle of impunity among authorities.

However, the committees forewarn authorities that the rules must be clear that media practitioners in the performance of their lawful duties should be free from harassment or arrest. Non-observance of this warning is a clear violation of the enunciated right of freedom of the press and must be dealt with by law.

6.2. Law enforcement personnel should undergo extensive training and briefing in handling situations where media practitioners are likely to cover

such incidents. This will stem any problems that may occur, similar to what happened during the Manila Peninsula incident.

6.3. The commander handling the ground situation should be different from the person handling media's inquiries and any situation involving the media. This will ensure that the news desks or mother units of the media personnel covering the event are also made aware if their people may be placed in dangerous situations during the police or military's actions.

6.4. The committees do not see the need to create a rule for media practitioners since this is tantamount to restrictions of government on press freedom. The committees, however, strongly urge the media to police their own ranks, through organizations such as the National Press Club, the Manila Overseas Press Club, and Kapisanan ng mga Brodkasters sa Pilipinas, to prevent abuse of the freedom that they enjoy which they themselves are bound to protect.

6.5. A continuous dialogue between law enforcement agencies and the members of the media should be conducted to thresh out any problems that may occur in similar incidents being covered by the media.

Respectfully submitted:

Chairmen:

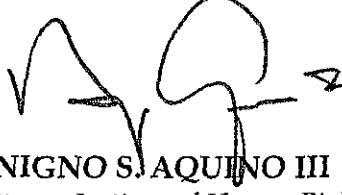


**FRANCIS G. ESCUDERO**  
Committee on Justice and Human Rights



**GREGORIO B. HONASAN II**  
Committee on Public Order and Illegal Drugs  
Member, Committee on Justice and  
Human Rights

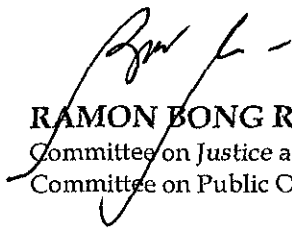
Vice-Chairman:



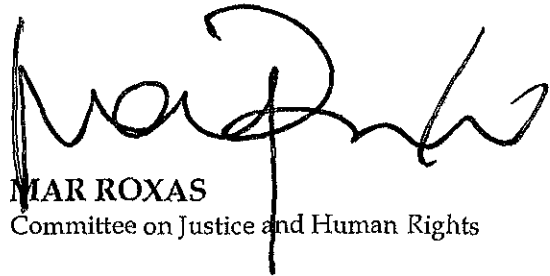
*my interpellate*

**BENIGNO S. AQUINO III**  
Committee on Justice and Human Rights

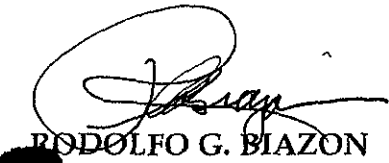
Members:



**RAMON BONG REVILLA JR.**  
Committee on Justice and Human Rights  
Committee on Public Order and Illegal Drugs



**MAR ROXAS**  
Committee on Justice and Human Rights



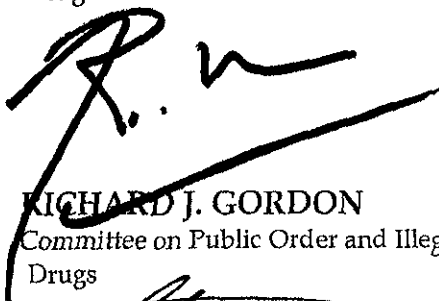
**RODOLFO G. BIAZON**  
Committee on Justice and Human Rights  
Committee on Public Order and Illegal Drugs



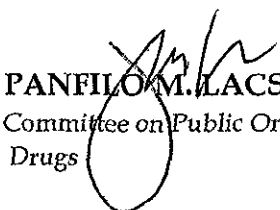
**M.A. MADRIGAL**  
Committee on Justice and Human Rights  
Committee on Public Order and Illegal Drugs



**MANUEL "LITO" M. LAPID**  
Committee on Public Order and Illegal Drugs



**RICHARD J. GORDON**  
Committee on Public Order and Illegal Drugs



**PANFILO M. LACSON**  
Committee on Public Order and Illegal Drugs

*With Prosecutors. Abuse of Police Power by the state will not be effectively addressed unless culpability is pinpointed and those who did wrong are held accountable.*

