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SENATE

COMMITTEE REPORT NO. 18

Submitted by the Committee on Justice and Human Rights jointly
with the Committee on Public Order and Dangerous Drugs on
December 07, 2016

Re: Proposed Senate Resolution No. 9 by Sen. Leila M. De
Lima, Proposed Senate Resolution No. 151 by Sen. Antonio F.
Trillanes IV, and Privilege Speeches of Sen. Leila M. de Lima,
Sen. Alan Peter S. Cayetano and Sen. Risa Hontiveros, all
delivered on August 2, 2016 about extra-judicial killings

Recommending its approval.

Sponsor: Senator Richard J. Gordon

MR. PRESIDENT:

The Committee on Justice and Human Rights jointly with the Committee on Public Order and Dangerous Drugs have conducted an inquiry, in aid of legislation, on the following referrals:

Proposed Senate Resolution No. 9, introduced by Senator Leila M. De Lima, entitled:

RESOLUTION DIRECTING THE SENATE COMMITTEE ON JUSTICE AND HUMAN RIGHTS TO INVESTIGATE, IN AID OF LEGISLATION, THE RECENT RAMPANT EXTRA-JUDICIAL KILLINGS AND SUMMARY EXECUTIONS OF SUSPECTED CRIMINALS, TO STRENGTHEN THE MECHANISMS OF ACCOUNTABILITY OF LAW ENFORCERS, AND TO INSTITUTE CORRECTIVE LEGISLATIVE MEASURES TO ENSURE FULL RESPECT FOR BASIC HUMAN RIGHTS, ESPECIALLY THE RIGHT TO LIFE

Proposed Senate Resolution No. 151, introduced by Senator Antonio F. Trillanes IV, entitled:

RESOLUTION URGING THE SENATE COMMITTEE ON JUSTICE AND HUMAN RIGHTS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE ALLEGED EXTRA-JUDICIAL OR SUMMARY KILLINGS PURPORTEDLY COMMITTED BY THE “DAVAO DEATH SQUAD”, WITH THE INTENTION OF COMING UP WITH REMEDIAL LEGISLATION TO ENSURE THE PROTECTION OF THE PEOPLE’S BASIC HUMAN RIGHTS, AND THEIR RIGHT TO LIFE AND THE OBSERVANCE OF DUE PROCESS OF LAW IN THE GOVERNMENT’S CONDUCT OF ITS CAMPAIGN AGAINST TERRORISM, DRUGS AND STREET CRIMES.

and the Privilege Speeches on extra-judicial killings by Sen. Leila M. De Lima, Sen. Alan Peter S. Cayetano, and Sen. Risa Hontiveros, all delivered on August 2, 2016.

The Chairman would like to thank the members of the Committee and the staff for their time and efforts in completing the investigation and in their valuable contributions to this Report.

The Committee has the honor to submit its Report, after conducting an inquiry and six hearings, to the Senate.

Recommending the adoption of the recommendations contained herein.

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Killings With Impunity: A Time To Act

Joint Committee Report No. _____ Committee on Justice and Human Rights jointly with the Committee on Public Order and Dangerous Drugs

Senator Richard Gordon, Chairman
Senator Panfilo Lacson, Co-Chair

Committee Report

I. INTRODUCTION – THE INVESTIGATION

President Rodrigo Roa Duterte's election was achieved by having a 6.0 million vote margin over his nearest opponent. Voters embraced his speaking clearly and forcefully of his intention to, among others, address and quash the trade in illegal drugs within three to six months from his assumption of office. With 94% of barangays in the National Capital Region (NCR) alone affected by illegal drugs according to Philippine National Police (PNP) statistics, destroying the drug menace was likewise the most potent campaign battle cry of the newly installed President Duterte.

And who would not be persuaded? Illegal drugs are indeed a menace – to individuals, to family, to the community, to the government and to the country. Thus, the President chose to focus his attention on this problem for the first 100 days of his presidency; he later on admitted that he needed an extension. It became apparent to the great majority of the people that there is a President who has become serious in acting on the illegal drugs problem and face it head on, with focus and determination. As the President publicly declared war against the drug menace, it is reported that

there are 4,248 killings all over the Philippines from July 1, 2016 to October 11, 2016 alleged mainly to be drug-related.

Thus, Sen. Leila M. De Lima filed Senate Resolution (SR) No. 9 on July 13, 2016 calling for an investigation in aid of legislation on the recent and rampant extra-judicial killings in relation to illegal drugs and criminality. Privilege Speeches on extra-judicial killings by Sen. De Lima, Sen. Alan Peter S. Cayetano, and Sen. Risa Hontiveros, all delivered on 2 August 2016, were referred to the Committee. While the Committee hearings were already ongoing, then Committee Chair, Senator De Lima, on September 15, 2016, introduced a surprise witness, Edgar Matobato, to testify on the existence of a Davao Death Squad allegedly reporting directly to then Davao City Mayor (now President), Rodrigo Roa Duterte. Matobato's testimony, for which he had not submitted any affidavit, was beyond the scope of SRN 9. To cure this deficiency, Senate Resolution No. 151 was filed by Sen. Antonio F. Trillanes IV to investigate the existence of the alleged Davao Death Squad and the extra-judicial killings purportedly ordered by the President while he was still the Mayor of Davao City.

II. A SUMMARY OF THE INVESTIGATIVE HEARINGS

Six (6) hearings were conducted in total for the investigation on extra-judicial killings: August 22, August 23 and September 15 under the chairmanship of Sen. De Lima; and September 22, October 3 and October 13 under the chairmanship of Sen. Richard J. Gordon. The change of chairmanship occurred on September 19, 2016, when a majority of the

Senators declared the position of Chairman vacant for loss of trust and confidence in Sen. De Lima (by a vote of 16 in favor, 4 against and 2 abstentions). The Senate then chose Senator Gordon to replace Senator De Lima as Chair to eliminate any doubt of partiality in the conduct of the controversial, high-profile investigation since it was public knowledge that Sen. De Lima and President Duterte were on diametrically opposed political persuasions.

1) August 22, 2016 Hearing – Chair: Sen. Leila M. De Lima

In the opening speech of the former Committee Chairperson, Senator De Lima emphasized that the reason for holding the Senate inquiry in aid of legislation in addressing the recent and rampant summary execution of alleged drug suspects is two-fold: first, extra-judicial or extra-legal killings, whether perpetuated by state or non-state actors, must stop. Blatant disregard for human life has to stop.¹ Senator De Lima likewise outlined the five-fold agenda of Proposed Senate Resolution (PSR) No. 9, which are: (1) to determine or check on the abuses committed by law enforcers conducting operations in pursuit of those who are allegedly involved in the illegal drug trade; (2) to reinforce our legal regime to address the phenomenon of vigilantism and summary killings; (3) to enhance legal mechanisms of accountability of state and non-state actors; (4) to strengthen the roles and responsibilities of relevant government agencies especially the Commission on Human Rights (CHR), the Internal Affairs

¹ TSN 22 August 2016, p. 10.

Service (IAS) of the PNP, the Ombudsman, and the National Bureau of Investigation (NBI), that are mandated to investigate cases of extra-judicial killings and summary executions that are perpetrated and/or tolerated by public officers; and, (5) to institute legislative measures to ensure that fundamental rights especially the right to life are respected by authorities.²

Senator Panfilo M. Lacson, the Chairperson of the Committee on Public Order and Dangerous Drugs and Co-Chair for the proceedings and Vice-Chair of the Committee on Justice and Human Rights, expressed his reservation in holding the Senate inquiry since this may affect the momentum that the police has gained over a short period through life-risking work of fighting illegal drugs, which must not be deterred by legislative inquiries such as the one being conducted by the Committee. He further added that he has never seen anything on the scale of the current anti-illegal drugs campaign under this administration.³

Senator Cayetano, for his part, made certain clarifications since it is being made to appear in the media that rampant killings are being perpetrated under President Duterte when statistics would show that for the years 2010 to 2015, an average of 35 persons were killed daily,⁴ as opposed to the tally of 20 persons under the Duterte administration. Senator Cayetano likewise said that the use of the phrase “extra-judicial killing” is a misnomer since according to two justices, every killing outside

² Id., p. 12.

³ Id., p. 17.

⁴ Id., p. 22.

of the death penalty is extra-judicial.⁵ Further, A.O. No. 35, does not treat crimes committed against common criminals as extra-judicial killings.⁶ According to Sen. Cayetano, the anti-drug operations rose by 215% with the haul for illegal drugs under the Duterte administration amounting to 2.3 Billion pesos in 48 days.⁷

In her opening remarks, Senator Risa Hontiveros emphasized that the war on drugs should not be reduced to killings. It must be a just campaign to promote new beginnings. In the government's war against drugs, she says we cannot play gods and decide whose lives matter and whose lives don't. The focus of the war on drugs should be shifted from vendetta to real justice, from shortcuts to reforms, from punishment to treatment, from mere killing to healing. Taking this approach is not only restorative and just, but it is also the more humane path.⁸

In Senator Juan Miguel "Migz" F. Zubiri's opening statement, he highlighted that even people who have stable jobs and live comfortable lives are affected by the drug problem because of the ease of access and affordable price of drugs proliferating in the community.⁹

Resource Person: Gen. Ronald Dela Rosa

Philippine National Police (PNP) Director General Ronald "Bato" Dela Rosa reported that the magnitude of the drug problem in the Philippines has become worse and persistent at the grassroots level with 27% of the

⁵ Id., p. 23.

⁶ Id., p. 24.

⁷ Id., p. 26.

⁸ Id., pp. 31-32.

⁹ Id., p. 34.

42,065 barangays nationwide being drug affected and with 94% of the barangays in NCR recorded as also being drug affected.¹⁰ General Dela Rosa thereafter reported that through the PNP Anti-Illegal Drugs Campaign Plan Double Barrel, from July 1 to August 21, 2016, the police authorities were able to arrest a combined total of 10,153 drug pushers and users with more than 600,000 individuals surrendering to the police. He also reported that in more than 6,000 police operations conducted in various regions nationwide, 718 were killed as a result of police operations, and illegal drugs with an estimated value of P2.3 billion confiscated.¹¹

General Dela Rosa stressed that the PNP stand against extra-judicial killing is uncompromising. If any policeman is found to have violated the law on self-defense, he will be investigated, prosecuted and accordingly punished. On the speculations of vigilante killings, the PNP Chief said that the PNP does not and will never condone vigilante killings. He assured everyone that the PNP remains loyal to its sworn mandate to serve and protect the Filipino people in accordance with the rule of law.¹²

Resource Person: CHR Chairperson Chito Gascon

The Commission on Human Rights (CHR) immediately expressed its wish for the Duterte administration to guarantee the people's right to a secure and peaceful life. The CHR called on the Duterte administration to ensure, in its fight against illegal drugs and criminality, that the requisites under the Constitution and human rights should be followed. The right to

¹⁰ Id., pp. 37-38.

¹¹ Id., p. 39.

¹² Id., p. 40.

due process and presumption of innocence should always be at the forefront of the law enforcement process.¹³

Resource Person/Witness: Harra Kazuo – Bertes Case (Pasay City)

Harra Kazuo is the pregnant “live-in partner” of Jaypee Bertes, a person killed by the police who was allegedly involved in drugs. She testified that Jaypee and his father, Renato Bertes, were killed on July 6, 2016 while detained by the Pasay police. According to Kazuo, in the evening of July 6, as they were about to sleep, three uniformed policemen came into their house, woke up her husband and asked him where the drugs were.¹⁴ The police then proceeded to search their house without showing a search warrant.¹⁵ She further testified that one policeman even took off the underwear of her two-year-old daughter and did an anal search purportedly to ensure that no illegal drugs was kept there.¹⁶

Kazuo admitted that, in 2015, her husband was caught twice by the police: one because of playing *cara y cruz*¹⁷ and the second time, because he sold shabu. On both occasions, no case was filed because they paid off the policemen, P20,000 for the *cara y cruz* charge and P10,000 for the illegal drugs charge.¹⁸

¹³ Id., p. 41-43.

¹⁴ Id., p. 57.

¹⁵ Id., p. 69-70.

¹⁶ Id., p. 73.

¹⁷ *Cara y cruz* is prohibited under P. D. No. 1602 (Prescribing Stiffer Penalties on Illegal Gambling), as amended by Republic Act No. 9287 (An Act Increasing The Penalties for Illegal Numbers Games, Amending Certain Provisions of PD No. 1602, and for Other Purposes).

¹⁸ Id., p. 66.

Kazuo testified that nine (9) policemen arrested her partner and his father, Renato, at the family home, despite the lack of a warrant of arrest.¹⁹ She further testified that the two men were beaten up and brought to the local police station, and were later shot and killed at the Station Against Illegal Drugs (SAID)²⁰ Office in Pasay City.

Upon further inquiry with the CHR, and in subsequent hearings, the Joint Committee was informed that the Bertes case for murder is under Preliminary Investigation pending before the City Prosecutor of Pasay who will determine the existence of probable cause and the propriety of filing a case in court.

Resource Person/Witness: Mary Rose Aquino – Campos Case (Antipolo)

Mary Rose is from Antipolo, 23 years old, one of five children of Rodelio and Rosalie Campos. She testified that on June 20, 2016, her mother received two phone calls, one from PO3 Torres and another from a certain “Rabe” who is also a policeman. The latter call was answered by her father. Her father placed the call on speaker phone and she heard Rabe very angrily requiring her parents to proceed to a certain location and for them to remit the money (P50,000.00²¹) earned from the sale of shabu.²²

¹⁹ Id., p. 86.

²⁰ Id., p. 83.

²¹ Id., p. 202.

²² Id., p. 186-189.

She testified that her parents were both users and sold drugs which allegedly came from the police in Antipolo City. She also admitted that she saw the police having pot sessions with her parents in their house.²³ Mary Rose likewise testified that around 8 p.m. of the same day, her uncle received a text message from her mother saying that if she and her husband end up dead, it was a certain Hong, a policeman, who killed them.²⁴ She said that her parents were killed after saying that they will stop selling drugs²⁵ and that she knew about their death only when a policeman called her.²⁶

2) August 23, 2016 Hearing – Chair: Sen. Leila M. De Lima

**A. PNP DIRECTOR GENERAL RONALD “BATO” DELA ROSA’S
PRESENTATION ON THE COUNTRY’S ‘WAR ON DRUGS’**

PNP Dir. Gen. Dela Rosa gave a presentation on the current administration’s ‘War on Drugs’. He showed the country’s current situation in terms of crime rate; the PNP’s previous initiatives composed of managing police operations and Kontra Droga Charlie; the PNP’s current campaign plan on anti-illegal drugs called “Double Barrel” which consists of two approaches – Project Tokhang and Project High Value Targets (HVT); and the deaths under investigation or those reported killings which are outside of the police operations.²⁷

²³ Id., p. 192-193.

²⁴ Id., p. 202.

²⁵ Id., p. 190.

²⁶ Id., p. 207.

²⁷ TSN, 23 August 2016, p. 11.

B. THE ‘DOUBLE BARREL’ PROJECT

The PNP, in compliance with the directive of the President, introduced a more focused police operational concept against illegal drugs and crafted the anti-illegal drugs campaign plan, “Double Barrel.”

The PNP campaign Double Barrel is being conducted on a two-pronged approach named, ‘Project Tokhang’, which is the conduct of house-to-house visitations to persuade suspected illegal drug personalities to stop their involvement in drugs; and ‘Project HVT’ or High Value Targets which is a massive and reinvigorated conduct of operations against illegal drugs, targeting druglords and drug syndicates.²⁸

After seven weeks of implementing Double Barrel, the PNP has already persuaded 673,978 drug personalities to surrender and personally appear in the police stations nationwide for processing. Also, 11,784 users and pushers were arrested while 756 were killed during police operations.²⁹

C. DEATHS UNDER INVESTIGATION (DUI)

According to Dir. Gen. Dela Rosa, there were 2 PNP personnel, 8 AFP members, 29 elected government officials, 10 government employees and 1,111 civilians whose deaths are still under investigation.³⁰ He emphasized that not all the DUIs are drug-related cases. Initial investigations revealed that 33 deaths were because of personal grudges

²⁸ TSN, 23 August 2016, p. 13.

²⁹ TSN, 23 August 2016, p. 14.

³⁰ TSN, 23 August 2016, p. 19.

and 7 because of theft, 757 are still undetermined, while 273 were due to the persons killed being involved in illegal drug activities.³¹

D. INSPECTOR GENERAL OF THE INTERNAL AFFAIRS SERVICE (IAS) SHOULD BE A CIVILIAN

Dir. Gen. Dela Rosa said that the list of applicants for the position of Inspector General of the Internal Affairs Service (IAS) has been submitted to the Office of the President. Sen. Panfilo M. Lacson emphasized that such a position shall be open only to civilians as mandated by **Sec. 40 of Republic Act 8551**.³²

E. CASES PENDING WITH THE INTERNAL AFFAIRS SERVICE (IAS)

IAS Acting Inspector General Leo Angelo Leuterio said that they have recorded 569 police operations resulting in 581 persons killed. Cases pending for investigation are 222; 23 have been terminated and those under pre-charge investigation are, more or less, 63.³³

Moreover, based on the IAS data, 196 police commissioned officers and 210 police non-commissioned officers were involved in these “shenanigans” during drug-related operations of the PNP.³⁴

³¹ Ibid.

³² TSN, 23 August 2016, p.31.

³³ TSN, 23 August 2016, p.32.

³⁴ TSN, 23 August 2016, p. 34.

F. OPLAN TOKHANG

Gen. Dela Rosa said that in Oplan Tokhang, the PNP's house-to-house visit in villages, the police cannot enter private houses without search warrants.³⁵

The procedure for Oplan Tokhang is as follows³⁶:

1. Data collection will come from barangay captains and from the Barangay Anti-Drug Abuse Council.
2. Such data is submitted to the Chief of Police and he, through his intelligence section, will validate the names.
3. After validation, the list is finalized and the names validated are scheduled for an Oplan Tokhang operation. "Tokhang" is derived from "Toktok Hangyo", which basically means to knock and plead in the Visayan language ("Bisaya").

G. COMMISSION ON HUMAN RIGHTS (CHR) DEFINED 'EXTRA-JUDICIAL KILLINGS'

CHR Chairperson Chito Gascon adopted the report of UN Special Rapporteur Philip Alston which defined extra-judicial killing as "any killing by government forces as well as the killing by any other groups or individuals which the government failed to investigate, prosecute and punish when it is in a position to do so."³⁷

³⁵ TSN, 23 August 2016, p. 65.

³⁶ TSN, 23 August 2016, p. 59.

³⁷ TSN, 23 August 2016, p. 238.

He said that this was the definition used by the previous administration when it issued Department of Justice (DOJ) Administrative Order (A.O.) No. 35 which created the inter-agency committee on extra-legal killings, enforced disappearances, torture and other grave violations of the right to life, liberty and security of persons.³⁸

What makes a killing an extra-judicial one? There is a broad definition by UN Special Rapporteur on Extra-judicial Killings Philip Alston which is not confined to death that is state-sponsored. To reiterate: “any killing by government forces as well as the killing by any other groups or individuals which the government failed to investigate, prosecute and punish when it is in a position to do so.”³⁹ It bears stressing that under this definition, while a killing may not have been committed by government forces, it may still be considered extra-judicial if the police, or government, failed to investigate and prosecute. In short, the mere inaction or incompetence of the police to conduct investigations on killings may classify the same as extra-judicial.

While the Philippines has not yet enacted a law defining extra-judicial killings, Department of Justice Administrative Order (A.O.) No. 35, issued on November 22, 2012, defines Extra-Legal Killings (ELK) or Extra-Judicial Killings (EJK), as follows:

ELK/EJK will refer to killings wherein:

a. The victim was:

i. a member of, or affiliated with an organization, to include political, environmental, agrarian, labor, or similar causes; or

³⁸ TSN, 23 August 2016, p. 239.

³⁹ Note 37, *supra*.

- ii. an advocate of above-named causes; or
 - iii. a media practitioner, or
 - iv. person(s) apparently mistaken or identified to be so.
- b. The victim was targeted and killed because of the actual or perceived membership, advocacy, or profession;
- c. The person/s responsible for the killing is a **state agent** or **non-state agent**;
- d. The method and circumstances of attack reveal a deliberate intent to kill;

For purposes of the focused mandate of A.O. No. 35, **killings related to common criminals** and/or the perpetration of their crimes shall be addressed by other appropriate mechanisms within the justice system.⁴⁰ Hence, petty or common crimes are exempted from the definition of extra-judicial killings, based on the administrative order. He also testified that it was during the time of former President Gloria Macapagal-Arroyo that the Philippines had the record of the most number of extra-judicial killings involving activists, militants, labor union leaders, environmentalists and peasant leaders.⁴¹

⁴⁰ Operational Guidelines of Administrative Order No. 35.

⁴¹ TSN, 23 August 2016, p. 241.

3) September 15, 2016 Hearing – Chair: Sen. Leila M. De Lima

Matobato as the Surprise Witness

The Justice Committee Chairperson, in an unprecedented move, introduced Edgar Matobato as a witness in order to provide a correlation between the current rising death toll in the country and the events in Davao City in the early to mid 1990s under the leadership of then Mayor now President Duterte.

According to Mr. Matobato, he appeared before the Joint Committee in order to give justice to the people whom he killed and to let the people know what they previously did in Davao City. He testified how he became part of the alleged “Davao Death Squad” (DDS). According to Mr. Matobato, the DDS is comprised of rebel returnees, Davao Policemen from the Heinous Crimes Section, namely: Arthur Lascañas, Samson Buenaventura, Rizalino Aquino, Bienvenido Furog, Rey Capote, Reynante Medina, Donito Ubales, among others. He also testified that the DDS killed several persons under the orders of then Mayor Duterte or his son Paolo Duterte. Among the people he identified as those killed by the DDS are: Sali Makdum, 4 security personnel detailed to then Speaker Prospero Nograles, Jun Barzabal, Jun Porras Pala, and Richard King.

Matobato further testified that he was tortured by Colonel Danao and Arthur Lascañas because he wanted to stop killing as he was getting older. When he was able to escape, he went to the DOJ, met with then DOJ Secretary Leila De Lima, on September 1, 2014 and asked to be placed

under the Witness Protection Program (WPP). He voluntarily left the WPP after Duterte won as President for fear of reprisal.

Incident between Sen. Trillanes and Sen. Cayetano

At a little past 1 p.m., while Senator Cayetano was interpellating witness Edgar Matobato, Senator Trillanes inquired whether Cayetano, a non-member of the Committee, is permitted to have unlimited questioning time taking into consideration that he has been given more than an hour as leeway to ask questions.⁴² Senator Trillanes went further and moved to declare Senator Cayetano as out of order for consuming so much time of the committee.⁴³ When Senator Cayetano attempted to answer, Senator Trillanes yet again made a motion to suspended the proceedings.⁴⁴ As there appeared to be tension between the parties, Senator De Lima, suspended the session at 1:20 p.m.⁴⁵

When the hearing resumed at 1:23 p.m.,⁴⁶ Senator Cayetano raised a point of order and manifested that Senator Trillanes is intimidating him by uttering phrases such as *“Hindi kita papopormahin”*, *“Nabubuo ba ang pangarap mo?”* and *“You are defending evil,”* etc.⁴⁷ The situation escalated to the point that Senator Cayetano requested to transfer seats so that Senator Trillanes would stop speaking to him.⁴⁸ In order to temper the rising ires of the Senators, then Committee Chairperson, Senator De Lima,

⁴² TSN, 15 September 2016, p. 218.

