

SENATE
P.S. Res 890

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Introduced by Senator Poe

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RESOLUTION

URGING THE SENATE COMMITTEE ON PUBLIC ORDER AND DANGEROUS DRUGS TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE RENEWED SURGE OF KILLINGS OF MINORS AND OTHER YOUTH THAT RESULTED FROM POLICE OPERATIONS, AS IN THE ANOMALOUS DEATH OF JOSHUA LAXAMANA, IN ORDER TO RE-EVALUATE AND ENFORCE THE RULES OF ENGAGEMENT OF THE PHILIPPINE NATIONAL POLICE (PNP), AND TO ESTABLISH EFFICIENT AVENUES FOR GIVING ASSISTANCE TO FAMILIES OF VICTIMS

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

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

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

13 **WHEREAS**, Section 6.1 of Chapter 3 of the *PNP Manual in Handling Cases of*
14 *Children at Risk (CAR) and Children in Conflict with the Law (CICL)* provides that the

1 use of instruments of force or restraint may only be used when absolutely necessary
2 and only after all other methods of control have been exhausted and have failed;

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

6 **WHEREAS,** the most recent killing of Joshua Laxamana, a 17-year old student
7 from Tarlac who was killed under dubious circumstances upon coming home from
8 Baguio,¹ puts to light again reported indicators of the use of excessive force, evidence
9 manufacturing, and planting in police operations;

10 **WHEREAS,** Joshua's case was tagged as another "*nanlaban*" scenario in the
11 police report of the PNP PRO1 Public Information Office which stated that Joshua died
12 in an armed confrontation in Rosales, Pangasinan in August 17, 2018 after dodging a
13 mandatory checkpoint while riding an unmarked motorcycle, exchanging fire with the
14 police, having in his possession a packet of shabu, and being involed in four robbery
15 cases (Akyat Bahay) in Pangasinan;²

16 **WHEREAS,** Joshua's friends and family have denied that the former could have
17 been involved in the crimes imputed on him, as Joshua is dedicated passionately and
18 solely to his gaming by the fact that most of his time was taken up by it; that he could
19 neither drive or afford a motorcycle; that there are several testimonials as to Joshua's
20 good character and the incredulousness of the accusations; and that his tattoo which
21 was claimed by the police to have been the "mark of a notorious burglar" has been
22 confirmed by Philippine-based esports journal Mineski.net to instead be the "Queen of
23 Pain", one of the playable avatars in DOTA 2;³

24 **WHEREAS,** 15-year old Julius Santiago Sebastian, Joshua's companion in the
25 tournament, remains missing;

26 **WHEREAS,** the circumstances surrounding the killing of Joshua and the forced
27 disappearance of Julius puts to question again the reported excessive,
28 disproportionate and illegitimate use of force of law by law enforcement officers;

¹ <http://www.gmanetwork.com/news/news/regions/666258/group-calls-for-independent-probe-into-teenager-s-death-in-shootout/story/>

² <https://www.facebook.com/PIOPROONE/posts/1848006845263592>

³ <http://www.interaksyon.com/killing-of-dota-player-joshua-laxamana-in-police-shootout-sparks-outcry/>

1 **WHEREAS**, Human rights group Amnesty International in December 2017
2 reported that at least 60 children have been killed in anti-drug operations conducted
3 by authorities since June 2016;⁴

4 **WHEREAS**, despite thousands dead and ample evidence of systemic abuse by
5 police, only six murder cases linked to these extrajudicial killings have been brought
6 to court and not a single police officer has been convicted;

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

10 **WHEREAS**, in order to ensure strict adherence with our laws and to dispel with
11 the belief that collateral damage in this drug war is acceptable, law enforcement
12 agencies must also adopt best practices which call for the adoption of practical
13 measures;

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

18 **WHEREAS**, appropriate charges should be filed against law enforcement
19 officers who are found in violation of laws;

20 **BE IT RESOLVED, AS IT IS HEREBY RESOLVED**, by the Senate of the
21 Philippines, to urge the Senate committee on public order and dangerous drugs to
22 conduct an inquiry, in aid of legislation, into the renewed surge of killings of minors
23 and other youth that resulted from police operations, as in the anomalous death of
24 Joshua Laxamana, in order to re-evaluate and enforce the rules of engagement of the
25 Philippine National Police (PNP), and to establish efficient avenues for giving
26 assistance to families of victims.

27 *Adopted,*


GRACE POE

⁴ *Ibid.*