**ALLAN PETER "COMPAÑERO" S. CAYETANO**  
Committee on Justice and Human Rights  
Committee on Public Order and Illegal Drugs



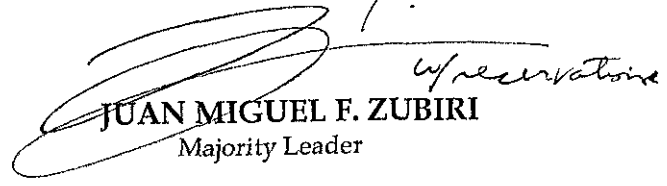
FRANCIS N. PANGILINAN  
Committee on Justice and Human Rights  
Committee on Public Order and Illegal Drugs

*with reservations.  
will interpellate. The criminal  
and civil liabilities  
of the PNP officers  
who effected  
the said arrest  
have not been identified  
and no recommendations as  
to the filing of appropriate  
charges have been made  
in the report.*

Ex-Officio Members:

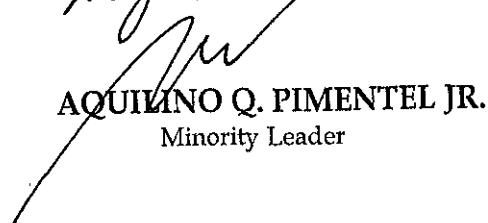


JINGGOY EJERCITO ESTRADA  
President Pro-Tempore



JUAN MIGUEL F. ZUBIRI  
Majority Leader

*May question*



AQUILINO Q. PIMENTEL JR.  
Minority Leader

HON. JUAN PONCE ENRILE  
President  
Senate of the Philippines  
Pasay City



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SENATE  
P.S. Res. 227

FILED IN THE SENATE

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Introduced by Senator Villar

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**RESOLUTION**

**URGING THE SENATE COMMITTEES ON PUBLIC ORDER AND ILLEGAL DRUGS, NATIONAL DEFENSE AND SECURITY, ECONOMIC AFFAIRS AND OTHER APPROPRIATE COMMITTEE/S TO CONDUCT AN IMMEDIATE INQUIRY AND ASSESSMENT, IN AID OF LEGISLATION, ON THE NOVEMBER 29, 2007 TAKEOVER OF THE PENINSULA MANILA HOTEL, TAKING INTO CONSIDERATION THE MASS ARREST OF CITIZENS INCLUDING MEDIA MEN, THE CURFEW DECLARED, THE PERCEIVED INEFFECTIVENESS OF GOVERNMENT INTELLIGENCE GATHERING AND THE ECONOMICS OF THE ISSUE AND ITS IMPLICATIONS ON HUMAN RIGHTS WITH THE END-IN-VIEW OF FORMULATING REMEDIAL MEASURES AND TO PROVIDE THE CITIZENS THE SO-CALLED "TEACHING FUNCTION" OF THE OCCURRENCE**

I. Preliminaries.

Whereas, the 1987 Philippine Constitution is a landmark as it is a genius of rule of law as manifested in the following provisions:

- "The Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them."<sup>1</sup>
- "The prime duty of the government is to serve and protect the people. x x x"<sup>2</sup>
- "The maintenance of peace and order, the protection of life, liberty, and property, and the promotion of the general welfare are essential for the enjoyment by all the people of the blessings of democracy."<sup>3</sup>

Whereas, on November 29, 2007, a takeover of The Peninsula Manila Hotel by Senator Antonio Trillanes IV, Brig. Gen. Danilo Lim and their supporters ended in six hours after a combined group of militia and police crashed

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<sup>1</sup> Art. II, Sec. 1

<sup>2</sup> Art. II, Sec. 4

<sup>3</sup> Art. II, Sec. 5

an armoured personnel carrier into the front entrance and lobbed tear gas into the foyer;

II. *The Arrest of Members of the Press.*

Whereas, as an aftermath of the standoff, the police arrested more than thirty (30) reporters and cameramen and herded them to the PNP headquarters in Camp Bagong Diwa in Bicutan, Taguig City where they were “processed” and then released;

Whereas, media groups have roundly condemned the alleged illegal arrests of journalists who covered the Makati standoff citing that the actions by the government posed a serious threat to press freedom and the public’s right to information;