⁴³ *Id.*, p. 219.

⁴⁴ *Ibid.*

⁴⁵ *Id.*, p. 220.

⁴⁶ *Ibid.*

⁴⁷ *Id.*, p. 222.

⁴⁸ *Id.*, p. 224.

proposed that Senator Cayetano move to another line of questioning,⁴⁹ which Senator Cayetano obliged.

In a letter dated September 19, 2016, Sen. Trillanes, apologized to Sen. Cayetano for his behavior which he described as “uncalled for”.⁵⁰

4) The Ouster of Committee Chairman Sen. De Lima Due to Loss of Trust and Confidence– September 19, 2016, Plenary Session

Senator Emmanuel “Manny” D. Pacquiao, during the session held on September 19, 2016, moved that the chairmanship and membership of the Committee on Justice and Human Rights be declared vacant. Sixteen (16) Senators voted to declare the chairmanship and membership vacant, four (4) opposed and two (2) abstained. The Senators then voted to reorganize the Committee and the majority elected Senator Richard J. Gordon as Chair, Senator Panfilo M. Lacson as Vice Chair and Senators Alan Peter S. Cayetano, Leila M. De Lima, Emmanuel “Manny” D. Pacquiao, Francis “Kiko” Pangilinan and Grace Poe as members.⁵¹ Senator Antonio “Sonny” F. Trillanes, IV was later nominated by the Minority as their representative in the Committee.⁵²

The majority of the Senators decided to change the leadership of the Committee on Justice and Human Rights due to loss of trust and confidence in the former Chairman, Sen. De Lima, in view of the manner

⁴⁹ Id., p. 226.

⁵⁰ Trillanes apologizes to Cayetano, available at <http://www.gmanetwork.com/news/story/581897/news/nation/trillanes-apologizes-to-cayetano-it-won-t-happen-again> <last accessed on October 16, 2016>.

⁵¹ Journal dated September 19, 2016

⁵² Journal dated September 20, 2016

the September 15, 2016 hearing was conducted. The surprise witness Edgar Matobato was allowed to testify in detail though no advice was given to the other committee members, including the Vice Chair, Senator Lacson, that Edgar Matobato – would be presented. Furthermore, the facts and matters he disclosed to the Joint Committee took place many years ago, and did not contemplate the intent of Sen. De Lima's Senate Resolution No. 9, which pertained to "recent and rampant killings".

By "recent and rampant killings," it is understood that the extra-judicial killings that should be under investigation would involve those committed around the time President Duterte commenced office as President (June 30, 2016) until this day.

The appearance of Edgar Matobato appeared to be for the purpose of implicating the President in a vigilante group, called the "Davao Death Squad", to most likely show his propensity to order killings outside the rule of law. Matobato's testimony intended to pin down the President and make him culpable for killings allegedly committed by a death squad within his jurisdiction while he was still Davao City Mayor. But the existence of the DDS was not one of the facts that falls under Proposed Senate Resolution (PSR) No. 9, not being a recent and rampant killing. As a remedy thereto, the Senate agreed that it will allow to incorporate in the hearing the newly filed Senate Resolution No. 151, authored by Sen. Trillanes, which aimed to investigate the existence of the DDS, the extra-judicial killings it allegedly committed, which led the CHR to find a "distinct pattern of killings" which identified victims as "usually involved or suspected to have been involved in in illegal activities."

5) September 22, 2016 – Chair: Sen. Richard J. Gordon**a. The Chairman's Ground Rules in the Conduct of Hearings**

The new Committee Chairperson, Richard J. Gordon, introduced the following rules in the conduct of the committee hearings:

1. No witnesses shall be presented unless they have previously submitted affidavits to the Committee Chair. There shall be no surprise witnesses and only under exceptional circumstances will the same be allowed if there is a need. That will be determined upon consideration of the rest of the members of the Committee. The requirement for affidavits prior to the giving of the testimony is pursuant to Section 16 of Senate Rules No. 5.
2. Resource persons, as much as possible, should provide position papers prior to the committee hearing. And all requests for documents should be provided beforehand so that there is no need to formally ask for the document. The formal marking of the submitted documents may be made during the hearing.
3. The independent counsel will make the direct examinations to give an overview of the cases pending before the Committee. After the independent counsel has conducted the direct examinations, the Senators may proceed with propounding questions to the witnesses and resource persons. Senators should refrain or avoid from asking questions which have already been previously answered in length.⁵³
4. Senators who wish to propound questions may do so by using the

⁵³ The Committee subsequently decided not to engage independent counsel.

podium.

5. Each Senator shall be given 10 minutes to ask questions. The 10 minutes shall include all utterances of the Senators and shall not include answers by the witnesses.
6. The Chair, at his option, may grant time extension if the discussion is relevant and the point being made is well-taken.
7. The order of asking questions shall depend on the order of arrival of the senators.
8. In case of repetitive questions, the Chair shall regulate and classify these as “asked and answered” and request the senator to move on to the next question.
9. The Chair has the right to rule that the witness is out of order.
10. Everyone in the session hall should observe proper decorum at all times.

b. Matobato Recalled as Witness

Mr. Edgardo Matobato was once again recalled as witness. He testified for almost four hours, starting from 2:48 p.m.⁵⁴ until 6:38 p.m.⁵⁵

Before being allowed to testify, the hearing was suspended⁵⁶ in order that a lawyer may be located for Mr. Matobato. Atty. Marcos Babia from the Parliamentary Counselling Office⁵⁷ was chosen to assist Mr. Matobato. Sen. Juan Edgardo M. Angara probed into the lack of human rights training of Matobato as an alleged member of the Citizens Armed Forces

⁵⁴ TSN, 22 September 2016, p. 59.

⁵⁵ TSN, 22 September 2016, p. 278.

⁵⁶ TSN, 22 September 2016, p. 67.

⁵⁷ Ibid.

Geographical Unit (CAFGU) and if he regretted the killings he allegedly committed. To quote:

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“SEN. ANGARA. Bakit ulit-ulit na sinabi nyo na po na halos singkwenta po iyong napatay ninyo? Kung tingin mo hindi tama, hindi mo uulitin. Hindi ba?

Pero noong panahong iyon, iba iyong pananaw ninyo ngayon, Edgar? Iba ang pananaw mo noon, hindi ba? Though dati ang tingin ninyo tama iyong ginagawa ninyo?

MR. MATOBATO. Opo, sir.

SEN. ANGARA. Bilang CAFGU, wala bang training sa inyo tungkol sa human rights o karapatang pantao? Wala bang ganoong klaseng sinasabi sa inyo na dapat ang unang focus ninyo ay kung may kriminal ay dapat hinuhuli muna iyon bago pinapatay, wala bang training na ganoon?

SEN. ANGARA. So sa tingin ninyo hindi ba dapat lahat ng CAFGU sa bansa dapat may orientation na respetuhin ang buhay? Hindi ba mali iyong instruction na papatay ka kaagad? Kasi maaaring magkamali ka. Tingnan mo, sinabi mo nagkamali kayo doon sa tatlong pinatay ninyo--dalawa. Sabi mo hindi naman kriminal, wala namang kasalanan, hindi ba?

MR. MATOBATO. Opo, sir. Opo, sir.

SEN. ANGARA. Hindi ba sa ganoong klaseng istrategiya maraming inosenteng mamamatay?

MR. MATOBATO. Opo, sir. Kaya nga ako, sir, nakukusensiya nga ako. Umiwas na ako, sir, pero gusto naman nila akong i-salvage— patayin. So ang gusto ko lang pagpunta ko rito para malaman ng tao, sir.”⁵⁸

⁵⁸ TSN, 22 September 2016, p. 174-176.

With the many inconsistencies in the testimony of Matobato observed by the Senators (See **Annex A** on *Matobato Inconsistencies*), Sen. Pacquiao, in examining the witness, emphasized the propensity of the people not to believe the veracity of his conflicting statements and the possibility of the witness being coached. Sen. Pacquiao's interpellation of Matobato is quoted herein, to wit:

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“SEN. PACQUIAO. Ano pang mga dahilan para ikaw ay magtiwala sa isang tao at pagkatiwalaan mo, pani-walaan mo siya?

MR. MATOBATO. Maayo ang pagdala sa akoo, sir. Maganda ang pagtrato sa akin, sir, para magkatiwala ako sa kanya, sir.

SEN. PACQUIAO. Kung ang isang tao ba pabago-bago ang salita o nagbabago ang kanyang salita, papaniwalaan pa ba natin?

MR. MATOBATO. Hindi, sir. Hindi, sir.

SEN. PACQUIAO. So, for the record, hindi natin papaniwalaan iyong tao na pabago-bago iyong message niya o iyong salita niya. Tama?

MR. MATOBATO. Yes, sir.

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SEN. PACQUIAO. Inguna, kailangan lang gyud na kung iyan ay galing sa puso mo, galing sa isipan mo, dahil gusto mong isiwalat ang nasa puso mo, iyong mga ginagawa mo, hindi mo pwedeng makalimutan iyon.

So I am sure na may nagturo sa iyo. Iyon lang, Mr. Chairman. Thank you.”⁵⁹

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⁵⁹ TSN, 22 Sept 2016, p. 214.

Reports by the Resource Persons

P/CSupt. Leuterio, Acting Chief, Internal Affairs Services, PNP

When asked whether a civilian would soon occupy the position of Inspector General of the Internal Affairs Services (IAS), P/CSupt. Leo Angelo Leuterio, Chief of IAS responded that **Republic Act 8551** vests upon the Chief PNP, the sole prerogative of recommending to the President a list of names to be Inspector General of the Internal Affairs Service of the Philippine National Police. The same law vests upon the President the sole prerogative to choose or to appoint the Inspector General. His own appointment is in an acting capacity.⁶⁰

P/CSupt. Leuterio further reported that for the period January 2016 to September 21, 2016, there have been 661 cases⁶¹ of PNP anti-illegal drug operations covered under *motu proprio* investigation. However, P/CSupt. Leuterio refused to put a time frame for the resolution of investigations as this may disturb the process by which the investigations are being conducted.⁶²

c. Mr. John Nery – Inquirer Kill List

Mr. John Nery presented Inquirer's "Kill List" which is not a tally but an actual listing of names and particulars of people killed since July 1, 2016 in the so-called "war on drugs"⁶³ Mr. Nery said that they put out the "Kill List" as early as July 7 because of the President's promise during his campaign about killing people.⁶⁴ That it was prudent for journalists like

⁶⁰ TSN 22 September 2016, p. 40.

⁶¹ TSN 22 September 2016, p. 41.

⁶² TSN 22 September 2016, p. 42.

⁶³ TSN 22 September 2016, p. 48.

⁶⁴ TSN 22 September 2016, p. 55.

himself to take the President at his word when he said that there would be 100,000 corpses floating in the Manila Bay.⁶⁵ Specifically, Mr. Neri testified, to wit:

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MR. NERY. The *Inquirer* Kill List is, as its name implies, not a tally but a listing of the names and other particulars of people killed since July 1st in the so-called “war on drugs.”

Again, I just wanted to stress that it is not a tally. It’s very difficult to see the difference between a thousand deaths and 2,000 deaths. I mean, it becomes just a mere statistic. So the idea for the kill list was to identify as much as possible the people who were killed in both police operations and vigilante style operations.⁶⁶

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d. P/CSupt. Augusto M. Marquez, Jr. – Director for Investigative and Detective Management, PNP

P/CSupt. Marquez testified that, as of September 22, there were nine (9) PNP personnel killed and 22 wounded in Project Double Barrel.⁶⁷ For the AFP personnel who were also involved in Project Double Barrel, there were three (3) killed and eight (8) wounded.⁶⁸ Overall, 197 cases were solved, and 114 were cleared and a total 311 or 15.8% of the 1,971 deaths were under investigation (DUI).⁶⁹

P/CSupt. Marquez likewise testified that statistics would show that although there was a 12%⁷⁰ increase in murder and homicide case, for the

⁶⁵ TSN 22 September 2016, p. 56.

⁶⁶ TSN 22 September 2016, p. 48-49.

⁶⁷ TSN, 22 Sept 2016, p. 291.

⁶⁸ Ibid.

⁶⁹ TSN, 22 September 2016, p. 291-292.

⁷⁰ TSN 22 September 2016, p. 303.

first time in the history of the Philippines, there was a downward trend in the average of about 45% of the crimes against property.⁷¹

e. Atty. Ronaldo T. Reyes – National President, PLEB Association

Atty. Ronaldo Reyes, the National President of the People's Law and Enforcement Board (PLEB) recommended some measures to strengthen the PLEB. The civilian character of the PLEBs was supposed to encourage the citizens to file a case against the police without fear of a whitewash since it will be under a separate body not under the police authorities. DILG Undersecretary Catalino Cuy underscores the need to strengthen the PLEBs. Atty.. Reyes, has recommended the strengthening of the PLEBs in order to address perceived abuses committed during police operations. The Committee adopts the following recommendations:

1. Request DILG which has supervisory powers and control over LGU mayors and the *Sanggunians* about their responsibility to create the PLEBs;
2. Remind the mayors and the local *Sanggunian Bayan/Panglunsod* of their mandate to organize the PLEBs and provide for their budget;
3. Start an information campaign to inform the public about the PLEBs. Strengthen and improve the system and the organization of PLEBs;
4. Implement a strict institutionalized system of data reporting;

⁷¹ TSN 22 September 2016, p. 296.

5. Strictly comply that cases must be resolved within sixty (60) days from the filing thereof pursuant to **Sec. 43 d(2), R.A. 6975**; and
6. Start an information campaign to inform the public about the PLEBs.

6) October 3, 2016 Hearing – Chair: Sen. Richard J. Gordon

In the monumental 13-hour hearing (13 hours, 24 minutes, which started at 9:29 a.m. until suspension at 10:53 p.m. with only an hour break for regular session), the main highlight was the testimony of the Davao Policemen alleged to be members of the Davao Death Squad. This is probably one of the longest committee hearings ever conducted by a Senate Committee in recent history.

Justice Committee Chairperson Sen. Richard J. Gordon recognized the urgency of the matter because the nation is ‘hanging by its tenterhooks’ as serious allegations have been made by Edgard Matobato.⁷²

The proceedings however, were temporarily suspended and emotions ran high with the discovery by the Committee that Sen. De Lima failed to inform the Committee that she knew that a kidnap-for-ransom case was filed before the NBI against Matobato, Sonny Custodio, Nalwin Calpo and Raul Rodriguez, persons different from those identified by Matobato in his Affidavit dated September 4, 2014 for the Witness Protection Program, wherein Matobato identified that he saw the group of Davao Policemen/alleged members of the Davao Death Squad composed of

⁷²TSN, 3 October 2016, p. 526.

Lascañas, Tan, Furog, Ubales and Aquino slit Sali Makdum's throat and took turns stabbing him to death. This was exacerbated by the subsequent departure of the witness Matobato, as authorized by Senator Trillanes. In fact, Sen. Pacquiao even wanted to terminate the ongoing hearing out of frustration because the witness Matobato left the hearing before he could confront the policemen.

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“SEN. PACQUIAO: Mr. Chairman, when we started conducting this Senate hearing for these extra-judicial killings, we called Matobato, nag-testimony siya rito, iyong testimony noong first reading at iyong pangalawang hearing, lahat noong mga testimony niya noong pangalawang hearing- noong unang hearing, noong pangalawang hearing, salungat doon sa unang testimony noong unang hearing.

Ngayon, lahat ng mga testimony niya, lahat ng mga isiniwalat niya rito na sabi nya para maniwala sa kanya at ang laki ng damage sa ating bansa. Doon sa ibang bansa kung anu-ano ang mga balita na nakarating doon sa kanila, Mr. Chairman. Ano na ang image ng bansa ng Pilipinas natin?

Kaya naman pinatawag natin itong mga ibang witness na ito, itong nadawit at binanggit ni Matobato sa kanyang testimonya. Ang testimonya ni Matobato hindi consistent, lahat nagbagu-bago. Lahat pabagu-bago, Mr. Chairman.

Noong pinatawag natin lahat ng mga binanggit nya doon sa kanyang mensahe, sa kanyang testimony, gusto natin sya nandito rin siya. Ngayon, inalisan naman tayo. Nilayasan tayo. Parang napakalaking insult para sa atin iyan, Mr. Chairman, at sa lahat ng narito ngayon at sa buong Pilipinas, sa lahat ng tao. Insulto masyado iyan sa atin, Mr. Chairman.

And then I think doon sa mga previous hearing, committee hearing, nakit natin iyong inconsistency ng kanyang testimony, ni Matobato. Para makumpirma natin, pinatawag itong labing-lima o labing-anim na mga testigo na binanggit nya at sinangkot niya doon sa kanyang testimony. At ngayon gusto nating iharap, nilayasan tayo.

I think, Mr. Chairman, this is not a manifestation but I want to move to **terminate this committee meeting because this is useless**. This is useless if always like that, Mr. Chairman, na hindi sila- nilayasan tayo lahat. Ayaw nilang harapin itong-nandito, pinatyawag natin sila dahil gusto natin maging parehas, maging pantay ang batas natin, ang pag-imbestiga natin ditto sa ating bansa, sa ating Committee. Mapakinggan ang panig noong sinangkot nya, mapakinggan ang nag-accuse na si Matobato para may balancing tayo- mapanood, marinig ng buong sambayanang Pilipino. And yet what happened? Parang insult sa atin iyan, nakakahiya sa atin. Nakakahiya sa atin.”⁷³

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a) Davao Policemen Testified

Former members of Police Regional Office XI in Mindanao who were accused by Edgar Matobato as alleged members of the ‘Davao Death Squad’ were presented by P/CSupt. Manuel Gaerlan, Regional Director of PNP Region XI upon the motion of Sen. Trillanes.

Twenty-three (23) policemen were invited but only sixteen (16) were able to attend. According to P/CSupt. Gaerlan, out of the 22,⁷⁴ 12 are still in active service, of which, 10 are with the Police Regional Office XI; one is with the Police Security and Protection Group (PSPG); and one is with the Aviation Security Group (ASG). The remaining ten have retired.⁷⁵ The name of a policeman was entered twice.⁷⁶

⁷³ TSN, 3 October 2016, p. 524.

⁷⁴ Only 22 policemen are actually on the ‘Davao Death Squad’ list because there was a double entry.

⁷⁵ TSN, 3 October 2016, p. 13.

⁷⁶ Edgar Matobato named a “Rizalino Aquino” and a “Gaston Aquino” but one of the witnesses said that his name is “Rizalino Gascon Aquino.” See TSN, 3 October, 2016, p. 407.

b) Discovering Edgar Matobato's NBI Case for Kidnap-for-Ransom

Senator De Lima asked the policemen regarding the killing of Sali Makdum and specifically questioned those who were accused by Matobato as perpetrators of the said crime, namely: Lascañas, Capote, Ubales, Furog, Aquino, Medina and Tan. Medina denied the accusations and said that he has proof that Makdum died in 2000, a year before he was appointed as a policeman. This statement was corroborated by Buenaventura, Capote and Ubales.⁷⁷

National Bureau of Investigation (NBI) Director Atty. Dante Gierran testified that a criminal case of Kidnapping for Ransom was filed by Sali Makdum's live-in partner or wife, Mirasol Marquez, against Edgar Matobato, Sonny Custodio, Nalwin Calpo and Raul Rodriguez which was referred to NBI Davao on November 14, 2000 and was reported on January 26, 2000.⁷⁸

c) Matobato Left the Senate Without Being Discharged by the Committee

At 9:07 p.m., the Chairman directed the Sergeant-at-Arms to bring Mr. Matobato to the Session Hall to confront the Davao Police.⁷⁹ Thirty minutes later, the staff of Senator Antonio F. Trillanes said that Matobato had already left so "his security won't be compromised."⁸⁰ Senator Lacson and Senator Pacquiao expressed dismay that Matobato left without the permission of the Committee.

⁷⁷ TSN, 3 October 2016, p. 481.

⁷⁸ TSN, 3 October 2016, p. 484.

⁷⁹ TSN, 3 October 2016, p. 474.

⁸⁰ TSN, 3 October 2016, p. 493.

Sen. Trillanes manifested that since he is the one providing protective custody to Mr. Matobato, he made the call to let him leave because “based on the assessment of [his] security officers, it was prudent to make him leave instead of travelling late at night.”⁸¹ Meanwhile, Sen. De Lima said that she did not know that Matobato already left the Senate premises.⁸²

d) Sen. De Lima

Sen. Gordon took note of the seriousness of the situation and felt betrayed not just by Matobato but also by fellow Senators who were in charge of his keep. He wanted to finish Matobato confronting and identifying all the Davao police whom he identified that night so that they can return to Davao and the proceedings in the Senate could be expedited. Sen. Gordon alleged that Sen. De Lima’s non-disclosure of Matobato’s Kidnap-for-Ransom case is a material concealment which he cannot disregard.⁸³ Had the Committee known that there was an NBI complaint for kidnap-for-ransom filed against Matobato and different persons from those whom he identified as Davao police men, it would have been easier to detect and compare the material inconsistencies in all his allegations.

At this time, both Sen. Lacson⁸⁴ and Sen. Pacquiao⁸⁵ expressed their intent to terminate the proceedings, having been offended that they waited for a long time to prepare for Matobato’s confrontation with the Davao police, but it was not going to take place because he left the Senate

⁸¹ TSN, 3 October 2016, p. 514.

⁸² TSN, 3 October 2016, p. 507.

⁸³ TSN, 3 October 2016, p. 503.

⁸⁴ Ibid.

⁸⁵ TSN, 3 October 2016, p. 524.

premises without the permission of either the Committee Chair or the Committee.

Sen. Trillanes manifested that Matobato was truthful in his statements and both transcripts show that there was no concealment.⁸⁶ He also believed that Sen. De Lima deserves an apology from the Committee Chair. Sen. De Lima walked out because no apology was given to her despite her protestations.⁸⁷

e) Suspension of Session until further notice

Sen. Gordon manifested that there should be a caucus with the rest of the Committee members so that proper action be taken by the Committee. Until such time, the hearing was suspended.

7) October 13, 2016 Hearing – Chair: Sen. Richard J. Gordon

- a. There was no need to call for CHR witnesses since they were unable to substantiate any state or local sponsored policy to kill. Their affidavits will be referred/endorsed to the PNP for proper investigation and disposition.**

Senator Gordon said that if the Commission on Human Rights mistrusts the Committee on Justice, under the Constitution, they have the power to investigate and recommend the filing of cases for violation of human rights before the proper courts. The witnesses and their

⁸⁶ TSN, 3 October 2016, p. 537.

⁸⁷ TSN, 3 October 2016, p. 522.

affidavits should instead be brought before the police and should the police fail to investigate, then administrative cases can be filed against these policemen.

b. Death Penalty Bills Raised

The following bills on Death Penalty were proposed to be discussed:

- SBN 4 by Senator Sotto;
- SBN 42 by Senator Lacson;
- SBNs 185-187 by Senator Pacquiao
- SBN 368 by Senator De Lima;
- SBN 889 by Senator Ejercito; and
- SBN 985 by Senator Gatchalian.

