

16 OCT 20 10:28

SENATE  
P.S. Res 210

RECEIVED BY: J

---

Introduced by Senator Poe

---

**RESOLUTION**

**URGING THE SENATE COMMITTEE ON PUBLIC ORDER AND DANGEROUS DRUGS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE REPORTED VIOLENT DISPERSAL OF PROTESTERS AT THE UNITED STATES EMBASSY, IN ORDER TO FORMULATE MEASURES ENSURING COMPLIANCE BY THE PHILIPPINE NATIONAL POLICE (PNP) WITH THEIR RULES OF ENGAGEMENT; TO CRAFT MEASURES TO DETER THE USE OF EXCESSIVE FORCE AND VIOLENCE DURING RALLIES, PROTESTS, AND PUBLIC ASSEMBLIES; AND TO CREATE LEGISLATION THAT WILL ENSURE THAT THOSE WHO PERFORMED UNLAWFUL ACTS DURING THE INCIDENT WILL BE HELD ACCOUNTABLE**

**WHEREAS**, the Constitution, Article 3, Section 4 states: “No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances”;

**WHEREAS**, according to various media reports, around 1,000 people marched towards the United States (US) Embassy around 10:30 a.m. on 19 October 2016 to protest against the US Government;<sup>1</sup>

**WHEREAS**, the protesters were comprised mostly of militant groups, indigenous people, and students;

**WHEREAS**, it was reported that members of the Philippine National Police (PNP) attempted to halt the protest by using water cannons but to no avail; thus, the protesters were able to position themselves in front of the US Embassy;

---

<sup>1</sup> Video Footage and Report courtesy of ABS-CBN’s “TV Patrol”. Woody, Christopher, “Police ran over protesters with a van during an anti-US demonstration in the Philippines”, *Business Insider*, 19 October 2016, <http://www.businessinsider.com/police-run-over-philippine-protesters-2016-10> . *Associated Press, Inquirer.net*, “Police officer denies deliberately hitting protesters at US Embassy”, 20 October 2016, <http://newsinfo.inquirer.net/827803/police-officer-denies-deliberately-hitting-protesters-at-us-embassy>.

**WHEREAS**, it was also alleged that the protesters threw red paint towards the embassy thereby hitting PNP personnel guarding the gates;<sup>2</sup>

**WHEREAS**, several police officers were reportedly wounded by objects thrown at them during the “initial” confrontation between the two camps in front of the US Embassy;<sup>3</sup>

**WHEREAS**, video footages show that the protesters were able to obtain a water hose allegedly from a fire truck and used the same to obstruct the road in front of the US Embassy where they set up a stage for their protest program;<sup>4</sup>

**WHEREAS**, as the program was about to end, however, additional forces from the PNP arrived and attempted to drive away the protesters again;<sup>5</sup>

**WHEREAS**, reports claimed that the PNP used tear gas, truncheons, and water cannons against the rallyists as some of them allegedly tried to break through the line of police securing the embassy’s gates;<sup>6</sup>

**WHEREAS**, the police mobile, surrounded by angry protesters, suddenly moved back and forth, ramming over the rallyists, thereby injuring some of them;<sup>7</sup>

**WHEREAS**, the video of the dispersal went viral and earned the ire and anger of netizens, government officials, and concerned citizens all over the world;

**WHEREAS**, the driver of the police mobile, PO3 Franklin Kho, claimed that the protesters were about to take his vehicle, thus prompting him to reverse it;<sup>8</sup>

**WHEREAS**, reports state that 40 police officers and 50 protesters were hurt during the incident; while, 28 protesters (including 2 minor Lumad girls and 4 first aid personnel) were arrested but later on released in the afternoon of the incident;<sup>9</sup>

**WHEREAS**, it was reported that the PNP, in response to public clamor, is conducting an investigation to determine the liabilities of all parties involved in the violent dispersal; and

---

<sup>2</sup> *Ibid at 1.*

<sup>3</sup> *Ibid at 1.*

<sup>4</sup> *Ibid at 1.*

<sup>5</sup> Video Footage and Report courtesy of ABS-CBN’s “TV Patrol”.