Whereas, the government has expressed “regret that police procedures has become a problem for media”;

III. *The Curfew.*

Whereas, the 12 midnight to 5 a.m of November 30, 2007 curfew declared by the government covering all citizens in Metro Manila and all the provinces, cities and municipalities in Central Luzon and Southern Tagalog except those responding to emergencies or who had valid reasons to be out of their homes during the covered period is accordingly illegal and unconstitutional;

Whereas, while the government is anchoring its declaration as a mechanism of police power, substantial sectors of the Philippine population are complaining that it is an excessive exercise of power;

Whereas, the curfew took effect without considerable notice to the public;

IV. *The Economics of Curfew.*

Whereas, the larger issue of economy, the diminution to individual’s livelihood and employment must be assessed vis-à-vis the five-hour curfew;

V. *The Perceived Failure of Government Intelligence*

Whereas, the Thursday standoff is perceived by many as a failure of government intelligence and clear cut policy on effective governance;

Whereas, the appropriations allotted for intelligence gathering and its utilization must be checked;

VI. *The Larger Issue of Reforms and Governance for the Country.*

Whereas, the occurrence in the Manila Peninsula will claim no victor as it is a manifestation of the people’s yearning for change and reform and in fact, should serve as a wake-up call for true government by and for the citizens;

Whereas, in our jurisdiction, the courts render decisions even if the occurrence and the events have been resolved already and considered "moot and academic" based on the principle that it wants to dissect the matter and for the people to learn knowledge from it, under the aegis of what is called "teaching function" and the same must be adopted and utilized by the Senate in this regard;

Whereas, the totality of The Peninsula Manila occurrence and the issues accompanying it must be reviewed, assessed and studied to serve as lamppost in what jurisprudence may call as "teaching function" --- to provide lessons and learning in governance, to ferret out the truth, and to advance reforms in accordance with constitutional, peaceful and legal methods: Now therefore be it

Resolved, by the Senate of the Philippines, To urge the Senate Committees on Public Order and Illegal Drugs, National Defense and Security, Economic Affairs and other appropriate committee/s to conduct an immediate inquiry and assessment, in aid of legislation, on the November 29, 2007 takeover of The Peninsula Manila Hotel, taking into consideration the mass arrest of citizens including media men, the curfew declared, the perceived ineffectiveness of government intelligence gathering and the economics of the issue and implications on human rights with the end-in-view of formulating remedial measures and to provide the citizens the so-called "teaching function" of the occurrence.

Adopted,

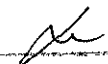
  
**MANNY VILLAR**

FOURTEENTH CONGRESS OF THE )  
REPUBLIC OF THE PHILIPPINES )  
First Regular Session )

DEPARTMENT OF SECRETARY

7 FEB -3 2008

SENATE

RECEIVED BY: 

P.S. Res. No. 229

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INTRODUCED BY THE HONORABLE SENATORS  
MAR ROXAS AND BENIGNO S. AQUINO III

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A RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY,  
IN AID OF LEGISLATION, ON THE CIRCUMSTANCES LEADING TO THE ARREST AND  
“PROCESSING” OF JOURNALISTS AND MEDIA PERSONALITIES AFTER THE  
MANILA PENINSULA STANDOFF ON 29 NOVEMBER 2007.

*WHEREAS*, the press is duly recognized by the Constitution as a counterbalance against the institutional abuse of power, through the transparent coverage of news events, in order to forestall any and all forms of abuse, deception or propaganda;

*WHEREAS*, Section 4, Article III of the 1987 Philippine Constitution protects press freedom by providing that “no law shall be passed abridging the freedom of speech, of expression or of the press,” which underscores the critical importance of a free and unfettered press;

*WHEREAS*, Section 2, Article III of the Constitution guarantees the right of the people “against unreasonable searches and seizures of whatever nature, and for any purpose” and against warrant-less and arbitrary arrests;

*WHEREAS*, Section 7, Article III of the Constitution recognizes “the right of the people to information on matters of public concern;”

*WHEREAS*, on 29 November 2007, a standoff occurred at the Manila Peninsula Hotel in Makati City between a group led by Senator Antonio Trillanes IV and Brigadier General Danilo Lim, and government troops that ended peacefully;

