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SENATE

P. S. RES. NO. 775

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Introduced by Senator Antonio "Sonny" F. Trillanes IV

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON PUBLIC ORDER AND DANGEROUS DRUGS TO LOOK INTO, IN AID OF LEGISLATION, THE ALLEGED ARREST OF "TAMBAYS"/LOITERERS BY THE MEMBERS OF THE PHILIPPINE NATIONAL POLICE (PNP) FOLLOWING THE ORDER OF PRESIDENT RODRIGO DUTERTE, WITH THE END IN VIEW OF REVIEWING EXISTING LAWS AND LOCAL ORDINANCES TO ENSURE THAT NO HUMAN RIGHTS VIOLATIONS WERE COMMITTED AND THAT THE PNP IS ACTING WITHIN ITS MANDATE AND THE BOUNDS OF LAW

WHEREAS, Republic Act No. 8551, otherwise known as the Philippine National Police (PNP) Reform and Reorganization Act of 1998, states that PNP shall be a community and service oriented agency responsible for the maintenance of peace and order and public safety. Further, it shall be so organized to ensure the accountability and uprightness in police exercise of discretion as well as to achieve efficiency and effectiveness of its members and units in the performance of their functions;¹

WHEREAS, on 13 June 2018, President Duterte, speaking to newly promoted PNP personnel, said that people who are idling around are 'potential trouble for public';²

WHEREAS, he was quoted saying that "*My directive is 'pag mag-istambay diyan, umuwi kayo. Pag hindi kayo umuwi, ihahatid ko kayo sa opisina ni ano sa Pasig.'*"³ Further, he said, "*I'll take care of it. Tie their hands together and I'll throw them in (the river)'*";⁴

WHEREAS, it was not the first time that the President talked about the possible arrest of 'tambays';

WHEREAS, on 18 September 2017, he said he wants police to 'pick-up' those who loiter in the streets at night and arrest persons drinking in public places;⁵

¹ Republic Act No. 8551. Retrieved from <http://www.chanrobles.com/republicacts/republicactno8551.html#.WzRBf9IzbIU>

² V. Lopez. 15 June 2018. Duterte issues order vs. tambays; solon sees martial law redux. GMA News Online. Retrieved from <http://www.gmanetwork.com/news/news/nation/656956/duterte-issues-order-vs-tambays-solon-sees-martial-law-redux/story/>

³ Ibid.

⁴ V. Nonato. 24 June 2018. Leni hits Rody's campaign against loiterers as 'anti-poor'. Inquirer.net. Retrieved from <http://newsinfo.inquirer.net/1003674/leni-hits-rodys-campaign-against-loiterers-as-anti-poor>

⁵ P. Ranada. 20 September 2017. Duterte wants arrest for loiterers, people who drink in public. Rappler. Retrieved from <https://www.rappler.com/nation/182749-duterte-arrest-loiterers-drinking-public>

WHEREAS, a week after the 13 June pronouncement of President Duterte, the police have arrested a total of 7,291 “*tambays*” in Metro Manila. According to Chief Superintendent Guillermo Eleazar, the figure was from 13 to 20 June;⁶

WHEREAS, in the regions, several more “*tambays*” were arrested and/or accosted. Bulacan police, in a statement, said that 167 erring bystanders were rounded up from 20 to 21 June; while 599 were apprehended from 13 to 20 June in Region 11, according to Davao Police Regional Office 11;⁷

WHEREAS, the seeming arbitrary arrest of “*tambays*” is rife with possible human rights violations as it constitutes warrantless arrest similar to that during martial law;

WHEREAS, in Makati, two call center agents were brought to a police station while waiting outside a friend’s house. They were allegedly detained for an hour and were told that President Duterte’s recent pronouncement against “*tambays*” was the reason for their detention⁸ and that the President’s words are laws;⁹

WHEREAS, a viral closed-circuit television (CCTV) footage showed a man being arrested by police officers only a couple of seconds after exiting his house;¹⁰

WHEREAS, the “*anti-tambay*” crackdown of this administration have already resulted in the death of 22-year-old Quezon City resident, Genesis “Tisoy” Argoncillo. Tisoy, who was picked up by the police near his home and was under investigation, died inside his cell in an apparent homicide;¹¹

WHEREAS, this drive against “*tambays*” poses a grave threat to basic human rights of Filipinos and violates due process of law. It also runs counter to the goal of the policy to make streets safer as it only promotes a culture of fear and injustice, especially among the poor, who has been continually targeted by this “*anti-tambay*” crackdown.

⁶ E. Tupas. 21 June 2018. Anti-tambay crackdown nets 7,291 in Metro Manila. The Philippine Star. Retrieved from <https://www.philstar.com/headlines/2018/06/21/1826575/anti-tambay-crackdown-nets-7291-metro-manila>

⁷ 23 June 2018. More erring ‘tambays’ lectured, arrested in the regions. CNN Philippines. Retrieved from <http://cnnphilippines.com/regional/2018/06/23/duterte-tambay-regions-bulacan-davao-zamboanga-del-sur-bukidnon-roque.html>

⁸ 19 June 2018. Can you resist ‘tambay’ arrest? PNP says cooperate but know your rights. ABS-CBN News. Retrieved from <http://news.abs-cbn.com/focus/06/19/18/can-you-resist-tambay-arrest-pnp-says-cooperate-but-know-your-rights>

⁹ A. Recuenco. 20 June 2018. 2 cops relieved over arrest of 2 call center agents. Tempo Online. Retrieved from <http://tempo.com.ph/2018/06/20/2-cops-relieved-over-arrest-of-2-call-center-agents/>

¹⁰ ‘Tambay’ gets arrested a couple of seconds after exiting their house. Retrieved from <https://www.youtube.com/watch?v=EUtqjGvBR9M>

¹¹ P. Quintos. 20 June 2018. ‘Binaboy nila kapatid ko’: Family seeks justice for man allegedly beaten to death in detention. ABS-CBN News. Retrieved from <http://news.abs-cbn.com/focus/06/20/18/binaboy-nila-kapatid-ko-family-seeks-justice-for-man-allegedly-beaten-to-death-in-detention>

NOW THEREFORE, BE IT RESOLVED, as it is hereby resolved by the Senate of the Philippines, to direct the Senate Committee on Public Order and Dangerous Drugs to look into, in aid of legislation, the alleged arrest of “tambays”/loiterers by the members of the Philippine National Police (PNP) following the order of President Rodrigo Duterte, with the end in view of reviewing existing laws and local ordinances to ensure that no human rights violations were committed and that the PNP is acting within its mandate and the bounds of law.

Adopted,



ANTONIO "SONNY" F. TRILLANES IV
Senator