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SENATE

P.S. Res. No. 417

RECEIVED BY: _____

Introduced by Senators FRANKLIN M. DRILON, FRANCIS "KIKO" PANGILINAN, ANA THERESIA "RISA" HONTIVEROS-BARAQUEL, LEILA M. DE LIMA, PAOLO BENIGNO AQUINO IV, and ANTONIO "SONNY" TRILLANES IV

RESOLUTION EXPRESSING GRAVE CONCERN OF THE SENATE OVER THE DECISION OF THE DEPARTMENT OF JUSTICE TO DOWNGRADE THE CHARGES AGAINST THE MEMBERS OF THE CRIMINAL INVESTIGATION AND DETECTION GROUP—REGION 8 (CIDG-8) FROM MURDER TO HOMICIDE FOR THE KILLING OF ALBUERA, LEYTE MAYOR ROLANDO ESPINOSA, SR. AND DIRECTING THE APPROPRIATE COMMITTEE TO INQUIRE, IN AID OF LEGISLATION, INTO THE MATTER

WHEREAS, in the early morning of 5 November 2016, Albueria, Leyte Mayor Rolando Espinosa, Sr. (Mayor Espinosa) and fellow detainee Raul Yap were killed at the Leyte subprovincial jail in Baybay City during a police operation conducted by officers of the Criminal Investigation and Detection Group of Region 8 (CIDG-8);

WHEREAS, Mayor Espinosa was then in jail after his arrest on 5 October 2016 for alleged possession of 11.4 kilos of illegal drugs and firearms reportedly found in his home during a raid in August 2016;¹

WHEREAS, on 10 and 23 November and 5 December 2016, the Senate Committee on Public Order and Dangerous Drugs, jointly with the Committee on Justice and Human Rights, conducted an inquiry in aid of legislation into "the killing of Mayor Rolando Espinosa, Sr. of Albueria, Leyte";

WHEREAS, during the 23 November inquiry, Department of Justice (DOJ) Secretary Vitaliano Aguirre II categorically stated that given all the circumstances, he can conclude that the killing of Mayor Espinosa and Yap was "premeditated". Further, he also considered the conduct of the operation at 4:30 in the morning as "very unusual" and not consistent with procedure. He also labeled the service of the search warrant for a single weapon at a provincial jail by 19 police personnel an "overkill";²

WHEREAS, on 5 December 2016, the National Bureau of Investigation (NBI) filed with the DOJ multiple murder charges against Marcos and other members of CIDG-8 based on testimonies of witnesses and forensic examination which showed that "the killing was premeditated and the victim was defenseless when he was killed" in a "rubout" operation by policemen from the CIDG-8;

WHEREAS, on 2 March 2017, the DOJ Panel of Prosecutors found probable

¹ "From the arrest to the killing of Albueria Mayor Rolando Espinosa," GMA News Online, Published on 5 November 2016. Available at <http://www.gmanetwork.com/news/news/nation/587653/from-the-arrest-to-the-killing-of-albueria-mayor-rolando-espinosa/story/>. Accessed on 23 June 2017.

² TSN Committee on Public Order and Dangerous Drugs Joint with the Committee on Justice and Human Rights, p. 182-183, 23 November 2016.

cause for the filing of murder charges against the officers of CIDG-8. who. “under the pretense of implementing a search warrant”, “mutually assisted one another in the killing of Mayor Espinosa and Yap through treachery, by taking advantage of their superior strength and with the aid of their other armed co-respondents, qualified by evident premeditation”;

WHEREAS, on 15 March 2017, the Senate unanimously approved and adopted Committee Report No. 46 of the Committee on Public Order and Dangerous Drugs and the Committee on Justice and Human Rights, which found that “the killing of Mayor Espinosa was premeditated and with abuse of authority on the part of the operatives of CIDG-8”;

WHEREAS, on 29 May 2017, while the information for murder was already pending before the Regional Trial Court of Baybay, Leyte – Branch 14, the DOJ reversed its earlier Resolution and accordingly dismissed the murder charges against the accused and indicted them instead for the lesser and bailable offense of homicide;

WHEREAS, the trial court consequently granted the motion of the DOJ to amend the charges against the accused from murder to homicide and subsequently allowed the release on bail of Supt. Marcos *et al.*;

WHEREAS, there is no new evidence or compelling reason for the DOJ to reverse its original findings;

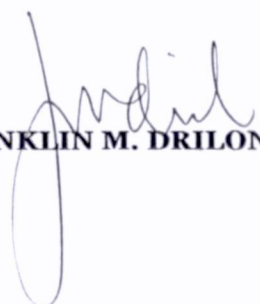
WHEREAS, the downgrading of the criminal charges against the officers of CIDG-8 fuels fears of a growing police impunity in the country and sends a disturbing message that law enforcers are exempt from the rule of law and that abuses committed by policemen – purportedly in the course of their official duties – will be tolerated and the Constitutional guarantees of due process and the right to life, liberty and property may be ignored;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, that the Senate express its grave concern over the decision of the Department of Justice to downgrade the charges against the members of the Criminal Investigation and Detection Group–Region 8 (CIDG-8) from murder to homicide for the killing of Albueria, Leyte Mayor Rolando Espinosa, Sr.

RESOLVED FURTHER, consistent with the duty of the Senate to check on the other branches of government, to direct the appropriate Senate Committee to inquire, in aid of legislation, why the recommendations of the Senate were ignored with the end in view of formulating remedial or corrective legislation.

Adopted,


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