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OF THE PHILIPPINES

Second Regular Session



SENATE
P.S. Res 498

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RECEIVED

Introduced by Senator Poe

RESOLUTION

URGING THE SENATE COMMITTEE ON PUBLIC ORDER AND DANGEROUS DRUGS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE SPATE OF KILLINGS OF MINORS AND OTHER YOUTH THAT RESULTED FROM THE GOVERNMENT'S WAR AGAINST DRUGS, IN EITHER POLICE OPERATIONS OR VIGILANTE-STYLE KILLINGS, IN ORDER TO RE-EVALUATE AND ENFORCE THE RULES OF ENGAGEMENT OF THE PHILIPPINE NATIONAL POLICE (PNP) IN ARRESTING CHILDREN IN CONFLICT WITH THE LAW (CICL), AND TO ESTABLISH EFFICIENT AVENUES FOR GIVING ASSISTANCE TO FAMILIES OF VICTIMS

WHEREAS, Section 13, Article 2 of the Constitution provides: "The State recognizes the vital role of the youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual, and social well-being. It shall inculcate in the youth patriotism and nationalism, and encourage their involvement in public and civic affairs";

WHEREAS, Article 40 of the Convention on the Rights of the Child (1989), of which the Philippines is a signatory to, provides that children in conflict with the law (CICL) have the right to treatment that promotes their sense of dignity and worth takes into account their age and aims at their reintegration into society;

WHEREAS, in furtherance to our international commitment to protect the rights of the child, Republic Act No. 9344 or the Juvenile Justice Act provides that every child in conflict with the law shall have the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment;

WHEREAS, under the same law, a law enforcement officer has the obligation to avoid the use of violence or unnecessary force on the child taken into custody, and to explain to the child in simple language why he/she is being placed under custody and the offense that he/she allegedly committed;

WHEREAS, among those who died in the drug war were minors and other youths whose gruesome deaths were dismissed as “isolated incidents” by law enforcement officials, when in fact these incidents, no matter how few and rare, should be considered heinous crimes;

WHEREAS, Section 6.1 of Chapter 3 of the *PNP Manual in Handling Cases of Children at Risk (CAR) and Children in Conflict with the Law (CICL)* provides that the use of instruments of force or restraint like handcuffs may only be used when absolutely necessary and only after all other methods of control have been exhausted and have failed;

WHEREAS, Section 6.2 of the same Manual absolutely prohibits, without exception, the use of unnecessary violence and force against the child, and the use of unnecessary violence and force is a criminal offense;

WHEREAS, the fact that the PNP has a dedicated manual requires law enforcers to exert the greatest restraint and care in dealing with CICL;

WHEREAS, among those who died in the series of drug raids that happened during the third week of August in Caloocan was a seventeen-year old Grade 11 student, Kian Loyd Delos Santos (“Kian”), whose death sparked public outrage and prompted a Senate probe;

WHEREAS, in the same week of Kian’s death, a nineteen year old University of the Philippines student, Carl Angelo Arnaiz, was also killed in another Caloocan police operation where he was allegedly found with prohibited drugs in his possession;

WHEREAS, Arnaiz’ companion who had gone missing, fourteen-year old Grade 5 student Reynaldo de Guzman, was also found dead on 6 September 2017 floating in a creek in Gapan, Nueva Ecija riddled with at least 30 stab wounds and with his face covered with packaging tape;

WHEREAS, aside from Kian, Carl, and Reynaldo, the Children’s Legal Rights and Development Center reported that fifty-four (54) people aged eighteen (18) years old and below have been killed so far in either police operations or vigilante-style killings since July 2016;

WHEREAS, the following were reportedly killed in anti-drug police operations: (a) ALTHEA BARBON, a four-year old who died last 1 September 2016

from gunshot wounds during an alleged buy-bust operation against her father in Guhuilngan, Negros Oriental; (b) HIDEYOSHI KAWATA, a seventeen-year old killed during a buy-bust operation in Caloocan City last January 2017; (c) JOSHUA CUMILANG, an eighteen-year old who was allegedly dragged down by armed men to an alley near their home before being killed by a police officer, and (d) JEFFERSON BUNUAN, a 20-year old criminology student and a beneficiary of Kaibigan Foundation was killed during a police operation in Sta. Ana, Manila last 18 July 2016, among others;

WHEREAS, unidentified gunmen also snatched the lives of several children via vigilante-style killings allegedly connected to illegal drugs activities: (a) five-year old DANICA MAY GARCIA in Dagupan City, Pangasinan last 23 August 2016; (b) five-year old FRANCIS MAÑOSCA in Pasay City last December 2016; (c) twenty two-year old ROWENA SAMSON who was on her way to enroll for her last semester in college in Manaoag, Pangasinan when she was found dead with the placard "*huwag tularan, pusher*", among others;

WHEREAS, the right to life is the most fundamental and basic of human rights, as provided for in Article 3, Section 1 of the Constitution, which states: "No person shall be deprived of life, liberty or property without due process of law";

WHEREAS, before we plummet into chaos and utter savagery, the recent brutal deaths of Kian, Carl, and Reynaldo, and of the other youth victims who came before them, should serve as a wake-up call and a reminder that we are a country of laws and morals;

WHEREAS, policymakers should condemn the utter disregard of human life by some police officers, who have sworn to protect and serve the people in carrying out the strong directive of the State to weed out illegal drugs activities;

WHEREAS, it is imperative to determine whether these killings were arbitrary executions caused by excessive, disproportionate and illegitimate use of force of law by law enforcement officers;

WHEREAS, given these increasingly gruesome deaths, we must ensure that the operational protocols of law enforcement agencies strictly adhere to the enshrined rights in our laws and international conventions;

WHEREAS, in order to ensure strict adherence with our laws and to dispel with the belief that collateral damage in this drug war is acceptable, law enforcement

agencies must also adopt best practices which call for the adoption of practical measures, such as:

- the establishment of protocols,
- conducting better training for dealing with possible CICL,
- requiring the wearing of body cameras for police operations,
- securing scenes of the crimes and all the effects therein, and
- protecting CCTV footage and witnesses;

WHEREAS, the plea for justice of the victims' relatives should not fall on deaf ears; the senseless killing of innocent Filipinos, especially minors, under the cloak of addressing the country's drug problem should be addressed by relevant legislation, policy recommendations, and impartial investigation;

WHEREAS, appropriate charges should be filed against law enforcement officers who are found in violation of laws pertinent to CICL;

BE IT RESOLVED, AS IT IS HEREBY RESOLVED, by the Senate of the Philippines, to urge the Senate committee on public order and dangerous drugs to conduct an inquiry, in aid of legislation, into the spate of killings of minors and other youth that resulted from the government's war against drugs, in either police operations or vigilante-style killings, in order to re-evaluate and enforce the rules of engagement of the Philippine National Police (PNP) in arresting children in possible conflict with the law (CICL), and to establish efficient avenues for giving assistance to families of victims.

Adopted,


GRACE POE