The discussion of the bills was postponed for the next meeting since most of the resource persons were not ready for a discussion on the same.

c. Questions for the Provincial Directors (Police Superintendents) on their Death Statistics

As reported by the respective Provincial Directors, the number of homicides/murders, including deaths under investigation, for the period of January 1, 2016 to October 13, 2016 are as follows: Manila – 102 recorded deaths, with a population of 1.7 Million; Quezon City – 231 recorded deaths, with a population of 3 Million; Cebu City – 81 recorded deaths and Cebu province -- 212 recorded deaths. It is to be noted that Chicago had 549 deaths in the same period, for a city with a population of 1.8 Million.

The record shows that there are many killings in our midst. Based on ABS-CBN research, for instance, the province/city with the highest drug-related fatalities is Manila for the period of May 10, 2016 to October 6, 2016 with 204 fatalities, broken down as: 164 police operations and 40 deaths under investigation (DUI). During the October 13, 2016 hearing of the Committee, PSupt. Joel Napoleon M. Coronel, District Director – Manila Police District, revealed that for the period of July 1, 2016 to October 1, 2016, Manila logged a total of 254 fatalities, broken down into: 200 police operations and 54 DUI. (See **Annex B** on *Drug-Related Deaths*.)

From the above, it seems that the police have been accurate in logging their statistics on killings since their number reported is higher than that of the Committee by 50 killings. However, P/CSupt. Coronel likewise admitted that they have not yet investigated a single case involving a policeman.

Killings have also increased by way of motorcyclists riding-in-tandem. Based on 2010-2016 statistics from the PNP, there have been many riding-in-tandem incidents. (See **Annex C** on *Motorcycle Riding Crimes*). In addition, from 01 July 2016, to November 1, 2016, there were already 1,049 persons killed and perpetrated by Motorcycle Riding Criminals not in police or military uniform and wearing masks as reported by the PNP.⁸⁸ (See **Annex D** *Number of Incident Perpetrated by Motorcycle Riding Criminals*).

⁸⁸ Table provided by Police Chief Superintendent Camilo P. Cascolan, Directorate for Operations, Philippine National Police as of November 7, 2016.

P/Supt. Joel Coronel, District Director of the Manila Police District, testified that one of the possible motives for the killing of some drug personalities by police officers involved the drug trade.⁸⁹

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THE CHAIRMAN (SEN. GORDON). And why would they be killed? Have you established that?

MR. CORONEL. I understand, sir, that there were motives we uncovered or discovered. First is the—very common is the non-remittance of collection money insofar as drug money is concerned.

THE CHAIRMAN (SEN. GORDON). Nanunuba.

MR. CORONEL. Hindi po naka-remit, sir, iyong suspect sa kanila.

THE CHAIRMAN (SEN. GORDON). Nanunuba, hindi niya binabalik.

MR. CORONEL. Yes, sir. Another, sir, is when in rival groups or drug trades, drug trade syndicates would take over the area of another suspect particularly when arrests have been made by the police, a new group will take over that particular area and there will be, I understand, conflict between these groups and will result to the killing among them.

And number three, sir, is what we are investigating now, the possibility of some policemen who are formerly involved in the illegal drug trade who are neutralizing or killing their former sources or suppliers.

THE CHAIRMAN (SEN. GORDON). A policeman.

MR. CORONEL. Yes, Your Honor.

THE CHAIRMAN (SEN. GORDON). Some policemen are killing their own sources.

MR. CORONEL. Yes, Your Honor.

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⁸⁹TSN, 13 October 2016, p. 88-89.

d. Adjournment

Senator Lacson moved to terminate the hearings on extra-judicial killing and suspend the hearings for the Death Penalty bills which was seconded by Senator Gregorio B. Honasan II.

III. ISSUES

The Committee was called to investigate, in aid of legislation, to resolve the following issues:

I.

Whether or not there is a State-sponsored policy to commit killings to eradicate illegal drugs.

The former Committee Chair, Senator De Lima, called witnesses from the CHR to attest to the occurrence of recent and rampant extra-judicial killings and summary executions.

After this, Senator De Lima decided to present Mr. Edgar Matobato, a surprise witness to the killings in Davao alluded to a Davao Death Squad, with no benefit of an affidavit submitted to the Committee as prescribed by the rules. Later after his testimony was put in doubt, Senator Trillanes then quickly filed a new resolution, Proposed Senate Resolution No. 151, to investigate the extra-judicial or summary killings purportedly committed by an alleged Davao Death Squad beginning mid-1990s until the present.

II.

Whether or not the reported killings, beginning mid-1990s in Davao were allegedly perpetrated by a Davao Death Squad.

And since the purpose of the Committee is to investigate, in aid of legislation –

III.

What policies and legislation must be put in place as a result of the investigation?

IV. DISCUSSION

A.

THERE IS NO PROOF THAT THERE IS STATE-SPONSORED POLICY TO COMMIT KILLINGS TO ERADICATE ILLEGAL DRUGS IN THE COUNTRY. HOWEVER, THE COMMITTEE, TOOK NOTE OF THE MANY THOUSANDS OF KILLINGS WITH IMPUNITY TAKING PLACE EVERY YEAR IN THE LAST TWO DECADES AT LEAST.

After the reorganization of the Committee and Senator De Lima was ousted as Chair, the Committee did not deviate right away from its original path and completed most of the witnesses invited by her. However, none of the witnesses were able to sufficiently prove that there is State-sponsored

policy or order from the current administration to commit extra-judicial killings or summary killings to eradicate illegal drugs or even other crimes in the country. Based on the evidence presented before the Committee, there is no sufficient evidence to serve as basis for State-sponsored killings.

The Committee finds, however, that excessive and unabated killings have been going on for the last two decades at least under different names, such as “extra-judicial killings,” “cardboard justice,” “motorcycle riders in tandem,” “vigilante killings,” and “salvaging,” among others.

The drive against illegal drugs has placed the country in the global spotlight with the recent allegation of a spike in killings claimed to be due to the intensive campaign against the proliferation of illegal drugs by the Duterte administration. There is no question that there has been a spate of killings as soon as President Duterte declared his war against drugs. Sustained police operations resulted in the “neutralization” of suspects who allegedly resisted arrest and actually engaged the police. Many killings have been tagged as drug-related with the so-called implementation of “cardboard justice.” The administration of “cardboard justice” occurs when a drug pusher or addict is killed, dumped in the wayside and left with a cardboard sign that he or she is a drug user or pusher whose way of life should not be followed.

A few months (July to early part of October) into the Duterte administration, 4,248⁹⁰ killings have been reported all over the Philippines or an average of 1,416 killings per month or 47 killings per day. If this

⁹⁰ Submission by PNP to the Senate Justice Committee on October 13, 2016, includes deaths outside police operations (1,566) and deaths involving police operations (2,682) for a total of 4,248 as of October 11, 2016.

monthly average is maintained, then the killings from October to December would be another 4,248 killings or an estimated total of 8,496 killings from July to December 2016. Is this number unique to the Duterte administration? The Committee asked the PNP to submit reports for the number of killings over the past 15 years, as well as perused media reports.

For the years 2001 to 2009, under the Arroyo administration, 91,762 killings were reported or an average 10,196 killings per year, 850 killings per month or 28 killings per day. On the other hand, for the years 2010 to 2016, under the Aquino administration, there were 85,878 recorded killings with an average 14,313 killings per year, 1,192 killings per month or 40 killings per day. (See **Annex E** on *Murder and Homicide Statistics (2001 – August 2016)*.)

This shows that no matter who is President, killings have continued and remain unabated. Perhaps with less frequency on the cardboard labeling of the person killed as drug pushers, killings have been happening even in the past administrations. The spate of killings that has been so well publicized, with the kind of “noise” President Duterte has created, does not make this series of killings any more gruesome than those that happened in previous administrations.

Futhermore, none of the witnesses presented before the Committee has been able to show convincingly that the killings were part of a State-sponsored drive to get rid of drug suspects or that systematic State-sponsored killings are in place. Suspicions and conjecture based on

unsubstantiated testimony, as well as President Duterte's incendiary remarks, do not translate to State-sponsored killings.

To study the prevalence of killings and at the initiative of Senator Gordon as Committee Chair, police provincial directors also presented their own statistics on killings committed in their respective jurisdictions. The Committee also presented statistics based on media reports. The data were reconciled and the police reports even showed higher numbers.

Based on the testimony of the police, the Committee also notes that some killings have been attributed to non-remittance of money collected from the illegal drugs trade, take over of the area of another illegal drugs syndicate, and the possibility of the police neutralizing former sources or suppliers of illegal drugs. P/Supt. Joel Coronel, District Director of the Manila Police District, testified that one of the possible motives for the killing of some drug personalities by police officers involved the drug trade.⁹¹ (See previous discussion --- October 13, 2016 hearing.)

B.

THERE IS NO EVIDENCE SUFFICIENT TO PROVE THAT A DAVAO DEATH SQUAD EXISTS.

The witnesses invited by Senator De Lima and Senator Trillanes, specifically Mr. Edgar Matobato and the Davao police identified as alleged members of a Davao Death Squad, were not able to present sufficient

⁹¹TSN, 13 October 2016, p. 88-89.

evidence to prove the existence of a Davao Death Squad, or that then Mayor Duterte was responsible for those deaths purportedly committed by a Davao Death Squad. Senator De Lima and Senator Trillanes identified and invited the Davao police from Mr. Matobato's testimony. However, these witnesses from the Davao police, based on the questions undertaken by the Committee members, including Senator De Lima and Senator Trillanes, did not prove the existence of a Davao Death Squad.

Moreover, the Committee notes that Mr. Matobato's testimonies were full of inconsistencies and contradictions. For example, he alleged that he was a member of the Citizen Armed Force Geographical Unit (CAFGU) and Civilian Home Defense Unit (CHDF), but they have no records of him as a member. He also claimed that he was a scout ranger but Col. Bartolome Bacarro testified that the ranger course is exclusive for active military personnel only. During the October 3 hearing, the Davao police implicated by Mr. Matobato debunked his testimony. Mr. Arthur Lascañas denied that he is Duterte's right hand man and even narrated how he was unable to protect his own two brothers from being killed by the Davao police and how his eldest child, a nurse, was unable to get a job in the Davao City Hall. Mr. Matobato's narration on the manner and the people responsible for the alleged killing of Mr. Sali Makdum was riddled with inconsistencies. Mr. Matobato also testified that they killed several people, including Mr. Prospero Nograles' bodyguards, which were all vehemently denied by the Nograles family.

The presentation of Edgar Matobato was a feeble attempt to show that, by reference to the past record of the so-called Davao Death Squad where he implicated President Duterte, it may be fairly assumed that he must also be doing the same *modus* in the fight against drugs. No one among the other former Davao policemen he named corroborated his claim, which at best, was hearsay.

Obviously, Edgar Matobato was presented to implicate President Duterte in the spate of killings following his order to the police to “kill” drug suspects. Unfortunately, Matobato is not a credible witness and his tale is just too tall to be believed to implicate the President in the rash of killings not all of which are attributable to the police. A testimony on past record or prior similar acts will hold no water to pin down the President absent any direct and convincing proof that he in fact ordered the police to kill indiscriminately. It bears stressing that any evidence as to the existence and/or activities of the alleged Davao Death Squad prior to President Duterte’s presidency is not relevant to the recent and rampant killings transpiring during his presidency now subject of this investigation. Rule 130, Sec. 34 of the Rules of Court provides that “(e)vidence that one did or did not do a certain thing at one time is not admissible to prove that he did or did not do the same or similar thing at another time; but it may be received to prove a specific intent or knowledge; identity, plan, system, scheme, habit, custom or usage, and the like. In *Citibank N.A.*, (Formerly

First National City Bank) v. Sabeniano,⁹² the Court explained the rationale for this rule:

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“The rule is founded upon reason, public policy, justice and judicial convenience. **The fact that a person has committed the same or similar acts at some prior time affords, as a general rule, no logical guaranty that he committed the act in question.** This is so because, subjectively, a man's mind and even his modes of life may change; and, objectively, the conditions under which he may find himself at a given time may likewise change and thus induce him to act in a different way. Besides, if evidence of similar acts are to be invariably admitted, they will give rise to a multiplicity of collateral issues and will subject the defendant to surprise as well as confuse the court and prolong the trial.”

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An examination of Matobato's testimonies reveal contradictions (See ***Annex F*** on *Edgar Matobato's testimonies*) and there is enough basis to show that he was being managed to provide evidence that now President Duterte is connected to the killings in Davao, perpetrated allegedly by the Davao Death Squad.

- In his counter-affidavit dated January 4, 2001 submitted to the NBI, Matobato stated that he “*strongly deny(ies) all the charges raised against me (him)...for I have committed absolutely no crime against the person of Saleeh Muckdoo.*”
- In his second affidavit dated September 4, 2014, he stated he saw *the group of Lascañas slit his (Sali Makdum) throat and took turns stabbing him to death.*

⁹²G.R. No. 156132, 16 October 2006, 504 SCRA 378, citing J.A.R. SIBAL AND J.N. SALAZAR, JR., COMPENDIUM ON EVIDENCE 199-200 (4th ed., 1995).

- In his testimony during the September 15 and 22, 2016 hearings of the Committee, he specifically admitted having participated in the killing of Makdum, and testified that they killed Sali Makdum by *“Binigti muna,...,pagkatapos pinutul-putol ang katawan, hiniwa-hiwa. Tsinap-tsap (chop) nila ni Arthur Lascañas.”*
- He likewise testified that he was the bodyguard of Paolo Duterte and said *“Ito si Paolo Duterte, maliit pa lang, ako na ang nag-e-escort, kami ni SPO2 Marangga, SPO2 Baluran, kami ang escort, bata pa iyan hanggang lumaki na iyan si Paolo Duterte.”*⁹³ This was, however, contradicted by the testimony of SPO1 Jun Bisnar who testified that he is the security *“Hindi lang po kay Paolo, Your Honor, sa buong pamilya po ng Duterte. Kay Inday at saka sa kapatid niyang lalaki, including doon sa nanay nila po, Your Honor.”*⁹⁴
- Matobato implicated a certain Medina to be among the policemen who participated in the killing of Makdum but Medina testified to contradict him that at that time he was not even a policeman yet saying *“Napasok ako pagkapulis is 2001, Your Honor. Nandito po iyang appointment ko, Your Honor.”*
- Matobato claimed that he and Lascañas were close friends whom he identified to be part of the Davao Death Squad and is very close to Mayor Duterte. Matobato testified that *“siya ang pinaka-right hand ni Duterte, ma’am, si Arthur Lascañas.”* This was disputed by Lascañas himself, during the hearing of October 3, 2016, asserting that two of

⁹³ TSN, 15 September 2016, p.107.

⁹⁴ TSN, 3 October 2016, p. 426.

his brothers were killed by Davao City Police for being implicated in illegal drugs and *“Kung malakas ako kay mayor, bakit hindi ko natulungan sila.”* Lascañas added that *“noong nagkaroon ako ng severe illness, on dialysis ako, iyong panganay kong anak na bago lang pasa sa nursing, nag-apply sa City Hall of Davao City, hindi lang ito natanggap, nainsulto pa.”* Lascañas further contradicted Matobato when he mentioned that he and Matobato had some business deal only and denied any participation in the Makdum murder. Matobato testified that *“If my memory is correct, 1996, Your Honor, lumapit iyang si Mr. Edgar Matobato sa akin, nag-alok iyan ng property dahil sabi niya sa akin, mayroon siyang kaibigan sa Samal Island na mayroong property na ibebenta, malaki iyong beachline. Then sinabi ko kay Edgar, puwede puntahan natin at titingnan kasi nagsa-sideline ako as real estate broker. Natingnan namin and then dinala ko sa isa kong kakilalang Chinese businessman. In a span of almost three months, nabenta ko po.”*

- What is most telling is the report of the NBI about the criminal complaint filed by Makdum’s partner where a different set of suspects were named and not one of those Matobato mentioned was included in the complaint. Clearly, the inclusion of the policemen from Davao must have been an afterthought and by design to prove the purported existence of the Davao Death Squad.

All the witnesses presented were done at the behest of Senators De Lima and Trillanes. Not one of these active and former policemen, however, corroborated Matobato’s testimony. Standing alone and

uncorroborated, the testimony of Matobato necessarily failed to prove and could not by his mere say so, be a basis to implicate the President in the Davao Death Squad allegation. Not only that, Matobato's flawed testimony is unworthy of belief and bears no direct bearing to the present inquiry, which is about the recent spate of killings. His testimonies and sworn statements contradicted each other and flip-flopped on material facts. *Falsus in uno, falsus in omnibus* is thus applicable. The Latin term means that a falsehood in one is a falsehood in all. Since the inconsistencies of Matobato pertain to material facts, such as his involvement in Sali Makdum's killing, the contradictions in his statements cannot be reconciled, and thus, the Committee has to reject his testimonies as a whole, and apply the maxim, *falsus in uno, falsus in omnibus*.⁹⁵

C.

MANY KILLINGS WITH IMPUNITY THROUGH THE YEARS UP TO THE PRESENT HAVE NOT BEEN RESOLVED BY THE POLICE, LEAVING OUR PEOPLE FEELING UNPROTECTED, INSECURE, FEARFUL, AND CYNICAL ABOUT THE ABILITY OF THE POLICE TO PROTECT AND SERVE THEM. THERE IS AN URGENT NEED TO UNDERTAKE REFORMS IN LAW ENFORCEMENT AND STRENGTHEN THE CRIMINAL JUSTICE SYSTEM TO FORTIFY THE RULE OF LAW.

It is clear to the Committee that similar killings have gone unabated over the last fifteen (15) years spanning different administrations. To

⁹⁵ See *People v. Felipe Mirandilla, Jr.*, G.R. No. 186417, July 27, 2011.

reiterate, and for the years 2001 to 2009, under the Arroyo administration there was a recorded 91,762 killings with an average 10,196 killings per year, 850 killings per month or 28 killings per day. On the other hand, for the years 2010 to 2016, under the Aquino administration, there were 85,878 recorded killings with an average 14,313 killings per year, 1,192 killings per month or 40 killings per day. During the current administration, from July 1, 2016 to October 11, 2016, there are 4,248 killings or an estimate of 1,416 killing per month or 47 killings per day. The issue of possible human rights violations as a result of these killings has beleaguered not only the present administration but previous administrations as well.

Statistics also show that there has been a high number of deaths and unsolved killings over the past years, including incidents caused by riders on motorcycles riding in tandem (See **Annex C** on *Motorcycle Riding Crimes*). It must be remembered that the use of motor vehicles and motorcycles in the killing of persons is an aggravating or qualifying circumstance that shows premeditation and intent to kill.

As far back as 1998, annual human rights reports on the Philippines by the US Department of State to the US Congress have cited several cases of extrajudicial killings as reported by the Commission on Human Rights (CHR) and other non-government organizations involved in the protection of the human rights.⁹⁶ A table summarizing the report of the US

⁹⁶ Department of Foreign Affairs Report on US Government Statements on Allegations of Extrajudicial Killings in the Philippines. November 9, 2016.

Department of State from 1999-2015 on extra-judicial killings is attached as **Annex G**.

Under the Leahy Law, authored by Sen. Patrick Leahy, it is prohibited to furnish US assistance to any foreign security force unit where there is credible information that the unit has committed a gross violation of human rights. Accordingly, several US appropriations laws categorically and expressly provide compliance with international humanitarian law and the government should take effective steps to prosecute those involved in extra-judicial killings, sustain the decline in the number of extra-judicial killings and strengthen government institutions working to eliminate extra-judicial killings.⁹⁷ Since June 30, 2016, the United States has expressed concern regarding EJKs in the Philippines. **See Annex H**. The effect of EJKs in the country is widespread and indeed detrimental; it is not just reputational damage in the international arena as to the administration of justice in the country, but even encroaches on economic grants from foreign bodies.

While the US and the international audience had already expressed their concern over reported EJKs transpiring in the Philippines, the Internal Affairs Service (IAS) of the Philippine National Police (PNP) admitted lack of personnel to investigate and actively pursue complaints against the police. There are only 700 IAS personnel nationwide servicing 1,760 towns and 1,490 municipalities and 42,000 barangays.⁹⁸ As a country, it is clear

⁹⁷ 1. Consolidated Appropriations Act of 2008 (Pub. L-116-61); 2. FY 2009 Omnibus Appropriations Act 3. FY 2010 Omnibus Appropriations Bill; 4. FY 2011 Appropriations (Senate); 5. FY 2012 Appropriations (Senate Report 112-085)

⁹⁸ TSN, 3 October 2016, pp. 72-73.

that we have not done much to ask or demand from the police and the entire machinery of justice for the killings to be solved and bring those responsible to justice. The people seem to have accepted such killings matter of factly dismissing them as a fate deserved by criminals. The State failed to stop these killings and we as a people have not shown umbrage and became practically callous to such impunity. Not even the Commission on Human Rights could report on what it has done to address the killings.

Killing is killing! There is a need to put a stop to all of these killings. This prevalence should alarm the State and specifically, the police, to perform its job in the most efficient and fastest way possible in order to preserve human life, maintain peace and order and ensure that justice is given to all citizens in a quick, equitable and timely manner.

Over and above the ostensible objectives of the investigation, it behooves the Committee to take stock of how we must view and address not only the current drug menace and the so many killings associated with it, but also the unabated killings that have been going on through the years up to the present without resolution and closure. There has been no closure to even high-profile massacres and murders from Maliwalu to Plaza Miranda, to Mendiola, to Ninoy Aquino, to Hacienda Luisita, to Maguindanao, to Mamasapano, and so forth. The common denominator is that there is no justice because there is no resolution of these cases. Thus, it is easy enough for murderers, whether in uniform or not, to get away with their crimes, notwithstanding their different names depending on the season, such as “extra-judicial killings,” “cardboard justice,” “motorcycle riders in tandem,” “vigilante killings,” and “salvaging,” among others.

Administrations of the government have come and gone, but the injustice inflicted upon our people brought about by unresolved killings continue. Coupled with the helpless indifference of our people, the only thing that remains constant is that the police and the criminal justice system have failed us. All these have led to many killings with impunity and some people, including some police officers, probably think that they can get away with murder.

What is clear therefore is that a high standard of behavior among law enforcers must be exacted. We must make the criminal justice system work and bring criminals to account for their crimes. Likewise, we must foster a caring and compassionate society. Our people need to be vigilant and responsible to promote justice for all.

So it is not surprising to note that the basic principle of the social contract – where the people have empowered the government and its agents to protect society against those who threaten their rights – has been broken. If one breaks the social contract, a different rule should apply. We cannot take comfort in and gloss over so many killings happening around the country, especially if there are claims that these are attributed to the police and the government.

On the contrary, we must strengthen our institutions that keep our society safe under the rule of law to eradicate the culture of impunity. We need to create the environment that will make us a people that value human life, respect the dignity of all men, and demonstrate our adherence to the rule of law.

