

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



Senate
Office of the Secretary

'16 SEP 28 P3:33

SENATE

P. S. RES. NO. 174

RE :

BY :

Introduced by **SENATORS LEILA M. DE LIMA**
and **ANTONIO F. TRILLANES IV**

RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE APPARENT MISMANAGEMENT AND/OR INCOMPETENCE OF THE NATIONAL BILIBID PRISON BY THE BUREAU OF CORRECTIONS AND THE PHILIPPINE NATIONAL POLICE LEADING TO A BRAWL THAT CAUSED THE DEATH OF A HIGH PROFILE INMATE AND SERIOUS PHYSICAL INJURIES TO OTHERS, AND THE ALLEGED HUMAN RIGHTS VIOLATIONS COMMITTED AGAINST OTHER INMATES, WITH THE END IN VIEW OF ENACTING REMEDIAL LEGISLATION THAT WOULD PREVENT RECURRENCE OF SIMILAR INCIDENTS

WHEREAS, the Constitution, Article 2, provides that the State values the dignity of every human person and guarantees full respect for human rights;

WHEREAS, the Constitution, Article 3, Section 19(2) provides that the employment of physical, psychological, or degrading punishment against any prisoner or detainee or the use of substandard or inadequate penal facilities under subhuman conditions shall be dealt with by law;

WHEREAS, the Philippines has ratified international covenants such as the United Nations International Covenant on Civil and Political Rights, and the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and as such is duty bound to ensure that it shall undertake measures to protect individuals from arbitrary taking of life, and ascertain that reasonable and humane treatment of inmates while serving prison time;

WHEREAS, Republic Act No. 10575, "An Act Strengthening the Bureau Of Corrections And Providing Funds Therefor", or "The Bureau of Corrections Act of 2013", declares as State Policy to promote the general welfare and safeguard the basic rights of every prisoner incarcerated in the national penitentiary;

WHEREAS, the Bureau of Corrections Act also adopts the "United Nations Standard Minimum Rules for the Treatment of Prisoners" otherwise known as the "Nelson

Mandela Rules” and guarantees standards of humane treatment and decent living conditions of the prisoners;

WHEREAS, on 20 July 2016, 320 members of Philippine National Police Special Action Force (PNP SAF) assumed management of the New Bilibid Prison (NBP) in Muntinlupa, while the Bureau of Correction (BuCor) employees are undergoing re-training;¹

WHEREAS, under Republic Act 6975, PNP SAF’s function is to act “as a mobile strike force or reaction unit to augment regional, provincial, municipal and city police forces for civil disturbance control, counterinsurgency, hostage-taking rescue operations, and other special operations”;

WHEREAS, ABS-CBN News and other media outlets, on 28 September 2016, reported that convicted crime lord Tony Co was killed while four others were wounded in a stabbing incident at the national penitentiary, while drug convict Peter Co was in critical condition while two others, Vicente Sy and Jaybee Sebastian, were being treated in the hospital. Another inmate, Clarence Dongail, was also stabbed with an ice pick but chose to be treated outside of the hospital;²

WHEREAS, in the same report, it said that the incident started when an inmate named Edgar Cinco saw Sy and the two Co's using shabu inside a cell and told Dongail, who confronted the three. Dongail then went into Sebastian's cell, where the brawl ensued;

WHEREAS, earlier, on 24 July 2016, the Philippine Daily Inquirer reported that many inmates were complaining that PNP SAF is using violence to enforce prison rules, according to the NBP Chaplain, Msgr. Roberto Olaguer;³

WHEREAS, on the same report, Msgr. Olaguer said that a SAF officer allegedly punched a prisoner in the stomach for not wearing the orange NBP uniform. Another inmate also took a punch just for saying “good morning” to an officer; a Muslim inmate was called out for sporting a beard, which a SAF member allegedly pulled;

WHEREAS, there are also credible reports that inmates and gang members are being taken by SAF personnel for “overnight interrogation sessions”. Prisoners are being selected and isolated just to be intimidated into fabricating testimonies to support any case that the Department of Justice wants to file;

WHEREAS, GMA News Network on 20 September 2016 reported that Department of Justice Secretary Vitaliano Aguirre is requesting that PNP SAF be allowed to watch over NBP beyond three (3) months as initially agreed;⁴

¹ Cupin, B. *PNP's elite striking force now man New Bilibid Prison*. Rappler (20 July 2016)
Retrieved from <http://www.rappler.com/nation/140367-new-bilibid-prison-pnp-saf>

² *Crime lord killed, 3 others hurt in Bilibid stabbing incident*. ABS-CBN News (28 September 2016)
Retrieved from <http://news.abs-cbn.com/news/09/28/16/crime-lord-killed-3-others-hurt-in-bilibid-stabbing-incident>

³ Tayao-Juego, *SAF's heavy hand grips Bilibid*. Inquirer.net. (24 July 2016)
Retrieved from <http://newsinfo.inquirer.net/798574/safs-heavy-hand-grips-bilibid>

WHEREAS, the so-called prison "riot" that seriously injured Jaybee Sebastian came only days after he said that he does not want to testify on alleged drug trade proliferation in NBP;⁵

WHEREAS, the same alleged prison riot revealed that despite the entry of PNP SAF and the overhaul of the NBP management, the inmates still manage to smuggle drugs and weapons into the facility;

WHEREAS, the same alleged prison riot that caused the death of a high profile prison inmate and serious physical injuries to others can only be the result of serious, if not criminal, negligence on the part of BUCOR and PNP;

WHEREAS, the prison riot proves that even with the use of unnecessary violence, the PNP SAF has failed to prevent this fatal brawl among high profile inmates;

WHEREAS, the alleged maltreatment of NBP inmates constitutes breaches of human rights of prisoners under our domestic laws as well as under Philippines' legally binding obligations in international treaties, for which the BUCOR and PNP can be held accountable as state actors;

WHEREAS, as provided by the Constitution, under our laws and human rights treaties, it is imperative to properly address these issues and prevent recurrence through relevant legislation;

NOW THEREFORE, BE IT RESOLVED, as it is hereby resolved by the Philippine Senate, to direct the proper committee, to conduct an inquiry in aid of legislation, on the isolation, intimidation, maltreatment, torture and other alleged human rights violations perpetrated by the PNP SAF in the NBP, and the most recent incident at the Building 14 of NBP, with the end in view of enacting remedial legislation that would prevent recurrence of similar incidents.

Adopted,


LEILA M. DE LIMA


ANTONIO F. TRILLANES IV

⁴ Dioquino, R. *Aguirre wants SAF to extend tour of duty at New Bilibid Prison*. GMA Network. (20 September 2016) Retrieved from <http://www.gmanetwork.com/news/story/582113/news/nation/aguirre-wants-saf-to-extend-tour-of-duty-at-new-bilibid-prison#sthash.kwtPsE8B.dpuf>.

⁵ Torres, Techie. *Jaybee Sebastian wants to testify on food supply issue, not drug ties*. Inquirer.net (26 September 2016). Retrieved from <http://newsinfo.inquirer.net/819072/jaybee-sebastian-wants-to-testify-on-food-supply-issue-not-drug-ties>