*WHEREAS*, after the 7-hour standoff, more than 50 journalists, both local and foreign, who were present to cover and report on the incident, were reportedly taken into custody following the arrest of Senator Trillanes and Brigadier General Lim;

*WHEREAS*, television news feeds showed handcuffed journalists and various members of known media organizations being loaded onto a bus that would take them to Camp Bagong Diwa in Bicutan so that they can be “processed,” without any due process and opportunities to seek legal remedies;

*WHEREAS*, in addition to the arrest of journalists, video footages and other equipment were also reported to have been seized and confiscated by authorities;

*WHEREAS*, the National Press Club (NPC), National Union of Journalists of the Philippines (NUJP), and various media organizations have denounced and condemned the arrests and seizures as being in violation of their constitutional right to press freedom;

*WHEREAS*, the arrest of journalists and seizure of media effects unavoidably create and impose a “chilling effect” on the press as regards its participation in highly sensitive and volatile newsworthy situations, political or otherwise;

*WHEREAS*, the arrest of journalists and the seizure of media effects, therefore, strikes at the very core of Philippine democracy, to which media is a primary component of, exemplified by its role in EDSA 1 and EDSA 2, where the support of the media was actively enlisted and extolled;

*WHEREAS*, the apparent confusion as to the reasons and circumstances that led to the arrest of local and foreign journalists, if remained unexplained, constitutes as a clear and present danger to the country’s democratic foundations, as well as to the civil liberties of the people, guarded and protected by our Constitution;


*WHEREAS*, it is imperative for the Philippine government to clarify the role of media in situations of conflict, such as what happened in the Makati Peninsula standoff, as well as to shed light on the treatment given to arrested journalists;

*WHEREAS*, an inquiry in aid of legislation is both essential and necessary to ensure clarification and transparency on the rules of engagement between the media and law enforcers in order to avoid confusion should similar incidents happen again in the future.

*NOW, THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED*, that the Senate direct the appropriate Senate Committees to conduct an inquiry, in aid of legislation, on the circumstances leading to the arrest and “processing” of journalists and media personalities after the Manila Peninsula standoff on 29 November 2007.

Adopted,

  
M A R Roxas  
Senator

  
Benigno S. Aquino III  
Senator

FOURTEENTH CONGRESS OF THE )  
 REPUBLIC OF THE PHILIPPINES )  
 First Regular Session )

7 DEC -3 2007

SENATE

RECEIVED BY: Feb

P. S. Res. 230

Introduced by Senator Loren Legarda

**A RESOLUTION**

**DIRECTING THE SENATE COMMITTEE ON PUBLIC INFORMATION AND MASS MEDIA TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ARREST OF JOURNALISTS DURING THE SIEGE OF RENEGADE SOLDIERS AT THE MANILA PENINSULA HOTEL, WITH THE END IN VIEW OF RECOMMENDING REMEDIAL MEASURES TO PROTECT THE RIGHTS OF MEDIA PRACTITIONERS IN THE PERFORMANCE OF THEIR PROFESSION**

**WHEREAS**, on November 29, 2007, renegade soldiers barricaded themselves at the Manila Peninsula Hotel in Makati City to protest against President Gloria Macapagal-Arroyo;

**WHEREAS**, the incident led to a six-hour standoff wherein journalists and media crew have been holed up inside the Manila Peninsula Hotel, along with the renegade soldiers and civilian supporters, to provide media coverage of the unfolding event of significant public interest;

**WHEREAS**, attempts of law enforcers to end the crisis and arrest the initiators of the siege have led to an assault of the hotel's premises which included throwing of teargas while some journalists and media crew are still inside the hotel;

**WHEREAS**, according to Philippine National Police Director General Avelino Razon, at least 101 persons were arrested inside the hotel;

**WHEREAS**, authorities have reportedly arrested some 40 journalists covering the Makati standoff which includes TV reporters, news anchors, radio reporters and media technical crew;

**WHEREAS**, journalists were loaded onto a bus in handcuffs and brought to Camp Bagong Diwa in Taguig for "processing" either as "witnesses or suspects";

**WHEREAS**, Police spokesperson Senior Supt. Samuel Pagdilao reportedly stated that the police has to "process" the media men because it is part of the standard operating procedures (SOP);