We must build a generation that will stand by the immutable and universal principles that respect human rights. In connection with this, the police and other law enforcement officers, through Project “Tokhang” or any similar program, must be admonished and refrained from urging “surrenderees” to sign “voluntary surrender certificates” in violation of their constitutional rights, particularly the rights of the accused.

Primarily, the Committee’s task is to recommend policies and legislation to put a stop to the unabated killings and to shake off the lack of urgency and apathy to address this grave problem on the part of the police, the government, and the people. The police must be held accountable. Check and balance mechanisms must be further strengthened to ensure that public order and safety is promoted. If we can stop the killings regardless of the terminology we use to refer to them whether extra-judicial or not, then our people will restore their faith in the police and the government.

V. RECOMMENDATIONS

The Committee’s task is to recommend such policies or remedial legislation to put a stop to killings that have been going on for decades and to shake off the lack of urgency and apathy to solve this problem on the part of the police and the government, as well as the people. The Senate must do its share in helping the government to fulfill its prime duty to protect and serve the people.

A. Act on Complaints with Dispatch and
Impartiality, Appoint a Civilian Head for
the Philippine National Police – Internal
Affairs Service, and Provide Proper
Training and Equipment

Summary proceedings should be fast and may be conducted with the use of affidavits and documentary evidence alone, for as long as all parties are given the opportunity to be heard and all material evidence are presented and properly evaluated. The provision on summary dismissal is there so that the IAS may be able to give sufficient remedy in dismissing erring police, and the people, particularly the victims, will recognize that the government is actively disciplining its forces by cleaning up its own backyard.

Congress should amend Republic Act No. 8551 or the PNP Reform and Reorganization Act to give a corridor of time upon which to report incidents of killing so that the public will not lose faith in the police and complain about the delay in the administration of justice. **Every shooting or gunfight that results in death or serious physical injuries involving police officers must be reported within five (5) days from the time of the incident. Fifteen (15) days thereafter, there must be a report and recommendation on whether administrative or criminal charges should be filed.** Meanwhile, the PNP may suspend the police, confiscate the gun, and disarm the suspected police officer who fired the gun while

under investigation. This will make the public feel safe so that such police officer will no longer have an opportunity to harass witnesses and hurt another person, while he has not been exculpated from the charges as a result of the incident. The PNP may also issue and publish reports showing the status of cases of police being investigated for the sake of transparency and accountability. The PNP should destroy the confiscated firearm once the case is terminated.

There is also an urgent need to appoint a civilian head or Inspector General for the IAS. Bureaucratic foot-dragging should not derail the proper implementation of the law. Having a civilian head will reinforce the perception of objectivity and transparency of any IAS investigation.

Sec. 40 of R.A. 8551 or the PNP Reform and Reorganization Act of 1998 provides that the Internal Affairs Service Head should be a civilian. But there has been no civilian appointed to the post yet. This was pointed out by Sen. Grace Poe during the hearing on September 22, 2016, which is quoted below:

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SEN. POE. “Thank you, Mr. Chair. In an investigation with the extrajudicial killings, the focus is not just on one person’s testimony but also the entire organizations handling of all of the peace and order efforts in the country. And so, even if I sound like I nag, I will always go back to this question because it is in the law that we need to have a civilian internal affairs head. And the last hearing that we had with the Committee on Public Order and Dangerous Drugs, you said or General dela Rosa already said that names of civilians have been submitted to the President and until now, we still have a uniformed police officer. No, it is not to question your credibility, sir. Not at all, except that the PNP is not complying with the regulations. So, I would like to know, is there a time frame by which we can expect?

Otherwise, we will have to do some sort of penalties already for the non-compliance that is very legitimate rule, sir.”⁹⁹

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The continuous failure to appoint a civilian head for IAS renders nugatory the clear letter of the law. The proper and effective implementation of laws, especially the PNP Reform and Reorganization Act is warranted to aid in ensuring not just the implementation of laws but to safeguard the credibility of investigations.

In addition, the Internal Affairs Service (IAS) of the Philippine National Police (PNP) admitted lack of personnel to investigate and actively pursue complaints against the police, leading to slow investigations despite the law clearly stating that these may be made *motu proprio* using summary proceedings.

Finally, if we want to have only the best police force, then police officers must be adequately equipped with the proper investigative tools, such as body cameras, CCTVs, crime laboratory equipment and trained intensively in using these in their daily operations.

The police should be given more training so that they are fully aware of constitutional rights, specifically those pertaining to the rights of the accused. They must be admonished and directed to refrain from urging “surrenderers” to sign “voluntary surrender certificates” without the presence of legal counsel. Rather, they should encourage drug users to seek help and not act as “surrenderers”. There may be admissions made

⁹⁹ TSN, 22 September 2016, p. 39.

by the “surrenderers” against their interest or confessions without the aid of counsel that will cause legal or worse, constitutional complications;¹⁰⁰

B. Create or Designate Illegal Drugs

Courts, Special Police Courts and Legal

Defense Service for the Police

Congress and the Supreme Court should create or designate more illegal drugs courts. It must likewise create special courts for the police that will hear and try cases involving illegal drugs and killings by the police.

Congress should also create a legal defense service for the police to render legal assistance to police officers facing administrative, criminal, and civil cases in connection with the performance of their duties.

C. Create Joint Congressional Oversight

Committee to Monitor Killings and

Paramilitaries

Congress should create a Joint Congressional Oversight Committee to Monitor Killings and Paramilitaries and require the PNP Director General and the AFP Chief of Staff to submit regular reports on crime maps, the crime death statistics or an official list of killings per province/city/municipality, status of cases of police under investigation, and official list of paramilitaries. These reports will allow constant monitoring of

¹⁰⁰ See TSN, October 13, 2016, p. 252.

these killings so that there will be no more complacency, and further killings could be prevented through utmost vigilance.

D. Implement and Strengthen the
People's Law Enforcement Board

In order to empower civilians against erring and abusive police officers, it is necessary that we call for the strict implementation of the People's Law Enforcement Board (PLEB) under Republic Act No. 6975. More than two decades after Republic Act No. 6975 was passed through the proposal of then Olongapo City Mayor and now Senator Gordon, PLEB has not yet been fully implemented and many private individuals are not aware that they can file complaints against police officers before PLEBs, which is essentially a disciplinary machinery for police but under civilian authority. We therefore undertake as follows:

1. Increase the budget for the PLEBs;
2. Request the Department of Interior and Local Government (DILG), which has supervision over mayors and the *Sanggunians*, about their responsibility to provide a budget and create (if none, still) and activate the PLEBs;
3. Remind the mayors and the *Sanggunians* of their mandate to organize and encourage the PLEBs and provide for their regular budgetary support;

4. Conduct an intensified and regular information campaign to inform the public about the PLEBs;
5. Strengthen and improve the system and the organization of PLEBs;
6. Implement a strict institutionalized system of PLEBs data reporting; and
7. Strictly comply that PLEBs cases must be resolved within sixty (60) days from the filing thereof pursuant to Sec. 43 d (2), R.A. 6975.

E. Take a Bite Out of Crime Through Better Strategies

- Motorcycles Riding-In-Tandem

Motorcycles have become “crime machines”. Thousands of crimes, including killings, have been committed and very few witnesses can testify because motorcycle plate numbers are hardly seen or readable. Reports show that ordinary people, media personnel, politicians and even policemen have been killed by persons on board a motorcycle and “riding in tandem” to enable their swift getaway. PNP recorded around 3,000 motorcycle riding crimes in 2016. (See **Annex C**).

Making the plates bigger will lessen the bravado of criminals to kill using motorcycles and allow people to report them to a law enforcement system for quick response. Congress should require bigger plate numbers for motorcycles and increase the penalties for crimes committed by motorcycles riding-in-tandem. The law should provide for the confiscation and impounding of motorcycles running with small plates or no plates at all. For easier identification, the Land Transportation Office (LTO) should

provide every region and all its local government units a list of all the registered motorcycles in its jurisdiction which includes, but are not limited to the following information in order to ensure identification of the owner of the motorcycle: name of registered owner, his driver's license number, his address and contact details, vehicle identification number, plate number, body color, brand/maker.

- Transportation

Laws and ordinances requiring body numbering and color-coded public transportation, such as tricycles, jeepneys, and buses, should be passed.

The Land Transportation Office must have complete and accurate records of all motor vehicles for criminal detection and law enforcement.

- Public Information and Education

Congress should mandate public broadcast franchises (TV and radio) to donate thirty (30) hours a month per station to report killings and crimes, as suggested by Senator Gregorio Honasan II.

The Department of Education should integrate the study of Constitutional rights, civic duties, and the criminal justice system in the school curriculum. Our people must be educated and trained about their constitutional rights, particularly those pertaining to the rights of the accused, their civic duties, and the criminal justice system.

- Criminal Investigation

The CHR complaints, the case of Mr. Makdum, the case of Mr. Matobato, and other similar cases and incidents discovered or discussed by the Committee during its proceedings such as the killing of crime crusader Zenaida Luz, should be immediately investigated and proper charges should be filed. The Committee demands from the PNP reports and feedback on the aforementioned cases within a week from referral thereto and regular reports on the status of these cases thereafter.

The Committee recommends the filing of criminal charges against Matobato for perjury and the murder of Sali Makdum and should order the investigation of the remains of Sali Makdum. It recommends the prosecution of the policemen involved in the killing of Zenaida Luz who was the Regional Chairperson of Citizens Crime Watch in Gloria, Oriental Mindoro. She was gunned down by two men riding a motorcycle in tandem on October 9, 2016. She was allegedly killed in front of her house by two policemen disguising as civilians, one of whom was bemedaled;¹⁰¹ The Committee also recommends an investigation on the allegations of Davao Police Witness Ayao on the alleged tampering of witnesses by then CHR Chair De Lima and other CHR staff. In the October 3, 2016 Committee hearing, he alleged that Sen. De Lima, who was formerly CHR Chairperson, talked to him during a CHR hearing and informed him that she wanted to talk to him in a discreet place. He had a pending grave misconduct administrative case at that time;¹⁰²

¹⁰¹ TSN, October 13, 2016, p. 73.

¹⁰² For the full testimony, see TSN, October 3, 2016, pp. 296-301.

- Quell the Source

Intensify diplomatic negotiations with China and Mexico and continue to identify the source of shabu and other illegal drugs that reach the country.

- People Participation

Organize village watch groups to guard against the influx of drug dealers and pushers in their respective areas. Task Parents-Teachers Associations (PTAs) to be drug watchers and properly supervise their school children to keep them away from drugs. Parents must know the whereabouts of their children and monitor their activities to prevent them from becoming drug addicts in the future. Awareness and vigilance against illegal drugs should start in homes and schools to nip the drug menace in the bud. The people themselves should be empowered to help transform their respective areas into “drug-free” neighborhoods where their families may safely reside.

This is a golden opportunity to show our people that under our democracy, we are neither helpless nor hopeless. We should replace the growing apathy of the citizens with energized people participation as we fight the war against drugs. There is strength not just in numbers but also in consolidated efforts; the key is to maximize and harmonize these symbiotic endeavors to achieve optimum results.

The police who have been remiss in their duty to protect our people, and the people who have failed to be vigilant about the enforcement of their rights within the legal framework, must synergize and work together to

solve the problem on the rampant killings in our country. We are not here to fix the blame, but to fix the problem. We can, by instituting remedial measures, help the very institutions that are by law responsible for keeping the peace, solving crimes, arresting suspects, and bringing them to justice.

VI. CONCLUSION / EPILOGUE

“Kinakailangan mapuksa ng gobyerno ang patuloy na paglaganap ng patayan sa ating bansa sa mga nagdaang taon hanggang sa kasalukuyan. Kailangang alam nating mga Pilipino at pati na ng buong mundo na tayo ay may pagpapahalaga sa buhay at dignidad ng sinumang tao at may katarungan para sa lahat. Sa ganitong paraan, maibabalik ng tao ang tiwala at kumpiyansa nito sa pulis at sa gobyerno.”

Senator Richard Gordon

RAISING THE BAR OF PERFORMANCE FOR THE POLICE

The following are the constitutional provisions on the duty of the State to protect its people and maintain peace and order:

○ **Constitutional Provisions on the Police**

Article X, SECTION 21. The preservation of peace and order within the regions shall be the responsibility of the local police agencies which shall be organized, maintained, supervised, and utilized in accordance with applicable laws. The defense and security of the regions shall be the responsibility of the National Government.

Article XVI, SECTION 6. The State shall establish and maintain one police force, which shall be national in scope and civilian in character, to be administered and controlled by a national police commission. The authority

of local executives over the police units in their jurisdiction shall be provided by law.

Article II, SECTION 4. The prime duty of the Government is to serve and protect the people. The Government may call upon the people to defend the State and, in the fulfillment thereof, all citizens may be required, under conditions provided by law, to render personal military or civil service.

Article II, SECTION 5. 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.

These constitutional provisions apply to all the people and most especially to our leaders and our police officers. The implementation, however, of these constitutional duties leave much to be desired.

The police obviously have not done well and must now do a lot more in preventing, investigating and solving these killings. The recent case in Mindoro where two policemen riding in tandem on a motorcycle apparently killed the Citizen's Crime Watch Regional Chairperson, Zenaida Luz, is alarming to say the least. These policemen were chased by other police elements. Fortunately, one of these rogue policemen were shot by their fellow policemen and got caught. This will require quick and thorough investigation and resolute decision to the ends of justice.

We must take no less than PNP Director General Dela Rosa to task for this Zenaida Luz case, and all the other pending cases involving the police. Under **Section 42 of R.A. 6975**, as amended by **R.A. 8551**, the NAPOLCOM, Chief of PNP, and Regional Directors have the power to

IMMEDIATELY REMOVE OR DISMISS any PNP member in specific circumstances¹⁰³. The entire nation is watching.

On another note, the police are provided with sufficient intelligence funds and should have been able to use such resources effectively in solving all those recorded killings or vigilante killings that have remained statistics in the archive of unsolved cases. The police must make better use of these funds to solve and prevent these killings, among others. Further, when provincial directors are reticent or fail to solve rampant killings and other crimes as shown by their scorecards or record of performance, they should be removed for dereliction of duty.

Also, our police must be expected to perform their duties vigorously but in so doing, they have no license to use overwhelming force, or eliminate criminals acting as judge, jury and executioner. There must be no shortcuts. The police force must follow the rules of engagement and the rule of law in their operations against illegal drugs.

Under the social contract theory, the police must realize that they are given the privilege and authority to carry guns and enforce the law to protect and serve the citizenry. Therefore, they are expected to enforce the

¹⁰³ Republic Act 6975, Section 42, as amended by Sec. 53, Republic Act 8551, provides that:

"Section 53. Section 42 of Republic Act No. 6975 is hereby amended to read as follows:

"SEC. 42. Summary Dismissal Powers of the National Police Commission, PNP Chief and PNP Regional Directors. – The National Police Commission, the chief of the PNP and PNP regional directors, after due notice and summary hearings, may immediately remove or dismiss any respondent PNP member in any of the following cases:

"(a) When the charge is serious and the evidence of guilt is strong;

"(b) When the respondent is a recidivist or has been repeatedly charged and there are reasonable grounds to believe that he is guilty of the charges; and

"(c) When the respondent is guilty of a serious offense involving conduct unbecoming of a police officer.

"Any member or officer of the PNP who shall go on absence without official leave (AWOL) for a continuous period of thirty (30) days or more shall be dismissed immediately from the service. His activities and whereabouts during the period shall be investigated and if found to have committed a crime, he shall be prosecuted accordingly."

law. When they violate this trust and social contract, and use their guns against innocent civilians or when they illegally execute people, they must be summarily punished and removed from the service and made to answer appropriate criminal charges.

The success of the government's drive against criminality in general depends on the police, including the quality of its officers who are provided with the proper authority. They must shape up, roll up their sleeves and do their work assiduously and show our people that we can depend on our policemen to protect the citizenry. Our police are tasked to stop the killings and bring the criminals to justice. They themselves cannot put the law in their own hands. If we give up on the moral code that our country believes in, we are no better than those criminals we kill.

PRESERVING THE INTEGRITY OF THE SENATE

As elected Senators of the Republic, we must at all times conduct ourselves as honorable men and women observing the highest ethical standards in the performance of our duties. This is especially so in the conduct of any investigation in aid of legislation. Under **Rule 34 of the Rules of the Senate**, acts and language which offend a Senator or any public institution shall be deemed unparliamentary.¹⁰⁴ Further, no Senator, under any circumstances, shall use offensive or improper language against another Senator or against any public institution.¹⁰⁵ To preserve the integrity of the Senate, unparliamentary acts and language which sow

¹⁰⁴ Sec. 93, Rule XXXIV, Rules of the Senate.

¹⁰⁵ Sec. 94, Rule XXXIV, Rules of the Senate.

discord and enmity within the collegiate body are frowned upon by it.

It may be recalled that during that fateful hearing which occurred on October 3, 2016, we were surprised to find out from the NBI Director who volunteered the information that Senator De Lima had prior knowledge that the parties charged in that case were different from the allegations made by Matobato who claimed during the September 15, 2016 Justice Committee hearing that it was Arthur Lascanas, and the other alleged DDS members that he accused of the killings. As it turns out, it was a different set of suspects [Edgar Matobato, Sonny Custodio, Nalwin calpo, Raul Rodriguez and a certain John Doe (20/30 years old)] that were charged by the wife of Makdum¹⁰⁶ and by the NBI for Kidnapping for Ransom, and yet Sen. De Lima obviously forgot to mention it in the course of the hearings. When the Committee called Matobato to come down to the Session Hall to confront the Davao police whom he identified to be members of the DDS, we were informed that he had been sent away by Sen. Trillanes and of the nature of the case

During the September 15, 2016 hearing chaired by Sen. De Lima, Matobato already disclosed that an NBI case was filed against him but gave no further details as to the nature of the complaint and his co-accused. The transcript is quoted herein, to wit:

XXX

“THE CHAIRPERSON (SEN. DE LIMA). Okay. Iyong pagpataykay Sali Makhdum, pinaninindigan ninyo ba iyon na mayroon kayong pinatay na tao na ang pangalan “Sali Makhdum”?

¹⁰⁶ NBI Complant for Kidnap for Ransom, November 14, 2000.

MR. MATOBATO. Opo, ma'am, kasi pinaylan (file) ako ng kaso, ma'am, ng kidnapping kang Sali Makhdum. Hindi ko sila tinuro. Parang inako ko rin. Pinaylan (file) ako sa NBI.

THE CHAIRPERSON (SEN. DE LIMA). Mayroon ho bang records noon?

MR. MATOBATO. Mayroon, ma'am. Mayroong record sa ...

THE CHAIRPERSON (SEN. DE LIMA). Ikaw ang kinasuhan doon sa pagdukot kay Sali Makhdum?

MR. MATOBATO. Oo, ako ang kinasuhan, ma'am. Opo, ma'am."¹⁰⁷

XXX

During the following hearing on September 22, 2016, chaired by Sen. Gordon, Matobato mentioned in passing that a kidnapping case was filed against him, but he focused his testimony on his allegation that Sali Makdum was a terrorist.

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“SEN. CAYETANO. Okay. Paano, sir, ngayon, dine-deny naterroist si Makdum? Wa man record. There's no record that he's a terrorist or wanted.

MR. MATOBATO. Kaya nga, sir, pinaylan (file) ako ng kidnapping, sir, na-dismiss iyan, sir. Kasi si Sali Makdum, backdoor. Backdoor iyan, sir, si Sali Makdum. Walang record sa embassy, sir. Walang record.”¹⁰⁸

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During the October 3, 2016 hearing, Sen. Trillanes manifested and was too quick to find the two pertinent parts of the September 15 and September 22 transcript of stenographic notes (TSNs) to show that the Committee was informed that Matobato had a kidnapping case.

¹⁰⁷ TSN, 15 September 2016, p. 166.

¹⁰⁸ TSN, 22 September 2016, p.8.

XXX

“SEN. TRILLANES. Mr. Chairman, I have a very important manifestation.

THE CHAIRMAN (SEN. GORDON). ... if the gloves are off—and I’m ready to take the gloves off. I respect the senator. You’ve heard me; you’ve seen me treat them. I respect Senator Trillanes. You are senators, you have the right to speak here much as you want but you do not have the right to conceal things, especially material things.

SEN. TRILLANES. Okay. Mr. Chairman.

THE CHAIRMAN (SEN. GORDON). Yes.

SEN. TRILLANES. It’s material to the issue at hand. In addition to the transcript that I read earlier, Page 166 of the September 15 hearing presided by Senator De Lima, on Page 80-81 of the September 22, 2016 hearing presided by the Chairman, Senator Gordon:

Senator Cayetano: “Okay. Paano, sir, ngayon dine-deny na terrorist is Makdum; wa man record. There’s no record that he is a terrorist or wanted.

Mr. Matobato: “Kaya nga, sir, pinaylan (file) ako ng kidnapping, sir, na-dismiss iyan, sir, kasi si Sali Makdum backdoor—backdoor iyan, sir. Si Sali Makdum, walang record sa embassy, sir. Walang record.”

So Mr. Matobato was truthful in his testimony and the Chairman himself. And I can understand Senator Gordon; I can attribute that to memory lapse because Mr. Matobato, once in a while, would have memory lapses just like every other person.

So dito sa transcript—both transcripts, walang concealment. And it was given directly to the Chairman. So you cannot—

September 22, Senator Gordon: “‘By backdoor,’ ibig ninyong sabihin, walang record na pumasok siya dito?”

So you even discussed the issue. So that’s why I keep on referring to the transcript kasi binabali-baligtad minsan iyong facts. People may be entitled to their own opinion but they’re not entitled to their own facts. And every conclusion made earlier na tama itong mga nandirito na resource persons natin, tapos mali si Matobato is a matter of opinion and I totally disagree. And I believe there is a multitude of people who

would agree with my assessment and my position as well.”¹⁰⁹

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Sen. De Lima was the one responsible for bringing or inviting the witness Matobato before the Committee as its former Chair, which she admitted during the September 22, 2016 hearing.¹¹⁰ She was also able to interview Matobato on September 2, 2016 and another time thereafter before he testified before the Committee,¹¹¹ yet she did not disclose all the material facts that were in her notes. Her testimony that the kidnapping case filed against Matobato by Sali Makdum’s common-law wife before the NBI was part of her notes is quoted herein in this wise:

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“SEN. DE LIMA. Manifestation for the record. It may not have been mentioned by Mr. Matobato in the course of his testimony but it forms part of my notes when I interviewed him. A criminal case for kidnapping was filed against him by Makdum’s live-in partner or wife, Mirasol Marquez. He may not have mentioned that during the course of his testimony but it’s part of my notes noong ini-interview ko po siya. Just a manifestation.

THE CHAIRMAN (SEN. GORDON). I did not say that it was part of your notes. I merely mentioned a fact that I’ve just found out that it is a fact that there is a case that have been filed against Mr. Matobato after the fact that Mr. Makdum died in the year 2000.”¹¹²

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There was material concealment. Sen. De Lima knew first and foremost, that Matobato lied on September 15, 2016¹¹³ when he claimed that among those who killed Sali Makdum were members of the Davao

¹⁰⁹ TSN, 3 October 2016, pp. 536-537.

