


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

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SENATE

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P.S. Res. No. 170

Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION

DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE CONTINUING ATTACKS AND KILLINGS OF LAWYERS, PROSECUTORS AND JUDGES, AND TO DIRECT THE GOVERNMENT TO EXERT AND EXHAUST ALL EFFORTS TO STOP AND INVESTIGATE THESE UNRESOLVED EXTRAJUDICIAL KILLINGS

1 WHEREAS, the United Nations Basic Principles on the Role of Lawyers, in
2 paragraph 16 thereof, prescribes that “[g]overnments shall ensure that lawyers are
3 able to perform all of their professional functions without intimidation, hindrance,
4 harassment or improper interference”;

5 WHEREAS, paragraph 17 of the same provides that “[w]here the security of
6 lawyers is threatened as a result of discharging their functions, they shall be adequately
7 safeguarded by the authorities”;

8 WHEREAS, since President Rodrigo Roa Duterte assumed office in 2016, he
9 has waged what his administration calls a “war on drugs” which led to deaths of an
10 estimated 27,000 Filipinos¹;

11 WHEREAS, victims of killings also included lawyers, prosecutors and judges.²
12 In fact, as of July 2019, at least 41 judges, prosecutors, and lawyers have been
13 reportedly killed since July 2016, and the statistics grow;

¹ OHCHR (6 March 2019). *High Commissioner Bachelet calls on States to take strong action against inequalities*. Retrieved from <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24265&LangID=E>.

² Lawyers’ Rights Watch Canada (09 September 2019) *Philippines: Extrajudicial killing of jurists as part of a pattern of widespread and systematic violations of human rights* | Joint Written Statement to the 42nd Session of the UN Human Rights Council

1 WHEREAS, during the month of September 2019 alone, five members of the
2 legal profession were attacked by unidentified men. Of this, only three jurists survived;

3 WHEREAS, after attending a hearing last September 2, lawyer Inocencio dela
4 Cerna was ambushed outside Cebu City Hall of Justice by men on motorcycles. Dela
5 Cerna survived the attempted ambush;³

6 WHEREAS, last September 3, 73-year-old lawyer Irineo Cabugoy was gunned
7 down in front of his family while having lunch in a fastfood chain in Antipolo, Rizal.
8 Cabugoy was rushed to the hospital but was pronounced dead on arrival⁴;

9 WHEREAS, last September 17, inquest prosecutor Elmer Susano had just
10 boarded his vehicle after ordering food from a Chinese restaurant when motorcycle-
11 riding men wearing helmets arrived and fired shots at him . Fortunately, his vehicle
12 was bulletproof and the bullets merely ricocheted;⁵

13 WHEREAS, retired police colonel and lawyer Jesus Acpal was gunned down by
14 unidentified men outside his house in Muntinlupa last September 21. When Acpal got
15 out of the vehicle to open the gate, two assailants shot him several times. He died on
16 the spot;⁶

17 WHEREAS, last September 23, anti-mining activist Atty. Cris Heredia was shot
18 and ambushed on board a vehicle with her child and her client . In the statement of
19 National Union of Peoples’ Lawyers (NUPL) Panay, it [NUPL] “holds State forces
20 responsible for the attack...Atty. Heredia has been red-tagged in posters and has been
21 personally threatened by a military agent who visited her office and warned her to slow
22 down on her human rights advocacy”;⁷

<https://www.lrwc.org/philippines-extrajudicial-killing-of-jurists-written-statement-to-the-hrc/>

³ *Defense lawyer in Bohol kidnapping trial survives attempted ambush*. Rappler.com (02 September 2019) Retrieved from [rappler.com/nation/239090-lawyer-shooting-cebu-september-2019](https://www.rappler.com/nation/239090-lawyer-shooting-cebu-september-2019)

⁴ *73-year-old lawyer shot dead in front of family in Rizal*. Rappler. Com (07 September 2019). Retrieved from <https://www.rappler.com/nation/239499-lawyer-shot-rizal-september-2019>

⁵ *Caloocan fiscal survives ambush*. Philippine Star (11 September 2019) Retrieved from <https://www.philstar.com/nation/2019/09/11/1950791/calocan-fiscal-survives-ambush>

⁶ *Lawyers denounce colleague’s slay in Muntinlupa*. Inquirer.net (23 September 2019) Retrieved from <https://newsinfo.inquirer.net/1167992/lawyers-denounce-colleagues-slay-in-muntinlupa>