<sup>6</sup> “Police van rams protesters outside US embassy in Manila”, *Al Jazeera*, 19 October 2016, <http://www.aljazeera.com/news/2016/10/police-van-rams-protesters-embassy-manila-161019131238539.html>

<sup>7</sup> *Ibid at 1.*

<sup>8</sup> *Ibid at 1.*

<sup>9</sup> See, Aie, “Police van rams protesters, disperses rally at US embassy,” *Philippine Daily Inquirer*, 20 October 2016, <http://newsinfo.inquirer.net/827774/police-van-rams-protesters-disperses-rally-at-us-embassy>

that all injured parties from both the militant groups and government forces were given proper medical attention;<sup>10</sup>

**WHEREAS**, it was also later reported that nine members of the Manila Police District have been relieved from their post, including Kho, and Senior Superintendent Marcelino Pedrozo, the ground commander at the rally who allegedly ordered the violent dispersal;<sup>11</sup>

**WHEREAS**, it is the prime duty of the Government to serve and protect the people,<sup>12</sup> to maintain peace and order,<sup>13</sup> to protect life, liberty and property and the promotion of the general welfare which are all essential for the enjoyment by all the people of the blessings of democracy;<sup>14</sup>

**WHEREAS**, the Constitution enshrines every Filipino's inalienable rights in its Bill of Rights, including but not limited to the people's right to free speech and their right to peaceably assemble and petition the government for redress of grievances;<sup>15</sup>

**WHEREAS**, though it could be argued that the protesters might have crossed the line at some point during the violent dispersal at the US Embassy, it is clear that the act of PO3 Franklin Kho in repeatedly ramming and running over numerous protesters with his police mobile without due regard to their presence and safety is an act worthy of utmost condemnation, and should rightfully be labeled "barbaric" and "illegal";

**WHEREAS**, although the right to assemble can be regulated,<sup>16</sup> it can only be done with regard to the time, place and manner;<sup>17</sup>

**WHEREAS**, however, when necessary, its limitation should only be due to clear and present danger, meaning danger that is both grave and imminent, of a serious evil to public safety, public morals, public health, or any other legitimate public interest;<sup>18</sup>

**WHEREAS**, the rule of law, the rules of engagement and civility should never be compromised, especially by government forces since it is upon them that ultimate power and machinery of the State reside;

---

<sup>10</sup> Viray, Patricia, "PNP looking into violent dispersal outside US embassy," *The Philippine Star*, 19 October 2016, <http://www.philstar.com/headlines/2016/10/19/1635234/pnp-looking-violent-dispersal-outside-us-embassy>.

<sup>11</sup> De Jesus, Julliane, "Van driver, manila cops relieved over violent dispersal", *Inquirer.net*, 20 October 2016, <http://newsinfo.inquirer.net/827858/van-driver-manila-cops-relieved-over-violent-dispersal>.

<sup>12</sup> Section 4, Article II of the Constitution.

<sup>13</sup> Section 5, Article II of the Constitution.

<sup>14</sup> Section 5, Article II of the Constitution.

<sup>15</sup> Section 4, Article III (Bill of Rights) of the Constitution.

<sup>16</sup> *Primicias v. Fugoso*, G.R. No. L-1800.

<sup>17</sup> *Reyes v. Bagatsing*, G.R. No. L-65366; *Bayan v. Ermita*, G.R. No. 169838.

<sup>18</sup> *Id.* at 17.

**WHEREAS**, we should be reminded that government was established to protect the people; thus, its power should not be unleashed against defenseless citizens;

**WHEREAS**, there is a serious need to re-assess and, possibly, reformulate the PNP's Rules of Engagement in order to ensure that government forces will not cross the line during such encounters;

**WHEREAS**, it also goes without saying that due process must be followed to ensure that police officers who cross the line during violent dispersals will be made liable and accountable for their actions;

**BE IT RESOLVED, AS IT IS HEREBY RESOLVED**, by the Senate of the Philippines, urging the Senate Committee on Public Order and Dangerous Drugs to conduct an inquiry, in aid of legislation, on the reported violent dispersal of protesters at the United States Embassy, in order to formulate measures ensuring compliance by the Philippine National Police (PNP) with their rules of engagement; to craft measures to deter the use of excessive force and violence during rallies, protests, and public assemblies; and to create legislation that will ensure that those who performed unlawful acts during the incident will be held accountable.

*Adopted.*



GRACE POE