¹¹⁰ TSN, 22 September 2016, pp. 32-33.

¹¹¹ TSN, 3 October 2016, pp. 490-491.

¹¹² TSN, 3 October 2016, p. 486.

¹¹³ TSN, 15 September 2016, pp. 20-23.

police (alleged DDS) such as Lascanas, Ubales, Furog, Aquino and Capote. But she did not disclose to the Committee that the testimony of Matobato on September 15, when she still chaired the Committee, was inconsistent with the co-accused named in the NBI Complaint filed by Sali Makdum's common-law wife against Matobato and persons not those whom Matobato identified during the said hearing.

Sen. Lacson likewise questioned Sen. De Lima on the failure to disclose the material facts of the case which would have resulted in a different decision made by the Committee with respect to inviting the Davao police to the Committee hearings. His sentiments are quoted, as follows:

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“THE CHAIRMAN (SEN. LACSON). I was about to ask and it's not my intention to put Senator De Lima on the spot. I would just like to know why she did not manifest since that incident including the charges filed against Matobato and three others, nandoon sa notes niya, bakit hindi siya nag-manifest noong tinatanong natin si Matobato.

SEN. DE LIMA. Siguro po hindi ko ito nakita sa notes ko at that time when he was testifying. It's just now that I'm reviewing my notes that napansin ko nga po na nandito. “A criminal case for kidnapping was filed against me by Makdum's live-in partner/wife Mirasol Marquez.” And tungkol nga din po sa—

THE CHAIRMAN (SEN. LACSON). Excuse me, Senator De Lima. Kasi po sana kung na-manifest ninyo noon, baka hindi na natin naipatawag itong mga pulis na nanggaling pa sa Davao na iyong iba aattend pa ng arraignment tomorrow morning, hindi ba?”¹¹⁴

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After the Committee found out about the filed case before the NBI, it

¹¹⁴ TSN, 3 October 2016, pp. 487-488.

ordered that Matobato be brought to the Session Hall so he can confront some of the Davao police witnesses whom he identified as his co-accused in the Sali Makdum complaint. But that was when we found out that Matobato had left the building. The act of removing the witness from the Senate premises without asking permission from the Committee Chair manifested a complete lack of integrity. It showed to the Committee that Matobato was not prepared to be investigated and questioned further because his inconsistencies had already been discovered. When the dam was breached, that was the time that Sen. Trillanes came out, returned to the hearing and defended Sen. De Lima. (Sen. Trillanes came in and out of the Session Hall during the 13-hour hearing on October 3.) This was likewise the time that she said that she was walking out. The Committee wanted answers. Why did Sen. De Lima not inform the Committee that Matobato was lying to the Committee? She was aware that the co-accused in the NBI complaint were different from those identified by Matobato during the September 15 hearing, and yet she did not inform the Committee of the material fact. Was Sen. De Lima tampering with the witness and, trying to make him say that he was the one who killed Makdum? It bears stressing that Sen. De Lima had all the control of Matobato whom she first met in 2014 while she was DOJ Secretary. She had all the information all along about the said witness who entered the DOJ Witness Protection Program when she was DOJ Secretary and left allegedly when it became apparent to him that then Davao Mayor Rodrigo Duterte was going to win; he was afraid for his life. In short, she was in the position to know all of these vital information, and yet, she failed to inform the Committee.

Sen. De Lima was Chair of the Commission on Human Rights from May 2008 until June 30, 2010. At that time, she investigated the existence of the Davao Death Squad, alleged to be used by then Davao Mayor Duterte to extra-judicially enforce peace and order in the city. On May 2009, the CHR was at the Waterfront Hotel in Davao to conduct investigations on the reported summary killings in the city. SPO2 Enrique Ayao testified during the October 3, 2016 hearing that then CHR Chair De Lima talked to him and offered to “help him” in the grave misconduct case filed against him which was pending at that time before the NAPOLCOM. The alleged attempt by CHR Chair De Lima to tamper with the witness Ayao was narrated by the latter before the Committee.¹¹⁵ During the Benigno Aquino III administration, Sen. De Lima was appointed DOJ Secretary from 2010 until she resigned in October 2015. She even admitted to Sen. Lacson that she failed to follow up the status of the case alleging that persons unlawfully killed by the DDS were buried in the Laud Quarry in Davao City.¹¹⁶ Thus, for around 7 years, while she was in the CHR and in the DOJ, she did not file or pursue a case against then Mayor now President Rodrigo Duterte for summary killings or extra-judicial killings and violation of human rights, when she was in the best position to do so.

However, once she was elected as Senator in 2016 and was being targeted by President Duterte for her alleged involvement in illegal drugs, specifically for allowing the proliferation of illegal drugs in the National Bilibid Prisons, she filed a case for EJK hearings before the Justice

¹¹⁵ TSN, 3 October 2016, pp. 293-301.

¹¹⁶ TSN, 3 October 2016, 357-358.

Committee which she previously chaired. To defend herself and retaliate against the President, she led the Justice Committee to target Duterte and show his propensity for EJK, by presenting and using a lying, inconsistent and unreliable witness, Matobato, whom she already knew back in 2014 since he applied for the Witness Protection Program under her department. The WPP law provides that a witness cannot leave without permission of the Secretary of Justice.¹¹⁷ Since her Senate Resolution was confined to investigate only recent and rampant killings, she remedied this when Sen. Trillanes filed his own resolution to cover the existence of the Davao Death Squad. This is a sad fact, but Sen. De Lima used the Committee for her own personal purposes and political agenda.

Thus, on October 3, 2016, after discovering that the witness Matobato was lying and giving inconsistent statements, particularly as to his co-accused in the case involving Sali Makdum, the Chairman remarked and was led to the conclusion that there was a material concealment by the aforementioned Senators and members of the Committee. It was damaging to Matobato as a witness showing as it does that he lied to the Committee when he implicated active and former members of the Davao Police Force in the killing of Makdum when a complaint was filed not against them but against other persons, as stated in the NBI complaint.

Senator Trillanes on his part aggravated the situation when he, on his own, allowed Matobato to leave the Senate premises at a critical time and

¹¹⁷ See discussion in <https://www.doj.gov.ph/witness-protection,-security-and-benefit-program.html>.

without the permission of the Committee. Purposely, Matobato had to be taken away to avoid being confronted with damaging testimony, which completely contradicted his prior statements. Senator Trillanes deliberately was out of the hearing, he was waiting for the signal to bring out Matobato. But when everything went south, he allowed Matobato to leave the premises. Taken together, the nondisclosure of such material fact and the sudden exit of Matobato lead us to no other conclusion that Sen. Trillanes was monitoring the hearing all along and when the going got tough and when we heard that Sen. Lacson was planning to terminate the hearing, and Sen. De Lima disclosed that she had the material information in her notes, they knew that they would be found out. It must also be noted that Sen. Trillanes was not in the hearing the entire time but came and left several times.

The moment Sen. Trillanes came back to the hearing, there was a sudden change of character in Sen. De Lima, especially when Sen. Trillanes swiftly presented that the KFR case was mentioned in the previous two hearings by citing the TSNs. If at first, she was very humble in insisting that she merely overlooked her notes, her tone changed when an ally in the person of Sen. Trillanes returned to the hearing to back her up.

It cannot be said that the Committee did not give ample opportunity to Sen. De Lima and Sen. Trillanes to present evidence to support their positions in relation to the resolutions on EJK which they filed.

First, Sen. Gordon, the new chair, included Sen. De Lima as a member of the Justice Committee as precondition for accepting the

chairmanship which he never sought; he did not postpone the hearings previously scheduled by Sen. De Lima. Despite the lack of time for adequate preparation, the next scheduled hearing was conducted on September 22, 2016 to avoid any allegation that the new Committee wanted to suppress the investigation. All the witnesses called by both senators, including Matobato and the Davao police, were called by the Committee. In addition, Sen. Gordon set up new rules to ensure the orderly conduct of the hearings. To protect the rights of the witness, Matobato, and notwithstanding the latter's initial waiver of his right to counsel, the Committee painstakingly searched for a suitable lawyer for the witness to serve as his counsel for the hearing. Sen. Gordon did not start the examination of Matobato until Atty. Marcos Babia accepted his designation as counsel for Matobato.¹¹⁸

During the September 22, 2016 hearing, the first one chaired by Sen. Gordon, no one outrightly claimed Matobato as a witness, but after a long discussion,¹¹⁹ Sen. De Lima finally conceded and admitted that as former Chair, she did.¹²⁰ In addition, she kept on saying that "she had it in her notes" from her meetings with Matobato prior to the hearing.¹²¹

Matobato's testimony was replete with inconsistencies. He said he was a member of the CAFGU and CHDF but the Committee was able to secure a certification which stated that these have no record of him as a member.¹²² He claimed that he was a scout ranger but Col. Bartolome

¹¹⁸ TSN, 22 September 2016, pp. 59-67.

¹¹⁹ TSN, 22 September 2016, pp. 23-32.

¹²⁰ TSN, 22 September 2016, pp. 32-33.

¹²¹ TSN, 3 October 2016, pp. 490-491.

¹²² TSN, 22 September 2016, p. 252; TSN, 3 October 2016, p. 256.

Bacarro testified that the ranger course is exclusive for active military personnel.¹²³

(For a more detailed discussion, see *IV. Discussion, Part B.*)

1. All these lies are culminated on the hearing on October 3, when the Committee brought all the police officers that Sen. De Lima requested to come from Davao, and after having these policemen contradict Matobato's testimonies, some of which are enumerated below: Arthur Lascanas debunks that he is Duterte's right hand. He even narrated how his two brothers who were involved in illegal drugs were killed and yet, he was unable to protect them.¹²⁴
2. Reynante Medina was not yet a police officer at the time of the Sali Makdum's incident.¹²⁵
3. Matobato testified that they killed Nograles' bodyguards but Nograles denied it.¹²⁶
4. Buenaventura killed the dance instructor but Buenaventura and Duterte's sibling denied this.
5. The unbelievable story of NBI agent Amisola (was there ever an Agent Amisola and did Duterte kill him after 200 bullets – and that he killed up to 1000 people but he was sure of 50.)

All these were debunked, and during the October 3 hearing, when they (Senator De Lima and witness Matobato) were about to be found out, they

¹²³ TSN, 3 October 2016, pp. 256-257.

¹²⁴ TSN, 3 October 2016, pp. 191-195.

¹²⁵ TSN, 3 October 2016, p. 538.

¹²⁶ Privilege speech delivered by Rep. Karlo Alexei B. Nograles, 19 September 2016.

decided to walk out.

Another issue that is disturbing is the testimony of Enrique Ayao of the Davao Police Force that in 2009, then CHR Chairperson now Sen. De Lima called him to talk to him in private about his pending administrative case, while the CHR was conducting an investigation on extra-judicial killings. It sounded like the CHR was going to help Ayao in his administrative case in exchange for his testimony to implicate then Mayor Duterte with such killings. This has all the marks of trying to obtain false testimony in exchange for exonerating Ayao in his administrative case. All these do not speak well of our colleagues who should exercise the highest degree of impartiality and respect for the law. It is also worth mentioning that after the hearing on October 3, Senator Trillanes apologized to the Chairman with Senator De Lima following suit a few days after. Not long after both went public accusing the Chairman of prematurely terminating the investigation, insinuating that it was going to be a “whitewash.”

Piecing the events together, we are convinced that there was an effort to manage the testimony of Matobato to make him the best witness to establish the complicity of President Duterte. His testimony had to be “realigned” to make it appear that he had personal knowledge of the vigilante killings and that the same were ordered by then Mayor Duterte, but as previously stated, they were all debunked. It is obvious that when the hearing last October 3 turned the corner and when Matobato was called and he could now confront the alleged members of the DDS, it became convenient to get him out of the session hall and they avoided more discussion that could further demolish Matobato’s credibility by staging a

walkout. It would be hard to believe that the disappearance of Matobato and the walkout are not part of a strategy to protect a lying witness. When it was clear that Matobato's failure to reveal the real accused would be cornered with the damaging information presented by the NBI, he was conveniently whisked away.

Thus, Senator Trillanes and Senator De Lima must be faulted for their unparliamentary conduct. Senator Trillanes must be held accountable for taking it upon himself to remove their star witness from further scrutiny by the Committee at a critical time in the hearings. This was not only unethical but also an insult to the rest of the members who endured the long hours of hearing that day (as well as in previous days). To top it all, Senator De Lima went into histrionics and walked out of the session hall, truly a conduct unbecoming of an elected Senator. Senator Pacquiao manifested to terminate the Committee hearing due to what happened. This sentiment was echoed by Co-Chair Senator Lacson who was livid and also wanted to terminate the proceedings. Apologies came a few days afterwards when the Chairman announced that he was going to file a case to the Ethics Committee. However, outside the Committee, both Senators continued to assail the proceedings. The Committee was unfairly accused of a cover up and of prematurely terminating the hearings. It is even more tragic that they conspired to block the efforts of the Committee to ferret out the truth. Sen. De Lima could've requested for a suspension of the hearing to discuss her concerns or some other parliamentary procedure to explain her side but instead she walked out of the hearing, not allowing emotions to "cool down".

On 26 September 2016, Sen. Trillanes delivered a privilege speech validating some of the testimony of Mr. Edgar Matobato during the previously held hearings by presenting documents on the floor during the session. The new Chairman, Sen. Gordon raised a manifestation that there is an ongoing investigation and appealed to the body that if there are matters they would like to raise, they should do so during the hearing and not in the plenary. Chairman Gordon rejected the motion to refer the speech to the Blue Ribbon Committee and that the same be referred instead to the Committee on Rules for proper disposition.

All these manifest unparliamentary conduct committed by Senators De Lima and Trillanes for which both should be held accountable in order to preserve the integrity of the Senate.

THE ROLE OF THE PRESIDENT

A Word of Caution: Loose Lips Sink Ships.

*Trust in the Lord with all your heart and lean not on your own
understanding; in all your ways submit to Him,
and He will make your paths straight.*

Proverbs 3:5-6

The drug menace is a harsh reality. The tragedy of it all is that it hurts mainly the poor. Because the government has failed to provide more opportunities for livelihood and economic advancement, our people have become poorer, and are more susceptible to the enticements of quick money from drugs. Drug proliferation has become a menace and has

proven extremely lucrative for the druglords and their network of pushers that has bred narco-politics. The President staked his candidacy on his promise to combat this drug menace. A people that have grown weary and hopeless because of the lack of enforcement of the law and the inability of the government to protect them from drug pushers and criminals gave him the largest mandate. The President has made the people feel that finally something is going to be done about it. He must not fail the people and he must not fail himself.

As the Chairman has observed previously, the druglords and the drug pushers are arming themselves in the belief that they would be eliminated by law enforcement authorities, which ultimately produces fatal altercations between the police and these criminals, as well as create a wider war with criminals by buying better weapons and equipment like the perilous trend in Colombia and Mexico. This ominous situation would only spell more violence in which case the drug initiative by the government becomes converted into a full-blown drug war akin to Colombia and Mexico where hundreds of thousand of people died.

A word of caution to the President is warranted. While there is no doubt that he has the country's best interests at heart when he waged his war against illegal drugs and criminality, his ways and methodology may not be readily understood and acceptable to all. He thus should seek to epitomize a man of the law, and be an exemplary role model. All Presidents must be role models in word and in deed. Leaders raise the values and performance of a people.

The President needs to be mindful of his role as head of State and be careful with his words, lest his imprudent statements be construed as imputable to the State. There may also be accusations of tolerance hurled against him because his overwhelming support to the police, manifested by his colorful language against drug pushers, may be perceived as a condonation of the violations of human rights and due process that the police are committing, in the guise of putting an end to the drug menace. While the people recognize his fearless naming of generals and prominent personalities, including politicians and judges, as protectors of druglords, due process must still be observed. The accused deserve their day in court to prove their innocence. While he has gained the admiration of many for his no-nonsense style, he will further national interest if he bears in mind that he must be a force for good. Children listen to him. He both has a local and an international audience who scrutinize his every move. He will all the more maintain the trust of the people when he transforms into a leader worthy of emulation, in every sense of the word.

The President should likewise not just account for the misdeeds of the police, but raise their standards of accountability so that they become paragons of protectors of the people. When the police violate the law, they must be punished. The doctrine of command responsibility obligates the President to take necessary and reasonable measures to prevent the commission of an illegal act or an irresponsible omission, and to punish the perpetrator. Uncorrected or unpunished even when they have erred, the police may believe that they are above the law.

When the police deem themselves to be omnipotent, they are emboldened and more killings ensue; the duty to protect the people is thrown out the window. The offshoot will be silencing accused drug pushers and druglords without affording them the bill of rights guaranteed to them by the Constitution. In turn, the accused, fearful of their lives, arm themselves and fight back without resorting to the legal processes. The result is public disorder and the waning respect for the rule of law. Civilians must be dissuaded from taking the law into their own hands; they must be empowered to become part of the change without utterly disregarding the law. **The war against illegal drugs must be won within the legal system, and the President must lead in reminding this important message to the people.** After all, he has sworn as President of the Republic to “faithfully and conscientiously fulfill [his] duties as President of the Philippines, preserve and defend its Constitution, execute its laws, do justice to every man, and consecrate [himself] to the service of the nation.” Serving the nation entails doing justice to every man, even if he is a drug pusher or a druglord.

We want to see our President, therefore, speak with decisiveness but with restraint and clarity about the rule of law, as he proudly proclaimed in his inaugural, “As a lawyer and a former prosecutor, I know the limits of the power and authority of the president. I know what is legal and what is not.” He is after all the President and under the theory of *parens patriae*, “the government is regarded as the **LEGAL** protector of citizens unable to protect themselves.” This is indeed presidential.

As a respected father of a nation, people will listen to him and most especially our youth, the children, the innocent ones are now often exposed to primetime television where they can have a chance to look up to their President. We understand that as a former City Mayor, he acted and spoke tough and the people of Davao knew and understood him well. Now that he has a bigger audience, he must make a loftier demand upon himself. The President must speak clearly and lead well and his oral and body language must not be subjected to misinterpretation. The great masses of this country want to see the President succeed in his very committed drive against drugs, and in his overall campaign to make real changes in the life of the nation. We in the Senate are ready to help.

A TIME TO ACT AND KILL IMPUNITY

Nevertheless, this is a golden opportunity to show our people that under our democracy, we are not helpless. We can, by instituting remedial measures, help the very institutions that are by law, responsible for keeping the peace, solving crimes, arresting suspects and bringing them to justice. By all means, we must support the President for his resolute stand against drugs as well as our police force and state agents who are at the forefront of the war against drugs and criminality. We just have to do things right and within boundaries in a regime where the law is supreme and where there is justice for all.

The President must also make people part of the process of change against drugs. Combatting drugs entails participation from the citizens and

the communities since the police cannot fight drugs alone. The drive should be inclusive. The people themselves should be part of the solution because the menacing effect of drugs is personally felt by their families and communities.

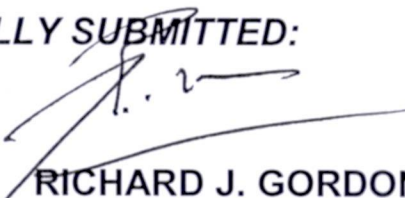
We assure the public that the rule of law is very much alive in this country. We owe it to our youth and the generations to come that under our watch, we are doing something that will create a more humane and caring society that solidly abides by the rule of law. Hopefully, with the recommendations set forth above, the nation will soon see a ray of hope and be assured that our institutions can be made to work with the end in view of ending the cycle of violence the nation has been exposed to over the years. Finally, this is also an opportunity for our people to stay vigilant and do away with apathy. As the saying goes, **ETERNAL VIGILANCE IS THE PRICE OF LIBERTY.** #

Done this 5th day of December 2016.


RESPECTFULLY SUBMITTED:


PANFILO M. LACSON

*Chairperson, Committee on Public
Order and Dangerous Drugs*


RICHARD J. GORDON

*Chairperson, Committee on Justice
and Human Rights*

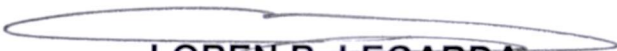


GREGORIO B. HONASAN II

Members:

FRANCIS "KIKO" PANGILINAN

I dissent in part and I concur in part. I will file a separate opinion. More hearings necessary for a definitive finding to be established.




LOREN B. LEGARDA

LEILA M. DE LIMA

GRACE L. POE



JUAN MIGUEL "MIGZ" F. ZUBIRI



MARIA LOURDES NANCY S. BINAY



EMMANUEL "MANNY" D. PACQUIAO

JOSEPH VICTOR G. EJERCITO

ALAN PETER S. CAYETANO

see separate opinion. With reservations and amendments. w/ Congratulations to Findings and handling of the contentious hearing.