**WHEREAS**, authorities have justified the detentions, saying police wanted to make sure none of the rebels escaped by posing as members of the

media. They also said that journalists were properly warned to leave the Manila Peninsula hotel before troops and police stormed it in a flurry of gunfire and tear gas;

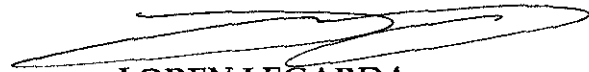
**WHEREAS**, the police explanation that the "processing" is part of SOP has been questioned as no journalist has been taken to police station for "processing" in past coup d'etats since the time of President Aquino;

**WHEREAS**, Philippine and foreign media groups slammed the arrests, saying security forces "simply went overboard." Furthermore, media groups have roundly condemned what they said were the illegal arrests of journalists who covered the Makati standoff, saying that such actions by the government posed a serious threat to press freedom and the public's right to know.

**WHEREAS**, legislation may be needed to guide actions of law enforces in crisis situations to ensure that the rights of media practitioners to responsibly inform the public on events of national significance is not abridged;

**NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED**, for the Senate Committee on Public Information and Mass Media to conduct an inquiry, in aid of legislation, on the arrest of journalists during the siege of renegade soldiers at the Manila Peninsula Hotel, with the end in view of recommending remedial measures to protect the rights of media practitioners in the performance of their profession.

Adopted



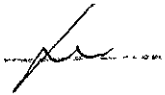
**LOREN LEGARDA**  
Senator

**FILE COPY**

OFFICE OF THE SECRETARY

FOURTEENTH CONGRESS OF THE }  
REPUBLIC OF THE PHILIPPINES }  
FIRST REGULAR SESSION }

7 03 -3

RECEIVED BY: 

**SENATE**

**P.S. RESOLUTION NO. 231**

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**SENATOR FRANCIS N. PANGILINAN**

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**RESOLUTION CONDEMNING THE WARRANTLESS ARRESTS OF  
MEMBERS OF THE MEDIA CARRIED OUT BY THE GOVERNMENT  
DURING THE MANILA PENINSULA STAND OFF LAST 29 NOVEMBER 2007**

**WHEREAS**, the illegal arrests of the media personnel covering the Manila Peninsula standoff led by Senator Antonio Trillanes IV supported by the Magdalo soldiers last 29 November 2007 is a serious and direct attack on the right of the mass media/press to fulfill and perform its mandate and responsibility to report and/or inform the public of a critical event;

**WHEREAS** the arrests were direct interference into the constitutionally protected right of the mass media. Article III Section 4 of the 1987 Constitution states that: "No law shall be passed abridging the freedom of speech, of expression, or the press, or the right of the people peaceably to assemble and petition the government for redress of grievances";

**WHEREAS**, under the guise of standard operation and "need of identification", the military personnel rounded up the media including well-known media personalities including among others, Ms. Ces Drilon, Ms. Pinky Webb and Ms. Sandra Aguinaldo;

**WHEREAS**, the arrests were illegal, without any basis and were a clear violation of the freedom of the press to perform its mandate. By no stretch of imagination can the arrests of the media personnel be called as "standard procedure" as claimed by the military. Especially so when most of the media personnel were in fact known to the public/arresting officers, and have actually given proper identification as members of the media. The military personnel whether acting on their own behalf or through the instructions of their superiors, simply exceeded their rights and violated press freedom when they arrested media men;

**WHEREAS**, neither can the arrests of the media personnel be justified as "warrantless arrests" as authorized under Section 5, Rule 113 of the Rules of Court, to wit:

"A peace officer, or even private person, may effect an arrest without a warrant:



When the person to be arrested has committed, is actually committing, or is attempting to commit an offense in his presence.”