⁷ *Progresibong abogado sa Capiz inambus*. Abante.com (23 September 2019) Retrieved from <https://tnt.abante.com.ph/progresibong-abogado-sa-capiz-inambus/>

1 WHEREAS, the killings and the subsequent failure of the government to take
2 meaningful action to give justice to the victims are a part of “a pattern of and
3 systematic violations of human rights in the country” in violation of both the country’s
4 national and international obligations;

5 WHEREAS, the failure of our government to abet the killings continue despite
6 the fact that United Nation bodies and experts have already raised concern over the
7 extrajudicial killings in the country, as manifested in the adoption of Resolution
8 41/L.20 by the UN Human Rights Council last July;

9 WHEREAS, in the said Resolution, Philippines was urged “to take all necessary
10 measures to prevent extrajudicial killings and enforced disappearances, to carry out
11 impartial investigations and to hold perpetrators accountable, in accordance with
12 international norms and standards, including on due process and the rule of law.”;

13 WHEREAS, even international organizations like the Lawyers’ Rights Watch
14 Canada (LWRC), Lawyers for Lawyers (L4L), and International Association of
15 Democratic Lawyers (IADL), and Asian Legal Resource Centre (ALRC), had to act on
16 the worrisome state of human rights violations in the country and they had to submit
17 a statement to the United Nations Human Rights Council calling for a halt of
18 extrajudicial killings of jurists specifically in the Philippines, early September;⁸

19 WHEREAS, the statement was signed by 151 international and domestic bar
20 associations, other lawyers’ organizations and legal professionals from 49 countries
21 around the world;⁹

22 WHEREAS, the organizations wrote in the statement that “the attacks against
23 and extrajudicial killings of lawyers and the impunity shielding perpetrators impair
24 the ability of lawyers to provide effective legal representation and consequently
25 severely undermine the proper functioning of the rule of law and the adequate
26 protection of rights, including the right to remedies and fair trial”;

⁸Supra foot note #2

⁹ Mercado, N.A. *Int’l lawyers’ groups, legal professionals ask Duterte: Protect Filipino lawyers*. Inquirer.net (18 September 2019) Retrieved from <https://newsinfo.inquirer.net/1166215/intl-lawyers-groups-legal-professionals-ask-duterte-protect-filipino-lawyers>

1 WHEREAS, despite the international attention on the issue, the President has
2 continuously denied these extrajudicial killings and the President's men have turned
3 a blind eye on the spate of the killings-- careful not to antagonize President Duterte;

4 WHEREAS, instead of acting on the recommendations of these international
5 organizations, Malacanang has ordered all departments and other government
6 agencies to suspend negotiations for loans and grants from countries that voted in
7 favor the adoption of Resolution 41/L.20, through a Memo dated 27 August 2019¹⁰;

8 WHEREAS, the government is duty-bound to protect its people, especially
9 those whose lives are in great danger because their profession requires them to defend
10 others, especially the vulnerable. Now is not the time to play deaf ears to the plight of
11 our country's lawyers;

12 WHEREAS, inaction is a form of tolerance. This country cannot afford to lose
13 more lawyers who are advocates of the litigants and facilitators of administration of
14 justice;

15 WHEREAS, to threaten or endanger lawyers is to subvert the effective
16 functioning of our system. As the Human Rights Watch researcher Carlos Conde put
17 it, "[b]y silencing a lawyer, many victims are also silenced. But then perhaps that is
18 the purpose"¹¹;

19 RESOLVED BY THE SENATE, as it hereby Resolved, To direct the proper
20 Senate committee to conduct an inquiry, in aid of legislation, on the continuing attacks
21 and killings of lawyers, prosecutors and judges, and to direct the government to exert
22 and exhaust all efforts to stop and investigate these unresolved extrajudicial killings;

Adopted,


LEILA M. DE LIMA

¹⁰ Ranada, P. *Malacañang suspends talks on loans, grants from countries backing U.N. probe into drug war*. Rappler (21 September 2019) Retrieved from <https://www.rappler.com/nation/240669-philippines-suspends-talks-loans-grants-countries-support-un-resolution-drug-war>

¹¹ Orellana, F. *HRW: Killing pro-poor lawyers is silencing the voice of poor people*. Inquirer.net (16 March 2019) Retrieved from <https://newsinfo.inquirer.net/1096476/hrw-killing-lawyers-is-silencing-the-voice-of-poor-people>