ANTONIO "SONNY" F. TRILLANES IV

Ex-Officio Members:



FRANKLIN M. DRILON

President Pro-tempore



VICENTE C. SOTTO III

Majority Leader

RALPH G. RECTO

Minority Leader

HON. AQUILINO “KOKO” PIMENTEL III

President

Senate of the Philippines

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ATTENDANCE PER HEARING*(a) August 22, 2016***SENATORS PRESENT:**

HON. LEILA M. DE LIMA	Chairperson, Committee on Justice and Human Rights
HON. PANFILO M. LACSON	Chairman, Committee on Public Order and Dangerous Drugs
HON. FRANCIS “KIKO” PANGILINAN	Vice Chairman, Committee on Justice and Human Rights
HON. GREGORIO B. HONASAN II	Vice Chairman, Committee on Public Order and Dangerous Drugs
HON. FRANKLIN M. DRILON	Ex-Officio Member
HON. VICENTE C. SOTTO III	Ex-Officio Member
HON. RALPH G. RECTO	Ex-Officio Member
HON. MARIA LOURDES NANCY S. BINAY	Member
HON. JOSEPH VICTOR G. EJERCITO	Member
HON. FRANCIS G. ESCUDERO	Member
HON. RISA HONTIVEROS	Member
HON. EMMANUEL “MANNY” D. PACQUIAO	Member
HON. ANTONIO F. TRILLANES IV	Member
HON. SONNY M. ANGARA	Guest Senator
HON. PAOLO BENIGNO “BAM” AQUINO IV	Guest Senator
HON. ALAN PETER “COMPAÑERO” S. CAYETANO	Guest Senator
HON. JOEL VILLANUEVA	Guest Senator
HON. JUAN MIGUEL “MIGZ” F. ZUBIRI	Guest Senator

GUESTS/RESOURCE PERSONS:

Hon. Jose Luis Martin C. Gascon	Chairman, Commission on Human Rights
Atty. Dante Gierran	Director, National Bureau of Investigation (NBI)
Dir. Gen. Ronald Dela Rosa	Chief, Philippine National Police (PNP)
PCSupt. Leo Angelo D. Leuterio	Acting Deputy IG, IAS
PSSupt. Nolasco K. Bathan	Acting Chief of Police, Pasay City

	Police
Mr. Gilbert D. Boiser	Director, Commission on Human Rights (CHR) NCR
Atty. Roselyn A. Borja	Director, Philippine Drug Enforcement Agency (PDEA)
Atty. Ricardo N. Fernandez	MABINI Law Firm
Mr. Policronio Nalangan Jr.	CHR-NCR
Hon. Rene A.V. Saguisag	MABINI Law Firm, Former Senator, Counsel
Ms. Mary Rose Aquino	Witness
Ms. Harra Kazuo	Witness

(b) August 23, 3016

SENATORS PRESENT:

HON. AQUILINO “KOKO” PIMENTEL III	Senate President
HON. LEILA M. DE LIMA	Chairperson, Committee on Justice and Human Rights
HON. PANFILO M. LACSON	Chairman, Committee on Public Order and Dangerous Drugs
HON. FRANCIS “KIKO” PANGILINAN	Vice Chairman, Committee on Justice and Human Rights
HON. GREGORIO B. HONASAN II	Vice Chairman, Committee on Public Order and Dangerous Drugs
HON. FRANKLIN M. DRILON	Ex-Officio Member
HON. VICENTE C. SOTTO III	Ex-Officio Member
HON. RALPH G. RECTO	Ex-Officio Member
HON. MARIA LOURDES NANCY S. BINAY	Member
HON. JOSEPH VICTOR G. EJERCITO	Member

HON. FRANCIS G. ESCUDERO	Member
HON. EMMANUEL “MANNY” D. PACQUIAO	Member
HON. GRACE POE	Member
HON. ANTONIO F. TRILLANES IV	Member
HON. SONNY M. ANGARA	Guest Senator
HON. PAOLO BENIGNO “BAM” AQUINO IV	Guest Senator
HON. WIN GATCHALIAN	Guest Senator
HON. RICHARD J. GORDON	Guest Senator
HON. JOEL VILLANUEVA	Guest Senator
HON. JUAN MIGUEL “MIGZ” F. ZUBIRI	Guest Senator

GUESTS/RESOURCE PERSONS:

Hon. Jose Luis Martin C. Gascon	Chairperson, Commission on Human Rights (CHR)
Hon. Catalino S. Cuy	Undersecretary, Department of the Interior and Local Government (DILG)
Dir. Gen. Ronald Dela Rosa	Chief, Philippine National Police (PNP)
Pol. Chief Supt. Leo Angelo D. Leuterio	Internal Affairs Service (IAS), PNP
Atty. Benedicto Malcontento	PNP Legal Counsel
PO2 Alipio Balo Jr.	PNP, Pasay City
PO1 Michael Tomas	PNP, Pasay City
Ms. Mary Rose Aquino	Witness, Parents killed in drug operation
Ms. Harra Kazuo	Witness, Partner and Father-in-law killed in drug operation

(c) *September 15, 2016*

SENATORS PRESENT:

HON. LEILA M. DE LIMA	Chairperson, Committee on Justice and Human Rights
HON. PANFILO M. LACSON	Chairman, Committee on Public Order and Dangerous Drugs
HON. FRANKLIM M. DRILON	Ex-Officio Member
HON. VICENTE C. SOTTO III	Ex-Officio Member
HON. ANTONIO F. TRILLANES IV	Member
HON. SONNY ANGARA	Guest Senator
HON. ALAN PETER CAYETANO	Guest Senator
HON. SHERWIN GATCHALIAN	Guest Senator
HON. RICHARD GORDON	Guest Senator

GUESTS/RESOURCE PERSONS:

Director General Ronald M. dela Rosa	Chief, Philippine National Police (PNP)
Atty. Ferdinan Lavin	Officer-in-Charge, Deputy Director General, National Bureau of Investigation (NBI)
PC/Supt. Aurelio C. Trampe	Director, CLG
Atty. Flora C. Atilano	CHR
Atty. Diana de Leon	CHR
Atty. Homer Rusiana	Commission on Human Rights (CHR)
Mr. Edgar Matobato	Witness

(d) *September 22, 2016*

SENATORS:

HON. RICHARD J. GORDON	Chairman, Committee on Justice and Human Rights
HON. PANFILO M. LACSON	Chairman, Committee on Public Order and Dangerous Drugs
HON. VICENTE C. SOTTO III	<i>Ex Officio</i> Member
HON. ALAN PETER S. CAYETANO	Member
HON. LEILA M. DE LIMA	Member
HON. EMMANUEL “MANNY” D. PACQUIAO	Member
HON. GRACE POE	Member
HON. ANTONIO F. TRILLANES IV	Member

HON. JUAN MIGUEL “MIGZ” ZUBIRI	Member
HON. JUAN EDGARDO M. ANGARA	Guest Senator

GUESTS/RESOURCE PERSONS:

Hon. Catalino Cuy	Undersecretary for Police Matters, Department of Interior and Local Government (DILG)
P/CSupt. Leo Angelo D. Leuterio	Chief, Philippine National Police-Internal Affairs Service (IAS), PNP
P/DGen. Ricardo Quinto	Deputy Director General for Operations, Philippine Drug Enforcement Agency (PDEA)
P/CSupt. Augusto M. Marquez Jr.	Director for Investigative and Detective Management, Philippine National Police (PNP)
Atty. Joel Tuvera	NBI Chief, Anti-Illegal Drug Division Officer in Charge, Office of the Deputy Director for Forensic Investigation Service, NBI
P/CSupt. Oscar Albayalde	Regional Director, NCRPO, PNP
Atty. Anacleto Diaz	Independent Counsel for the Committee on Justice and Human Rights
Atty. Jose Marcos A. Bavia	Designated Counsel for Witness Edgar Matobato; Legislative Parliamentary Counseling Service, Senate of the Philippines
Mr. John Nery	Editor in Chief, Philippine Daily Inquirer
Mr. Edgar Matobato	Witness

(e) October 3, 2016

SENATORS:

HON. RICHARD J. GORDON	Chairman, Committee on Justice and Human Rights
HON. PANFILO M. LACSON	Chairman, Committee on Public Order and Dangerous Drugs
HON. RALPH G. RECTO	<i>Ex Officio</i> Member
HON. VICENTE C. SOTTO III	<i>Ex Officio</i> Member
HON. ALAN PETER “COMPAÑERO” S. CAYETANO	Member

HON. LEILA M. DE LIMA	Member
HON. EMMANUEL “MANNY” D. PACQUIAO	Member
HON. ANTONIO “SONNY” F. TRILLANES IV	Member
HON. JOEL VILLANUEVA	Guest Senator

GUESTS/RESOURCE PERSONS:

P/DDGen Isidro S. Lapeña (Ret.)	Director General, Philippine Drug Enforcement Agency (PDEA)
Hon. Catalino S. Cuy	Undersecretary for Police Matters, Department of Interior and Local Government (DILG)
Atty. Dante Gierran	Director, National Bureau of Investigation (NBI)
P/DGen. Ronald M. Dela Rosa	Chief, Philippine National Police (PNP)
P/CSupt. Leo Angelo D. Leuterio	Chief, Internal Affairs Service, PNP
Atty. Joel Tovera	Chief, Anti-Illegal Drugs Division, NBI
Col. Bartolome Vicente O. Bacarro	Assistant Chief of Staff for Operations, Philippine Army (PA)
P/CSupt. Manuel Gaerlan	Regional Director, Region XI, PNP
Atty. Ferdinand M. Lavin	Officer in Charge, Office of the Deputy Director for Forensic Investigation Service, NBI
P/CSupt. Augusto M. Marquez Jr.	Director, Directorate for Investigation and Detective Management (DIDM), PNP
P/SSupt. Dionisio Abude (Ret.) SPO3 Arthur Lascañas P/CInsp. Jacy Francia P/CInsp. Ronald Lao SPO4 Jim Tan SPO4 Sanson Buenaventura SPO1 Reynante B. Medina SPO1 Vivencio Jumawan SPO3 Rizalino G. Aquino	Resource Persons

SPO2 Enrique Delos Reyes Ayao	
SPO3 Donito Ubales	
SPO1 Jun Bisnar	
P/SSupt. Rey Capote	
P/SSupt. Tony Rivera	
SPO3 Jun Laresma	
Mr. Bienvenido Laud	
PO3 Arnold Dechavez (Ret.)	

(f) October 13, 2016

SENATORS:

HON. RICHARD J. GORDON	Chairman, Committee on Justice and Human Rights
HON. PANFILO M. LACSON	Chairman, Committee on Public Order and Dangerous Drugs
HON. LEILA M. DE LIMA	Member
HON. GREGORIO B. HONASAN II	Member
HON. EMMANUEL “MANNY” D. PACQUIAO	Member

GUESTS/RESOURCE PERSONS:

Hon. Jose Luis Martin C. Gascon	Chairman, Commission on Human Rights
Mr. Dante Gierran	Director, National Bureau of Investigation (NBI)
Mr. Isidro S. Lapeña	Director General, Philippine Drug Enforcement Agency (PDEA)
P/CSupt Oscar B. Albayalde	Acting Regional Director, National Capital Region Police Office (NCRPO), PNP
Atty. Maria Lynnberg	Chief, Intelligence and Investigation

Constantinopla	Division, Internal Affairs Service (IAS), PNP
P/CSupt Edwin Roque	Chief, Legal Services, PNP
Atty. Roselyn A. Borja	Director, Internal Affairs Service, PDEA
P/CSupt Rosauro V. Acio	Chief, Women and Children Protection Center, Directorate for Investigation and Detective Management (DIDM), Philippine National Police (PNP)
P/SSupt Joel Doria	Chief, Cebu City Police Office, PNP
P/SSupt Romeo Caramat Jr	Provincial Chief, Bulacan
P/SSupt Eric Noble	Provincial Chief, Province of Cebu, PNP
P/SSupt Joel Napoleon M. Coronel	District Director, Manila Police District, PNP
P/SSupt Guillermo Lorenzo T. Eleazar	District Director, Quezon City Police District, PNP
P/SSupt Johnson Almazan	Caloocan City, PNP

ANNEX A
Conflicting Statements of Edgar Matobato

	NBI Complaint re: Kidnap for Ransom of Sali Makdum	Counter-affidavit of Matobato	Affidavit for Witness Protection Program	Senate Committee on Justice Hearing Sept. 15, 2016	Senate Committee on Justice Hearing Sept. 22, 2016	NBI Resolution (Torture/ Arbitrary Detention)
Date	Nov. 14, 2000	Jan. 4, 2001	Sept. 4, 2014	Sept. 15, 2016	Sept. 22, 2016	June 30, 2016
Relevant Facts	Wife of Sali Makdum filed a complaint for kidnapping for Ransom against Matobato.	<i>"I strongly deny all the charges raised against me...for I have committed absolutely no crime against the person of Saleeh Muckdoom."</i>	<i>"I saw the group slit his (Sali Makdum) throat and took turns stabbing him to death."</i>	Matobato testified that: <i>"Binigti muna,...pagkatapos pinutul-putol ang katawan, hiniwa-hiwa,"</i> Matobato: garroted Lascanas: stabbed and killed Sali Makdum	SEN. CAYETANO. Ano ang ginawa niyo po sa kanya, si Makdum, sir? MR. MATOBATO. Pinatay po. SEN. CAYETANO. Paano niyo pinatay, sir? MR. MATOBATO. Binigte. SEN. CAYETANO. Okay, sir. Sir, pagkatapos niyong	

	NBI Complaint re: Kidnap for Ransom of Sali Makdum	Counter-affidavit of Matobato	Affidavit for Witness Protection Program	Senate Committee on Justice Hearing Sept. 15, 2016	Senate Committee on Justice Hearing Sept. 22, 2016	NBI Resolution (Torture/ Arbitrary Detention)
					binigte? MR. MATOBATO. Tsinap-tsap (chop) nila ni Arthur Lascañas. SEN. CAYETANO. Sino po ang nagbigte? MR. MATOBATO. Kami po ang nagbigte, tsinap-tsap ni Arthur Lascañas. THE CHAIRMAN (SEN. GORDON). Tsinap-tsap. MR. MATOBATO.	

	NBI Complaint re: Kidnap for Ransom of Sali Makdum	Counter-affidavit of Matobato	Affidavit for Witness Protection Program	Senate Committee on Justice Hearing Sept. 15, 2016	Senate Committee on Justice Hearing Sept. 22, 2016	NBI Resolution (Torture/ Arbitrary Detention)
					<p>Opo.</p> <p>THE CHAIRMAN (SEN. GORDON).</p> <p>Ano ang ibig sabihin ng</p> <p>“tsinap-tsap,” tinaga-tagá?</p> <p>MR. MATOBATO.</p> <p>Tinaga-tagá, sir.</p> <p>THE CHAIRMAN (SEN. GORDON). Go ahead, please.</p> <p>SEN. CAVETANO.</p> <p>Sige. So tinaga-tagá, so hindi—ang pagpatay po sa</p>	

	NBI Complaint re: Kidnap for Ransom of Sali Makdum	Counter-affidavit of Matobato	Affidavit for Witness Protection Program	Senate Committee on Justice Hearing Sept. 15, 2016	Senate Committee on Justice Hearing Sept. 22, 2016	NBI Resolution (Torture/ Arbitrary Detention)
					kanya, bigte hindi po nilaslas iyong leeg ng kutsilyo? MR. MATOBATO. Hindi, bigte rin. SEN. CAYETANO. Tinadtad po o pinagsasaksak? MR. MATOBATO. Tinadtad po.	
Accused	Edgar Matobato Sonny Custodio Nalwin Calpo Raul Rodriguez John Doe (20-30 y/o)		SPO3 Arthur Lascanas SPO2 Reynante Medina SPO4 Jim Tan SPO2 Bienvenido	Col. Rey Capote SPO3 Arthur Lascanas SPO2 Bobong Aquino SPO2 Bienvenido Furog SPO2 Ubales		PS/SUPT Vicente Danao SPO1Reynante Medina SPO2 Rizalino Aquino

	NBI Complaint re: Kidnap for Ransom of Sali Makdum	Counter-affidavit of Matobato	Affidavit for Witness Protection Program	Senate Committee on Justice Hearing Sept. 15, 2016	Senate Committee on Justice Hearing Sept. 22, 2016	NBI Resolution (Torture/Arbitrary Detention)
	*none of the above are identified members of DDS.		Furog SPO3 Pogi Obalis SPO2 Rosalino "Bobong" Aquino			SPO2 Bienvenido Furog SPO4 Arthur Lascanas

ANNEX B

Top 10 Locations in Terms of Number of Drug-Related Fatalities (May 10, 2016 – Oct. 6, 2016)

PROVINCIAL POLICE OFFICERS	PROVINCE	POLICE OPERATIONS	DUI	GRAND TOTAL
	TOTAL	1,165	792	1,957
PSUPT JOEL NAPOLEON M CORONEL	Manila	164	40	204
PSUPT ROMEO M CARAMAT JR	Bulacan	132	49	181
PROVINCE OF CEBU: PSUPT JOSE B MACANAS CEBU CITY: PSUPT JOEL B DORIA	Cebu	90	84	174
PSUPT GUILLERMO LORENZO T ELEAZAR	Quezon City	103	21	124
PSUPT JOHNSON C ALMAZAN	Caloocan City	38	78	116
PSUPT RONALD O LEE	Pangasinan	26	56	82
PSUPT ADRIANO T ENONG JR	Rizal	60	3	63
PSUPT MANUEL E. CORNEL	Nueva Ecija	13	40	53
PSUPT JOEL C PERNITO	Laguna	41	11	52
PSUPT NOLASCO K BATHAN	Pasay	15	29	44

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ABS-CBN News

**DUI – Deaths Under Investigation*

ANNEX C
Motorcycle Riding Crimes (2010 – 2016)

	Shooting	Robbery	Carnapping	Others	Total
2010	824	1342	135	83	4394
2011	1069	1498	142	134	4854
2012	1445	1329	98	169	5053
2013	808	1027	67	180	4095
2014	1714	2039	84	368	6219
2015	1703	1888	111	309	6026
2016	690	154	17	85	2962

Source: PNP

ANNEX D
Incidents Perpetrated by Motorcycle Riding Criminals By Region (July 1 to November 1, 2016)

PROs	NO. OF INCIDENT PERPETRATED BY MOTOR RIDING CRIMINALS
PRO 1	95
PRO 2	33
PRO 3	106
PRO 4-A	131
PRO 4-B	6
PRO 5	26
PRO 6	10
PRO 7	56
PRO 8	21
PRO 9	40
PRO 10	64
PRO 11	75
PRO 12	47
PRO 13	33
PRO 18	13
PRO ARMM	15
PRO COR	4
NCRPO	274
TOTAL	1049

Source: PNP

ANNEX E
Murder and Homicide Statistics (2001 – Aug 2016)

MURDER AND HOMICIDE STATISTICS			
2001- AUG 2016			
Year	Murder	Homicide	TOTAL
2001	5,852	4,140	9,992
2002	6,553	4,328	10,881
2003	6,436	3,983	10,419
2004	6,344	3,515	9,859
2005	6,434	3,240	9,674
2006	6,196	3,299	9,495
2007	5,962	2,890	8,852
2008	5,820	2,475	8,295
2009	9,348	4,947	14,295
2010	8,645	3,708	12,353
2011	8,489	3,375	11,864
2012	8,484	3,022	11,506
2013	9,153	7,007	16,160
2014	9,756	3,349	13,105
2015	9,646	2,835	12,481
2016	6,950	1,459	8,409

Source: PNP and PSA

ANNEX F
Edgar Matobato's Testimonies

SUBJECT	SEPTEMBER 15, 2016 TRANSCRIPT	SEPTEMBER 22, 2016 TRANSCRIPT	OCTOBER 3, 2016 DOCUMENTS / TESTIMONIES
1. MATOBATO AS A MEMBER OF THE CITIZEN ARMED FORCES GEOGRAPHICAL UNIT (CAFGU) / CITIZENS HOME DEFENSE FORCE (CHDF)	Matobato said he joined as a member of the Citizen Armed Forces Geographical Unit (CAFGU) with the Scout Rangers in 1982 before Duterte hired him to join the "Davao Death Squad."	He denied being a CAFGU member, instead he said that he was a member of the Citizens Home Defense Force (CHDF). Sen. Gordon: <i>Naging CAFGU ka ba? Sabi mo kasi last time CAFGU.</i> Matobato: CHDF, Sir. Ngayon ang pumalit na Sir, CAFGU na, parang ang naisip ko nga na CAFGU na. (Page 145)	Lieutenant General Eduardo Año certified on September 29, 2016 that a certain Edgar Matobato DOES NOT APPEAR to be a member of the defunct Civilian Home Defense Force (CHDF). Col. Benjamin L. Hao of the Philippine Army also certified on September 22, 2016 that the name of Edgar Matobato DOES NOT APPEAR on the records check (Army & CAFGU personnel).
2. MATOBATO AS A SCOUT RANGER	Matobato claimed that he was a member of CAFGU – Scout Ranger. <i>Noong 1982, pumasok ako ng CAFGU ng Scout Ranger sa battalion ng Scout Ranger. (Page 14)</i>	No mention of Scout Ranger.	Col. Bartolome Vicente O. Bacarro, the Medal of Valor Awardee, testified before the Committee that the Scout Ranger course is exclusively for active military personnel. Scout rangers do not have auxiliaries.

SUBJECT	SEPTEMBER 15, 2016 TRANSCRIPT	SEPTEMBER 22, 2016 TRANSCRIPT	OCTOBER 3, 2016 DOCUMENTS / TESTIMONIES
3. 1993 Bombings Davao city	Matobato said Duterte ordered the Lambada Boys to bomb the mosques in Davao City after the 1993 bombing of the Davao Cathedral. “1993, binomba ang cathedral ng Davao City, iyong simbahan. Um-order naman si Mayor Duterte nga masakarin (massacre) iyong mga moske ng mga Muslim.” (See Page 16)	Sen. Cayetano: <i>Narinig mo na si Mayor Duterte ang nag utos?</i> Matobato: <i>Opo, sir.</i> Sen. Cayetano: <i>Paano po?</i> Matobato: <i>Noong gabi iyan, binomba iyong cathedral, sir. Binomba. Pagkatapos ng 26, umakyat si Mayor Duterte, na ang sabi niya, “Masakerin niyo iyong mga moske.”</i> (Page 86)	Arthur Lascañas denied the allegations of Matobato. --- The bombing incidents – both at the cathedral and mosque – did happen based on existing local and international news reports published in 1993. However, Matobato’s account differs from what was documented in news reports. (The bombing that happened during a December Mass in 1993, left at least 6 dead and injuring at least 130). (Rappler Report)
4. SALI MAKDUM’S BACKGROUND	Matobato: <i>“International foreigner si Sali Makhdum, ma’am. Pinaghinalaang terrorist.”</i> (Page 20)	No Mention.	NBI: Can you give us an example of an “important target”? Matobato: “Yes sir. One of them was SALIM MAKDUM, a PAKISTAN national. (Sworn Statement of Edgar Matobato before the NBI, September 4, 2014). ---

SUBJECT	SEPTEMBER 15, 2016 TRANSCRIPT	SEPTEMBER 22, 2016 TRANSCRIPT	OCTOBER 3, 2016 DOCUMENTS / TESTIMONIES
5. THE PERSONS BEHIND THE KIDNAPPING / KILLING OF SALI MAKDUM	<p>Matobato claimed that after bombing the mosque, Mayor Duterte ordered them to kidnap Sali Makdum.</p> <p>Sen. De Lima: Sino kamo ang nag-utos?</p> <p>Matobato: Si Mayor Duterte, Ma'am (Page 18)</p> <p>xxx</p> <p>Matobato: Pagkatapos nang bumomba kami sa simbahan ng Muslim, naglipas ang mga araw, umutos <u>SIYA</u> na iyang mga suspect na Muslim, "Huilhin ninyo, patayin ninyo." So ang kuwan naman namin, ma'am, inaabangan namin iyang mga Muslim doon. Pinadudukot namin, pinagpapatay namin, nililibing namin sa mga quarry. SPO4 Ben Laud ang may-ari ng lupa, iyan talaga ang libingin namin, ma'am,</p>	<p>Sen. Cayetano: "So, hindi si Mayor Duterte ang nagpapatay?"</p> <p>Matobato: "Ewan ko lang, Sir. Hindi man ako kuwan iyon, Sir." (Pages 76-77)</p> <p>-----</p> <p>Sen. Cayetano: Doon kay Makdum walang kinalaman si Mayor?"</p> <p>Matobato: "Walang kinalaman" (Page 93).</p> <p>-----</p> <p>Sen. Gordon: "Hinihingan ka ng isang mahalagang target o maselan na target, ang sinagot mo, "Opo, si Makdum." At ang nag-order sa'yo ay si Mayor Duterte?"</p> <p>Matobato: Iyong kuwan, sir, iyong si Arthur Lascañas – sila man ang</p>	<p>Makdum's mother-in-law, Lydia Marquez, in an interview with CNN Philippines on September 20, 2016 clarified that Makdum was TURKISH, not Pakistani. (CNN Philippines)</p> <p>NBI: Can you give us an example of an "important target"?</p> <p>Matobato: "Yes sir. One of them was SALIM MAKDUM, a Pakistan national. He was ordered liquidated by RODRIGO DUTERTE through SPO4 Arthur Lascañas because he was a suspected terrorist."</p>

SUBJECT	SEPTEMBER 15, 2016 TRANSCRIPT	SEPTEMBER 22, 2016 TRANSCRIPT	OCTOBER 3, 2016 DOCUMENTS / TESTIMONIES
	<i>ng mga taong dinudukot namin.” (Page 19)</i>	<i>nag-usap, Sir, ni Arthur Lascañas. Sen: Gordon: Pero ang sagot mo sa affidavit ay “Mayor Duterte”, ikaw ang sumagot noon.”</i>	
		<i>Matobato: So, Sir, order ni Mayor Duterte – si Arthur Lascañas, Sir, ang umo-order sa’yo. Pero order iyon ni Duterte, Sir. (Page 126)</i>	
6. MANNER OF KILLING OF SALIM MAKDUM	<i>Matobato: “So dinala namin, ma’am, tapos pinatay namin, tsinap-chop (chop-chop) namin doon sa mga quarry, linibing namin sa mga quarry sa kuwan.” (Page 22)</i>	<i>“Pinatay po.” “Binigte.” “Tsinap-tsap (chop) nila ni Arthur Lascanas.” (See Page 155)</i>	<i>“I STRONGLY DENY all the charges raised against me by complainant Mirasol A. Marquez for I have committed absolutely NO CRIME against the person of Saleh Muckdoom.” (Counter-Affidavit of Edgar Matobato executed on January 4, 2001)</i>
7. TIME OF KIDNAPPING	<i>“Iyong 2002, kinidnap naming si</i>	<i>Sali Makdum was killed on</i>	<i>Investigation revealed that on 8 November</i>

SUBJECT	SEPTEMBER 15, 2016 TRANSCRIPT	SEPTEMBER 22, 2016 TRANSCRIPT	OCTOBER 3, 2016 DOCUMENTS / TESTIMONIES
OF MAKDUM	<i>Sali Makhdum sa Island Garden City of Samal." (See Page 20)</i>	2002. (See Page 196)	2000, subjects Edgar Matobato and Sonny Custodio called the victim Salih Muck Doom through the cellular phone of the victim's common-law wife and instructed him to meet them at Penaplata, Island Garden City of Samal, for a business transaction. On 11 November 2000, at about 7:00pm, the Victim's friend from Manila called the wife by phone informing her that the kidnappers contacted them and asked for P3M ransom. Edgar Matobato, Sonny Custodio, Nalwin Calpo, Raul Rodriguez and an unidentified man (John Doe) allegedly committed a violation of Article 267 of the RPC. (NBI Investigatory Report, Date Assigned: November 14, 2000; Date Reported: January 26, 2001)
8. MATOBATO AS AN EMPLOYEE OF THE DAVAO CITY HALL	Matobato claimed he was a "ghost employee" as he was employed in the Civil Security Unit but only worked to kill criminals. <i>Matagal naman akong nakakilala sa kanya almost 24 years akong nagtrabaho ng city hall. Ghost employee ako sa city hall, ma'am. Ang papel ko noon</i>	"Nagkasuweldo ako ng regular, Sir, is iyang job order ko is '90. 1990, sir. Hanggang 2013." (See Page 198)	Sen. Trillanes presented a document regarding this matter but he did not share his copy.