**WHEREAS**, the media personnel at the Manila Peninsula standoff were legally performing their job when they were arrested and was far from committing any crime that would have authorized their warrantless arrests;

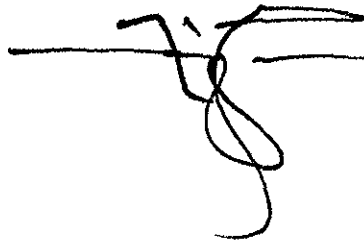
**WHEREAS**, the attack on the mass media personnel was not only an attack to them but also on the constitutionally recognized right of the people to information on matters of public concern. Section 7, Article III of the Constitution states in part:

“The right of the people to information on matters of public concern shall be recognized. xxx xxx xxx”

**WHEREAS**, mass media can be effective *only when it is free* and is unfettered. The performance of its duties and responsibilities must be without any undue interference. The arrests of the media personnel doing their job within the bounds of law during the Manila Peninsula siege must be condemned in the strongest terms as an unwelcome curtailment of the freedom of the press, as well as the right of the people to information;

**RESOLVED, AS IT IS HEREBY RESOLVED**, that the Senate of the Philippines condemns the warrantless arrests of the members of the media during the Manila Peninsula stand off carried out by the Government.

Adopted.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the top, positioned at the bottom center of the page.

FOURTEENTH CONGRESS )  
OF THE REPUBLIC OF THE PHILIPPINES )  
*First Regular Session* )

7 2007 11 16

SENATE  
P. S. Res. No. 255

RECEIVED BY: 

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*Introduced by Sen. M.A. Madrigal*

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**RESOLUTION**

**EXPRESSING THE SENSE OF THE SENATE THAT THE MILITARY AND POLICE OFFICERS WHO UNDERTOOK, OR OTHERWISE PARTICIPATED IN, THE UNWARRANTED AND ILLEGAL ARREST OF MEDIA PERSONNEL DURING THE MANILA PENINSULA STANDOFF OF 29 NOVEMBER 2007 SHOULD BE METED OUT THE APPROPRIATE PENALTIES SUCH AS, BUT NOT LIMITED TO, THE ISSUANCE OF STERN REPRIMANDS AND THE RECORDING OF SUCH REPRIMANDS IN THE OFFICERS' RESPECTIVE PERSONNEL OR "201" FILES**

**WHEREAS** the so-called Manila Peninsula standoff last 29 November 2007 has gained infamy, both nationally and internationally, not so much for the failed attempt of Senator Antonio Trillanes IV's group to cause the downfall of the Arroyo government but for the direct, serious and blatant attack by military and police officers alike on the sacrosanct freedom of the press by reason of the patently unwarranted and illegal arrests of media personalities and personnel covering the standoff;

**WHEREAS** the illegal acts of taking into custody these media personalities are in flagrant violation of Article III, Section 4 of the 1987 Constitution, which guarantees the freedom of the press especially respecting matters or events of significant national interest such as the then unfolding events of 29 November 2007;

**WHEREAS** the uncivilized, nay barbaric, acts perpetrated by military and police officers in handcuffing the media personnel through the use of plastic wires and herding them off like animals into overcrowded buses further constitute cruel and inhuman punishment that is strictly proscribed under the Constitution;

**WHEREAS** the military and police officers who performed, or otherwise participated in the commission of the foregoing illegal and morally questionable acts should be held totally accountable for their respective acts under the penal laws of the land as well as the applicable military and police regulations;

**WHEREAS** the penalties that ought to be imposed upon the erring military and police officers should, at the very least, include the issuance and imposition of stern warnings or reprimands against them and the permanent recording of these reprimands in their respective personnel or "201" files, to the end that these penalties should be considered in the succeeding evaluation of their service records for purposes of promotion or other service-related purposes;

**WHEREAS** various media outfits and organizations such as the Manila Overseas Press Club, through its President, Mr. Tony Lopez, have publicly issued calls for the imposition of these penalties upon the military and police officers who committed these despicable acts against media personalities who were legitimately, not to mention bravely, performing their necessary tasks by covering the events of that fateful day of 29 November 2007;

**WHEREAS** the Philippine Senate, as the protector of the people against the excesses and abuses of the Arroyo government and its agents, including the military and police officers who were involved in the *Manila Peninsula caper*, fully supports the members of the media in the legitimate pursuit of their vocation and safeguards the constitutionally guaranteed freedom of the press;

**NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED**, that the Senate express its sense that the military and police officers who undertook, or otherwise participated in, the unwarranted and illegal arrest of media personnel during the Manila Peninsula standoff of 29 November 2007 should be meted out the appropriate penalties such as, but not limited to, the issuance of stern reprimands and the recording of such reprimands in the officers' respective personnel or "201" files.

Adopted,

  
M. A. MADRIGAL