SUBJECT	SEPTEMBER 15, 2016 TRANSCRIPT	SEPTEMBER 22, 2016 TRANSCRIPT	OCTOBER 3, 2016 DOCUMENTS / TESTIMONIES
	<i>civilsecurity unit.</i> <i>Iyon ang papel pero sa totooang-totoo hindi kami mga civil security unit.</i> <i>Ang trabaho lang namin, ma'am, pumatay nang pumatay ng tao, ma'am.</i> <i>(See Page 29)</i>		
9. KIDNAPPING OF FORMER SPEAKER NOGRALES' STAFF / BODYGUARDS	Matobato claimed Duterte ordered the DDS to kidnap and kill the staff members / bodyguards of former House Speaker Prospero Nograles when Nograles ran against Duterte in the mayoral elections in 2010. They allegedly kidnapped four (4) men of Nograles, one of whom is an ex-barangay captain. They brought them to the Island Garden City of Samal. Matobato: Noong 2010, tumakbo si Prospero Nograles ng mayor ng Davao City, naglaban sila ni Mayor Duterte so hinuli nila—pinakidnap ng mga bodyguard ni Nograles, kinidnap namin, dinala	He said that those men were not bodyguards of Nograles, but men of Palparan and Gen. Martiliano. Later on, he said that those men were detailed to Nograles.	"My father and I have come out to dispute this lie and set the record straight. No one among the security personnel assigned to him during that period or at any other period during his incumbency as representative of the 1 st District of Davao or as a Speaker of the House of Representatives was kidnapped or killed." (Privilege Speech delivered by Rep. Karlo Alexei B. Nograles on Septemebr 19, 2016).

SUBJECT	SEPTEMBER 15, 2016 TRANSCRIPT	SEPTEMBER 22, 2016 TRANSCRIPT	OCTOBER 3, 2016 DOCUMENTS / TESTIMONIES
	<p><i>niya sa Island Garden City of Samal, ma'am. Doon namin dinala.</i></p> <p><i>Sen. De Lima: Sino ho ang nagpakindap ng apat na mga tao ni Prospero Nograles?</i></p> <p><i>Matobato: Si Mayor Duterte po, Ma'am</i> <i>(See Page 25 – 26)</i></p>		
10.KILLING OF NBI AGENT AMISOLA	<p>Matobato claimed that about 200 bullets killed NBI Agent Amisola. It was an "overkill".</p> <p><i>So si Amisola naman, ma'am, naman na-overkill. Siguro mga 200 bullets sa katawan ang tumama kang Amisola, na-overkill.</i></p> <p><i>There were about 30 men who shot Amisola.</i></p> <p><i>Matobato: Hindi man, sir. Sa daming bumaril kay Amisola, sir, sobra-sobra, na overkill siya.</i></p> <p><i>Sen. Cayetano: Siguro mga 30 kami, Sir.</i></p>	<p>He said that it took them about 200 bullets before they were able to kill Amisola because the shots were "daplis daplis lang."</p> <p><i>"Buhay pa siya, sir, buhay pa. Daplis-daplis naman ang tinatamaan niya, sir. Mga daplis-daplis naman."</i></p> <p><i>He denied that there were 30 men. "Hindi ko iyan sinabi, Sir, na trenta. Hindi ko yan sinabi sa iyo nga trenta, Sir."</i></p>	<p>No available police report. Could not validate.</p>
11. HEINOUS CRIME	<p><i>Sen. De Lima: Noong sinabi</i></p>	<p>"Heinous Crime Section" was used</p>	<p>SPO2 Enrique Delos Reyes Ayao said that</p>

SUBJECT	SEPTEMBER 15, 2016 TRANSCRIPT	SEPTEMBER 22, 2016 TRANSCRIPT	OCTOBER 3, 2016 DOCUMENTS / TESTIMONIES
SECTION	<i>mong Heinous Crime, ano ho ba iyan, Heinous Crime –grupo ho, unit opisina?</i> Matobato: Opisina, Ma'am. Ito ang tinatawag na pulis ng Mayor, iyong Heinous Crime under sa ID, sa intelligence. Sen. De Lima: Ng city government of Davao? Matobato: Opo, Ma'am. Sen. De Lima: Heinous Crime Section o Heinous Crime Office? Matobato: Opo.	all throughout the hearing.	it's supposed to be <u>Heinous Crime INVESTIGATION</u> Section.
12. MATOBATO'S EDUCATIONAL ATTAINMENT	He only reached Grade 1. Matobato: Grade 1 lang ako.	Based on his affidavit with the NBI, he reached Grade 3.	"I only finished the third year of grade school." (Sworn Statement of Edgar Matobato given before the NBI on September 4, 2014)

SUBJECT	SEPTEMBER 15, 2016 TRANSCRIPT	SEPTEMBER 22, 2016 TRANSCRIPT	OCTOBER 3, 2016 DOCUMENTS / TESTIMONIES
13. POSITIONS OF THE / DESIGNATION OF THE POLICEMEN	Designations of some "DDS Members" according to Matobato SPO4 Arthur Lascanas Col. Tony Rivera SPO1 Jun Bisnar Major Lao Arnold Ochavez - Civilian	Designations of some "DDS Members" according to Matobato SPO4 Arthur Lascanas Col. Tony Rivera SPO1 Jun Bisnar Major Lao Arnold Ochavez - Civilian	The witnesses corrected their designations SPO3 Arthur Lascanas PSUPT Tony Rivera PO2 Jun Bisnar P/Clnsp Ronald Lim Lao PO3 Arnold Dechavez

Annex G
Department of Foreign Affairs Report on US Government Statements on Allegations of Extrajudicial Killings in the Philippines (November 9, 2016)

A table summarizing the report of the US Department of State from 1999-2015 on extra-judicial killings is shown below:

Year	Report
1999	CHR investigated 185 extrajudicial killings, compared with 201 in 1988.
2000	CHR investigated 115 extrajudicial killings during the first half of the year, compared with 283 in all of 1999.
2001	CHR investigated 40 complaints of extrajudicial killings through June compared to 152 during all of 200.
2002	CHR investigated 55 complaints of extrajudicial killings through the first 6 months of the year, compared with 40 complaints through June 2001.
2003	CHR investigated 92 complaints of killings for the first 6 months of the year, the same number as in the first 6 months of June.
2004	CHR investigated complaints of killings between January and September, down from 201 complaints for the same period in 2003.
2005	CHR investigated 381 complaints of killings between January and September, compared with a total 307 complaints of killings during 2004.
2006	CHR investigated 296 complaints of killings between January 296 complaints of killings between January and November, compared with a total of 453 complaints of killings in 2005.
2007	CHR investigated 71 complaints between January and June, 25 of these were classified as politically motivated.

2008	Through the year's end, the PNP Task Force recorded 146 cases of killings since 2001, six of which occurred during the year; 90 cases were filed in court, with one conviction during the year. At least one human rights organization, Karapatan, claimed that there have been more than 900 killings since 2001, with both state actors and non-state actors as suspects. It recorded 69 victims of killings during the year.
2009	CHR investigated 57 new complaints of politically motivated killings that occurred from January to November.
2010	CHR investigated 53 new complaints of politically motivated killings involving 67 victims during the year.
2011	CHR investigated 78 new complaints of politically motivated killings involving 95 alleged victims during the year, a decrease from the 87 complaints investigated in 2010.
2012	CHR investigated 30 new complaints of politically motivated killings involving 40 alleged victims during the year, a significant decrease compared with the revised total of 92 complaints investigated in 2011 involving 143 alleged victims.
2013	CHR investigated 26 new complaints of politically motivated killings involving 52 alleged victims as of October.
2014	CHR investigated 45 new complaints of politically motivated killings involving 61 alleged victims as of September.
2015	CHR investigated 50 new complaints of politically motivated killings involving 68 alleged victims as of September.

Annex H
Expressions of Concern by the US Government (USG)
30 June 2016 to Present

To date, both executive and legislative branches of government of the United States have shown serious concern in the human rights situation in the Philippines as shown below:

A. Executive Branch¹

Date	USG Concern
August 8, 2016	Department of State officials invited the Charge d’Affaires of the Philippine Embassy in Washington D.C. to their office and expressed US concerns on news reports on the extra-judicial killings resulting from the Duterte administration.
September 29, 2016	Philippine Embassy Charge d’Affaires was invited by Department of State officials anew to express concern over reports of large scale extra-judicial killings in the war on drugs.
In addition to above-mentioned formal meetings, on numerous occasions, USG officials had side meetings at various events where concerns over EJK were expressed.	

¹ Department of Foreign Affairs Report on US Government Statements on Allegations of Extrajudicial Killings in the Philippines, November 9, 2016.

B. Legislative Branch²

Date	USG Concern
August 12, 2016	Letter from Representative Eliot Engel (D-NY/Ranking member, House Committee on Foreign Affairs
	<ul style="list-style-type: none">- Gravely concerned about the statements made by President Duterte that appear to have condoned or even encouraged EJKs by police officers and vigilante death squads- Concerned about the number of deaths from the war on drugs
September 26, 2016	Colloquy issued by Senator Ben Jardin and Senator Patrick Leahy
	Highlights: <ul style="list-style-type: none">- If EJKs and state-sanctioned violence will continue with no accountability, there will need to be an appropriate response by the US Government (Leahy)- US-PH relations is tremendously important but we find ourselves at crossroads due to the way the new administration is handling the war on drugs resulting in the rising number of EJKs (Cardin)

² Ibid.

Killings With Impunity: A Time To Act

Joint Committee Report No. 18

**Committee on Justice and Human Rights jointly with the
Committee on Public Order and Dangerous Drugs**

**Senator Richard Gordon, Chairman
Senator Panfilo Lacson, Co-Chair**

Executive Summary

“Kinakailangan mapuksa ng gobyerno ang patuloy na paglaganap ng patayan sa ating bansa sa kasalukuyan at sa mga nagdaang taon. Kailangang alam nating mga Pilipino at pati na ng buong mundo na tayo ay may pagpapahalaga sa buhay at dignidad ng sinumang tao at may mabilis na katarungan para sa lahat. Sa ganitong paraan, maibabalik ng tao ang tiwala at kumpiyansa nito sa pulis at sa gobyerno.”

Senator Richard Gordon

1. Background

Through the years, thousands of people have been killed with nary a sign of umbrage from the government authorities or from the people. Recently, public attention has focused on killings involving illegal drugs. To be sure, there are many other murders attributed to “motorcycle riding-in-tandem,” “vigilante killings,” and in the not so distant past, “salvaging” - a colloquialism for public executions. Most of these remain unsolved and are dismissed as committed by unknown persons or alleged vigilantes. The appalling part is that there has been no resolution or closure in many of these killings. The international community has even called our attention in the last several decades on what they call widespread “extra-judicial killings.” Journalists, judges, public figures, and ordinary people, including women and children, have been murdered. The “take no prisoners” approach of the present administration which ran on a draconian platform against criminals has gained traction before, during, and after the 2016 Presidential election. Because only a few ever get arrested, tried in court, sentenced and imprisoned based on the penalties prescribed by law, the issue has become of late **whether State-sponsored killings of illegal drugs suspects have become the new mode of dispensing quick justice.**

The absence of clear and quick action to resolve these killings has resulted in an apathetic, passive, and indifferent citizenry who blames the government for such inaction. At the same time, the police, who are in charge of crime prevention and law enforcement, seem to be in total disregard of the need to continuously improve the solution rate for killings.

A horrific situation has therefore resulted. Today, many people, based on surveys, appear to approve of the approach of the current administration and even believe that justice is finally being meted out against illegal drugs perpetrators. While the President seems to be trying to fulfill his promise that he will crack down on illegal drugs and eradicate this menace in the country, many police officers seem emboldened by some pronouncements of the President, such as “Do your duty and if in the process, you kill 1,000 persons because you were doing your duty, I will protect you.” Most of these pronouncements by the President appear to be a combination of general verbal threats aimed at discouraging illegal drugs and a display of iron hand treatment of criminals. While many perceive it as a sincere desire of the President to eradicate drugs in the country, many more are growing concerned with the rising killings nationwide.

The Senate Committee on Justice and Human Rights jointly with the Senate Committee on Public Order and Dangerous Drugs (“Committee”) thus conducted an investigation, in aid of legislation, under the chairmanship of Senator Leila De Lima, who previously served as Commission on Human Rights (CHR) Chair from 2008 to 2010 and Department of Justice Secretary from 2010 to 2015.

In the middle of the investigation and as the attacks against Senator De Lima became more strident, the Committee unfortunately became a cockpit for partisanship. Partisan politics manifested itself with disorderly results, including uncontrolled shouting, threats and intimidation, and microphone grabbing incidents between Senator Antonio Trillanes and Senator Alan Peter Cayetano. All these were being projected on national TV, which caused serious concern among the members of the Senate. Thus, Senator De Lima was ousted by the Senate as Committee Chair by a vote of 16 in favor, 4 against, and 2 abstentions. The majority of the Senate felt that the August 22, August 23, and September 15 hearings chaired by Senator De Lima strayed from an objective investigation. To obviate concerns about the partiality of the Committee, Senator Richard Gordon, who was not even a member of Committee, was then chosen to replace Senator De Lima as Committee Chair. Senator Gordon accepted with the condition that Senator De Lima remain a member of the Committee.

Thereafter, the Committee continued without delay the investigation as originally scheduled by Senator De Lima and proceeded with the witnesses proffered by her. The Committee later

also invited the police chiefs from the different urban and major population centers in the country to be subjected to investigation on the many killings in their respective jurisdictions.

2. Issues

The Committee was called to investigate, in aid of legislation, to resolve the following issues:

I.

Whether or not there is a State-sponsored policy to commit killings to eradicate illegal drugs.

The former Committee Chair, Senator De Lima, called witnesses from the CHR to attest to the occurrence of recent and rampant extra-judicial killings and summary executions.

After this, Senator De Lima decided to present Mr. Edgar Matobato, a surprise witness to the killings in Davao who alluded to a Davao Death Squad with no benefit of an affidavit submitted to the Committee as required by the rules. Later after his testimony was put in doubt, Senator Trillanes then quickly filed a new resolution, Proposed Senate Resolution No. 151, to investigate the extra-judicial or summary killings purportedly committed by an alleged Davao Death Squad beginning mid-1990s until the present.

II.

Whether or not the reported killings, beginning mid-1990s in Davao were allegedly perpetrated by a Davao Death Squad.

And since the purpose of the Committee is to investigate, in aid of legislation –

III.

What policies and legislation must be put in place as a result of the investigation?

3. Findings

Based on the hearings and testimonies given to the Committee, as well as the observations made by the members of the Committee, we find, as follows:

I.

There is no proof that there is State-sponsored policy to commit killings to eradicate illegal drugs in the country. However, the Committee took note of the

many thousands of killings with impunity taking place every year in the last two (2) decades at least.

II.

There is no evidence sufficient to prove that a Davao Death Squad exists.

III.

Many killings with impunity through the years up to the present have not been resolved by the police, leaving our people feeling unprotected, insecure, fearful, and cynical about the ability of the police to protect and serve them. There is an urgent need to undertake reforms in law enforcement and strengthen the criminal justice system to fortify the rule of law.

4. Discussion

I. There is no proof that there is State-sponsored policy to commit killings to eradicate illegal drugs in the country. However, the Committee took note of the many thousands of killings with impunity taking place every year in the last two (2) decades at least.

After the reorganization of the Committee and Senator De Lima was ousted as Chair, the Committee did not deviate right away from its original path and completed most of the witnesses invited by her. However, none of the witnesses were able to sufficiently prove that there is State-sponsored policy or order from the current administration to commit extra-judicial killings or summary killings to eradicate illegal drugs or even other crimes in the country. Based on the evidence presented before the Committee, there is no sufficient evidence to serve as basis for State-sponsored killings.

The Committee finds, however, that excessive and unabated killings have been going on for the last two (2) decades at least under different names, such as “extra-judicial killings,” “cardboard justice,” “motorcycle riding-in-tandem,” “vigilante killings,” and “salvaging,” among others.

A few months (July to early part of October) into the current administration, 4,248¹ killings have been reported all over the Philippines or an average of 1,416 killings per month or 47 killings per day. If this monthly average is maintained, then the killings from October to December would be another 4,248 killings or an estimated total of 8,496 killings from July to December 2016. Is this number unique to the Duterte administration? The Committee asked the police to submit reports for the number of killings over the past fifteen (15) years, as well as perused media reports.

For the years 2001 to 2009, under the Arroyo administration, 91,762 killings were reported or an average 10,196 killings per year, 850 killings per month or 28 killings per day. On the other hand, for the years 2010 to 2016, under the Aquino administration, there were 85,878 recorded killings with an average 14,313 killings per year, 1,193 killings per month or 40 killings per day. (See **Annex E** on *Murder and Homicide Statistics (2001 – August 2016)*).

At the initiative of Senator Gordon as Committee Chair, police provincial directors also presented their own statistics on killings committed in their respective jurisdictions. The Committee also presented statistics based on media reports. The data were reconciled and the police reports even showed higher numbers.

Based on the testimony of the police, the Committee also notes that some killings have been attributed to non-remittance of money collected from the illegal drugs trade, take over of the area of another illegal drugs syndicate, and the possibility of the police neutralizing former sources or suppliers of illegal drugs. P/Supt. Joel Coronel, District Director of the Manila Police District, testified that one of the possible motives for the killing of some drug personalities by police officers involved in the illegal drugs trade.²

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THE CHAIRMAN (SEN. GORDON). And why would they be killed? Have you established that?

MR. CORONEL. I understand, sir, that there were motives we uncovered or discovered. First is the – very common is the non-remittance of collection money insofar as drug money is concerned.

THE CHAIRMAN (SEN. GORDON). Nanunuba.

¹ Submission by PNP to the Senate Justice Committee on October 13, 2016, includes deaths outside police operations (1,566) and deaths involving police operations (2,682) for a total of 4,248 as of October 11, 2016.

²TSN, 13 October 2016, p. 88-89.

MR. CORONEL. Hindi po naka-remit, sir, iyong suspect sa kanila.

THE CHAIRMAN (SEN. GORDON). Nanunuba, hindi niya binabalik.

MR. CORONEL. Yes, sir. Another, sir, is when in rival groups or drug trades, drug trade syndicates would take over the area of another suspect particularly when arrests have been made by the police, a new group will take over that particular area and there will be, I understand, conflict between these groups and will result to the killing among them.

And number three, sir, is what we are investigating now, the possibility of some policemen who are formerly involved in the illegal drug trade who are neutralizing or killing their former sources or suppliers.

THE CHAIRMAN (SEN. GORDON). A policeman.

MR. CORONEL. Yes, Your Honor.

THE CHAIRMAN (SEN. GORDON). Some policemen are killing their own sources.

MR. CORONEL. Yes, Your Honor.

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Aside from killings related to illegal drugs, there are many other alarming murder cases reported, such as the recent case in Mindoro where motorcycle riding-in-tandem assailants apparently killed the Citizen's Crime Watch Regional Chairperson, Ms. Zenaida Luz. As they were being chased by law enforcement elements, one of the fleeing suspects shot at the pursuers and in the exchange of fire, the two (2) were wounded. The perpetrators turned out to be police officers.

II. There is no evidence sufficient to prove that a Davao Death Squad exists.

The witnesses invited by Senator De Lima and Senator Trillanes, specifically Mr. Edgar Matobato and the Davao police identified as alleged members of a Davao Death Squad, were not able to present sufficient evidence to prove the existence of a Davao

Death Squad, or that then Mayor Duterte was responsible for those deaths purportedly committed by a Davao Death Squad. Senator De Lima and Senator Trillanes identified and invited the Davao police from Mr. Matobato's testimony. However, these witnesses from the Davao police, based on the questions undertaken by the Committee members, including Senator De Lima and Senator Trillanes and the answers given by the witnesses from the Davao police, did not prove the existence of a Davao Death Squad.

Moreover, the Committee notes that Mr. Matobato's testimonies were full of inconsistencies and contradictions. For example, he alleged that he was a member of the Citizen Armed Force Geographical Unit (CAFGU) and Civilian Home Defense Unit (CHDF), but they have no records of him as a member. He also claimed that he was a scout ranger but Col. Bartolome Bacarro denied this and testified that the ranger course is exclusively for active military personnel only. During the October 3 hearing, the Davao police implicated by Mr. Matobato debunked his testimony. Mr. Arthur Lascañas denied that he is Duterte's right hand man and even narrated how he was unable to protect his own two (2) brothers, who were involved in illegal drugs, from being killed by the Davao police and how his eldest child, a nurse, was unable to get a job in the Davao City Hall. Mr. Matobato's narration on the manner and the people responsible for the alleged killing of Mr. Sali Makdum was riddled with inconsistencies. Mr. Matobato also testified that they killed several people, including former Speaker Prospero Nograles' bodyguards, which were all vehemently denied by the Nograles family. Some of the people Mr. Matobato implicated also denied even being a member of the police force or the security group of then Mayor Duterte and his family. Besides, why would Mr. Matobato be assigned to the Mayor's family, if he was indeed a hitman? He would be a political liability and high security risk since vengeful people he was purportedly ordered to kill could put his wards in more danger. This just does not make sense.

When on October 4, Mr. Matobato was about to be confronted with the witnesses he had earlier identified and implicated, Senator Trillanes took it upon himself to remove Mr. Matobato from further scrutiny by the Committee at a critical time in the hearing. The members of the Committee, as well as the witnesses, who endured the long hours of hearing that day were extremely offended.

Thus, no face-to-face confrontation between the Davao police was ever able to take place. Anticipating that the confrontation between the Davao police and Mr. Matobato was not going to go well for Mr. Matobato, Senator De Lima and Senator Trillanes behaved in an unparliamentary manner before the Committee. Instead of calmly and collectively discussing the issue of Mr. Matobato's testimony, including the material concealment of a kidnap-for-ransom case filed

against him, Senator De Lima went into histrionics by refusing to dialogue and continue with the proceedings and stomped or walked-out of the session hall.

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SEN. PACQUIAO: Mr. Chairman, when we started conducting this Senate hearing for these extra-judicial killings, we called Matobato nag-testimony siya rito, iyong testimony noong first hearing at iyong pangalawang hearing, lahat noong mga testimony niya noong pangalawang hearing – noong unang hearing, noong pangalawang hearing, salungat doon sa unang testimony noong unang hearing.

Ngayon, lahat ng mga testimony niya, lahat ng mga isiniwalat niya rito na sabi nya para maniwala sa kanya at ang laki ng damage sa ating bansa. Doon sa ibang bansa kung anu-ano ang mga balita na nakarating doon sa kanila, Mr. Chairman. Ano na ang image ng bansa ng Pilipinas natin?

Kaya naman pinatawag natin itong mga ibang witness na ito, itong nadawit at binanggit ni Matobato sa kanyang testimonya. Ang testimonya ni Matobato hindi consistent, lahat nagbagu-bago. Lahat pabagu-bago, Mr. Chairman.

Noong pinatawag natin lahat ng mga binanggit nya doon sa kanyang mensahe, sa kanyang testimony, gusto natin sya nandito rin siya. Ngayon, inalisan naman tayo. Nilayasan tayo. Parang napakalaking insult para sa atin iyan, Mr. Chairman, at sa lahat ng narito ngayon at sa buong Pilipinas, sa lahat ng tao. Insulto masyado iyan sa atin, Mr. Chairman.

And then I think doon sa mga previous hearing, committee hearing, nakita natin iyong inconsistency ng kanyang testimony, ni Matobato. Para makumpirma natin, pinatawag itong labing-lima o labing-anim na mga testigo na binanggit nya at sinangkot niya doon sa kanyang testimony. At ngayon gusto nating iharap, nilayasan tayo.

I think, Mr. Chairman, this is not a manifestation but I want to move to **terminate this committee meeting because this is useless**. This is useless if always like that, Mr. Chairman, na hindi sila – nilayasan tayo lahat. Ayaw nilang harapin itong-nandito, pinatawag natin sila dahil gusto natin maging parehas, maging pantay ang

batas natin, ang pag-imbestiga natin dito sa ating bansa, sa ating Committee. Mapakinggan ang panig noong sinangkot nya, mapakinggan ang nag-accuse na si Matobato para may balancing tayo – mapanood, marinig ng buong sambayanang Pilipino. And yet what happened? Parang insult sa atin iyan, nakakahiya sa atin. Nakakahiya sa atin.³

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The sentiment was echoed by the other members of the Committee like Senator Lacson who was livid and also wanted the Chairman to terminate the proceedings.

Apologies from Senator Trillanes and Senator De Lima came a few days afterwards. However, outside the Committee, both Senators continued to assail its proceedings and unfairly accuse the Committee of a cover up and of prematurely terminating the hearings.

III. Many killings with impunity through the years up to the present have not been resolved by the police, leaving our people feeling unprotected, insecure, fearful, and cynical about the ability of the police to protect and serve them. There is an urgent need to undertake reforms in law enforcement and strengthen the criminal justice system to fortify the rule of law.

Over and above the ostensible objectives of the investigation, it behooves the Committee to take stock of how we must view and address not only the current drug menace and the so many killings associated with it, but also the unabated killings that have been going on through the years up to the present without resolution and closure. There has been no closure to even high-profile massacres and murders from Maliwalu to Plaza Miranda, to Mendiola, to Ninoy Aquino, to Hacienda Luisita, to Maguindanao, to Mamasapano, and so forth. The common denominator is that there is no justice because there is no resolution or closure of these cases. Thus, it is easy enough for murderers, whether in uniform or not, to get away with their crimes, notwithstanding their different names depending on the season, such as “extra-judicial killings,” “motorcycle riding-in-tandem,” “vigilante killings,” and “salvaging,” among others.

³ TSN, 3 October 2016, p. 524.

Administrations of the government have come and gone, but the injustice inflicted upon the people brought about by unresolved killings continue. Coupled with the helpless indifference of the people, the only thing that remains constant is that the police and the criminal justice system have failed us. All these have led to many killings with impunity and some people, including some police officers, probably think that they can get away with murder.

What is clear therefore is that a high standard of behavior among law enforcers must be exacted. We must make the criminal justice system work and bring criminals to account for their crimes. Likewise, we must foster a caring and compassionate society. The people need to be vigilant and responsible to promote swift justice for all.

So it is not surprising to note that the basic principle of the social contract – where the people have empowered the government and its agents to protect society against those who threaten their rights – has been broken. If one breaks the social contract a different rule should apply. We cannot take comfort in and gloss over so many killings happening around the country, especially if there are claims that these are attributed to the police and the government.

On the contrary, we must strengthen our institutions that keep our society safe under the rule of law to eradicate the culture of impunity. We need to create the environment that will make us a people that value human life, respect the dignity of all men, and demonstrate our adherence to the rule of law.

5. Recommendations

At the outset, the immutable and universal principles that respect human rights must be instituted in law enforcement. In this connection, the police and other law enforcement officers, through Project “Tokhang” or any similar program, must be admonished and refrained from urging “surrenderees” to sign “voluntary surrender certificates” in violation of their Constitutional rights, particularly the rights of the accused.

Primarily, the Committee’s task is to recommend policies and legislation to put a stop to the unabated killings and to shake off the lack of urgency and apathy to address this grave problem on the part of the police, the government, and the people. The police must be held accountable. Check and balance mechanisms must be further strengthened to ensure that public order and safety is promoted. If we can stop the killings regardless of the terminology we use to refer to them, whether extra-judicial or not, then our people will restore their faith in the police and the government.

5.1. Amend Republic Act No. 8551 to enable the Internal Affairs Service to act swiftly on investigations of police personnel, and to strengthen disciplinary mechanisms, such as the People's Law Enforcement Board (PLEB)

Section 39 of Republic Act No. 8551 or the PNP Reform and Reorganization Act of 1998 provides as follows:

Section 39. *Creation, Powers, and Functions.* – An Internal Affairs Service (IAS) of the PNP is hereby created which shall:

- a) pro-actively conduct inspections and audits on PNP personnel and units;
- b) investigate complaints and gather evidence in support of an open investigation;
- c) conduct summary hearings on PNP members facing administrative charges;
- d) submit a periodic report on the assessment, analysis, and evaluation of the character and behavior of PNP personnel and units to the Chief PNP and the Commission;
- e) file appropriate criminal cases against PNP members before the court as evidence warrants and assist in the prosecution of the case;
- f) provide assistance to the Office of the Ombudsman in cases involving the personnel of the PNP.

The IAS shall also conduct, *motu proprio*, automatic investigation of the following cases:

- a) incidents where a member of the police force discharges a firearm;
- b) incidents where death, serious physical injury, or any violation of human rights occurred in the conduct of a police operation;
- c) incidents where evidence was compromised, tampered with, obliterated, or lost while in the custody of police personnel;
- d) incidents where a suspect in the custody of the police was seriously injured; and
- e) incidents where the established rules of engagement have been violated.

Finally, the IAS shall provide documents or recommendations as regards to the promotion of the members of the PNP or the assignment of PNP personnel to any key position.

Congress should amend Republic Act No. 8551 to give a corridor of time upon which the IAS must report incidents of killing by the police so that the public will not lose faith in the police and complain about the delay in the administration of justice. Summary proceedings should be fast and may be conducted with the use of affidavits and documentary evidence alone, for as long as all the parties are given the opportunity to be heard and all material evidence are presented and properly evaluated. The provision on summary dismissal is there so that the IAS may be able to give sufficient remedy in dismissing erring and abusive police, and the people, particularly the victims, will recognize that the government is actively disciplining its forces by cleaning up its own backyard.

The results of every shooting or gunfight that results in death or serious physical injuries involving police officers must be reported within five (5) days from the time of the incident by the IAS. Fifteen (15) days thereafter, there must be a report and recommendation on whether administrative and/or criminal charges should be filed.

Meanwhile, the PNP may suspend the police, confiscate the gun, and disarm the suspected police officer who fired the gun while under investigation. This will make the public feel safe so that such police officer will no longer have an opportunity to harass witnesses or hurt other persons, while he has not been exculpated from the charges as a result of the incident. The people should not be exposed to any public threat or menace, including rogue police officers.

The PNP may also issue and publish reports showing the status of cases of police being investigated for the sake of transparency and accountability. The PNP should destroy the confiscated firearms from drug pushers or criminals once their cases are terminated to prevent planting of recycled weapons upon “neutralized suspects.”

The appointment of a civilian head or Inspector General for the IAS is also important. Having a civilian head will reinforce the perception of objectivity and transparency of any IAS investigation.

Section 52 of Republic Act No. 8551 also provides as follows:

“Section 52. Section 41 of Republic Act No. 6975 is hereby amended to read as follows:

SEC. 41(a). Citizen's Complaints. – Any complaint by a natural or juridical person against any member of the PNP shall be brought before the following:

(1) Chiefs of Police, where the offense is punishable by withholding of privileges, restriction to specified limits,

suspension or forfeiture of salary, or any combination thereof, for a period not exceeding fifteen (15) days;

(2) Mayors of cities and municipalities, where the offense is punishable by withholding of privileges, restriction to specified limits, suspension or forfeiture of salary, or any combination thereof, for a period of not less than sixteen (16) days but not exceeding thirty (30) days;

(3) People's Law Enforcement Board, as created under Section 43 hereof, where the offense is punishable by withholding of privileges, restriction to specified limits, suspension or forfeiture of salary, or any combination thereof, for a period exceeding thirty (30) days; or by dismissal.

The Commission shall provide in its implementing rules and regulations a scale of penalties to be imposed upon any member of the PNP under this Section.

(b) Internal Discipline. – On dealing with minor offenses involving internal discipline found to have been committed by any regular member of their respective commands, the duly designated supervisors and equivalent officers of the PNP shall, after due notice and summary hearing, exercise disciplinary powers as follows:

(1) Chiefs of police or equivalent supervisors may summarily impose the administrative punishment of admonition or reprimand; restriction to specified limits; withholding of privileges; forfeiture of salary or suspension; or any of the combination of the foregoing: Provided, That, in all cases, the total period shall not exceed fifteen (15) days;

(2) Provincial directors or equivalent supervisors may summarily impose administrative punishment of admonition or reprimand; restrictive custody; withholding of privileges; forfeiture of salary or suspension, or any combination of the foregoing: Provided, That, in all cases, the total period shall not exceed thirty (30) days;

(3) Police regional directors or equivalent supervisors shall have the power to impose upon any member the disciplinary punishment of dismissal from the service. He may also impose the administrative punishment of admonition or reprimand; restrictive custody; withholding of privileges; suspension or forfeiture of salary; demotion; or any combination of the foregoing: Provided, That, in all cases, the total period shall not exceed sixty (60) days;

(4) The Chief of the PNP shall have the power to impose the disciplinary punishment of dismissal from the service; suspension or forfeiture of salary; or any combination thereof for a period not exceeding one hundred eighty (180) days: Provided, further, That the chief of the PNP

shall have the authority to place police personnel under restrictive custody during the pendency of a grave administrative case filed against him or even after the filing of a criminal complaint, grave in nature, against such police personnel.

(c) Exclusive Jurisdiction. – A complaint or a charge filed against a PNP member shall be heard and decided exclusively by the disciplining authority who has acquired original jurisdiction over the case and notwithstanding the existence of concurrent jurisdiction as regards the offense: Provided, That offenses which carry higher penalties referred to a disciplining authority shall be referred to the appropriate authority which has jurisdiction over the offense.

For purposes of this Act, a 'minor offense' shall refer to any act or omission not involving moral turpitude, but affecting the internal discipline of the PNP, and shall include, but not limited to:

- (1) Simple misconduct or negligence;
- (2) Insubordination;
- (3) Frequent absences and tardiness;
- (4) Habitual drunkenness; and
- (5) Gambling prohibited by law.

(d) Forum shopping of multiple filing of complaints. – When an administrative complaint is filed with a police disciplinary authority, such as the People's Law Enforcement Board (PLEB), no other case involving the same cause of action shall be filed with any other disciplinary authority.

In order to prevent forum shopping or multiple filing of complaints, the complainant or party seeking relief in the complaint shall certify under oath in such pleading, or in a sworn certification annexed thereto and simultaneously filed therewith, to the truth of the following facts and undertaking:

- (a) that he has not heretofore commenced any other action or proceeding involving the same issues in other disciplinary forum;
- (b) that to the best of his knowledge, no such action or proceeding is pending in other police administrative disciplinary machinery or authority;
- (c) that if there is any such action or proceeding which is either pending or may have been terminated, he must state the status thereof; and
- (d) that if he should thereafter learn that a similar action or proceeding has been filed or is pending before any other police disciplinary authority, he must undertake to report

that fact within five (5) days therefrom to the disciplinary authority where the original complaint or pleading has been filed."

In order to empower civilians against erring and abusive police officers, it is necessary to call for the strict implementation of citizen's complaints under Section 52 of Republic Act No. 8551, particularly the PLEB. More than two (2) decades after the PLEB was created through the proposal of then Olongapo City Mayor and now Senator Gordon, the PLEB has not yet been fully implemented and many private individuals are not aware that they can file complaints against erring and abusive police officers before the PLEB, which is essentially a disciplinary machinery for the police but under civilian authority. It is recommended as follows:

1. Provide a regular budget for the PLEB;
2. Require the Department of Interior and Local Government (DILG), which has supervision over mayors and the *Sanggunians*, about their responsibility to provide regular budgetary support for the PLEB in their area;
3. Remind the mayors and the *Sanggunians* to respect the independence of the PLEB and organize and encourage the PLEB and provide for its mandatory regular budgetary support;
4. Conduct an intensified and regular information campaign to inform the public about the PLEB;
5. Strengthen and improve the system and the organization of the PLEB;
6. Implement a strict institutionalized system of PLEB data reporting; and
7. PLEB cases must be strictly resolved within sixty (60) days from the filing thereof.

Finally, if we want to have only the best police force, then sufficient personnel, which the IAS admitted as lacking, and adequate equipment, such as body cameras, CCTVs, crime laboratory equipment, must be made available. The police must be trained intensively in conducting their duties and using these tools in their daily operations.

5.2. Create and Designate Special Criminal Courts for Erring and Abusive Police, Alongside Illegal Drugs Courts

Alongside illegal drugs courts, Congress and the Supreme Court should create and designate special criminal courts for erring and abusive police that will hear and try criminal cases, including killings, allegedly committed by police officers. These special criminal courts will conduct speedy trials of cases before them to provide swift justice to the people.

5.3. Create Joint Congressional Oversight Committee to Monitor Killings and Paramilitary Units

A Joint Congressional Oversight Committee to monitor killings and paramilitary units must be created. The PNP Director General, the National Bureau of Investigation (NBI) Director, and the AFP Chief of Staff must submit to this Joint Congressional Oversight Committee a monthly report of an official list of killings per province/city/municipality, a monthly status of cases of police and military under investigation, and an official list of paramilitary units. These reports will allow constant monitoring of the killings and paramilitary units so that there will be no more complacency, further killings can be prevented through utmost vigilance, and police and military leaders can now be held accountable for the crimes in their respective jurisdictions. Congress will no longer allow the many thousands of killings with impunity, undertaken in the last two (2) decades at least, to continue.

5.4. Take a Bite Out of Crime Through Better Crime-Fighting Strategies

- Motorcycle Riding-In-Tandem

Motorcycles have become “crime machines.” Reports show that ordinary people, media personnel, politicians, and even policemen have been killed by persons on board a motorcycle and “riding-in-tandem” to enable their express getaway. PNP recorded around 3,000 motorcycle riding crimes in 2016. (See **Annex C.**)

Thousands of crimes and killings have been committed and very few witnesses can testify, because motorcycle plate numbers are hardly seen or readable. Making the plates bigger will lessen the bravado of criminals in motorcycles to kill and allow people to report them to law enforcement for quick response. Congress should therefore require bigger plate numbers for motorcycles and increase the penalties for crimes committed by motorcycle riders riding-in-tandem.

- Body Numbering and Color-Coded Public Transportation

Laws and ordinances similar to the Olongapo City ordinance requiring body numbering and color-coded public transportation, such as tricycles and jeepneys, must be passed for quick and easy identification for law enforcement.

- Land Transportation Database

The Land Transportation Office (LTO) must have complete and accurate records of all motor vehicles in a database and be able to provide timely identification and location of owners of motor vehicles to the police and the public in special circumstances that warrant such information. It must include but not be limited to the following information: name of registered owner, driver's license number, address and contact details, vehicle identification number, plate number, body color, brand/manufacturer.

- Public Information and Education

Congress should mandate public broadcast franchises of TV and radio to donate thirty (30) hours a month per station to report killings and crimes, as suggested by Senator Gregorio Honasan II, as well as inform and educate the public about the criminal justice system.

The people must be properly educated and trained about their Constitutional rights, particularly those pertaining to the rights of the accused, and their civic duties. The Department of Education (DepEd) should integrate the study of Constitutional rights and civic duties in the school curriculum.

- Criminal Investigation

The CHR complaints, the case of Mr. Matobato, the case of Mr. Makdum, and other similar cases and incidents discovered or discussed by the Committee during its proceedings, such as the killing of crime crusader Ms. Luz, should be immediately investigated and proper charges should be filed against those responsible thereof. This should be part of the regular monthly reports to the Joint Congressional Oversight Committee to monitor killings and paramilitary units.

- People Must Be Part of the Change

To effectively put an end to the killings with impunity, people must be part of the process of change. People must organize village watch groups to guard against crimes, particularly the influx of drug dealers and pushers, in their respective areas. The people themselves should be empowered to help transform their respective areas into "drug-free" neighborhoods where their families may safely reside.

Parents-Teachers Associations (PTAs) must properly supervise their children and keep them away from dangerous drugs. Parents must be responsible and know the whereabouts of their children and their activities to prevent them from becoming victims of crimes,

especially of illegal drugs. Awareness and vigilance against illegal drugs should start in the homes and the schools to nip the drug menace in the bud.

This is a golden opportunity to show the people that under our democracy, we are neither helpless nor hopeless. We should replace the growing apathy of the citizens with energized people participation as we fight the war against drugs. There is strength not just in numbers but also in consolidated efforts; the key is to maximize and harmonize these symbiotic endeavors to achieve optimum results.

The police who have been remiss in their duty to protect the people, and the people who have failed to be vigilant about the enforcement of their rights within the legal framework, must synergize and work together to solve the problem on the rampant killings in the country. We are not here to fix the blame, but to fix the problem. We can, by instituting remedial measures, help the very institutions that are by law responsible for keeping the peace, solving crimes, arresting suspects, and bringing them to justice.

6. Epilogue

A Word of Caution: Loose Lips Sink Ships.

*Trust in the Lord with all your heart and lean not on your own
understanding; in all your ways submit to Him,
and He will make your paths straight.*

Proverbs 3:5-6

A word of caution to the President is warranted. While there is no doubt that he has the country's best interests at heart when he waged his war against illegal drugs and criminality, his ways and methodology may not be readily understood and acceptable to all. He thus should seek to epitomize a man of the law, and be an exemplary role model. All Presidents must be role models in word and in deed. Leaders raise the values and performance of a people.

The President needs to be mindful of his role as head of State and be careful with his words, avoid inappropriate statements lest they be construed as policies of the State. There may also be accusations of tolerance hurled against him because of the overwhelming support he gives to the police, manifested by his colorful language against drug pushers, may be perceived as a condonation of the violations of human rights and due process that the police are committing, in the guise of putting an end to the drug menace. While the people recognize his fearless naming of generals and prominent personalities, including politicians and judges, as

protectors of drug lords, due process must still be observed. The accused deserve their day in court to prove their innocence. While he has gained the admiration of many for his no-nonsense style, he will further national interest if he bears in mind that he must be not only a force for good but perceived to be so. Children listen to him. He both has a local and an international audience who scrutinize his every move. He will all the more maintain the trust of the people when he transforms into a leader worthy of emulation, in every sense of the word.

The President should likewise not just account for the misdeeds of the police, but raise their standards of accountability so that they become paragons of protectors of the people. When the police violate the law, they must be punished. The doctrine of command responsibility obligates the President to take necessary and reasonable measures to prevent the commission of an illegal act or an irresponsible omission, and to punish the perpetrator. Uncorrected or unpunished even when they have erred, the police may believe that they are above the law.

When the police deem themselves to be omnipotent, they are emboldened and more killings ensue; the duty to protect the people is thrown out the window. The offshoot will be silencing accused drug pushers and drug lords without affording them the bill of rights guaranteed to them by the Constitution. In turn, the accused, fearful of their lives, arm themselves and fight back without resorting to the legal processes. The result is public disorder and the waning respect for the rule of law. Civilians must be dissuaded from taking the law into their own hands; they must be empowered to become part of the change without utterly disregarding the law. **The war against illegal drugs must be won within the legal system, and the President must lead in reminding the people of this important message.** After all, he has sworn as President of the Republic to “faithfully and conscientiously fulfill [his] duties as President of the Philippines, preserve and defend its Constitution, execute its laws, do justice to every man, and consecrate [himself] to the service of the nation.” Serving the nation entails doing justice to every man, even if he is a drug pusher or a drug lord.

By all means, we must support the President for his resolute stand against illegal drugs as well as our police force who are at the forefront of the war against illegal drugs and criminality. The people will not follow a President who has lost the legal and moral high ground. We just have to do things right and within boundaries in a regime where the law is supreme and where there is justice for all. The time to act and end the impunity of killings is now. #